



Appeal Decision

Site Visit made on 19 January 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/P4605/W/20/3261932

Land to side of 50 Firth Drive, Yardley Wood, Birmingham B14 4DA

- 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 A Khan - M H Builders against the decision of Birmingham City Council.
 - The application Ref 2020/02492/PA, dated 27 March 2020, was refused by notice dated 18 May 2020.
 - The development proposed is 2no garages.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal on the planning application form included the text 'Please note these are not being used for commercial purposes'. This is not a description of development and I have therefore removed it from the description above. Given my conclusion on the main issue it has not been necessary to consider the use of the development in any further detail.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Firth Drive forms part of a close-knit residential area. The appeal site is an area of hardstanding. It is situated at the head of a cul-de-sac on a section of Firth Drive characterised by two-storey semi-detached dwellings. Some of the dwellings have driveways to their frontages others have soft landscaped gardens. Garages in the area are predominantly modest in scale, more often with flat roofs such as those serving the dwellings at Nos 50 and 52 Firth Drive and No 37 Chinn Brook Road, all of which sit in close proximity to the appeal site. Overall, the layout of the street and the consistency in scale of the garaging in the area combines to give the area a pleasant residential character.
5. The width and height of the building in combination with the pitched roof design would combine to form a bulky addition to the street scene. It would appear at odds with the modest scale of garaging more generally seen in the area. Its position at the higher end of Firth Drive and set away from the nearest dwellings would increase its prominence in the street and would emphasise its incongruity.

6. I conclude that the development would result in significant harm to the character and appearance of the area. In that particular regard, the development would conflict with Policy PG3 (Place Making) of the Birmingham Development Plan (2017) and Saved Paragraphs 3.14 C and D of the Birmingham Unitary Development Plan (2005) which amongst other things require that all new development will be expected to demonstrate a high design quality that responds to local area context and that the scale and design of new buildings should generally respect the area surrounding them.
7. The development would also conflict with the good design aims in the Birmingham City Council Places for Living Supplementary Planning Guidance (2001) and the National Planning Policy Framework.

Other Matters

8. The appellant contends that there were previously lock-up garages on the site. I must assess the proposal on the basis of the current situation. In any case, there is no substantive evidence before me to suggest previous buildings on the site were similar to the bulk, scale and design of the appeal proposal.
9. With regards to the suggestion that the Council gave pre-application advice indicating that the proposal would be supported, from what I have seen, it was clear that the advice given was an informal officer view. Furthermore, the advice confirmed that a formal application would be subject to an assessment of several matters including the design, scale and massing of the proposal.
10. The suggestion that the garages would be rented out to local residents does not outweigh the harm identified to the character and appearance of the area.

Conclusion

11. For the reasons set out the appeal is dismissed.

M Russell

INSPECTOR