



Appeal Decision

Site visit made on 29 September 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2020

Appeal Ref: APP/P4605/W/20/3254713

20 Ladywood Road, Four Oaks, Sutton Coldfield B74 2SW

- 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 Dr A Arvey against the decision of Birmingham City Council.
 - The application Ref 2019/04339/PA, dated 20 May 2019, was refused by notice dated 4 March 2020.
 - The development proposed is erection of a replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a replacement dwelling at 20 Ladywood Road, Four Oaks, Sutton Coldfield B74 2SW in accordance with the terms of the application, Ref 2019/04339/PA, dated 20 May 2019, subject to the following condition:-
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1230 00 revision B (Proposed Basement Floor Plan), 1230 03 revision B (Proposed Block Plan), 1230 04 revision B (Proposed Ground Floor Plan), 1230 05 revision B (Proposed First Floor Plan), 1230 05 revision B (Proposed Loft Floor Plan), 1230 05 revision B (Proposed Roof Plan), drawing number 2B and TW/LWR/201.

Procedural Matters

2. The description of development in the header and decision above is taken from the application form. It is preferable to the description on the Council's decision notice and appeal form as it includes an act of development.
3. A house has been erected on the site that is largely but not entirely consistent with the plans before me. While I have had regard to the existing building, my assessment is based on the appeal drawings.

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Four Oaks Conservation Area (the CA).

Reasons

5. Mature trees, a boundary hedge and entrance gates partially screen the dwelling but its upper floor and roof are seen from the road. As a large house with prominent gable front projections, it appears impressive from the adjoining streets and so in these regards it is in keeping with the nature of other dwellings in the CA. Also, it includes features such as pitched roofs, tall

chimneys, stone detailing and bay windows that add interest, despite not being as intricate as those on nearby Arts and Crafts style properties.

6. There is no marked consistency in the colour of external materials in the CA and the house is constructed of brick and tiles that are similar to those used in nearby properties. The proposed lowering of the sills would help address the unusual squat appearance of the upper floor windows and would increase the solid to window ratio of the principle elevation. The position of the dormers relative to the ridgeline causes no harm to the appearance of the front of the house. While it fails to include some of the details of the development previously approved by the Council, the dwelling still reflects many of the features and qualities of other buildings in the CA.
7. For these reasons, I conclude that the development preserves or enhances the character or appearance of the CA. As such, in this regard, it complies with policies PG3, TP12 and TP27 of the Birmingham Development Plan 2017, saved policy 3.14C of the Birmingham Unitary Development Plan 2005, the Mature Suburbs Supplementary Planning Document 2008 and the Council's Four Oaks Estate Sutton Coldfield Development Guidelines. These all aim, amongst other things, to protect the significance of heritage assets and to ensure development respects the character of its surroundings.

Other Matters

8. The site lies on the opposite side of the road to the listed buildings, 19 and 22 Ladywood Road. However, intervening trees prevent significant inter-visibility and so the proposal would not affect the setting or special architectural or historic interest of these properties. The scheme includes no garage, so concerns raised in this regard are irrelevant to this appeal.

Conditions

9. For reasons of certainty, I have imposed a condition that requires the development to be carried out in accordance with the approved plans. However, the acceptability of the development is not reliant upon the provision of additional landscape works or boundary treatment and the appeal drawings show sufficient details of hard surfacing materials. As such, I have not imposed the conditions suggested by the Council in respect of these issues.
10. Roadside verges provide sufficient visibility from the site access and so a condition requiring splays is unnecessary. Furthermore, there is insufficient information before me to demonstrate a need for an electric vehicle charging point to be provided as part of the development. Also, there is no clear justification for a condition that would remove permitted development rights. Consequently, I have not imposed conditions on these issues.

Conclusion

11. For the above reasons, the appeal succeeds.

Jonathan Edwards

INSPECTOR