



Appeal Decision

Site visit made on 10 May 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal Ref: APP/P4605/W/22/3290921

345 Court Oak Road, Quinton, Birmingham B32 2DX

- 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 Jagprit Hear against the decision of Birmingham City Council.
 - The application Ref 2021/06208/PA, dated 9 July 2021, was refused by notice dated 21 September 2021.
 - The development proposed is 2 bed residential dwelling to land at rear of 345 Court Oak Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the appeal was submitted, the Development Management in Birmingham Development Plan Document 2021 (DPD) has been adopted. The Council has indicated that none of its policies are relevant to this appeal but the DPD supersedes the policies of the Birmingham Unitary Development Plan 2005 referred to on the Council's decision notice. The appellant has been given an opportunity to comment on this change to the development plan context.

Main Issue

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

Reasons

4. The appeal property is an end of terrace house on the corner of Court Oak Road and Tennal Drive. The proposed dwelling would be in part of the back garden and would face towards Tennal Drive. It would be clearly seen from various points on the highway and from nearby residences.
5. The proposed house would be detached but nearby properties tend to be semi-detached and terraced units. Also, the existing dwellings tend to lie side by side in lines whereas, in contrast, the proposal would be seen as an individual unit, separate from any row of houses. As such, it would stand out as being unusual in the street scene despite being of similar scale, appearance and position relative to the road compared to other nearby properties.
6. Moreover, the rear wall of the house would be close to the side boundary with 347 Court Oak Road with no meaningful garden to the back. As a result, the proposed development would be at odds with the predominant local layout pattern of houses in deep plots with back gardens. Also, its rear elevation

would be blank and with no fenestration, whereas existing local houses tend to have rear windows and doors. The incongruity of the proposal in these regards would not be readily apparent from the highway but it would be obvious from the rear of the properties in the adjoining terrace.

7. The proposal would be compatible with the general residential character of the locality. Also, the layout of development in the wider area varies and includes houses with side gardens similar to that proposed. However, for the above reasons, the development would not respect its immediate context but would stand out as an unsympathetic addition to the established development pattern. The aesthetic benefit of replacing part of the boundary fence with the proposed house and the additional surveillance of the street would fail to address or fully offset the detriment caused by the identified incongruity.
8. Therefore, I conclude the development would harm the character and appearance of the area. In these regards, it would be contrary to policies PG3 and TP27 of the Birmingham Development Plan 2017. Amongst other things, these seek high quality development that reinforces local distinctiveness.

Other Matters

9. By virtue of its design and relative position, the proposal would avoid unacceptable harm to the living conditions of local residents. Also, it would provide satisfactory living conditions and parking for future occupiers. These are neutral factors rather than benefits to which I attach positive weight in my assessment. Reference is made to the possible incorporation of sustainable technologies but this attracts limited weight as little firm information has been provided on the proposed measures. The lack of objections from local residents is noted but has no bearing on my views on the merits of the scheme.
10. The National Planning Policy Framework (the Framework) requires local authorities to demonstrate a 5 year supply of housing land. If this cannot be shown, paragraph 11 of the Framework states that planning permission should be granted unless any harm caused by a proposal significantly and demonstrably outweighs its benefits. The appellant makes reference to a shortfall in housing provision in Birmingham but no detailed information is before me. The Council has not commented on the matter. Therefore, I am unable to reach an informed conclusion on this issue.
11. In any event, the scheme would add only a single unit to the housing stock. It would make a more efficient use of land in an urban location with good access to services and public transport links. Nevertheless, the benefits of the scheme would be modest and the identified harm would significantly and demonstrably outweigh any advantages.

Conclusion

12. The proposal would harm the character and appearance of the area and so would be contrary to development plan policies when read as a whole. There is insufficient justification to grant planning permission contrary to the provisions of the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR