



Appeal Decision

Site visit made on 5 April 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 13 May 2022

Appeal Ref: APP/P4605/W/21/3289599

18 Trenchard Close, Sutton Coldfield, Birmingham B75 7QP

- 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 Broughton against the decision of Birmingham City Council.
 - The application Ref 2021/06883/PA, dated 29 July 2021, was refused by notice dated 11 October 2021.
 - The development proposed is a new semi-detached 2 bedroom dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for a new semi-detached 2 bedroom dwelling at 18 Trenchard Close, Sutton Coldfield, Birmingham B75 7QP in accordance with the terms of the application, Ref 2021/06883/PA, dated 29 July 2021, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The Council refer to the draft Development Management in Birmingham Development Plan Document (DMB DPD). However, I note from the evidence before me that the DMB DPD was formally adopted by the Council on 7 December 2021. The adoption of the DMB DPD has superseded the saved paragraphs of the Unitary Development Plan (UDP) (adopted 2005) so the saved paragraphs of the UDP referred to by the Council in its decision notice are no longer part of the adopted Development Plan.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is part of the side and rear garden of an end of terrace property situated in a residential cul-de-sac. Due to its end of terrace position and it being on a curvature of the road, 18 Trenchard Close has a larger than average garden for the area, wrapping around the side and rear of the property. Owing to the bend in the road, the neighbouring property of 16 Trenchard Close is situated at an angle to No 18, with the gap between the two being narrower at the front than at the back. The character of the cul-de-sac is a mixture of semi-detached properties, terraces of 4 properties, as well as a terrace of 5 properties. Lean-to porches are a common feature of the houses and brick is the predominate building material.

5. Due to existing two storey extensions to the other properties in the cul-de-sac, there are only a few remaining original gaps in the cul-de-sac. I consider that the existing extensions do not detract from the character of the area, nor have the loss of the gaps that have been filled in by the extensions been significantly harmful to the character and appearance of the area. I agree with the appellant that they now simply form part of the existing local context. Whilst I appreciate that the existing gap between Nos 16 and 18 provides a break in the built form, gaps between terraced blocks are no longer a consistent feature in the streetscene.
6. Due to the angled relationship between No 16 and 18, a small gap would remain between the two properties. I acknowledge that there would be some loss of openness, but I conclude that this would not be so harmful as to justify refusal of planning permission in this case, especially as glimpsed views through to the tree and open skies would still be possible.
7. The other gaps in the immediate area referred to by the Council are not directly comparable to the existing gap between No 16 and No 18 as the gap between the two is larger due to the curvature of the road. Therefore, the appeal site could accommodate the proposal without causing detriment to the character and appearance of the area.
8. The existing extensions in the area have altered the width of the properties to a varying degree. Therefore, the width of the proposal, whilst slightly narrower than the other dwellings on Trenchard Close, would not stand out as being significantly incongruous to the area. Whilst the plot size of the proposed dwelling would be slightly smaller than that of the neighbouring properties, smaller plots are present in the area. Therefore, the slightly smaller plot would not be out of character with the area.
9. Importantly, the amenity space associated with the proposal and the reduced rear garden of No 18 would both meet the minimum requirement for a two bedroom dwelling as set out in the Council's Places for Living Supplementary Planning Guidance (the SPG) (adopted 2001). I note the comments of the Town Council regarding the 'intense use of green space' but for the reasons set out above, the proposal would not result in the overdevelopment of the site.
10. The design of the proposal would match that of No 18, by incorporating a lean-to porch to the front and use of matching brick for the construction of the dwelling. This would assist the proposal in respecting the character and appearance of the area. A condition to require further architectural details including the materials and detailing of windows, external doors, building facades, roof and rainwater goods is considered both reasonable and necessary in the interests of the character and appearance of the area.
11. I acknowledge that the SPG states that any local characteristics which undermine the overall character of the area should not be used as a precedent for the design of new developments. However, for the reasons set out above, I do not consider that the existing extensions in the immediate local context have undermined the overall character of the area. Furthermore, the circumstances of each proposal are likely to be different and I have considered this appeal on its own merits.
12. I note from the evidence that some of the existing extensions in the locality may have been approved prior to the adoption of current planning policies.

Nevertheless, the design and the impact on the character and appearance of the area would still have been a consideration at the time. I am satisfied that the proposal would not in itself, or cumulatively with the existing extensions, have an adverse effect on the prevailing character of the area.

