



Appeal Decision

Site visit made on 18 May 2022

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th May 2022

Appeal Ref: APP/P4605/D/22/3294406

129 Sellywood Road, Birmingham B30 1XA

- 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 Mrs Ruth Cumming against the decision of Birmingham City Council.
 - The application Ref 2021/08534/PA, dated 19 September 2021, was refused by notice dated 14 December 2021.
 - The development proposed is the installation of a bike store to the front of the property.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a bike store to the front of the property at 129 Sellywood Road, Birmingham B30 1XA in accordance with the terms of the application, Ref 2021/08534/PA, dated 19 September 2021, subject to the following 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: Location Plan TC/RC/101/LP1; Site Plan: Drive Size, Bike Store Location and Size TC/RC/101/SP1; Plan of Bike Store on Driveway: Information TC/RC/101/PP1; Elevations: Existing and Proposed Overlayed TC/RC/101/PE1; Proposed Cycle Store on Driveway Ref 001.

Procedural Matter

2. In the banner heading and formal decision above I have used the description of development from the appeal form rather than the one used in the application form¹, as this more accurately captures the scope of the proposal.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the site and its surroundings.

¹ Which is "We would like to put an off the shelf bike store on our front driveway. We have already had discussions with the Bournville Village Trust, as we fall within a Band C area on the BVT estate (NOT conservation area). They have approved a store with specific conditions - please see ref 731706."

Reasons

4. This appeal relates to a mid-terraced, two and a half storey, brick-faced property. Set back from the road behind an access drive, the ground floor of the appeal property, like that of most of its neighbours, includes a front entrance and large garage door. Due to these muted and functional ground floor design features, a great deal of the terrace's character derives from the regular pattern of oriel and dormer windows in its upper storeys, which create a strong sense of rhythm. This overall rhythm is complemented by the articulation of the front elevations of the terrace which are stepped to respond to the gentle curve of the road. I saw that the horizontal emphasis of the white fascia above the garages and front entrances, marks a clear visual break between the ground floor and the upper storeys, and also contributes to the restrained aesthetic of the terrace.
5. The appeal scheme would see the installation of a small hut-like structure, clad in metal, with a shallow mono-pitched roof that would be located on the drive of No 129, to the front of the existing garage door, and which would facilitate the secure storage of bicycles.
6. At my site visit I saw that, whilst structures in front of principal elevations of the terrace are on the whole uncommon, most of its driveways play host to parked cars, wheelie bins and similar paraphernalia. Within this immediate context, and due to its scale and setback from the road, the proposed development would not look incongruous. Moreover, its limited height, somewhat below the level of No 129's fascia, and discreet proportions would not compete with the scale of its host property or undermine the strong sense of rhythm principally derived from the upper floors of the terrace. In addition, the limited width and depth of the proposed structure, taken together with its separation distance from the host property would mean that the existing garage door and front entrance would still be readily discernible in views of the terrace taken when moving along the road. Furthermore, existing mature planting and parked cars in the terrace's front plots combined with the slope and curve of the road would have the effect of substantially limiting the availability of views of the proposed structure from the wider streetscene.
7. The appeal proposal would not therefore dominate the host building or detract from the appearance of the street. For these reasons, taken together with the factual position that the bike store would be a standalone structure and not an extension, I find that the proposed development would not conflict with the 'Extending Your Home' Supplementary Planning Document (adopted March 2007). Accordingly, these considerations lead me to the conclusion on this main issue that the proposed development would not cause material harm to the character and appearance of the site and its surroundings.
8. I note that the garage of the appeal property has been converted for use as a habitable room, and that it is not therefore used for parking cars. Consequently, I consider that proposals for similar developments relating to other houses in the terrace are unlikely to come forward should these relate to garages in active use for car parking, where such a structure could impede access. Neither would such a proposal be desirable in relation to properties where garage doors have been replaced by windows, where views from them could be materially restricted by such a structure. Accordingly, when taken

together with my findings on the main issue, these considerations lead me to the view that the proposed development would not set a harmful precedent.

9. For these reasons, I find no conflict with Policy PG3 of the Birmingham Development Plan (adopted January 2017) or Policy DM2 of the Development Management in Birmingham Development Plan Document (adopted December 2021), the National Planning Policy Framework, or the Council's 'Extending Your Home' and 'Places for Living' (adopted March 2001) Supplementary Planning Documents. Taken together, and amongst other things, the policies and guidance seek to ensure that development would be sympathetic to local character; appropriate to its location; and that design responds to site conditions and the local area context.

Conditions

10. The standard implementation condition is attached to comply with the requirements of the Town and Country Planning Act 1990 (as amended). It is also necessary, for the avoidance of doubt and in the interests of certainty to attach a condition which specifies the approved plans. The appellant suggested conditions relating to the finishing of the proposed structure, and which would restrict its use to the storage of bicycles and require its removal if such a use should cease. However, based on the details as submitted, and due to the lack of harm that would be caused by the appeal scheme in character and appearance terms, I consider the attachment of such conditions to be unnecessary in this case.

Conclusion

11. The proposal would be in accordance with the development plan. On this basis, for the reasons set out above, and having taken into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR