
Appeal Decision

Site visit made on 27 March 2023

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Appeal Ref: APP/P4605/W/22/3308075

Land off Firth Drive, Yardley Wood, Birmingham B14 4DA

- 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 B.W Architect against the decision of Birmingham City Council.
 - The application Ref 2022/05691/PA, dated 19 July 2022, was refused by notice dated 30 September 2022.
 - The development proposed is "2 no garages".
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Decision

1. The appeal is allowed and planning permission is granted for 2 no garages on land off Firth Drive, Yardley Wood, Birmingham B14 4DA, in accordance with the application, Ref 2022/05691/PA, dated 19 July 2022, subject to the following conditions:
 - 1) The development shall be commenced not later than three years from the date of this decision.
 - 2) The development shall be carried out in accordance with the approved plans numbered 19 2749/1A and 19 2749/2B.
 - 3) No development above existing ground level shall take place until samples of the external facing materials have been submitted to the local planning authority and approved in writing. The development shall be carried out using these approved materials.

Costs application

2. An application for costs has been made by the appellant against the Council. That application is the subject of a separate Decision.

Clarification

3. The appeal site is described in the application as "land to the side of No 50 Firth Drive". For the sake of clarity, the site comprises a plot of land to the rear of Nos 33 and 35 Chinn Brook Road, fronting onto the end of Firth Drive. The site lies to the north of No 50 Firth Drive but, as far as I am aware, is otherwise unrelated to that property.

Reasons for decision

4. A previous application, for a development of the same description, was made in 2020, and following a refusal of permission by the Council, an appeal was dismissed in January 2021 (APP/P4605/W/20/3261932). The inspector on that

occasion found that other garages in the area were predominantly modest in scale, with flat roofs. The appeal proposal in that case was for a garage wider than these, and with a pitched roof. Due to its size and design, the inspector found that proposal to be at odds with the existing garages, and thus visually incongruous in the location. The inspector's decision makes it clear that, in coming to this view, it was the combination of width, height and roof form that was the decisive factor in his judgement.

5. The present appeal proposal differs from that previous one by having a flat roof. I appreciate the Council's view that this change is a fairly small one. I also acknowledge the importance of consistency in decision making. But nevertheless, I must consider the present proposal on its merits. In this context, I also note that neither the Council nor the previous inspector has identified any reason why a development of two garages in this location should be seen as objectionable in principle. The issue is therefore whether the design now proposed is acceptable, in terms of its effect on the area's character and appearance.
6. I saw on my visit that Firth Drive is a cul-de-sac, flanked by 2-storey semi-detached houses, built in or around the 1960s. The design of the houses, and the general appearance of the street, are unremarkable. At the far end is a turning head, which abuts the rear gardens of properties in Chinn Brook Road. Around this turning head there are a number of garages. No 50 Firth Drive, at the end of the road, has a single garage sited just beyond the flank wall of the house. No 52, opposite, has a double garage in a similar position. In both cases, the garages are set at a higher level than the houses, due to the natural gradient of the land. At the end of the turning head, and adjacent to the present appeal site, is a single garage at the rear of No 37 Chinn Brook Road. A few metres to one side, accessed via an unmade track, is a further single garage apparently belonging to No 41 Chinn Brook Road. Both of these are set on land slightly above the garages of Nos 50 and 52 Firth Drive, again due to the natural slope. All of these existing garages are of conventional height and design, with up-and-over style metal doors.
7. The development now proposed would comprise a rectangular building of about 9.6m by 6.1m, with a flat roof at a height of just over 2.7m, and two separate vehicular door openings. The new building would be wider than a typical single or double garage, but in all other respects its appearance would be generally similar to the existing garages in the vicinity. It would be sited at a level comparable to the garages of Nos 37 and 41 Chinn Brook Road. Compared to the previous appeal scheme, whilst the width and depth would be the same, the change of roof style would make the present proposal significantly lower in height. Overall therefore, the building now proposed would be less visually dominant than the earlier scheme.
8. On balance, taking account of the combination of both width and height, and having regard for the nature of the area as a whole, it seems to me that the development as now proposed would be generally in keeping with the surroundings, and thus would avoid harm to the area's character and appearance. As such, I can see no significant conflict with the aims of Policy PG3, which relates to design quality and place-making. Nor do I find any conflict with any of the other policies or supplementary guidance referred to.

9. I note the points made by local residents. However, it is not necessary for an applicant to show a need for a development. Any future change of use would be subject to planning control. There is no substantiated evidence of any congestion in Firth Drive, nor does there seem to be any reason why this would be worsened by the development now proposed. Construction work on the development would be likely to last for a relatively short time, and any consequent impacts would therefore be temporary. There is no obvious reason why the development should lead to dereliction or anti-social behaviour.
10. Conditions are needed with regard to materials and compliance with the approved plans. These are necessary firstly to ensure a satisfactory appearance, and secondly for reasons of certainty. In the permission that I shall grant, I will impose such conditions accordingly.
11. I have taken account of all the other matters raised, but none outweighs the above matters.
12. I conclude that the proposed development would accord with the relevant provisions of the development plan, and there are no other considerations to indicate a decision other than in accordance with that plan.
13. The appeal is therefore allowed.

J Felgate

INSPECTOR