



Appeal Decision

Site visit made on 28 July 2020 by S Watson BA(Hons) MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/P4605/D/20/3249887

141 Queslett Road East, Sutton Vesey, Sutton Coldfield B74 2AL

- 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 Ms Narinder Gill against the decision of Birmingham City Council.
 - The application Ref 2020/00142/PA, dated 7 January 2020, was refused by notice dated 4 March 2020.
 - The proposal is described as retrospective application for construction of new single car garage (proposal now to reduce its height to match the boundary wall), increase in height of existing brick boundary wall and replacement of timber boundary with brick boundary wall.
-

Decision

1. The appeal is allowed, and planning permission is granted for the construction of new single car garage (proposal now to reduce its height to match the boundary wall), increase in height of existing brick boundary wall and replacement of timber boundary with brick boundary wall at 141 Queslett Road East, Sutton Vesey, Sutton Coldfield B74 2AL in accordance with the terms of application 2020/00142/PA, dated 7 January 2020 subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans listed: SSG3-00, SSG3-01A, SSG3-02.
 - 2) The height of the wall serving the hereby approved garage shall be reduced to the height shown on plan No SSG3-01A within 6 months of the date of this decision.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I understand, from the information before me, that the current boundary treatment was built without permission and a retrospective planning application was subsequently refused by the Council. The proposal before me, while sharing some similarities, is different from the existing boundary and I have considered it accordingly. The description of development above has been taken from the application form. 'Retrospective' is not an act of development thus I have removed this from the description in the Inspector's decision.

Main Issue

4. The main issue in this case is the effect of the boundary wall on the character and appearance of the street scene and surrounding area.

Reason for the Recommendation

5. The appeal site is on the south side of the junction between Queslett Road East and Lindens Drive, and along with No 139a forms the entrance to a residential estate.
6. The portion of Lindens Drive between Queslett Road East and Beacon View Drive is characterised by tall, timber boundary fences with a mixture of brick and concrete dwarf walls and piers upon which some of the fencing is attached. Beyond this junction the boundaries are largely lower and the estate much more open.
7. The appeal site, by way of its location and the surrounding boundary treatments is not read in association with the low boundaries elsewhere within the estate. It is instead read in connection with those other tall boundaries immediately surrounding the site on Lindens Drive, including opposite at No 139a.
8. Although the appeal proposal seeks to use brickwork along the side boundary with Lindens Drive, I find that the timber fence panels are not so intrinsic to the character and appearance of the street and surrounding area that their loss would be unacceptable. I find that relative to nearby boundary treatments, that the height and design of the wall would be similar in scale to, and would reflect, the tall boundary treatment in the locality. Whilst the section of wall that forms part of the garage would be taller than the rest of the proposed wall, this additional height would only be marginal and would not detract from the character and appearance of the area. I therefore find that in light of the above, the proposal would not have an unacceptable impact by way of being obtrusive in the street scene due its height.
9. In conclusion I find that the proposed alterations to the boundary and erection of a garage would reflect the character and appearance of the street scene and surrounding area As such the proposal complies with Policy PG3 of the *Birmingham Plan 2031: Birmingham Development Plan*, and Policy 3.14 C-D of *The Birmingham Plan: Birmingham Unitary Development Plan 2005* which collectively seek development to reinforce local characteristics and sense of place. The proposal would also comply with the high-quality design guidance set out in the Extending you Home supplementary planning document, as well as Paragraph 127(e) of the National Planning Policy Framework.

Conditions

10. The Council has suggested conditions it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance.
11. Given that a boundary wall and garage have already been erected, and that the proposal before me would make this development acceptable I find that the standard time limit condition would not be appropriate. Instead a condition requiring the works to be completed within 6 months of this decision would be necessary in order to ensure that the works are carried out. Both parties are in agreement with this.
12. I find that to ensure clarity a condition is necessary requiring that the development is carried out in accordance with the approved plans. Moreover, in the interests of the character and appearance of the area a condition is necessary controlling external materials.

Conclusion and Recommendation

13. For the reasons given above I recommend that the appeal should be allowed

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed, with the suggested conditions.

RC Kirby

INSPECTOR