

Appeal Decision

Site visit made on 1 December 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/P4605/D/23/3326216

362 Hob Moor Road, South Yardley, Birmingham, B25 8UE

- 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 Nazia Maqsood against the decision of Birmingham City Council.
 - The application Ref 2022/08425/PA, dated 22 February 2023, was refused by notice dated 7 June 2023.
 - The development proposed is installation of a footway crossing.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposed development is taken from the Council's decision notice. The description of development on the application form, whilst less concise and including questions, states that the proposal is to "*install a footway crossing/dropped kerb...*"

Main Issue

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

Reasons

4. The appeal property is a two-storey end-terraced dwelling located along Hob Moor Road in a residential area.
 5. The area is characterised by the presence of short terraces of similar two storey dwellings along either side of the road. Dwellings are set well back from the road behind a wide verge, a pavement and a small front garden area.
 6. The wide grass verges to either side of the road contain largely mature street trees and together, the street trees, verges, gardens and occasional hedgerows combine to afford this relatively high-density urban area a notable sense of greenery and spaciousness.
 7. During my site visit, I observed that some front gardens have been converted into parking areas and have direct access to the road via tarmac-surfaced crossings over the grass verge and dropped kerbs onto the road. I also noted
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the presence of parking areas in front of dwellings without the benefit of dropped kerbs or tarmac-surfaced crossings, where it appears that cars simply drive over the grass verge and kerb onto the road, regardless of damage to the verge.

8. The submitted plans show a mature tree – recognised as being in good health – located in the verge directly in front of and fairly central to the appeal property. Without removal of this healthy tree, a new vehicular access to the garden area in front of the dwelling would require a crossing over the verge to be off set to the side of/adjacent to the tree and to be located above its root protection area.
9. In support of the proposal, the appellant has submitted a tree survey. This observes that it might be possible to provide an access without harm to the tree. The tree survey contains a plan showing a proposed dropped kerb and a new crossover. However, on this plan, the proposed crossover is narrow and significantly offset to one side of the property. It appears to require vehicles to manoeuvre in an extremely small area within immediate proximity of the tree, just in order to access the crossover.
10. There is nothing further before me to demonstrate that this would provide an appropriate crossover with access and egress for vehicles between the road and the front garden of the appeal property without any detriment to a mature, healthy tree.
11. Consequently, there is no substantive information before me to demonstrate, in a precise manner, how an appropriate vehicular access would be achieved. The plans submitted alongside the application are vague and taking all of the information before me into consideration, I am unable to conclude that a new vehicular access can be provided without any detriment to the tree.
12. Given all of the above, I find that the proposed development runs a severe risk of resulting in damage to or even the loss of a mature tree which makes a positive contribution to the area's attributes and the damage or loss of which would be to the significant detriment of local character.
13. Taking all of the above into account, I find that the proposal would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to Policies PG3 and TP7 of the Birmingham Development Plan (2017) and to Policy DM4 of the Development Management in Birmingham DPD (Development Plan Document) (2021) which together amongst other things, seek to protect local character.

Other Matters

14. The appellant, in support of the proposal, has drawn my attention to personal circumstances relating to the occupiers of the appeal property. I acknowledge and am sympathetic to these and I am mindful that the proposed development would result in positive benefits arising from more convenient parking.
15. However, whilst this is a factor in support of the proposal, I find that it does not outweigh the significant harm identified above.

Conclusion

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

N McGurk

INSPECTOR