



Appeal Decision

Site visit made on 23 June 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4 July 2022

Appeal Ref: APP/P4605/W/22/3293574

1 Vale Close, Birmingham B32 2UU

- 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 Lallie (Green Oak Developments) against the decision of Birmingham City Council.
 - The application Ref 2021/10791/PA, dated 22 December 2021, was refused by notice dated 3 February 2022.
 - The development proposed is the erection of 1 no. dwellinghouse with associated parking and installation of footway crossing.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. I have taken the description of development from the decision notice and appeal form, which is a more in-depth description than that provided on the application form.

Main Issues

3. The main issues are the effect of the development on: the character and appearance of the surrounding area; and the living conditions of the occupiers of No. 1 Vale Close with particular regard to the provision of outdoor amenity space.

Reasons

Character and Appearance

4. The site comprises land to the side of No. 1 Vale Close, at the junction with Wentworth Way. The surrounding area is residential, with principal elevations of properties set back from the road. Vale Close is defined by a regular arrangement of terraced dwellings with predominantly long, narrow gardens to the front and rear, with No. 1 having a larger, corner plot. The uniformly open frontages in the street give a sense of spaciousness that allows the largely consistent front elevations of the properties to be experienced in unison.
5. The proposal seeks to erect a single dwelling at the site. It would extend closer to Wentworth Way, where front elevations are set back from the street. However, this is not the case for side elevations of corner properties such as the proposal. This would be read in the context of No. 2 Vale Close opposite the site which, by its extension, features a side elevation at a limited distance from Wentworth Way. The proposal would be experienced alongside this, such that its limited setback from Wentworth Way would not appear out of place.

6. The proposed dwelling has been reduced in scale from a previous application such that it would largely match the dimensions, design and front building line of the neighbouring properties. While the Council has stated that the garden at the appeal site was not designed to be subdivided there is no substantive evidence to demonstrate that this is the case. However, while the overall dimensions of the resulting corner plot would be larger than others in the terrace, it would nevertheless be of a much more limited depth. This would be at odds with the consistently long nature of the gardens in this terrace such that it would fail to reflect the immediate established pattern of development.
7. Due to the sloped site a retaining wall would be also constructed. From Wentworth Way this would create limited visual change due to the current presence of a higher, tall close boarded fence. However, it would sit at an angle within the site, partially projecting in front of the dwelling and extending closer to Vale Close. Even acknowledging its limited height, from Vale Close this would appear as an awkward feature, at odds with the consistent, open frontages on the street and causing visual harm.
8. Combined with the limited depth of the rear space this would result in the dwelling appearing contrived at the site. Despite the overall site dimensions, the property would appear squeezed onto the plot, resulting in a cramped form of development, out of place against the remainder of the terrace. Although the dwelling design would pick up on the surrounding properties, overall the proposal would be a discordant addition that would fail to reflect the typical form of plots on the street or respond to the local area context.
9. For the reasons given above I find that the development would have a significant adverse effect on the character and appearance of the surrounding area. In this regard, it would fail to accord with Policies PG3 and TP27 of the Birmingham Development Plan (2017), the Places for Living Supplementary Planning Guidance and the National Planning Policy Framework (the Framework), insofar as they seek to ensure good design.

Living Conditions

10. The Places for Living Supplementary Planning Guidance sets out recommended minimum garden spaces for family accommodation, which is 52sqm for 2 bedroom dwellings such as the proposal. The main parties agree that these standards would be met in respect of the proposed dwelling.
11. The garden at No. 1 Vale Close would also be subdivided, providing 52sqm of rear outdoor amenity space. I acknowledge that due to the positioning of the back garden of the proposal and the retained garage on Wentworth Way this space at No. 1 would be an unusual shape. However, I do not consider that this would unduly impact the useability or quality of the space.
12. Even acknowledging the proposed dimensions and layout, it would be able to comfortably accommodate the range of uses reasonably expected of the space such as sitting out, hanging out washing, storage and the placing of residential paraphernalia. In this sense, the occupiers' enjoyment and use of the space would not be unduly impacted.
13. While the Council has raised issue with the proposed placement of a shed, I consider that this is a common feature in back gardens and indeed is one such use that is reasonably expected of the space. In any event, due to the limited

footprint of the proposed shed the overall quality and useability of the remaining garden space would not be restricted to a great degree so as to harm the living conditions of occupiers.

14. For the reasons given, I find that the proposal would not result in significant adverse harm to the living conditions of residents of No. 1 Vale Close, with particular regard to provision of outdoor amenity space. As such, it would comply with Policies PG3 and TP27 of the Birmingham Development Plan (2017), Policy DM2 of the Development Management in Birmingham Development Plan Document (2031), the Places for Living Supplementary Planning Guidance and the Framework, insofar as they seek to ensure adequate levels of amenity and living conditions.

Other Matters

15. Reference has been made to side extensions in the terrace opposite, and planning permission that has been granted for a single dwelling in a corner plot at 32 Minton Road. However, on the basis of my observations and the information before me, these schemes retain the consistent open frontage and rear garden depth that reflect the pattern of development surrounding the plots in question. In any event, each proposal should be decided on its own site specific circumstances and reference to development nearby therefore carries limited weight.
16. I acknowledge that it has been communicated to the appellant that a dropped kerb would be acceptable at the site. Nevertheless, it remains that I have identified harm from the proposal to the character and appearance of the area, and the acceptability of a dropped kerb in this location has little bearing on this conclusion.
17. I further note that pre-application discussions relating to a previous application at the site suggested that the principle of a dwelling in this location may be acceptable. However, due to the pre-application nature of the discussion and the fact that it relates to a different application, limited weight is attached to this.

Planning Balance

18. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. The presumption in favour of sustainable development test set out in paragraph 11(d) of the Framework is therefore engaged. This provides that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
19. The Framework identifies an objective to significantly boost the supply of housing, stating that small and medium sized sites can make an important contribution. The proposal would provide much needed housing, representing an efficient use of this land. This should be afforded significant weight in the planning balance.
20. However, I have found that the proposal would be contrary to requirements of the Framework seeking to achieve well-designed places, due to the fact that it would be at odds with the otherwise consistent plots within the street and cause visual harm. In this sense there would be conflict with Policies PG3 and TP27 of the Birmingham Development Plan (2017) which are broadly consistent with the Framework in seeking development that is sympathetic to local character. While I have found that

the proposal would not cause harm to the living conditions of residents of No. 1 Vale Close with regards to provision of outdoor amenity space, this represents a lack of harm which is neutral in the planning balance.

21. I find that the adverse impacts of the proposal as a whole would be significant and, even acknowledging the significant weight afforded to the provision of housing at the site, in the context of paragraph 11(d) of the Framework overall the harm that would be caused to character and appearance of the area by the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, such that permission should not be granted.
22. On this basis, I find the proposal would conflict with the development plan when it is read as a whole and that material considerations, including the Framework, do not indicate that a decision contrary to the development plan should be reached.

Conclusion

23. For the reasons given above, the appeal should be dismissed.

C Rafferty

INSPECTOR