



Appeal Decision

Site Visit made on 24 November 2020 by S Watson BA(Hons) MSc MRTPI

Decision by M Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/P4605/D/20/3257112

28 Upper Clifton Road, SUTTON COLDFIELD, B73 6BP

- 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 Averil & John Lauckner against the decision of Birmingham City Council.
 - The application Ref 2020/02767/PA, dated 25 March 2020, was refused by notice dated 28 May 2020.
 - The development proposed is for replacement windows and doors on the front elevation.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was carried out 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 main issue in this case is the effect of the proposal on the character and appearance of the host dwelling and the High Street Sutton Coldfield Conservation Area (HSCA).

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) requires me to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national planning policy on heritage assets is set out in the National Planning Policy Framework (the Framework). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
5. The HSCA covers a large and varied area. I have not been provided with a conservation area appraisal setting out the significance of this designated heritage asset. However, from my observations on site it was clear that the significance of this part of the conservation area stems from the age and detailed appearance of the buildings, and the grain of development. The street scene on the western side of the road is characterised primarily by semi-detached dwellings set back by deep front gardens. The detailing and

fenestration on the semi-detached pair to the south of the site are of the same style to the host dwelling and its attached neighbour, while the properties to the north are somewhat different. The windows are relatively fine in their construction, especially the top section of the main windows which have been divided into a mixture of six and eight panes.

6. It appeared from my observations on site that the windows on the host dwelling, with the exception of that on the first floor above the front door, match those on the neighbouring three properties. I therefore consider it likely that they are original. Similarly, the front door and glazing above it appears to be very similar again to the door on the neighbouring properties. While I note that the glazing within the door is different to the others, I find it again likely that this door is original.
7. From the plans before me it is clear that there would be noticeable differences between the existing and proposed fenestration. Notably, the glazing above the front door would be split in to three panes, rather than the existing four; and, the top lights of the first floor window above the bay would be divided in to eight panes each, rather than the six panes of the existing outer two top lights. Notwithstanding these differences, the details before me are too limited by way of the scales used and lack of sections, to allow me certainty that the proposed detailing of the fenestration, such as the profile of the glazing bars, would be appropriate. Given the windows of the four properties currently appear identical from the pavement, to have one which is even marginally different would be noticeable and therefore harmful to the historic interest of the area.
8. The front doors serving the four similar properties are nearly uniform in their style, proportions and detailing. The main difference I noted during my visit was the patterns on the stained glass were not identical across all the doors albeit that this is not critical. However, the proposed door would be markedly different, having no glazing and containing six panels, rather than the existing five. In contrast to the existing, the proposal before me would harm the uniform nature of the properties and the historic importance of the building as part of the heritage asset.
9. During my site visit I viewed the property at No 6 Tudor Road which was brought to my attention by the appellant as an example of similar development. Although the scheme appears similar to the proposal before me, the style and detailing of the fenestration and door are substantially different to those at the host dwelling. Therefore, it does not demonstrate that the proposal would match the existing windows or the neighbouring properties, and all proposals must nevertheless be considered on their own merit.
10. It was clear during my site visit that the windows and door were in good condition with only some minor blemishes apparent. While I understand the replacement windows and door to be in timber, I find the loss of what appear to be original and good quality examples to nonetheless be harmful to the HSCA. The exception to this would be the replacement of the first floor window above the front door which I find to be acceptable, as it does not appear to be original and the proposal would be more in keeping.
11. I am mindful of the scale of the development in relation to the designated heritage assets and find that the harm caused would be less than substantial. However, the Framework is clear that great weight should be given to an

asset's conservation. In this case the harm that I have identified needs to be weighed against the public benefit of the development.

12. The appellant has raised that the replacement of the windows would allow for improved insulation and energy efficiency, as well as improving security for the property. However, whilst I have no doubt that these matters may be beneficial to the appellant, they do not amount to a public benefit.
13. Accordingly, I find that there is no public benefit cited which outweighs the harm to the designated heritage assets as identified above. I have therefore found that the proposal would not accord with Section 72 of The Act, which requires great weight to be given to the asset's conservation. As such the development is contrary to Policies PG3 and TP12 of the Birmingham Development Plan, and Paragraph 3.14C-D of the Birmingham Unitary Development Plan. These policies collectively require development to be of a high-quality design and to conserve and protect heritage assets. The proposal would also conflict with the heritage requirements of Paragraph 192 of the Framework.

Recommendation

14. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

M Seaton

INSPECTOR