

Appeal Decision

Site visit made on 7 February 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/P4605/D/22/3313367

54 Towyn Road, Birmingham, B13 9NA

- 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 Mrs Naheed Akhtar against the decision of Birmingham City Council.
 - The application Ref 2022/07298/PA, dated 22 September 2022, was refused by notice dated 5 December 2022.
 - The development proposed is retention of ancillary single storey annex at rear of house for additional family accommodation including two bedrooms, living room and kitchen.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development the subject of this appeal has already taken place.
3. The Council's officer's report notes that "the ancillary annex is the subject of an enforcement case (2019/1326/ENF)."

Main Issue

4. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal property is a two storey mid-terrace dwelling. It forms the last but one dwelling along a long terrace of dwellings along Towyn Road.
 6. To the rear, the appeal property forms an irregular shape. In addition to a modest rear garden aligned with others along this side of Towyn Road, the appeal property includes an additional area of land which formerly formed part of the rear garden of Number 95 Springfield Road. Springfield Road appears to run at a right-angle to and to the west of, Towyn Road.
 7. The development the subject of this appeal fills much of this additional area of land.
 8. The appeal property is located in a residential area, characterised by the predominant presence of two storey terraced dwellings along Towyn Road, set
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back behind low walls and narrow paved areas and with longer garden areas to the rear. There are views from the rear of Towyn Road towards the rear of semi-detached dwellings with larger gardens along Springfield Road and to the rear of dwellings along Penshaw Grove to the south.

9. I observed during my site visit that, generally, the area to the rear of Towyn Road is notable for providing a sense of openness, spaciousness and greenery. This being the result of the presence of gardens backing onto other gardens. Whilst I observed there to be a number of garden buildings, including low garage-type structures, these tend not to appear unduly dominant, nor detract from the largely green, open and spacious garden character identified.
10. The development comprises a large, sprawling structure which extends from the host property across much of the additional area to the rear of Number 95 Springfield Road. The overall scale, mass and form of the structure is such that it largely fills this extensive area of land. In doing so, it appears cramped and awkward.
11. The harm arising from the above is exacerbated as a result of the development drawing attention to itself as an unduly dominant feature. There is no other such dominant or awkwardly located feature in this garden setting and as a consequence, the development appears as prominent and incongruous in its surroundings.
12. Taking all of the above into account, I find that the development would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to Birmingham Development Plan (2017) Policies PG3 and TP27; to Development Management in Birmingham Development Planning Document (2021) Policy DM2; and to the Council's Supplementary Planning Document: Birmingham Design Guide (2022), which together amongst other things, seek to protect local character.

Conclusion

13. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR