
Appeal Decisions

Site visit made on 16 February 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th February 2021

Appeal A Ref: APP/P4605/W/20/3263315 **20 Rookery Road, Selly Oak B29 7DQ**

- 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 Hussain of Seemore Properties Limited against the decision of Birmingham City Council.
 - The application Ref 2020/06610/PA, dated 24 August 2020, was refused by notice dated 20 October 2020.
 - The development is a change of use from an 8 bedroom HMO (Sui Generis) to a 9 bed HMO (Sui Generis) and front dormer window and single storey forward extension including remedial works to unauthorised forward extension and alterations to fenestration detail to side/rear.
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Appeal B Ref: APP/P4605/W/20/3263319 **22 Rookery Road, Selly Oak B29 7DQ**

- 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 Hussain of Custom Land Limited against the decision of Birmingham City Council.
 - The application Ref 2020/06644/PA, dated 25 August 2020, was refused by notice dated 20 October 2020.
 - The development is a change of use from a small HMO (Use Class C4) to a 9 bed HMO (Sui Generis) and front dormer window and single storey forward extension including remedial works to unauthorised forward extension.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. Development has been carried out and therefore planning permission is being sought retrospectively. The appeals have been determined using the plans submitted to the Council, which provide the basis for which planning permission is being sought.
4. The descriptions of development have been taken from the appeal forms and decision notices because they are more comprehensive compared to the application forms. In addition, the word retention has been deleted where used because it is not a description of development.

5. It is intimated that split decisions are possible. However, the appeals have not been presented on this basis and consequently there is not the requisite level of detail to demonstrate that the various elements of each development are clearly severable. Accordingly, even if split decisions were a potential outcome, there is insufficient evidence to consider if it would be appropriate.

Main Issue

6. The main issue under Appeal A and Appeal B is the effect of the development on the character and appearance of the area.

Reasons

7. The appeal sites are located at 20 and 22 Rookery Road in Selly Oak, within the middle of a traditional terrace of two storey properties. By and large, terraced properties within the wider street scene comprise front bay windows of limited depth and width at ground floor level. On my site visit, it was not apparent that there were any front extensions, comprising front window and porch arrangements, within the wider street scene. If there are any such examples, they did not present themselves as prominent features within the street scene.
8. The developments comprise the removal of the original front bay window and replacement with a front extension of much greater scale and prominence within the street scene, extending across the frontage of each property to include the front doorway. Even though the depths may be similar, it is the extent of the alteration across the width of the frontage that creates the greatest visual change. There is resulting harm to the character and appearance of the original properties, to the extent that the frontages look incongruous compared to other properties in the street scene.
9. It may well be the case that other features of properties nearby have been altered over the passage of time, changing their character and appearance to some extent. Notwithstanding this possibility, the bay windows are principal elements of the frontages along the street scene. Given their principal nature, alterations have a proportionately greater effect on the character and appearance of the properties compared to other alterations, which are less prominent in relative terms.
10. It has not been demonstrated that an integrated bay window and porch front extension is representative of the wider street scene. Based on the evidence presented, this would be a novel addition to the street scene and would not therefore mitigate the loss of a more traditional bay window and separate front door arrangement. Consequently, it cannot be concluded that the design would be unifying.
11. Overall, the developments introduce incongruous features within the street scene which harm the character and appearance of the area. This conflicts with Policy PG3 of the Birmingham Development Plan 2017 and saved Paragraphs 3.14C and 3.14D of the Birmingham Unitary Development Plan 2005. Among other things, these seek to ensure development comes forward in a manner which respects the prevailing character and appearance of an area.

Other Matters

12. There are a number of other matters relating to the appeals which are not disputed by the Council, such as the principle of changing and increasing the intensity of uses and the role of houses in multiple occupation in providing housing for certain groups in society, among other things. For example, there is no evidence that the proposals fail to contribute to a desirable residential area for existing residents or attract and retain employees to the university and hospitals - including graduates. However, given the limited scale of the developments, any additional benefits in providing such accommodation would be similarly limited and would not outweigh the harmful effects established under the main issue.

Conclusion

13. For the reasons given, both Appeal A and Appeal B are dismissed.

Liam Page

INSPECTOR