



Appeal Decision

Site Visit made on 13 July 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/P4605/W/21/3272791

**Land off Little Sutton Grove, (to the rear of 47 & 49 Worcester Lane),
Sutton Coldfield B75 5PL**

- 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 Laura McLaughlin, Massey Ltd against the decision of Birmingham City Council.
 - The application Ref 2020/06993/PA, dated 4 September 2020, was refused by notice dated 11 November 2020.
 - The development proposed is erection of garage with studio apartment above.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the address from the appeal form in the banner heading above as it provides a more accurate description of the site's location.

Main Issues

3. These are the effect of the proposed development on (i) the character and appearance of the area and on (ii) the living conditions of future occupiers, with particular regard to outdoor space.

Reasons

Character and appearance

4. The appeal site is within an area that comprises large houses within plots of equal measure. The layout of Little Sutton Grove is relatively uniform with properties fronting the street and with small frontages and larger rear gardens. Little Sutton Grove has a well-established and generous sense of place. Old Marl Close is a separate street which has little bearing on the context to the appeal site.
5. The dwelling proposed would occupy much of its plot and have very little garden to the rear which would not reflect the existing pattern of development. The landscaping plan shows how the frontage of the plot would be landscaped to create a front garden. This garden would be much larger than other front gardens in Little Sutton Grove. Together with the paraphernalia that comes with primary outdoor spaces, the garden would appear as an anomaly in the street scene. Notwithstanding the architectural detailing proposed which would

reference the design of existing houses, the new dwelling would appear cramped and incongruous.

6. I have had regard to other forms of development in the area, including 'flat over garage' units. However, these examples are not within the vicinity of the appeal site to set a precedent by way of context. Furthermore, it is evident from the photographs before me that the form, layout and style of the houses in these examples differs from Little Sutton Grove. Fair and reasonable comparisons cannot be made, therefore, between the appeal proposal and existing 'flat over garage' units.
7. The Local Plan encourages the development of new dwellings, particularly within existing residential areas. Infill development can be an appropriate way to accommodate additional housing. However, the Local Plan also requires new development to reinforce or create a positive sense of place with Policies PG3 and TP27 of the Local Plan (2017) and Saved Policy 3.14C (Birmingham Plan 2005) seeking, amongst other things, development that demonstrates a high quality of design which is detailed further in Places for Living (2001) (SPG). For the reasons given above, the development would appear cramped and incongruous and therefore would have a harmful effect on the character and appearance of the area, contrary to the policies identified.

Living conditions

8. The rear garden would be cramped, overshadowed and small and therefore would not provide future occupiers with the private, high quality and functional outdoor space which the general premise of Policies PG3 and TP27 of the Local Plan (2017) and Saved Policy 3.14C (Birmingham Plan 2005) encourage and which the SPG refers to. The appellant acknowledges this, suggesting that the rear garden would be used for storage and refuse purposes.
9. The front garden would offer no privacy to future occupiers. The local parks referred to are not within a convenient distance of the appeal dwelling, nor do they offer the privacy or convenience of a domestic garden.
10. Irrespective of how modes of travel may change in the future, the development proposes vehicular access and parking adjacent to the front garden. Moving vehicles, however infrequent, would subject those using the garden to unacceptable levels of noise and fumes. Vehicles are often not parked in garages and so there is a real possibility that the outdoor space would adjoin a parked vehicle which diminishes its quality further.
11. Whilst future occupiers may enjoy an internal living environment that meets industry standards, they would not have access to a high quality and private outdoor space that is fit for purpose which the National Design Guide (2021) encourages. On this basis, I do not agree with the appellant that the Council overemphasised the importance of private outdoor amenity space.
12. I accept that numerical standards should not be the only means to measure the quality of outdoor space. However, for the reasons given, and notwithstanding size, future occupiers would not have access to a well-designed and private outdoor space.
13. It is not clear if occupiers of the 'flat over garage' examples before me have access to outdoor space. Nor do I have any evidence of the Council's reasoning at the time of allowing the developments to know if a lack of outdoor

space or the policy context at the time compare favourably with the appeal proposal. Notwithstanding this, I am required to decide the appeal on its own merits and in doing so, I have found that future occupiers would not have access to an acceptable provision of outdoor space and so the development would be harmful to the living conditions of future occupiers, contrary to Policies PG3 and TP27 of the Local Plan (2017) and Saved Policy 3.14C (Birmingham Plan 2005) and the associated SPG.

Other Matters

14. The development would provide a one bed residential unit within a well-established and accessible residential area. As the greatest need is for 3 and 4 bedroomed houses, and given that the development is for one house, the benefit of the development to local housing supply is limited. The benefit of developing a disused piece of land carries the same weight given its small plot.
15. The site may not be conducive to a larger property but that does not endorse a smaller development, particularly when there are no notable social, environmental or economic concerns that the development would address.

Conclusion

16. The benefits identified would not outweigh the harm to the character and appearance of the area and to the living conditions of future occupiers and therefore the development conflicts with the development plan. As a result, the appeal is dismissed.

R Walmsley

INSPECTOR