



Appeal Decision

Site visit made on 4 April 2023

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2023

Appeal Ref: APP/P4605/W/22/3311787

1 Corncrake Close, Sutton Coldfield B72 1HY

- 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 Sanjay Patel against the decision of Birmingham City Council.
 - The application Ref 2022/03367/PA, dated 21 April 2022, was refused by notice dated 1 September 2022.
 - The development proposed is the partial adjustment of fencing to incorporate existing amenity land into the curtilage of the existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area; and ii) highway and pedestrian safety

Reasons

Character and Appearance

3. The appeal site is located on the corner of Corncrake Close and Shooters Hill within a predominately residential area. The front boundaries of properties are generally marked by low brick walls with planting behind them. Tall boundary treatments are less common, and when used they are typically found at corner plot properties and are set back from the highway with an area of planting or green space incorporated in front of them. These attributes give the area a pleasant open and verdant feel.
4. 1 Corncrake Close occupies a prominent corner plot location and includes an existing brick boundary wall and timber gate which encloses the side and rear garden. This existing boundary treatment faces onto Shooters Hill and is set back from the pavement by approximately 2.1m with a grassed area in-between. The proposal seeks to replace the existing boundary wall and timber gate with a new fence that would abut the pavement for much of its length, before becoming splayed where it meets the driveway of 10 Shooters Hill.
5. Although the grassed area between the existing boundary wall and pavement is relatively small, it nevertheless contributes to the open and verdant character of the area. The proposal would result in most of this green space being enclosed behind a solid close boarded timber fence. Although its height would be similar to the existing boundary wall, due to its proximity to the pavement and its close boarded design, the fence would appear as a harsh and dominant

structure that would stand out as an unusual feature within the street scene. Furthermore, the enclosing of the grassed area would detract from the open character of the area. When taking these factors together, the proposal would appear incongruous and at odds with the prevailing character of the area.

6. The appellant contends that the proposed fence would be in-keeping with other similar boundary treatments nearby, and in particular 31 Shooters Hill. Whilst the boundary treatment at No 31 abuts the pavement, it is in a different part of the estate towards the head of the cul-de-sac and has a different visual appearance as a brick-built wall. I also acknowledge the need for privacy and security to the rear garden of No 1, however this can be achieved by the current layout. As such, I do not consider that these matters justify the harm that would be caused by the appeal proposal. In any event, I have determined the appeal proposal on its own merits.
7. Accordingly, I conclude that the proposed development would cause harm to the character and appearance of the area. It would therefore conflict with Policy PG3 of the Birmingham Development Plan (adopted January 2017) (BDP) which seeks, amongst other matters, to ensure that developments reinforce or create a positive sense of place and local distinctiveness with design that responds to the local area context.
8. The Council also referred to Policy TP27 of the BDP in its decision notice, which relates to new housing. However, in respect of this main issue I do not consider the provisions of this policy to be determinative.

Highway and Pedestrian Safety

9. To the rear of No 1 is the driveway to No 10 which is located immediately adjacent to the existing boundary wall. The Council's Transportation Department contends that the proposed fence would significantly reduce the visibility splay from the existing vehicular access at No 10. I agree that this would be the case as currently the set-back position of the wall allows for intervisibility between cars exiting from No 10 in a forward gear and any approaching vehicles and pedestrians. The proposed position of the fence would significantly reduce the available visibility.
10. The position and height of the fence along with the curvature in the road would mean that any driver, either reversing or driving out in a forward gear from No 10, would have poor visibility of approaching pedestrians or vehicles. As such, there would be little warning of vehicles approaching from the east which would be travelling on the side of the road closest to No 10. Likewise, drivers of vehicles travelling along Shooters Hill from the east would have little warning of vehicles emerging onto the road from No 10 resulting in a risk of collision.
11. Whilst Shooters Hill is lightly trafficked and vehicles are likely to be travelling at low speeds, this does not mean that the area in question is inherently safe or allow for conditions that give rise to highway safety concerns. Notwithstanding the revised nature of the proposal, there is no substantive evidence before me to suggest that the proposal would be acceptable from a highway safety perspective.
12. I do not share the Council's concern that the proposed development would reduce the footway space and result in a pinch point for pedestrians. Nevertheless, for the reasons given above, I find that the proposal would have

an unacceptable effect on highway safety for both vehicle users and pedestrians. Consequently, the development would conflict with Policy PG3 of the BDP and Policy DM14 of the Development Management in Birmingham Development Plan Document (adopted December 2021). These policies seek, amongst other matters, that developments would not have an unacceptable adverse impact on highway safety.

Other Matters

13. I note the comments of the appellant regarding how the Council dealt with the application. However, addressing these concerns does not fall within the remit of this appeal, so I have given them no weight in its determination.

Conclusion

14. For the reasons given above, the development conflicts with the development plan as a whole and there are no material considerations that outweigh this conflict. Therefore, the appeal is dismissed.

David Jones

INSPECTOR