



Appeal Decision

Site visit made on 14 December 2021

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 3 February 2022

Appeal Ref: APP/P4605/D/21/3283512

124 Greenfield Road, Harborne, Birmingham, B17 0EG

- 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 ZIL Construction Ltd against the decision of Birmingham City Council.
 - The application Ref 2020/08661/PA, dated 30 October 2020, was refused by notice dated 21 July 2021.
 - The development proposed is removal of part of front garden wall and dropped kerb to allow off road parking.
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Decision

1. The appeal is allowed and planning permission is granted for the part removal of front garden wall including installation of new railings and installation of footway crossing at 124 Greenfield Road, Birmingham, B17 0EG in accordance with the terms of the application, Ref 2020/08661/PA, dated 30 October 2020, subject to the following three conditions:
 - 1) The development hereby permitted, insofar as it relates to the rebuilding of the boundary wall and the installation of the dropped kerb, shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DWG 100 Site Location Plan, DWG 101 Front Yard – Plan as Existing, DWG 103 Front Yard – Elevation as Existing, DWG No 104 Front Yard - Elevation as Proposed, DWG 105 Site Plan – Visibility Splay and DWG No. 106 Front Yard – Visibility Plan as Proposed.
 - 3) The materials to be used in the rebuilding of the boundary wall hereby permitted shall be constructed in the materials shown on 'DWG No 104 Front Yard - Elevation as Proposed' and shall match those used in the adjacent boundary walls.

Procedural Matters

2. The description of development in the heading above has been taken from the application form. However, it was evident from my site visit, and from the basis of the evidence before me, that the front garden and front boundary wall of No.124 Greenfield Road have already been removed and replaced with blue brick paviours and that the scheme is therefore partially complete. I have used the description of the development from the Council decision notice in my formal decision above as I consider this to be more precise.

Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance and significance of the Greenfield Road Conservation Area.

Reasons

4. No.124 Greenfield Road is a mid terraced property within the Greenfield Road Conservation Area (the CA). The CA is a predominately residential area, consisting of terraced properties, together with larger semi detached/detached properties in more sizeable plots. The significance of the CA is largely derived from the historic building pattern of these residential properties which have a variety of architectural features typical of their era of construction.
5. No.124 is part of a terrace of properties and the front gardens of the terrace taper as you travel westwards towards Bull Street. Nos.126 and 128 have paved parking areas with open frontages to the highway, whilst Nos. 120 and 122 have smaller gravelled front gardens with low brick walls and railings to the front.
6. Along the length of Greenfield Road, the house size and style vary but parking spaces to the front of properties are a common feature within the CA. Some form part of grander driveways where they are associated with the larger properties but there are numerous single parking spaces associated with the more modest terraces, predominately finished in paving or gravel. Landscaping, low and high boundary walls, and railings are common boundary treatments in the area, as are fully open frontages to the pavement. This variety in the parking arrangements and boundary treatments contributes positively towards the existing character and appearance of the CA.
7. The development has partially replaced a small front garden with blue brick paviours so that it can be used as an off-street parking space. Part of the former front garden has been identified as a 'planting area'. The proposals would also involve the rebuilding of part of the front garden wall, using bricks and detailing to match that found on adjacent boundary walls.
8. Due to the existing variety within the CA identified above, I consider that the front garden of No.124 is not a defining element of the significance of the CA. Consequently, its partial replacement with a paved parking area would have a neutral effect on its character and appearance. It is considered that the development would be reflective of the existing characteristics of the CA and that the development would leave the character and appearance of the CA unharmed. The development would also incorporate the rebuilding of the front boundary wall, which would complement the existing streetscape, helping to preserve the existing character and appearance and tie in the property with neighbouring dwellings to the left.
9. Furthermore, I do not consider that the development would be detrimental to the architectural appearance of the dwelling. The architectural integrity and historical features of the dwelling would be preserved by the development, and it would cause no harm to the character and appearance of the host dwelling.
10. In view of the above, I therefore conclude that the development would avoid harm to the significance of the CA and would preserve the character and appearance of the CA. The proposal would comply with Policies PG3 and TP12

of the Birmingham Development Plan (BDP) (2017) and saved paragraphs 3.8, 3.10, 3.14C-D and 3.27 of the Birmingham Unitary Development Plan (UDP) (2005) which, when read together, state that new development should be designed to respond positively to site conditions and the local area context, including heritage assets and that development in Conservation Areas should preserve the character or appearance of the area. The proposal would also comply with the 'Extending Your Home' Supplementary Planning Document (SPD) (2007) which states that development should make a positive contribution to the character and local distinctiveness of the area.

11. For the same reasons, the development would also accord with paragraph 199 of the National Planning Policy Framework (2021) which states that great weight should be afforded to the conservation of designated heritage assets.

Other Matters

12. The Council's Conservation Officer commented that the proposals would be within the setting of the Grade II listed buildings at Nos. 33-39 York Street. Clarification was sought from the Council regarding any impact the proposals would have on the setting of these listed buildings. However, when the Council responded, they stated that the proposals would impact the Grade II listed buildings at Nos. 116-118 Greenfield Road, a different group of listed buildings to that originally identified.
13. The wider setting of these listed buildings is closely linked with from the character and appearance of the CA itself. Therefore, as I have concluded that the proposals would preserve this character and appearance, I also consider that the wider setting of the listed buildings would not be harmed. I also note in this context that there is no inter-visibility between the appeal site and Nos. 33-39 York Street and Bull Street forms a physical separation between the appeal site and Nos. 116-118 Greenfield Road.
14. I am referred to the adoption of an Article 4 direction in February 2009 that was made alongside the designation of the CA. However, notwithstanding the presence of this direction, I have considered this appeal on its own merits and have concluded that the development would preserve the character and appearance of the CA.
15. A local resident has raised concern over the size of the parking space proposed. However, there is no objection from the Council's Transportation Department and the Council have not pursued a reason for refusal on this basis. I see no evidence before me to suggest coming to a different conclusion on the matter.

Conditions

16. As the front area has already been paved, the only part of the development which needs to be implemented is the rebuilding of the front boundary wall and the installation of the dropped kerb. Therefore Condition 1 relates to these elements and allows for the standard 'three year' timeframe. I have also attached a plans condition in the interests of certainty and a condition concerning materials to ensure a satisfactory appearance for the rebuilt boundary wall.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

Laura Cuthbert

INSPECTOR