
Appeal Decision

Site visit made on 28 June 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

Appeal Ref: APP/P4605/D/22/3296674

2 Metchley Park Road, Birmingham B15 2PG

- 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 Gurmail Gakhal against the decision of Birmingham City Council.
 - The application Ref 2022/00886/PA, dated 3 February 2022, was refused by notice dated 30 March 2022.
 - The development proposed is new outbuilding and new gates to front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the safety of road users and pedestrians using Metchley Park Road.

Reasons

Character and appearance

3. The appeal property comprises a large, detached dwelling situated on a prominent corner plot within a residential area of Birmingham. The property has an integral garage and an ungated driveway with access onto Metchley Park Road. Boundary treatment comprises a combination of hedge and fence. The property is situated in a street scene of large, detached dwellings which are set back from the road. Within the road property boundaries comprise walls and hedges and ungated front drives. This contributes to the spacious character of the area and allows for good levels of intervisibility between driveways, pavements and roads. I was unable to identify any other dwellings within the immediate vicinity which have outbuildings or garages within the front garden, albeit I appreciate that there is some variety in the character of the area, noting the walls and gates at No. 8 brought to my attention by the appellant.
4. I note that the appeal property differs from other properties on Metchley Park Road due to its corner plot location and the fence boundary treatment to the front of the plot. However, the large, detached dwelling is set back within the plot, has an ungated access and in such ways is generally consistent with the spacious character of the surrounding area. To the east of the site is the boundary of the Edgbaston Conservation Area. The site is not visible from the

conservation area, and it appears that the appeal property makes no contribution to its setting by virtue of its separation and lack of historic significance.

5. I acknowledge that the proposed front outbuilding would be set into the ground level somewhat and partially screened by existing boundary features. However, the pitched roof would still be visible above the boundary treatment. The position of the garage to the front of the host dwelling would sit uncomfortably in relation to the appeal property and would result in an uncharacteristic pattern of development in an area where outbuildings do not sit significantly forward of dwellings. The incongruous feature would be visible from numerous vantage points, in particular at the nearby roundabout owing to the elevated position of the land. The garage would therefore appear dominant within the street scene, detracting from the open character of the area.
6. The proposed gates would be set back within the plot and would be of a similar height to the existing hedge. The design of the gates would allow for views into the appeal site from the street to be retained. The set back of the proposed gates within the plot would minimise the visual impact of the gates and I find that the gates would integrate appropriately with the street scene, and by virtue of their inherently lightweight design would not unduly affect spaciousness here.
7. An appeal at the same property for an outbuilding and new boundary wall and gates was dismissed in 2021 (APP/P4605/D/21/3279209). The appellant has sought to address the issues raised in this appeal by setting the outbuilding down within the plot and amending the design of the gates. However, as the roof of the outbuilding would remain visible from the street, and for the foregoing reasons, the scheme would still in my view be unacceptable overall (notwithstanding my finding in respect of the proposed gates).
8. For the reasons outlined above, the proposed outbuilding would cause harm to the character and appearance of the surrounding area. Therefore, the proposal would not accord with those aims of policy PG3 of the Birmingham Development Plan (2017) and policy DM2 of the Development Management in Birmingham DPD (2021) which, amongst other matters, collectively state that all new development will be expected to demonstrate high design quality contributing to a strong sense of place. I also find conflict with the guidance set out in the Extending your Home Supplementary Planning Document (2007) which has similar objectives.

Highway safety

9. Access to the host property is via Metchley Park Road, close to a roundabout which forms a junction of 4 residential roads. During my mid-morning site visit there was a steady flow of traffic in both directions and a steady flow of pedestrians using the footpath in both directions on Metchley Park Road. Whilst a snapshot in time, there is nonetheless nothing in the evidence before me to indicate those observations are atypical of the area. Parking is restricted by double and single yellow lines to the property frontage and within the surrounding area.
10. There is a school located close to the appeal property on Somerset Road. Given the proximity to an intersection which provides access to a number of local routes, and the surrounding land-uses, the section of road near the appeal

property is likely to be busy with road users at peak times, particularly during school drop off and pick up and there are likely to be a number of people walking along this footpath. Reflecting on my reasoning above, there is generally good visibility of driveways on account of openness.

11. Given the limited setback of the proposed gates from the carriageway in the previous appeal, the Inspector was of the view that the proposal would have resulted in vehicles periodically blocking the pavement and protruding into the carriageway. That, she reasoned, would affect the free movement of vehicles exiting the nearby roundabout and pedestrians using the pavement near the access of the appeal property. The Inspector considered that the proposed gates would introduce an increase in the potential for conflict between road users and pedestrians which could result in crashes or injuries close to the roundabout and at the front of the appeal property.
12. The same risks would appear to remain. In the current proposal the proposed gates would be set back approximately 2 metres from the highway, thereby allowing insufficient space for the entire length of a vehicle to access the site without compromising the operation of the highway and pedestrian network by protruding into the carriageway and blocking the pavement. Consequently, the proposal would introduce an increase in potential for conflict between road users and pedestrians with the potential for knock on implications for highway safety.
13. The appellant has offered to alter the position of the gate if that would be of benefit. However, no plans have been submitted as part of this appeal to allow consideration of this matter. Therefore, this matter has not informed this recommendation, nor can I legitimately address that via condition.
14. I therefore conclude that the proposed gates would have an unacceptably harmful effect on the safety of road users and pedestrians using Metchley Park Road. This would be contrary to the safety objectives of policies PG3 and TP44 of the Birmingham Development Plan (2017) which promote the efficient, effective, and safe use of the transport network. It would also be contrary to the Framework which sets out how development should provide safe and suitable access to the site for all users.

Conclusion

15. I accept the proposal would be beneficial to the appellant in providing a more enclosed and secure front garden. Nonetheless that is essentially a personal benefit compared to the public harm that would arise. Therefore, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

Nichola Robinson

INSPECTOR