



Appeal Decision

Site visit made on 21 November 2023

by L C Hughes BA (Hons) MTP

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/P4605/W/23/3324610

129 Dulwich Road, Kingstanding, Birmingham B44 0EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Property Land Projects against Birmingham City Council.
 - The application Ref 2023/01295/PA, is dated 27 February 2023.
 - The development proposed is the erection of 3 storey 3 bedroom single dwelling.
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Decision

1. The appeal is dismissed and planning permission for the erection of 3 storey 3 bedroom single dwelling is refused.

Preliminary Matters

2. The appeal is against the Council's failure to give notice of its decision within the prescribed period. The Council has confirmed that had it determined the application it would have refused planning permission for the reasons set out in its Committee report dated 27 June 2023.

Main Issue

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

Reasons

4. The appeal site is situated on one of the plots where a row of 4 terraced properties (Nos 125 – 131 Dulwich Road) were once sited. Unfortunately, a recent gas explosion led to the row of terraces being demolished. The appeal site relates to No 129 and is for a single dwelling.
5. The appeal site is located within a residential area, which largely comprises terraced and semi-detached properties. Although there have been some additions and alterations to a number of properties, they are of a generally uniform design with the majority having hipped roofs, bay windows and chimneys. Properties are set back from the pavement with small front gardens or driveways. The street has a pleasant, traditional suburban feel, and the uniformity of the dwellings gives a harmonious impression of cohesiveness which adds positively to the character and appearance of the area.
6. Although Dulwich Road is not solely limited to terraces and semi-detached properties, with a leisure centre located opposite the site, detached properties in the immediate vicinity are rare. The proposed detached dwelling would therefore be untypical of the area and would be at odds with the prevailing

pattern of development. This would be exacerbated by the proposed dwelling's isolated position within the larger vacant site.

7. The proposed development would be sited a similar distance from the pavement as neighbouring dwellings, and as such it would maintain the regular building line. Additionally, the proposal would feature a bay window, which would be in keeping with surrounding properties. However, the proposal would have a steeply pitched gable end roof, whereas the surrounding properties typically have shallow hipped roofs, which are a common characteristic throughout the street and provide visual continuity. In order to accommodate the habitable roof space, the proposed dwelling would have a taller, narrower form than the neighbouring properties, which generally have a wider, squat appearance and lower eaves and ridge height. This would contribute to the proposed dwelling appearing incongruous in the street scene.
8. I consider that the proposal would harm the character and appearance of the area. The proposal would conflict with Policies PG3 and TP27 of the Birmingham Development Plan (2017) which seek to ensure that developments respond to the local area context and have a strong sense of place, and guidance within the Development Management in Birmingham Development Plan Document (2021) which seeks to ensure that development is appropriate to its location. It would also conflict with the National Planning Policy Framework (the Framework) which states that development should be sympathetic to local character.

Other Matters

9. The wider vacant land is not in single ownership. However, a comprehensive redevelopment of the wider site incorporating the four plots, or the appeal plot and an immediate neighbour, would allow for a scheme more in keeping with the surrounding urban typology. I have insufficient evidence to ascertain whether cooperation between landowners could occur in order to ensure that the site could be redeveloped more comprehensively.
10. I acknowledge that there are no concerns regarding residential amenity. However, such lack of harm means that this is a neutral matter within the planning balance.

Planning Balance

11. The Council cannot demonstrate a 5 year supply of deliverable housing land. In this scenario, Paragraph 11 d) ii) of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
12. The Government is seeking to significantly boost the supply of housing. The Framework also encourages and supports the effective and efficient use of land and recognises that small sites can make an important contribution to the Council's housing supply. Although the proposed development is for just one dwelling, this would contribute positively to the Council's housing land supply, provide a much-needed family dwelling, and be an efficient use of under-utilised land.
13. The proposed development would provide social benefits in terms of a new house in a sustainable and accessible location. Furthermore, the development

would generate economic activity during the construction of the house and provide a home to residents who would contribute to the local economy. The development would be near facilities and public transport links which may encourage future occupants to use sustainable modes of transport, thus benefitting the environment. There would therefore be economic, social and environmental benefits to the scheme. As the proposal is for only one dwelling, I give these benefits moderate weight.

14. However, I have found that the proposal would be harmful to the character and appearance of the area. This harm would be long lasting and would be contrary to the design aims of the Framework. I ascribe this matter substantial weight.
15. As such, and bringing matters together, the adverse impacts of granting planning permission would, in this particular case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal does not, therefore, benefit from the presumption in favour of sustainable development outlined at Framework paragraph 11.

Conclusion

16. My findings in respect of character and appearance bring the proposal into conflict with the development plan when taken as a whole and there are no material considerations, including the approach of the Framework, which would indicate a decision other than in accordance with the development plan.
17. For the reasons given above the appeal is dismissed.

L C Hughes

INSPECTOR