



Appeal Decision

Site visit made on 20 September 2022 by Darren Ellis MPlan

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2022

Appeal Ref: APP/P4605/D/22/3302326

2 Hawkesley Drive, Birmingham B31 4EZ

- 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 Ms Victoria Ryan against the decision of Birmingham City Council.
 - The application Ref 2022/00366/PA, dated 18 January 2022, was refused by notice dated 28 April 2022.
 - The development proposed is replacement of existing double glazing with new double glazing.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of existing double glazing with new double glazing at 2 Hawkesley Drive, Birmingham B31 4EZ in accordance with the terms of the application 2022/00366/PA, dated 18 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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:

Drawing No TQRQM22024165955746 – Location Plan

Drawing No TQRQM22024165247922 – Site Plan

‘Plans and Elevations, details/brochures for the proposed windows, materials and which windows are being replaced’ drawing nos. 1-6.
 - 3) The development hereby permitted shall be constructed in the materials shown on ‘Plans and Elevations, details/brochures for the proposed windows, materials and which windows are being replaced’ drawing nos. 1-6.

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.

Procedural Matter

3. The description of development shown on the planning application form and appeal form both included a brief justification of the proposal. In the interests
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of conciseness, I have omitted these details from the description in the banner heading and in my formal decision above.

Main Issue

4. The main issue is the effect on the character and appearance of the host property and whether the proposed development preserves or enhances the character or appearance of the Austin Village Conservation Area (CA).

Reasons for the Recommendation

5. The appeal site comprises a semi-detached dwelling situated at the junction of Hawkesley Drive and The Oak Walk. The significance of the CA derives from the prefabricated timber framed bungalows, with two-storey brick detached or semi-detached properties predominantly located on corner plots or opposite junctions in the estate. The bungalows were originally constructed for workers at the nearby Longridge Austin Motor Company, and this historical association is part of the CA's significance.
6. An Article 4 direction has been in place since 1998 which restricts, amongst other things, the replacement of windows and doors in an elevation which fronts a highway. Despite this, the original timber windows on many of the two-storey dwellings in the CA have been replaced with uPVC, and on many of the bungalows the original timber cladding and window frames have also been replaced with uPVC.
7. In most instances, the original timber has been replaced by white uPVC. The existing windows at the appeal property are brown uPVC, which are obtrusive in the street scene and at odds with the character and appearance of the CA. The proposed windows would be of the same pattern as the existing windows and would match the existing white porch entrance. They would also mirror the colour, style and opening pattern of the windows in the adjoining semi-detached dwelling at No 4 The Oak Walk (No 4). For these reasons, they would enhance the character and appearance of the host dwelling and would create a degree of symmetry with No 4. As such, the new windows would not cause any wider harm to the character or appearance of the CA.
8. I note that a proposal for uPVC windows at 19 First Avenue, Selly Oak was dismissed on appeal¹ in 2021. However, this proposal was for the replacement of timber windows with uPVC. Furthermore, the appeal property was in a terrace where some of the original timber windows and detailing were still intact, and the proposed uPVC windows did not match the existing designs. As such, the proposal at 19 First Avenue is not directly comparable to the scheme before me. Moreover, I cannot be certain that the context of the site and the character of the Selly Oak Avenues Conservation Area is comparable to the appeal site and Austin Village Conservation Area. In any event, this appeal has been determined on its own merits.
9. For these reasons, I conclude that the proposed replacement windows would enhance the character and appearance of the host property and would preserve the character and appearance of the CA. In coming to my decision, I have had regard to the statutory test set out at Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention shall be paid

¹ Appeal ref. APP/P4605/D/21/3283877

to the desirability of preserving or enhancing the character or appearance of the CA.

10. The proposal would therefore accord with Policy PG3 of the Birmingham Development Plan (January 2017) (BDP), which requires development to reinforce local distinctiveness and to respond to the context of the local area. The proposal would also accord with BDP Policy TP12 and section 16 of the National Planning Policy Framework, which both seek to protect or enhance the historic environment.
11. Whilst the Council has referred to the 'Extending Your Home' Supplementary Planning Document (2017) in the reasons for refusal, that document contains guidance for extensions rather than alterations and is therefore not directly relevant to the appeal proposal before me.

Conditions

12. The standard time limit condition and a condition specifying the approved plans are necessary to provide certainty and in the interests of proper planning.
13. A condition requiring the materials to be as specified on those drawings is necessary in the interests of the character and appearance of the host property and the Conservation Area.

Conclusion

14. For the reasons given above and having had regard to all other matters raised, the proposal would accord with the development plan, read as a whole. I therefore recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is allowed and planning permission is granted subject to the conditions set out above.

Sarah Housden

INSPECTOR