



Appeal Decision

Site visit made on 18 January 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2022

Appeal Ref: APP/P4605/W/21/3283983

78 Sheaf Lane, Birmingham B26 3HA

- 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 Robert Fall against the decision of Birmingham City Council.
 - The application Ref 2021/01985/PA, dated 7 March 2021, was refused by notice dated 24 June 2021.
 - The development proposed is new build 1 bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The site forms part of the garden to the appeal property (No 78). The proposal would be between the side wall of the existing bungalow and the boundary of the plot with Horse Shoes Lane. The scheme would require the removal of an existing garage and part of a boundary fence.
4. While there are walls, fences and planting to the front, houses on Horse Shoes Lane are set back from the highway. The proposal would be close to the pavement and so it would be at odds with the prevalent layout of local dwellings. As a result, it would look unusually prominent in the street scene.
5. The garage and fence on the site are near to the highway but these are low, ancillary structures. The proposal would be significantly taller and larger than the features to be removed and the subsequent loss of space would be highly noticeable given the corner position of the appeal property. The scheme would not affect the openness at the junction created by the road, verges and pavement. Nevertheless, it would fail to respect its context through the obvious erosion of space between the existing bungalow and Horse Shoes Lane.
6. No 78 is at the end of a row of 4 bungalows that face Sheaf Lane. These dwellings display a pleasing regularity in terms of their form and alignment, despite minor alterations, a staggered front building line and variances in plot widths. From the front, the bungalows' roofs appear similar in form, height and width and so create a pleasing uniformity and rhythm that is particularly noticeable when approaching the site from the direction of Cranes Park Road.
7. The proposal would be narrower than No 78 and the other bungalows in the row. Its roof would be similar in height and pitch but the difference in its width

would stand out alongside the uniformity seen in the adjacent line of buildings. This inconsistency and its close proximity to the pavement would give the impression of a uncharacteristically cramped development.

8. There are aspects of the scheme that would reflect the appeal property and the neighbouring bungalows but these would not overcome the identified incongruity. The proposal would provide a more varied and architecturally interesting feature in the street scene compared to the existing fence. However, any benefit in these regards would be minor and would not fully offset the detrimental effects.
9. The scheme would have different effects on the street scene to the 2 storey extension at 1 Mardon Road, which is not seen in the context of Horse Shoes Lane. Also, the proposal would not be comparable to the addition of a new storey on a bungalow at 52 Sheaf Lane. As such, these other developments do not provide a precedent that I am bound to follow in my assessment of this appeal.
10. For the above reasons, I conclude the development would harm the character and appearance of the area. In these regards, it would not accord with policy PG3 of the Birmingham Development Plan 2017 and saved paragraphs 3.14 C to D of the Birmingham Unitary Development Plan 2005. Amongst other things, these look to ensure proposals respond to the local context.

Other Matters

11. The development has attracted no objections from local residents. However, this fails to address or override the identified concerns with the scheme.
12. The Roman Catholic Church of Thomas More, a grade II listed building dating from the 1960's, lies on the opposite side of the road to the appeal site. The proposal would slightly obstruct views of the church from parts of Sheaf Lane, although sight of its main features would be unaffected. As such, the scheme would cause no meaningful harm to the setting or significance of the church.
13. Information provided with the appeal indicates No 78 would retain sufficient garden space to meet the Council's standards following construction of the proposal. The Council does not dispute this evidence and so the development is acceptable in these regards. This is a neutral factor in my assessment.
14. The scheme would provide an additional dwelling in an urban area with good access to facilities and public transport links. These benefits attract positive weight even though there is no evidence to indicate a shortfall in residential land supply against the Council's targets.

Conclusion

15. The harm that would be caused to the character and appearance of the area means the proposal would not accord with the development plan policies when read as a whole. Its benefits and other factors are of insufficient weight to justify granting planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR