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## Appeal Decision

Site visit made on 18 August 2020

**by Elaine Benson BA (Hons) DipTP MRTPI**

**An Inspector appointed by the Secretary of State**

**Decision date: 8 September 2020**

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**Appeal Ref: APP/P4605/W/20/3251281**

**2 Bromford Gardens, Westfield Road, Edgbaston, Birmingham B15 3XD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bromford Gardens Management Limited against the decision of Birmingham City Council.
  - The application Ref 2019/07459/PA, dated 3 September 2019, was refused by notice dated 24 October 2019.
  - The development proposed is 'Installation of metal railings and vehicular gates to boundary wall on Westfield Road'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

### Reasons

3. The appeal site is an apartment development on the corner of Hagley Road, a major route through Birmingham, and Westfield Road. The Bromford Gardens buildings are set well back from both road frontages behind a parking area which is accessed by a controlled barrier off Westfield Road. It is proposed to install 1.2m and 1.8m railings above the existing front boundary wall on Westfield Road which itself varies in height. The railings would match the design of the existing double gates which provide access for pedestrians.
4. The surrounding area of Westfield Road comprises predominantly residential properties and it is characterised by generously planted grounds including large, mature trees. This context results in a verdant and attractive appearance. Of particular relevance to this appeal, the stretch of front boundary treatments on Westfield Road close to the appeal property are generally low boundary walls with substantial areas of taller planting behind them. Indeed, the remainder of the boundary treatment around the remaining Bromford Gardens frontages can also be described in this way, as can the frontage of the neighbouring residential development.
5. The rebuilding and reinstatement of the decorative piers either side of the existing entrance gate would be welcomed. However, within the open and verdant context, the resulting height, unrelieved length and design of the

- proposed wall and railings combination would appear incongruous, as would the large size of the proposed vehicle access gate. The railings and gate would introduce a formal and imposing appearance at the back of the pavement, thereby jarring with the more informal character of the local area.
6. I conclude that the scale and design of the proposed boundary treatment would not reflect the character or appearance of the Westfield Road street scene and would introduce a discordant and harmful form of development. This would be contrary to the provisions of Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14 C-D of the Birmingham Unitary Development Plan 2005 and guidance in the Council's *Places for Living* Supplementary Planning Guidance. In combination and of relevance to the main issue, they seek to ensure that developments achieve high quality design standards and reinforce local distinctiveness. Furthermore, the proposal does not satisfy the requirement for design which respects local character and distinctiveness as set out in the National Planning Policy Framework (the Framework).
  7. I have carefully considered the security concerns expressed by the appellant against the context of the Council's Policies PG3 and 3.24C-D and the Framework in respect of the need to ensure that developments are secure. The appeal site stands close to the city centre on the corner of a very busy main road which contains commercial and residential buildings. I note that various measures have already been introduced to address security concerns. Nonetheless, I am not convinced by the evidence before me that the proposed gate and railings are the only remaining way to achieve better security for the apartments and prevent trespass. In particular, the Council has suggested the use of defensive planting which is a feature of many boundaries in the locality, including the remaining boundary to the appeal site. I am unconvinced that trespassers would be likely to breach any such planting. In the circumstances of this appeal the security concerns do not outweigh the harm to visual amenities that I have identified.
  8. The appellant refers to a planning permission for boundary gates and railings at Malvern Close/Hermitage Road, which the Council clarify was for electric gates only. I am informed that this dates from 2008 and was determined against a different national and local policy context. Furthermore, the character and appearance of the area surrounding that site is dissimilar from the current appeal site. Appeals are required to be determined based on the particular circumstances of the appeal site. I can therefore give very little weight to the Malvern Close/Hermitage Road permission.

## **Conclusion**

9. For the reasons set out above the appeal is dismissed.

*Elaine Benson*

INSPECTOR