



Appeal Decision

Site visit made on 15 August 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal Ref: APP/P4605/W/23/3318731

44 Walmley Ash Road, Sutton Coldfield, Birmingham B76 1JA

- 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 Mark Jones against the decision of Birmingham City Council.
 - The application Ref 2022/09586/PA, dated 22 December 2022, was refused by notice dated 22 February 2023.
 - The development proposed is the erection of new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the heading above is taken from the application form, however, I have omitted the reference to the previous submission as this is not an act of development.
3. The appeal site has a complex planning history with a dwelling built without planning approval. This dwelling was subject to planning and enforcement appeals¹, both of which have been dismissed. Whilst I am aware that these appeals exist, I have considered this case on its own merits.
4. The Birmingham Design Guide Supplementary Planning Document (SPD) was referenced within the Council's officer report. This SPD supersedes the Places for all, Places for living and Mature Suburbs SPD's referenced within the appellant's statement.

Main Issue

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

Reasons

6. The appeal site comprises the side garden of No. 44 Walmley Ash Road. It is an irregular parcel of land with a narrow site frontage. Whilst I did observe some variety to the pattern of development, architectural character, appearance and style of buildings within the surrounding area the prevailing character of Walmley Ash Road is that of two-storey detached and semi-detached dwellings with hipped and gable roofs. Properties in the locality are generally set back from the highway with generous rear gardens and sit within wide, landscaped plots which provides a spacious verdant character.

¹ APP/P4605/W/20/3264467 and APP/P4605/C/21/3288919

7. The front elevation of the proposed development would be aligned with the frontage of the existing dwelling at No. 44 and the neighbouring dwelling at No. 46. The proposed building would occupy the majority of the width of the plot, however, due to the narrow site frontage, the proposed dwelling would be significantly narrower than nearby dwellings. Accordingly, the proposed dwelling would appear contrived and would not sit comfortably within the spacious character of the surrounding area.
8. The proposed dwelling would be single storey with a hipped roof with a window opening to the front elevation. In addition to the narrow width, its height, would be at odds with the scale and character of dwellings within the immediate vicinity of the site.
9. The appellant contests that the proposed dwelling would appear as a converted garage and is of a scale and mass similar to garages in the immediate area. Whilst the proposed building may have the appearance of an ancillary domestic structure, similar to those present nearby, its form, scale and character as a separate dwelling, including its own garden and frontage parking, would not be read as an ancillary structure to No. 44. The proposed development would be read as an independent dwelling and on this basis would be out of character with the prevailing pattern of development.
10. The external finish of the proposed development could be conditioned if I were to allow the appeal, however, this would not sufficiently mitigate the harm I have identified in respect of the character and appearance of the area.
11. For the above reasons, I conclude the proposed dwelling would result in significant harm to the character and appearance of the surrounding area. It would be contrary to Policies PG3 and TP27 of Birmingham Development Plan. It would also be contrary to Design Principle DP2 of the Birmingham Design Guide 2022 and Policy DM2 of the Development Management in Birmingham DPD 2021. Amongst others these policies seek to achieve high design quality, contributing to a strong sense of place, responding to site conditions and the local area context. The proposal would also conflict with the National Planning Policy Framework (the Framework) which seeks to ensure that development is sympathetic to local character, and which adds to the overall quality of the area.

Other Matters

12. My attention has been drawn to nearby developments, including examples of bungalows on, or nearby, Walmley Ash Road. I do not know the background to those developments, but they do not form part of the immediate site context and are not reflective of the prevailing character of the appeal site. From the limited information available to me, and as observed at my site visit, I do not consider the developments to be comparable. In any event, I have assessed the appeal on its own merits.
13. I note the support from local residents; however, this does not alter my findings on the main issue.

Planning Balance and Conclusion

14. The Council cannot demonstrate a five-year supply of deliverable housing sites, although I am not aware of the level of undersupply. In circumstances such as this paragraph 11 d) of the Framework states the most important policies for

determining the application should be considered out-of-date. There would be moderate social and economic benefits associated with the proposal relating to construction employment and spend within the local economy once the dwelling is occupied. The dwelling would also contribute towards housing provision. Even if the Council were to have a significant shortfall, given the small scale of the proposed development the weight afforded to these benefits is limited. As I have found conflict with the policies of the Framework on the main issues, in accordance with paragraph 11 d ii) I consider that the harm would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework when taken as a whole.

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R. Gee

INSPECTOR