



Appeal Decision

Site Visit made on 23 February 2021

by Mr Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2021

Appeal Ref: APP/P4605/W/20/3264467

44 Walmley Ash Road, Sutton Coldfield, B76 1JA

- 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 Mark Jones against the decision of Birmingham City Council.
 - The application Ref 2019/10055/PA, dated 4 December 2019, was refused by notice dated 11 February 2020.
 - The development is a new single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The dwelling which is the subject of this appeal has already been built. There is disagreement between the main parties as to whether the building was originally built under permitted development rights, and no substantive evidence has been submitted to demonstrate that it was. As it is not within the scope of this appeal to determine whether the building was originally erected under permitted development, I must consider the building as having been built without any form of permission and seeking to be used as a dwelling in its own right. As such this appeal seeks retrospective permission for the development, and I have therefore determined the appeal accordingly.

Main Issue

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

Reasons

4. Walmley Ash Road consists mainly of two storey dwellings with broadly similar architectural cues. The road is characterised by mostly single tier frontage development with open and undeveloped gardens extending to the rear. Against this, and as a backland form of development, the appeal scheme appears somewhat alien. This effect is exacerbated by the building's irregular shape and height in the context of the two storey and largely box shape of building that lines Walmley Ash Road. The use of a hipped roof does go some way to according with the prevailing roof design in the area but does not, on its own, go far enough to make the development acceptable given how awkward and contrived it appears in the above context.
5. The backland nature of the dwelling does, to some degree, screen it from direct public views. Its visual effect in the main street scene is thus somewhat recessive. That said, the presence and size of the access more than alludes to

its presence in the line of dwellings that front onto Walmley Ash Road. In addition, the new bungalow is very obvious from surrounding private gardens.

6. For these reasons the development, harms the character and appearance of the area. This is contrary to Policies PG3 and TP27 of the Local Plan¹ and saved Paragraph 3.14c of The UDP². Together, and amongst other things and along with paragraph 127 of the Framework³, these policies seek to ensure high quality design which respects the sense of place and is sympathetic to local character. It also conflicts with the guidance on good design contained within the Places for Living Supplementary Planning Guidance and Mature Suburbs – Guidelines to Control Residential Intensification Supplementary Planning Document.

Other Matters

7. The appellant states that the bungalow provides room sizes in excess of the Technical Housing Standards – Nationally Described Space Standards, and thus provides a good standard of living conditions for future occupiers while also maintaining those of neighbouring occupiers. While this and the locationally sustainable nature of the appeal site may be the case, I find that these are not benefits but more a lack of harm in each case. Furthermore, the appellant has suggested a landscaping scheme covering boundary treatments, however I am not convinced that it would have any meaningful beneficial impact on character and appearance or living conditions. It would take some time to establish and even if the development were hidden completely, its adverse effect on the character of the area would remain.
8. I am aware that the dwelling adds to the delivery of new housing in the district. I am not aware however if the Council are in an undersupply situation in regard to housing such that I could attach more than a small amount of weight to this.
9. Taken together, I find that these matters are insufficient to weigh sufficiently against the above harm and subsequent conflict with the development plan.
10. The appellant has brought to my attention a number of examples of bungalows on or near Walmley Ash Road. Including one to the rear of No 96 Walmley Ash Road. While I am mindful of these, they are set some distance away from the appeal site and therefore are not read in the same context as the site. Most notably, the bungalow to the rear of No 96 forms part of the transition to a different character area.

Conclusion

11. The appeal is therefore dismissed.

Mr Samuel Watson

INSPECTOR

¹ Birmingham Plan 2031: Birmingham Development Plan

² Birmingham Plan: Birmingham Unitary Development Plan

³ The National Planning Policy Framework 2019