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## Appeal Decision

Site visit made on 15 November 2022

**by Nichola Robinson BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5th December 2022**

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**Appeal Ref: APP/P4605/W/22/3298200**

**KFC, 2104 Coventry Road, Sheldon, Birmingham B26 3JA**

- 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 Miss Rachael Kendrew (InstaVolt Ltd) against the decision of Birmingham City Council.
  - The application Ref 2022/01135/PA, dated 10 February 2022, was refused by notice dated 22 April 2022.
  - The development proposed is to install two rapid electric vehicle charging stations within the car park of Splendid Hospitalitys - KFC Sheldon. Three existing parking spaces will become 2 EV charging bays, along with associated equipment.
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### Decision

1. The appeal is allowed and planning permission is granted to install two rapid electric vehicle charging stations within the car park of Splendid Hospitalitys - KFC Sheldon. Three existing parking spaces will become 2 EV charging bays, along with associated equipment at KFC, 2104 Coventry Road, Birmingham B26 3JA in accordance with the terms of the application, Ref 2022/01135/PA, dated 10 February 2022, subject to the conditions in the attached schedule.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal site is KFC, a fast-food restaurant with a drive through takeaway. The site is in a predominantly commercial area on the Coventry Road (A45), a busy 4-lane road which links Birmingham city centre and the M42 motorway. The surrounding area contains commercial buildings varying from single to 5 stories in height. The road is lined by grass verges, and a grass strip and knee rail fence separate the appeal site and the footpath. Both sides of the road contain street furniture including lamp posts, totem signs and other commercial and road signage, bollards, bins, telegraph poles and telecommunications cabinets. Consequently, the surrounding area has a varied and commercial character.
4. It is proposed to install 2 rapid electric vehicle (EV) charging stations and an associated feeder pillar to the front of the site on an area which currently comprises 3 car parking spaces and a grass strip.
5. The 3 structures would be located adjacent to the existing totem sign and would be widely visible in the street scene. Nonetheless, they would not be

taller than existing street furniture and would not have the height and bulk of the adjacent totem sign. The proposed structures would be of a modest size, and, whilst located to the front of the site, would be seen against a background of existing street furniture both within the site and adjacent highway. Cumulatively they would have a similar visual impact to existing street furniture and signage in the surrounding area. Consequently, they would not appear unduly prominent in terms of their design, scale or siting and would not result in a visually cluttered streetscape.

6. Furthermore, whilst there would be a minimal loss of landscaping, most of the existing grass strip would remain and the softening function of this landscaping would not be compromised. The visual separation between the public highway and appeal site would therefore be retained.
7. I conclude that the proposal would not appear out of keeping with the character of the surrounding area. The proposal does not therefore conflict with those aims of Policy PG3 of the Birmingham Development Plan (2017) which seek to ensure that all new development demonstrates high design quality ensuring that spaces are, amongst other things, attractive and functional. I find no conflict with the Birmingham Design Guide (2022) or the Places for living Supplementary Planning Guidance (2001) which has similar aims. I also find no conflict with the National Planning Policy Framework (the Framework), which sets out that development that is not well designed should be refused, or with the National Design Guide (2021) which sets out how well-designed places can be achieved.
8. Whilst referred to by the Council, Policies DM2 and DM10 of the Development Management in Birmingham Development Plan Document (2021) focus on the effects of development on the amenity of occupiers and neighbours and standards for residential development. Therefore, the content of these policies is largely irrelevant to the proposal.

### **Other Matters**

9. I note that the Council requested that the proposed structures be re-located to the rear of the site which, it is stated, would have less impact on the character and appearance of the area. Nonetheless, I am tasked with determining the appeal before me and, for the reasons set out in relation to the main issue, I have found that the proposal would not be harmful to the character and appearance of the area.

### **Conditions**

10. I have had regard to the conditions suggested by the Council in their statement of case, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the Framework and Planning Practice Guidance (PPG), without altering their fundamental aims.
11. In addition to the standard time limit condition, it is necessary to specify the approved plans in the interest of certainty. In the interest of the character and appearance of the street scene, a condition is necessary to ensure landscaping details are agreed and implemented before the proposed development is brought into use. I have amended the suggested landscaping condition to achieve this in the interests of precision.

## **Conclusion**

12. For the above reasons, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

*Nichola Robinson*

INSPECTOR

## **SCHEDULE OF 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 approved drawings 001\_08-03 Rev A, 001\_19 Rev B, 10435-0014\_01-PL Rev A, 10435-0014\_03 Rev A, 10435-0014\_02 Rev A.
- 3.) Prior to the first use of the development hereby approved there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include details of all proposed soft landscaping works. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the development or completion of the development, whichever is the sooner; and any trees or plants which within a period of 2 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.