



Appeal Decision

Site visit made on 11 January 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 3 February 2022

Appeal Ref: APP/P4605/W/21/3282099

Land adjacent to 2 Mayland Road, Edgbaston, Birmingham B16 0NG

- 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 N Umar and Kiani against the decision of Birmingham City Council.
 - The application Ref 2021/04600/PA, dated 17 May 2021, was refused by notice dated 9 August 2021.
 - The development proposed is the demolition of 16 no. disused garages and proposed 2 no. two and half storey semi-detached houses and two no. garages with associated landscaping and new entrance gates. The proposal is for a self build life time home for two extended families. This is a resubmission of the previously refused planning application 2021/00379/PA.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, the Appeal Form describes the proposal as "Demolition of existing garages and erection of 2 no. semi-detached houses and 2 no. garages with associated landscaping and new entrance gates". Given this is a more accurate description of the proposed development, I have therefore dealt with the appeal on this basis.
3. This proposal is a resubmission of a previously refused planning application referenced 2021/00379/PA which differs insofar as the windows on the side elevations have been changed. In addition, the windows that previously overlooked the neighbours' rear gardens are now high-level horizontal windows, and the adjacent bathrooms have been set back from the main façade to facilitate new principal windows that give only oblique views out.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site is a backland site containing several disused garage units on a parcel of land situated behind existing dwellings.
6. The surrounding area is a mature residential suburb consisting of mainly traditional two storey semi-detached properties with relatively narrow but large

rear gardens that back onto the appeal site, all of which contributes positively to the character of the area. There is consistency in the existing properties in that they are located within extensive plots, follow established building lines and generally have a presence within the street-scene, which creates a strong pattern of development.

7. The proposal would introduce two dwellings of 2.5 storey within the backland site. The backland area, notwithstanding the presence of the garages, has an open nature which reflects the prevailing pattern of surrounding development. The scale, height and massing of the proposed dwellings would be at odds with the prevailing development pattern of the surrounding area. In addition, the proposed roof form consisting of flat structures, and use of dark grey metal cladding and buff/grey multi-tonal bricks in the proposal would clash with the surrounding properties, which are characterised primarily by pitched or hipped roofs and are generally of red/brown brick or white/cream painted rendered walls. I note the appellant claims that there is variation in the colour and type of external facing materials in the locality. However, the majority of properties directly adjoining the appeal site are of red brick. The proposal would therefore fail to make a positive contribution to the character and appearance of the area.
8. I note that the appellant argues the design of the proposal is innovative and that paragraph 130 of the Framework states that appropriate innovation or change should not be discouraged. However, para 130 also states that new development should be sympathetic to local character, including the surrounding built environment and landscape setting. For the reasons given above, the proposal would not be an appropriate design to its setting and does not respond to the local character of the area. As such, it is not considered that the proposal would represent high quality or innovative design that would integrate effectively with its surroundings. It therefore fails to accord with para 130 of the Framework.
9. I note the appellant refers to the contribution of the proposal to the character of the area as being neutral; being neither harmful nor positive. However, it is clear in local policy that new development should make a positive contribution to the character and appearance of the area.
10. The appellant claims that the site is invisible from the public realm. However, as the topography of the site is generally level with the adjacent properties, it would be possible for views of the development to be glimpsed through the gaps between the existing dwellings that surround the site. Its presence would therefore be visible from the public realm.
11. I conclude that the proposal represents an unacceptable form of backland development that would harm the character and appearance of the area. As such, it would fail to accord with Policy PG3 of the Birmingham Development Plan (adopted 2017), which seeks to ensure that all new development contributes positively to a strong sense of place and local distinctiveness, with design that responds to site conditions and the local area context.
12. In addition, the proposal conflicts with guidance in the Council's Mature Suburbs SPD (adopted 2008), which states in paragraph 2.8 that proposals for windfall housing developments on backland sites, which would detract from the overall environmental quality and character of a particular area will not be supported. The proposal is also contrary to guidance in the Council's Places for

Living SPD (adopted 2001) which states that backland developments should consider the effect on the existing street frontage and neighbouring buildings, and local character.

Other Matters

13. The principle of residential development for the site is established through the extant planning permission for the construction of two dwellings on the site (2020/03327/PA). However, for the reasons given, the proposal for this appeal is not suitable for the site as it is a form of backland development that is out of keeping with the established character of the area.
14. I note the appellant has referred to saved policies in the Birmingham Unitary Development Plan (2005). These policies have now been replaced by the Birmingham Development Plan (2017) and the Development Management in Birmingham DPD (2021). The appellant has also made reference to policies TP27 and TP30 in the Birmingham Development Plan (2017), and policy DM10 in the newly adopted Development Management in Birmingham DPD (2021). However, as the principle for residential development has been established for the site, these policies are not relevant to as that stated under the main issue above.
15. The appellant claims that the private outlooks from the existing properties to the proposal would be a positive experience. I do not consider this likely given that I have found the proposal to be incongruous in appearance.
16. The appellant suggests that the proposed development would result in a tidying up of the site through removal of dilapidated buildings and overgrown planting. However, this small benefit would not be sufficient to overcome my concern regarding the harm arising from the proposal.
17. As suggested by the appellant, I have considered implementing a condition addressing arboricultural matters and tree retention/protection. However, this would not be sufficient to mitigate the harm I have identified to the area's character and appearance arising from the incongruity of the proposal.
18. I note the proposed dwellings would be a self-build scheme intended to fulfil the life-time home aspirations of the family. However, as the proposal is a small self-build scheme for two dwellings, this benefit would be modest and therefore attracts limited weight. I acknowledge the proposal would be of particular benefit to the appellant and their family in allowing them to live together. However, planning decisions must be made in the public interest and therefore, such personal benefits attract little weight.
19. I also note the appellant claims the proposal would secure development that reduces energy and resource use in response to the climate emergency. However, these measures would not be sufficient to overcome my concern regarding the overall acceptability of the proposal.
20. I accept that the proposed parking facilities and garden plot of the development would provide sufficient parking provision and amenity space. However, these factors are neutral in my considerations as they do not add further harm rather than being in favour of the development.

21. I agree that the proposal would make a small windfall contribution to the delivery of housing for the area on a brownfield site. However, the weight of this small benefit would not be sufficient to justify the harm I have identified.

Conclusion

22. For the reasons given above, the proposal would result in considerable permanent harm to the character and appearance of the area. Although the proposal may provide some benefits, these modest benefits would not outweigh the harm I have found to the character and appearance of the area.
23. 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.
24. For the reasons given above I conclude that the appeal should be dismissed.

Helen Smith

INSPECTOR