



Appeal Decision

Site Visit made on 10 November 2020 G Sibley MPLAN MRTPI

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/P4605/W/20/3256939

Land at rear of 61 College Road, Sutton Coldfield, Birmingham B73 5DJ

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 and Mrs R Norgrove against the decision of Birmingham City Council.

The application Ref 2020/02939/PA, dated 15 April 2020, was refused by notice dated 22 June 2020.

The development proposed is the erection of 2 no. dwelling houses.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 no. dwelling houses at land at rear of 61 College Road, Sutton Coldfield, Birmingham B73 5DJ in accordance with the terms of the application, Ref 2020/02939/PA, dated 15 April 2020 and subject to the conditions found at Schedule 1 of this decision.

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.

Main Issue

3. The effect of the proposed development upon the character and appearance of the street scene.

Reasons for the recommendation

4. The site is located between College Road and Welford Road behind the rear gardens of the dwellings that face towards said roads. Welford Road is located off Kineton Road which passes between two dwellings via College Road. The appearance of the street scene around the junction is typified by the fencing which bounds the deep gardens of the dwellings along College Road, as well as the fence that bounds the garden for No.1A Welford Road which encloses the roadside. The dwellings further along Welford Road and Kineton Road are typically two storey semi-detached properties with a two-storey front bay window. The dwellings are generally set back a similar distance from the roadside behind front gardens or paved parking areas. The road itself is tree lined with grass verges which contributes to an established and spacious character and appearance further along Welford Road and Kineton Road.

5. No.1A is a dual aspect dwelling that has been built on the junction between Kinton Road and Welford Road. Given that No.1A is a dual aspect dwelling the flank elevation has the appearance of a principal elevation, with a two-storey bay window, which is typical within the street scene. By virtue of addressing Kinton Road in this way the dwelling introduces a new building line along this section of Kinton Road. The dwelling has been built closer to the roadside compared with the dwellings further down Kinton Road and fencing has been erected alongside the garden which bounds Kinton Road. No.1A physically blocks views along Kinton Road and into Welford Road and alongside the long rear gardens and the associated fencing, the appearance of this section of the street is demonstrably different to that found further down Kinton Road.
6. The proposed dwellings would be set in from the roadside slightly further back than No.1A but would follow a similar building line as that dwelling which would accord with the advice contained in the Mature Suburbs Supplementary Planning Document (SPD) (adopted 2008). This states that new buildings should respect established building lines and set-backs from highways. The design of the dwellings themselves would be similar to those found along Kinton Road and the wider area. The proposal would not require the removal of the trees along the pavement. Whilst the erection of two, two storey dwellings would inevitably reduce the openness of the street scene, given the scale of the dwellings compared to the fencing, the dwellings would be appropriately designed and similar in scale to the other dwellings. Because of this, they would maintain the spacious character and appearance of the street scene.
7. Therefore, the proposed dwellings would be appropriately designed and would not cause harm to the character and appearance of the street scene. As such, the proposed development would be in accordance with Policy PG3 of the Birmingham Development Plan 2031 (BDP) (adopted 2017) which expects all development to demonstrate a high design quality, contributing to a strong sense of place. The proposal would also accord with Policy TP27 of the BDP which requires new housing in Birmingham to have a strong sense of place with high design quality so that people identify with, and feel pride in, their neighbourhood. Furthermore, the proposal would be in accordance with Policy 3.14 A-D of the Birmingham Unitary Development 2005 (adopted 1993) which states the scale and design of new buildings and spaces should generally respect the area surrounding them, and should reinforce and evolve any local characteristics. The proposal would also accord with the SPD as well as the Places for Living Supplementary Planning Guidance (adopted 2001) which notes that development should consider the context and reinforce the characteristics that make an area special. The proposal would also be in accordance with the National Planning Policy Framework which indicates that development should add to the overall quality of an area.

Other Matters

8. The proposed gardens would be around 10 metres deep which would be sufficient to ensure there would be a suitable separation distance with the gardens to the rear to protect the privacy of the occupiers to the rear. Furthermore, the separation distance between the habitable rooms towards the front of the proposed dwellings and the garden opposite would be sufficient to ensure the privacy of those occupants would also not be unacceptably harmed.

9. The proposed development would provide 2 on-site car parking spaces, for each dwelling, in line with the Birmingham City Council's City Parking Guidelines Supplementary Planning Document (adopted 2012). Whilst there are parking restrictions close to the junction off College road, the majority of Kineton Road and Welford Road do not have any parking restrictions and the addition of two driveways would reduce the number spaces available for cars to park on the road near to the junction. As such, it would be possible for visitors/occupants to park safely further along Kineton Road or Welford Road and walk to the proposed dwellings. Furthermore, the traffic generated by two dwellings would be very limited. Consequently, it is not envisaged that the proposed development would result in an increase of off-site car parking or result in additional traffic sufficient to cause unacceptable harm to highway safety.
10. Comments were received from third parties in relation to the use of the site by bats which are a European protected species as well as other wildlife. Nevertheless, there is no substantive evidence that the development of this scale would result in harm to a protected species or to local wildlife on this site.
11. The noise generated and other anti-social issues commonly associated during the construction period would only be for a limited amount of time and because of this, it would not result in harm to the living conditions of the neighbouring occupants.
12. Whilst I note the concerns with regard to a lack of school places locally, the additional requirement for school places arising from this development would be very limited and would arise from most new housing in the locality.

