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# Appeal Decision

Site visit made on 23 November 2021

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 December 2021**

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**Appeal Ref: APP/P4605/Z/21/3281253**

**6 - 6a Turfpits Lane, Erdington, Birmingham B23 5DP**

- 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 Arshad Hussein against the decision of Birmingham City Council.
  - The application Ref 2020/10082/PA, dated 18 December 2020, was refused by notice dated 19 February 2021.
  - The development proposed is retention of canopy to front elevation.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the host property and the street scene.

## Reasons

3. The appeal site is located close to the junction with Turfpits Lane and Perry Common Lane and is one of a number of commercial uses on that corner. Buildings are set well back from the highway, and the area between the buildings and the highway has been used as a forecourt to the commercial premises and forms part of the overall character of this mixed commercial and residential area.
4. In views toward the appeal property, along both main roads, the canopy, with its sizable width and length forms a visually impermeable barrier in comparison to the open forecourts. Its solid form appears somewhat incongruous within the street scene and detracts from the character of the existing building and the wider street scene.
5. The canopy obscures the goods for sale, as well as many of the activities associated with the buying and selling of goods. I can appreciate that the display of wares and an element of clutter can add to the character and vitality of a commercial area, but the harsh nature of this immovable canopy detracts from the character and appearance of the area.
6. I note the assertions of the appellant that the canopy provides and use in respect to shielding people and goods from the elements, but I find the harm to the character and appearance of the property and the street scene outweighs any positives that the canopy may bring.

7. In all, therefore, I find that the development is harmful to the character and appearance of the area and as a result is contrary to policy PG3 of the Birmingham Development Plan (2017) which expects development to reinforce or create a positive sense of place and local distinctiveness and that streets and public spaces are attractive environments. In addition, I find conflict with saved Paragraphs 3.13C & D of the Birmingham Unitary Development Plan (2005) which expects development to respect the area surrounding them and local characteristics. I also find conflict with the guidance set out in the Shopfront Design Guide Supplementary Planning Guidance and the amenity sections set out in the National Planning Policy Framework.

### **Conclusion**

8. For the reasons given, the proposed development would be contrary to the development plan and none of the material considerations indicate that the decision should be made, other than in accordance with the plan. The appeal is, therefore, dismissed.

*Paul Cooper*

INSPECTOR