13. Therefore, in view of the above, I conclude that the proposed development would not have a harmful effect on the character and appearance of the area. It would be in accordance with the objectives of Policies PG3 and TP27 of the Birmingham Development Plan (BDP) (adopted 2017), guidance in the Council's Mature Suburbs Supplementary Planning Document (the SPD) (adopted 2008) and the Places for Living SPG. These documents seek to ensure that new development demonstrates high design quality, reinforces local distinctiveness, and considers the site and its context with regards to plot size, building form and massing. The proposals would also be in accordance with the principles within Chapter 12 of the National Planning Policy Framework (the Framework) (2021) which seek good design sympathetic to the local area.

Other Matters

14. I note the concerns raised by local residents regarding the existing issues with on-street car parking congestion, assertions of illegal parking and access problems for emergency and refuse vehicles. However, such frustration in regard to existing problems cannot be equated to material harm as a result of the proposed development. The proposals would provide 1 parking space for the new dwelling and there is no substantive evidence to suggest that this amount of parking would result in any material harm to highway safety. I also note that the Council have raised no objections on the grounds of highway safety or insufficient parking, and I have no evidence before me to warrant coming to a different conclusion. As such I do not consider that the residual cumulative impact of the proposal would be severe, a circumstance the Framework requires to prevent development on transport grounds.
15. Objections have been raised regarding the impact on the privacy and sunlight enjoyed by the occupiers of neighbouring properties. I consider that due to the appropriate siting, distance and relationship with neighbouring properties, as well as the habitable windows being located on the front and rear elevations, the proposal would not be harmful to the privacy and sunlight currently enjoyed by the occupiers of neighbouring properties. I also note the Council raised no objections in this regard.
16. The submitted red line location plan follows the fence line of the existing garden associated with No 18. The gulley which runs alongside the boundary, in between the appeal site and No 16, would be unaffected by the proposed development.
17. Any noise and disturbance associated with construction would be for a temporary period only. However, due to the residential nature of the area, in order to protect the living conditions of occupiers of neighbouring properties, it is necessary to include a condition requiring the submission of a Construction Method Statement.
18. The concerns of neighbours with regards to property values is of purely private interest and unfortunately, I can only attach very limited weight to such concerns.

19. Objections have also been raised regarding the impact of the proposal on drainage. Severn Trent Water raised no objection to the proposed development due to the minimal impact the proposed development would have on the public sewerage system and did not request a drainage condition to be applied. I have no evidence before me to warrant coming to a different conclusion on the matter.
20. Finally, I acknowledge the concerns raised by a neighbouring property that the proposal could have a detrimental impact on any plans to extend their property in the future. However, there is no extension scheme before me, and each case must be considered on its own merits, based on the evidence at the time.

Conditions

21. The Council have suggested six conditions. I have assessed these in light of the advice provided in the Planning Practice Guidance (PPG) and have amended them as necessary. As well as the standard time condition, and the requirement for a Construction Method Statement and the further architectural details to be submitted as already mentioned, a condition has been imposed to set out the approved plans in order to provide certainty. Details of the hard and soft landscaping to be incorporated as part of the development are also considered necessary prior to occupation in order to safeguard the character and appearance of the area. Finally, a condition to secure the pedestrian visibility splay at the access point is also necessary in the interests of the safety of pedestrians.

Conclusion

22. The appeal scheme would comply with the development plan and as such the appeal should be allowed, subject to the conditions set out below.

Laura Cuthbert

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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: Drawing No 1 (Site Layout), Drawing No 2 (Location and Block Plan), Drawing No 4 (Proposed Elevations), Drawing No 5 (Proposed Plans) and Drawing No 6 (Section and Roof Plan).
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The method statement shall provide for details of the following:
 - the parking of vehicles of site operatives and visitors
 - location of loading and unloading of plant and materials
 - hours of demolition/construction/delivery

The development shall be implemented in accordance with the approved details.

- 4) No development shall take place until the following architectural details have been submitted to and approved in writing by the Local Planning Authority: materials and detailing of windows, external doors, building facades, roof and rainwater goods. Development shall be carried out in accordance with the approved details/samples.
- 5) Details of hard and/or soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100, showing, where used, locations of individually planted trees, areas of woodland, shrubs, hedges, bulbs, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include planting schedules, noting species, plant sizes and proposed numbers / densities and details of the proposed planting implementation programme. All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.
- 6) A pedestrian visibility splay of 2 metres by 2 metres by 0.6 metres shall be incorporated at the access point before the access point is first used and thereafter maintained.