



Appeal Decision

Site visit made on 30 November 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/P4605/W/21/3281550

Land adjacent to 30 Goldthorne Avenue, Sheldon, Birmingham B26 3LA

- 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 J Sond against the decision of Birmingham City Council.
 - The application Ref 2021/00849/PA, dated 19 January 2021, was refused by notice dated 7 May 2021.
 - The development proposed is proposed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - i) the effect of the proposal on the character and appearance of the area, and;
 - ii) the effect of the proposal on the living conditions of future occupiers, with particular regard to internal and external space standards.

Reasons

Character and appearance

3. There is a spacing of frontage properties along Goldthorne Avenue which gives the area a relaxed and pleasing character. The gap between No 28 and No 30 Goldthorne Avenue creates a sense of openness owing to the lack of built form. This is replicated elsewhere in the street and notably between pairs of semi-detached houses. This spacing is particularly noticeable at the appeal site owing to the property's position on a corner plot. The gap to the side of the appeal property is replicated on the other side of the pair of semi-detached houses and creates a focal point to the corner of Goldthorne Avenue and Trysull Avenue.
4. The dwelling proposed would enclose the gap between the appeal property and No 28 Goldthorne Avenue. Together with the unduly dominant form and scale of the dwelling proposed, the development would appear incongruous in the street and harmful to the open pattern of development described. There are instances in the street where gaps between buildings have been occupied with side extensions and other ancillary forms of development. However, because they are subordinate in scale to the main dwelling, they do not close gaps in the way the new dwelling would.

5. The plans before me show two possible positions for the house proposed. In either position the dwelling would create a terracing effect by disrupting the balanced form of semi-detached houses, irrespective of any alignment with existing building lines. This would reinforce the development's incongruity.
6. And so, in light of the reasons given, the development would be unduly dominant and incongruous in the street and harmful to the character and appearance of the area, contrary to policies PG3 and TP27 of the Birmingham Development Plan (2017) and saved policies 3.14C-D of the Birmingham UDP (2005) and SPG Places for Living (2001) which, amongst other things, seek development of a high design quality that reinforces or creates a positive sense of place and responds to local area context.

Living conditions – future occupiers

7. The Council argues by reference to the DCLG's Technical Housing Standards (2015) (THS) that the development would fail to satisfy the minimum internal space standards and would not provide a good standard of accommodation. The Written Ministerial Statement of 25 March 2015 stated that decision takers should only require compliance with the technical standards where there is a relevant current Local Plan policy. I have not been directed to any local standards or policy in relation to minimum dwelling sizes.
8. Whilst the development would not meet the recommended minimum gross internal floor area for a two-bedroom 3-person household, in the absence of any development plan policy stipulating minimum space standards, they cannot be applied on a mandatory basis. However, the standard is a good starting point for assessing whether the accommodation proposed is satisfactory and the THS can be a material consideration. As the internal floor area is notably less than the recommended standard, the development would not provide living accommodation of an acceptable standard.
9. The appellant suggests that the development could be altered to meet the THS requirements. However, there is nothing within the evidence before me to demonstrate that this could be achieved. I also surmise that any changes to the internal floor area could have implications for the size of the dwelling in relation to its plot and affecting, in turn, the effect of the development on the character and appearance of the area.
10. Turning to the matter of amenity space, the Places for Living SPG (2001) (SPG) stipulates 52 square metres of outdoor space for the development proposed. The garden area would be notably less than this. The area identified on the plans as patio area would offer a little more space for outdoor recreation. However, given its cramped position and that it would be undoubtedly overshadowed by surrounding buildings, it is of little practical value as a good quality area for outdoor recreation.
11. The SPG suggests that permitted development rights may be removed if the standards identified are complied with. Given that the development would not comply, removing permitted development rights would have no material effect on my conclusions.
12. For these reasons the development would provide living accommodation of an unacceptable standard which, in turn, would be harmful to the living conditions of future occupiers. The development, therefore, would conflict with saved

policy 3.14C of the Birmingham UDP (2005) and SPG Places for Living (2001) which, amongst other things, seek development that provides a high-quality living environment.

Other matters

13. The benefit of the development to local housing supply and any need for smaller units of accommodation is limited given that the proposal is for one dwelling.
14. Enhancing the environmental credentials of the development by exceeding Building Regulation requirements by 10% is noted but this does not mitigate the harm identified to character and appearance and living conditions.

Conclusion

15. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. For the above reasons, the appeal is dismissed.

R Walmsley

INSPECTOR