



Appeal Decision

Site visit made on 17 October 2022

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/P4605/W/22/3301441

124 Holifast Road, Sutton Coldfield B72 1AF

- 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 Russell Fretwell against the decision of Birmingham City Council.
 - The application Ref 2022/01306/PA, dated 16 February 2022, was refused by notice dated 25 April 2022.
 - The development proposed is new build bungalow on land adjacent to no. 124 Holifast Rd.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address used above is taken from the site address details on the planning application form, but I have amended the address to omit Birmingham which came before Sutton Coldfield on the application form but is not actually part of the address as acknowledged on the appeal form.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a prominent corner plot which comprises part of the garden to a detached bungalow positioned at the end of a row of houses and bungalows built in a linear pattern. There are two detached bungalows with front gardens to the rear of the appeal site and on the opposite side of Holifast Road is a detached corner property with front and side gardens.
 5. Both corner plots are generally characterised by their openness, low boundary walls and soft landscaping. They significantly contribute to the character and appearance of the area by providing space near to the junction, in contrast to the tight rows of detached and semi-detached houses and are part of the established pattern of development.
 6. A large proportion of the appeal site would be occupied by the proposed bungalow or be hard surfaced to provide access and parking. This would result in a significant loss of the openness of this corner and loss of soft landscaping, which would be at odds with, and harmful to, the existing character and pattern of development.
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7. The proposed layout includes parking spaces positioned very close to the proposed bungalow and appeal site boundary. This together with the access would result in a large portion of the appeal site boundary having very little space for landscaping, which combined with the close proximity of the bungalow to the site boundary, would disrupt the corridor of private gardens. As a consequence, and the proposal would be a prominent intrusion, detrimental to the existing character and appearance of the area.
8. I note that the appellant suggests that trees and landscaping would be mostly retained, but from my site visit it was clear that the removal of landscaping from a large portion of the side boundary would be required to facilitate the proposed development. In addition, given the proximity of the existing landscape boundary features to the proposed parking area and proposed habitable room windows, it seems likely that there may be pressure to remove it in the interests of outlook, natural light and protecting parked vehicles. For these reasons the retention of existing soft landscaping cannot be relied upon to screen the proposed development and to mitigate its effect.
9. I conclude that the proposed development would have a significant adverse effect on the character and appearance of the area. It therefore conflicts with policies PG3 and TP27 of the Birmingham Plan 2031, Birmingham Development Plan, Planning for Sustainable Growth, adopted January 2017, Policy DM2 of the Birmingham Plan 2031, Development Management in Birmingham, Development Plan Document adopted December 2021 and relevant policies in the National Planning Policy Framework (the Framework). It also conflicts with relevant guidance in the Supplementary Planning Documents, Places for Living, adopted March 2001 and Mature Suburbs – guidelines to control residential intensification, adopted February 2008. These policies and this guidance seek, amongst other things, new development to provide good design that is sustainable and appropriate to its location, scale and function.

Other Matters

10. I note the appellant's comments about the merits of the design, similarities to other properties and provision of garden space. However, in reaching my decision I have had regard to these other matters, but they do not overcome the harm that I have identified above.
11. The Council has acknowledged that it cannot demonstrate a five year housing land supply, though there is no evidence about the extent of the shortfall. In such circumstances, paragraph 11(d) of the Framework indicates that the policies which are most important for determining the application are out of date and that planning 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.
12. The proposed development would provide an additional dwelling. However, given the scale of the proposed development, any social and economic benefits arising from it would be limited. Therefore, in this case, the significant adverse impacts of granting planning permission would significantly and demonstrably outweigh the limited benefits, when assessed against the policies in the Framework taken as a whole, including those seeking to boost the supply of homes and achieve well designed places. The proposed development does not therefore benefit from the presumption in favour of sustainable development.

Conclusion

13. As stated, the proposed development is contrary to a number of development plan policies and although the Council's five year housing land supply position means that the most important policies for determining this appeal are considered to be out of date, the proposed development is nevertheless contrary to the development plan when taken as a whole. There are no material considerations that indicate that the appeal should be determined otherwise in accordance with the development plan.
14. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

S Crossen

INSPECTOR