Conditions

13. In addition to the statutory time limit condition, a condition is necessary to ensure that the development complies with the approved plans, for the avoidance of doubt.
14. In the interests of the character and appearance of the area a condition is also necessary to ensure that samples or details of the external facing materials are submitted to and approved by the local planning authority.
15. A condition has been suggested which would require the boundary treatment to be submitted to and approved by the Council prior to occupation. In the interests of reducing the number of conditions, I have removed this condition because the boundary treatment would be considered and approved as part of the hard and soft landscaping scheme which has been included in condition 5. A condition requiring the submission, approval and maintenance of said hard and soft landscaping and for the landscaping scheme to be completed prior to the occupation of the approved dwellings is necessary in the interests of the character and appearance of the area as well as the living conditions of the future occupiers of the development.
16. A condition requiring a scheme of noise insulation is not necessary because the site is not located nearby to a noise generating use that would result in harm to the living conditions of the future occupiers.
17. A condition removing the permitted development rights for extensions and alterations to both dwellings is necessary in the interests of the living conditions of the future occupiers of the two dwellings to maintain the garden

sizes for the dwellings. Furthermore, it is necessary to ensure changes to the roof, in terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), Schedule 2, Part 1, Class B, are not made that could cause harm to the living conditions of the neighbouring occupiers with regard to a loss of privacy.

18. A condition removing permitted development rights to insert windows on the first floor of each dwelling on the flank walls of the proposed houses is not necessary in the interests of protecting the privacy of the neighbouring occupiers. That is because this is already covered by the conditions in the GPDO Schedule 2, Part 1, Class A, A.3.(b) which notes that any window located in a wall or roof slope forming a side elevation of the dwellinghouse must be (i) obscure glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
19. A condition ensuring that the proposed windows on the flank walls of the two dwellings would be obscure glazed and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened is necessary in the interests of protecting the privacy of the occupants of the neighbouring dwellings.
20. A condition requiring the pedestrian visibility splays are incorporated prior to the access point first being used and then thereafter maintained is necessary in the interests of highway safety.
21. A condition requiring the details of finished site and ground floor levels is necessary in the interests of the character and appearance of the street scene.
22. A condition requiring an Arboricultural Method Statement and Tree Protection Plan are necessary in the interests of protecting the trees within the tree lined street which is an important characteristic of the area.

Conclusion

23. The proposed development would provide two dwellings within a suitable location for residential development that would be appropriately designed and would positively contribute to the character and appearance of the street scene. Furthermore, this windfall development would help the Council to maintain a 5-year housing land supply. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be allowed.

K Taylor

INSPECTOR

SCHEDULE 1

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed site plan, location plan and block plan (DWG No. HGD18-52-5.2 Rev H) and Proposed floor plans, elevations Plots 1 & 2 proposed street scene and elevations, location plan (DWG No. HGD18-52-5.1 Rev F).
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) Prior to their use details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and/or samples.
- 5) Details of hard and soft landscape works (to include details of boundary treatment) for the front and side gardens shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and these works shall be carried out as approved. Such details shall include means of enclosure, hard surfacing materials, fully annotated planting plans showing, where used, locations of individually planted trees, shrubs, hedges, bulbs, and areas of grass. All hard and soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no enlargement, improvement or other alterations of a dwellinghouse or to its roof in terms of Schedule 2, Part 1, Classes A & B, shall be carried out to the dwellings hereby approved.
- 7) The building hereby permitted shall not be occupied until the windows on the first floor of the flank walls of the dwellings have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed. Once installed the obscured glazing and restrictions on opening shall be retained thereafter.
- 8) A pedestrian visibility splay of minimum 2 metres to the x and y axis and above 0.6 metres above ground level shall be incorporated at each vehicular access

point prior to the access point first being used and shall thereafter be maintained.

- 9) No development shall take place on the construction of the vehicular accesses hereby approved until a site specific arboricultural method statement (AMS) and a tree protection plan (TPP) in accordance with British Standard 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012 and any subsequent edition) has been submitted to and approved in writing by the Local Planning Authority. The AMS and TPP shall include any trees on the public highway adjacent to the site and the development shall be undertaken and maintained in accordance with the approved details. Any tree shown for retention in the approved details that dies, or becomes seriously diseased or damaged as a result of the development works within 3 years of the commencement of development shall be replaced with a suitable replacement tree, details of which shall be submitted to and agreed in writing by the Local Planning Authority.