



Appeal Decision

Site visit made on 5 December 2023

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/P4605/D/23/3329700

67 Rowlands Road, Yardley, Birmingham B26 1AT

- 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 Athik Ali against the decision of Birmingham City Council.
 - The application Ref 2023/03033/PA, dated 7 May 2023, was refused by notice dated 30 June 2023.
 - The development proposed is the installation of new footway crossing.
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Decision

1. The appeal is allowed and planning permission is granted for Installation of footway crossing at 67 Rowlands Road, Yardley, Birmingham B26 1AT in accordance with the terms of the application, Ref 2023/03033/PA, dated 7 May 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - SA/S: Block Plan
 - SA/L: Location Plan
 - SA/1: Proposed Crossing

Main Issue

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

Reasons

3. The street scene in which the appeal property is situated is characterised by a mature tree line which sits on grass verges alongside the highway. The appeal property is similar to others in the immediate locality, with small variations in design. The appeal property also has a low-level boundary wall which fronts the highway. An existing single access point does form a part of this boundary wall.
4. Several properties along Rowlands Road have double access points with a boundary wall between each entrance. These access points have resulted in the loss of some grass verge areas. However, grass verges are still a strong feature despite this erosion, which is limited to secondary access points. This proposal would have a similar appearance to other examples within the street scene. I find that this loss of the grass verge would not cause an unacceptable

effect to the character and appearance of the street scene as the proposal would follow a similar pattern of development found in this location.

5. The Council note that the proposed development would result in the loss of a mature tree situated in the location of the new footway crossing. This is also noted in the comments made by the Principal Arboriculturist and the Transportation team. Crucially, during my site visit, I noted that there is no mature tree in the location of the proposed development. The appellant contends that the tree in question was removed more than one year ago due to fungal disease. I have not been provided with any evidence regarding its removal from the Council.
6. As such, I find that no mature tree would be removed as a result of this proposal. The proposal would not have a detrimental effect on the character and appearance of the street scene. Therefore, I find that the proposal would not be contrary to Policies PG3 and TP7 of the Birmingham Development Plan 2017 and Policy DM4 of the Development Management in Birmingham Development Plan Document 2021. These policies state that the reduction of green infrastructure links will not be permitted and will avoid the loss of trees.

Conditions

7. In addition to the statutory time condition [1], I have applied a plans condition [2] for the interest of certainty.
8. The Council noted in their questionnaire that the materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building. There is no direct correlation between the proposed development and the existing building and there is no indication of the surface material to be used in the hatched area of the proposed new crossing in the evidence before me. However, as these works will be undertaken in the public highway and beyond the appeal site, it would not be reasonable or necessary to request these details. The material requirements for the footway crossing would also appear to be controlled under separate legislation in any event. I have therefore not included a condition regarding materials on this basis.

Conclusion

9. For the reasons given above I conclude that the appeal is allowed.

J Smith

INSPECTOR