



Appeal Decision

Site Visit made on 10 November 2020

by Mr Stuart Willis MSc, BA (Hons), PGCE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2020

Appeal Ref: APP/P4605/D/20/3260851

66 Arthur Road, Edgbaston, Birmingham B15 2UW

- 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 Mr Hamraj Kang against the decision of Birmingham City Council.
 - The application Ref 2020/05914/PA, dated 31 July 2020, was refused by notice dated 25 September 2020.
 - The development proposed is installation of electric sliding gates to front drive.
-

Decision

1. The appeal is allowed and planning permission is granted for gate columns and electric sliding gates at 66 Arthur Road, Edgbaston, Birmingham B15 2UW, in accordance with the terms of the application, Ref 2020/05914/PA, dated 31 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 01/10/2020 04 Proposed front site elevation with gate detail; Drawing No. 01/10/2020 03 Proposed Site Plan; Drawing No. 01/10/2020 02 Existing Site Plan; and Drawing No. 01/10/2020 01 Location Plan.
 - 3) If within a period of 5 years from the completion of the development the front boundary hedge dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season with another of similar size and species.

Application for costs

2. An application for costs was made by Mr Hamraj Kang against Birmingham City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Although the application form indicates otherwise, the main parties suggest that parts of the development have commenced. There were no gates present at the time of my visit and while piers were of similar proportions to those on the submitted plans, they had toppings that are not shown.
4. The site at present does not accord with the appeal scheme and I have therefore dealt with the appeal as a proposed development based on the submitted plans. Any difference between what is on site and what planning

permission has been granted for is a matter for the appellant and the Council away from this appeal.

5. I have taken the description of development in the banner heading above from the application form. Having sought comments from the main parties, in my decision I have used a description that more accurately reflects the extent of the development.

Main Issue

6. The main issue of the appeal is whether the proposed development would preserve or enhance the character or appearance of the Edgbaston Conservation Area (CA).

Reasons

7. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
8. From my observations, the significance of the CA lies, in part, in its verdant appearance with sometimes grand properties being located in generous plots. There is no uniformity to the buildings in the CA, even within the same street, with the style of dwellings reflecting their period of construction. There is no consistency to the roadside boundary treatments in the CA or Arthur Road itself with walls, fences and gates along with landscape features of various heights being present.
9. Frontages generally comprise low stone walls with landscaping above and open driveways on the same side of the road as the appeal site. Nonetheless, the height of walls and level of landscaping is not consistent with some frontages being more enclosed than others.
10. In addition, there are examples of metal gates with piers of a similar scale on the other side of Arthur Road. These are generally of a different architectural design reflecting the properties they serve. The uncomplicated design of the proposed gates and their sliding form are reflective of the more modern appearance of the appeal property and those adjacent.
11. The pier cladding would not match the existing low-level wall. Nevertheless, existing piers in the streetscene are often a contrasting colour to the walls they adjoin. The grey colour would not draw the eye and would be seen against the dark hard surfaced driveway and parking area. As such, the proposal would not appear dominant in the streetscene.
12. The height of the proposed gates and piers would be comparable to the existing wall and hedgerow that would be retained. The piers would be partly screened by the hedge, as would the gates when opened. A condition is imposed to secure the retention and, if necessary, replacement of the hedgerow.
13. Consequently, the proposal would preserve the character and appearance of the CA. It would accord with the design and conservation aims of Policies TP12 and PG3 of the Birmingham Development Plan and saved Paragraphs 3.14C-D of the Birmingham UDP as well as the Places for All and Places for Living Supplementary Planning Guidance. Furthermore, the development would meet

the requirements of the National Planning Policy Framework in relation to heritage assets.

Other Matters

14. The proposal would be acceptable, and I can see no reason why it would lead to harmful developments on other sites.

Conditions

15. In addition to the standard time limit condition, I have imposed one requiring that the development is carried out in accordance with the approved plans. This is to provide certainty. A condition securing the retention of the roadside hedge is imposed to protect the character and appearance of the area.

Conclusion

16. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be allowed subject to the conditions listed above.

Mr Stuart Willis MSc, BA (Hons), PGCE, MRTPI

INSPECTOR