



Appeal Decision

Site visit made on 12 December 2022

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/P4605/W/22/3302762

170 Atlantic Road, Birmingham B44 8LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Alan Green against the decision of Birmingham City Council.
 - The application Ref 2021/10586/PA, dated 20 January 2022, was refused by notice dated 22 April 2022.
 - The development proposed is a single detached two-storey dwelling on garden land
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form contained no description of development, stating to refer to the Design and Access Statement. I have therefore used that document's description in the banner heading above, which is also reflective of that set out on the appeal form.
3. Although the application form indicates otherwise, correspondence between the main parties made clear that with the exception of the access, all matters were reserved. Other than their depiction of access, therefore, I have treated the submitted plans as indicative relating to design and positioning of the proposed dwelling, which follows the approach taken by the Council.
4. However, while matters of appearance, layout and scale are reserved for subsequent consideration, in dealing with an outline proposal it is still necessary to assess whether an appropriate scheme could be conceived. I note the discussion between the parties as to whether an attached dwelling might be appropriate. However, the description of development is clearly for a detached dwelling, so any planning permission would allow for such development. Therefore, I have determined the appeal on the basis that has been described, as a proposal for a single, detached dwelling.
5. The Places for Living Supplementary Planning Guidance (SPG) (2001) and the Mature Suburbs Supplementary Planning Document (SPD) (2008) referred to in the Council's reason for refusal in April 2022, were superseded in September 2022 by the Birmingham Design Guide Healthy Living and Working Places City Manual SPD. This document now forms part of the development plan, but I have used the superseded documents as context for both parties' cases prior to this point.

Main Issue

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

Reasons

7. The application site comprises garden land to the rear and side of a 2-storey semi-detached dwelling, on a corner plot at the junction of Atlantic Road and Tresham Road. The majority of the garden is lawned, plus some hardstanding for a front driveway accessed directly off the junction's corner. The site is bounded by a hedgerow and a low brick wall with wooden panel fence above. The surrounding area is predominantly residential comprising of properties of a similar age and character. The indicative plans show a detached 2-storey dwelling to the side of the existing, with boundary treatment retained and the rear garden split. The existing access would remain, and incorporate additional parking spaces for the proposed dwelling.
8. There is a distinct character at this junction resulting from its openness compared to the built up extents of the streets leading up to it. The properties on all 4 corners are similarly set back with a consistent building line and with wide front verges, with a further broad gap to the side of the existing dwelling at No. 170. The appeal site could physically accommodate an additional dwelling in terms of space, a suitable access could be provided, and it could include sympathetic elevation treatment. However, approximately a third of the proposed dwelling would project forwards of the building line along Tresham Road. The proposal would thus harm the character of the openness and the appearance of the streetscene.
9. While the current hedgerow at No. 170 is substantial and therefore conceals the existing garden area, this greenery maintains the general sense of openness and change in character, including that open views can still be gained across and above the hedge. The proposed dwelling would block views above and beyond the hedge, even if it would be somewhat screened at ground floor level. The site is an urban garden rather than a strategic gap or open rural location, but because the wider area is intensely urban, this site has a particular significance in contributing to character. This is despite it not being an area with more substantial and important architecture.
10. Furthermore, a detached dwelling would be clearly at odds with most others in the locality, enhancing its presence in the streetscape. That the proposal is for only a single new dwelling amongst hundreds of others does not reduce this harm.
11. One of the dwellings on the opposite corner of the junction has been enlarged, resulting in some reduction of space. However, it is not on the junction's most open side, and so retains openness overall. Adding further cumulative massing would be harmful, and the proposed dwelling would therefore be incongruous. It would also be particularly prominent in the skyline considering the topography dropping down beyond the site along Tresham Road.
12. A number of other corner properties in the locality have been suggested as examples of approved development. However, these are not a direct comparison to the appeal site or the proposal, and so they do not set a precedent. The majority are attached to existing properties, plus a number are

located on T-junctions with limited verges which are inevitably less open than crossroads. The most direct comparison provided is on Rodlington Avenue, with a detached dwelling to the side of a pair of semi-detached dwellings. However, again this is on a T-junction, and so does not inform the immediate surroundings of the appeal site.

13. Overall, the scheme would not respect the positive characteristic of the openness of the site and its position contributing to the junction. In conclusion therefore, the proposed development would result in significant harm to the character and appearance of the area. This would be contrary to policies PG3 and TP27 of the Birmingham Development Plan 2031 (2017), Policy DM2 of the Development Management in Birmingham Development Plan Document (2021), guidance in the Birmingham Design Guide SPD, and the National Planning Policy Framework ('the Framework') (2021) as it relates to design and character of place. Together, this suite of policies and guidance requires development proposals to demonstrate high design quality that responds to site conditions and the local area context, and that contribute to a strong sense of place and are appropriate to their location.

Other Matters

14. The dwelling would provide a small economic and social benefit resulting from its construction, including for local trades people and the intended occupier of the self-build property. There would also be an economic benefit from the payment of the Community Infrastructure Levy, although not if the dwelling were constructed as a self-build. The proposal would also provide a slight highway safety improvement compared to the dwelling's current access.
15. I also note the suggestion that the appellant is looking to move to a more suitable property because he has lived there for many years and mobility is becoming a problem. However, I do not find this to be a reason to require a new property in such close proximity. I ascribe the appellant's minor personal benefit limited weight.

Planning Balance

16. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. As such, relevant policies for the supply of housing are not considered up-to-date and the Framework paragraph 11d falls to be considered. Paragraph 11d indicates 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.
17. The proposal would result in an additional dwelling in an accessible and established urban area. The Framework seeks to significantly boost the supply of homes, and so additional housing in this location is a clear benefit of the proposal. In identifying this benefit I acknowledge that such small-scale opportunities could collectively add up to prevent the need to build on larger greenfield sites elsewhere. However, the benefits associated with the construction and occupation of one additional dwelling would be small, and so I give them only moderate weight. Alongside this, the Framework is clear that good design is a key aspect of sustainable development, and I have found that significant harm to the character and appearance of the area would arise.

18. Taking the policies of the Framework as a whole, I therefore find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits in this case. Accordingly, the proposal does not benefit from the presumption in favour of sustainable development as a material consideration outlined at Framework paragraph 11.

Conclusion

19. In conclusion therefore, the scheme conflicts with the development plan as a whole. With no other material considerations indicating otherwise, including the Framework, for the reasons given above I conclude that the appeal is dismissed.

L Hughes

INSPECTOR