



Appeal Decision

Site visit made on 31 January 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/P4605/W/22/3307439

1 Gannahs Farm Close, Sutton Coldfield, Birmingham B76 2TF

- 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 Worley against the decision of Birmingham City Council.
 - The application Ref 2022/01268/PA, dated 15 February 2022, was refused by notice dated 12 May 2022.
 - The development proposed is "erection of residential dwelling house with associated parking and works."
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the building and surrounding area.

Reasons

3. The appeal site comprises part of a rear garden which is now unused. The site sits completely forward of the side elevation wall of 1 Gannahs Farm Close near to the corner with Carters Close. There is a boundary wall set back from the pavement with grass between and some plants which exceed the height of the wall which help soften its appearance. The strip of landscaping continues after an access to a detached garage, extending along Carters Close and comprises taller trees and hedges similar to adjacent planting in the front garden boundaries of houses along the same road. This, along with the existing parking area at No 1 gives this part of the residential area a relatively open and verdant character and appearance.
4. The houses here are set back from the footpath with open front and side gardens. Although a front extension seen at 1 Gannahs Farm Close does bring the house closer to the footpath than other properties, this is uncommon, and even the closest part of this extension to the footpath is set further back than this appeal proposes. The proposed house would also be built closer to the footpath than the existing wall and would be taller.
5. Its proximity to the footpath combined with its solid appearance means that, despite the open parking and landscaping areas either side, it would read as a cramped, incongruous addition that would fail to reflect the existing relationship between other neighbouring houses and the public realm. Being located near to a prominent corner, it would be readily visible in public views and would therefore have a significant adverse effect on the generally open

character and verdant appearance of the area. The appellant suggests landscaping between the front elevation and the footpath. However, this elevation has habitable room windows, and it would be unreasonable to expect occupants to maintain planting at a height sufficient to soften the appearance of this house, because of the likely impact on their outlook and light.

6. The design and size of the house itself would be compatible with the mix of designs seen at the neighbouring houses, subject to matching materials. In coming to this view, I have taken into account that the proposed dwelling has been positioned within the site to allow for sufficient garden space, access and off-street parking, soft landscaping to the front, and storage for cycles and refuse. The presence of other detached properties in the locality and that the design and size of the proposed dwelling would be compatible with the mix of designs seen at the neighbouring houses, does not lead me to a different conclusion.
7. 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 chapter 12: Well designed places of the National Planning Policy Framework (the Framework). It also conflicts with relevant guidance in the Supplementary Planning Document Mature Suburbs – guidelines to control residential intensification adopted February 2008 and Supplementary Planning Guidance, Places for Living, adopted March 2001. These policies and this guidance seek, amongst other things, new development to provide good design that is appropriate to its location, scale and function.

Other Matters

8. I note the appellant's comments about the merits of the design, provision of parking, cycle storage, amenity space, accessibility to services, relationship to neighbouring houses, its effective use of space, proximity to public transport and cycle infrastructure, the windfall site being within the settlement boundary, the internal size of house being sufficient, use of 'sustainable materials', pleasant outlook for occupants, benefits of biodiversity net gain which could be secured by condition and not being within a Conservation Area. However, although in reaching my decision I have had regard to these other matters, they do not overcome the harm that I have identified above. The neutral factors raised, that there would be no harm regarding waste, highways safety, the living conditions or adjoining and future occupiers, pollution or biodiversity do also not give weight for or against the proposal.
9. 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.

10. The proposed development would provide an additional infill, windfall dwelling which would contribute to the provision of housing in the district. Given the undersupply, I afford this moderate weight. The proposal, situated in an accessible area and making use of an underutilised space which is said to be becoming wasteland, would also provide work for local builders and tradesmen, deter anti-social behaviour, and provides opportunity through condition to deliver bio-diversity net gain. In addition, it has been put to me that the proposal would be suitable for a variety of occupiers, including disabled users, the retired/elderly and first time buyers, and would thus be marketed at a lower market value. However, given the scale of the proposed development, any social and economic benefits arising from it would be relatively limited.
11. Furthermore, the Council in its appeal statement reports information which demonstrates that there is a surplus of 1 and 2 bed units with significant shortfalls of 3 and 4+ bed units in the district. Accordingly, the one-bed scheme proposed would not provide housing that is most needed and in demand in the local area. Therefore, in this case, even if the shortfall in supply is significant, 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. Given my findings above, the proposal also cannot reasonably be described as making effective use of land.

Conclusion

12. 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.
13. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

S Crossen

INSPECTOR