



Appeal Decision

Site visit made on 2 August 2022 by T Bennett BA (Hons) MSc

Decision by Chris Forrett BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2022

Appeal Ref: APP/P4605/D/22/3292624

32 Raven Hays Road, Birmingham, B31 5JR

- 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 Florentin Vladau against the decision of Birmingham City Council.
 - The application Ref 2021/08017/PA, dated 14 September 2021, was refused by notice dated 1 December 2021.
 - The development proposed is the installation of trellis above the wooden fence to side and rear.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. In the interests of accuracy and conciseness, the description of development used in the header above is based on that used on the Council's decision notice which I also note has also been adopted by the appellant on their Appeal form. In addition to the above, I saw at my site visit that the trellis identified in red on the submitted plans had already been erected.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host dwelling and surrounding area.

Reasons for the Recommendation

5. The appeal property is a modern semi-detached house located on a residential estate of houses similar in character to the appeal property. Between the pairs of semi-detached properties gates are present, with some properties having low sections of trellis fixed above them. The boundary treatment of the rear gardens of the surrounding properties predominantly comprise of close-boarded timber fencing similar in height adding a sense of uniformity. That said, I acknowledge that there are other types of boundary treatments in the area to the property frontages and roadside boundaries.

6. The trellis that has been erected is above the existing timber fencing at the side and rear of the property and varies in height. The appellant has set out that the combined fence height ranges from around 2.85 metres high to around 3.4 metres high and this appears consistent with what I viewed on site. The trellis is around the height of the bottom of the first-floor windows and is higher than the lean-to structure at the rear of the property.
7. Given the overall height and extent of the trellis, it starkly contrasts with the existing boundary treatment of the surrounding properties and consequently appears overly prominent, obtrusive and incongruous. As a result, it is harmful to the character and appearance of the appeal property and the wider area.
8. In coming to that view, I noted that there is some variation in surrounding ground levels which mitigates some of the impact of the height of the trellis. I also acknowledge that there are trellis panels erected on other properties in the area. However, these were at a lower height than the trellis that has been erected at the appeal property. This is particularly evident with the comparison between the appeal proposal and the trellis over the side gate at the adjoining property, 30 Raven Hays Road.
9. As well as this impact from Raven Hays Road, I am also conscious that the trellis is visible from a number of residential properties as well as further glimpses of the trellis from Barn Meadow Close between Nos. 2 and 4.
10. As I saw at my site visit, the appellant has attempted to integrate the trellis with the existing fencing to improve its appearance. Whilst this has had some positive impact, this does not overcome the harm I have found principally as a result of the excessive height of the trellis.
11. For the reasons outlined above, I find that the development harms the character and appearance of the host dwelling and surrounding area. It therefore conflicts with Policy PG3 of the Birmingham Development Plan 2017 which requires high quality design and development that reinforces a positive sense of place. It would also conflict with saved Paragraphs 3.14C-D of the Birmingham Unitary Development Plan 2005 and the provisions of the 'Extending Your Home, Home Extensions Design Guide' 2007 supplementary planning document (SPD) which encourages development that is respectful to its surroundings and that fits comfortably with the character of the area. It would also be at odds with the overarching design aims of the National Planning Policy Framework.

Other Matters

12. The appellant has set out that the trellis provides increased security due to a fear of crime, increased and mutual privacy, and prevents tennis balls going into neighbouring gardens as well as preventing animals entering the garden. I have also had regard to the letters of support from the occupiers of neighbouring properties.
13. The appellant has drawn my attention to a recent appeal case¹ which was related to the erection of a fence where the impact on character and appearance was a main consideration. From the limited information I have, this proposal related to a much lower fence than the proposal before me and as

¹ Reference APP/P4605/D/19/3226112

such this is not comparable. Moreover, each proposal must be considered on its individual merits.

14. In addition to the above, the appellant has set out a potential fallback position which is essentially that a fence two metres in height could be erected using permitted development rights. Whilst this may well be the case, it would not have the same impact which the appeal proposal has. I can therefore only give this fallback position limited weight.
15. Taking all of the above factors into account, none of these matters provide for a compelling reason why planning permission should be granted for an otherwise unacceptable development.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR