



Appeal Decisions

Site visit made on 8 February 2024

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2024

Appeal A Ref: APP/P4605/W/23/3331268

11 Church Road, Edgbaston, Birmingham B15 3SR

- 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 W Najib against the decision of Birmingham City Council.
 - The application Ref 2023/01847/PA, dated 19 March 2023, was refused by notice dated 15 May 2023.
 - The development proposed is an extension and associated works.
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Appeal B Ref: APP/P4605/Y/23/3331270

11 Church Road, Edgbaston, Birmingham B15 3SR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr W Najib against the decision of Birmingham City Council.
 - The application Ref 2023/01848/PA, dated 19 March 2023, was refused by notice dated 15 May 2023.
 - The works proposed are an extension and associated works.
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Decisions

1. Both appeals are dismissed.

Main issues

2. The main issues are whether the proposal would preserve the Grade II listed building known as "11, Church Road B15" (list entry number: 1075686) or any features of special architectural or historic interest which it possesses, or preserve or enhance the character or appearance of the Edgbaston Conservation Area.

Reasons

3. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. No 11 Church Road is a two storey, flat roofed house dating from around 1936, and understood to be built to the designs of William Hayward. The principal west facing elevation is a symmetrical red brick façade flanked by quadrant walls, with flat roof hidden behind a parapet, and with elongated vertical and miniscule square windows set around a central panelled door with splayed

picture frame surround and large stone steps. A classical porch has been added at some point after listing in 1982.¹

5. The significance of the building derives from the high quality and strident individuality of its architectural design by a notable early twentieth century architect. The affluence and modernity of the original owners of the house are demonstrated by this individually designed house having drawn on influences from the International, Art Deco and Moderne styles. The limited palette of external materials, the concrete construction flat roof hidden behind the parapet, and the scale, proportions, arrangement and articulation of the fenestration, are all features that contribute to that significance. At the time of construction, the building would have been seen as radically new in the context of its more traditional neighbouring properties in this prosperous suburb. The area is still partly characterised by the presence of large individually designed houses within leafy and spacious surroundings, and the appeal building makes a positive contribution towards the character of the conservation area.
6. The proposal is for an upward extension, which would provide an additional flat roofed storey, finished in zinc cladding or similar and either reflective or clear frameless glass. The proposal is referenced by the appellant to a "reflective glass box". However, the integrity of that shape would be disrupted here by a protruding stair enclosure and a recessed Juliet balcony with extended privacy walls. As such, the proposed 'box' form would appear disjointed and poorly conceived, differing strikingly with the integrity of the listed building.
7. Whilst much of the additional storey would be set back slightly from each façade, the recess is not sufficient to make the proposal a subordinate or subservient feature. Furthermore, the stair enclosure and privacy walls would extend to the outer edge of the coping on the parapet. The stair enclosure would be most visible from the entrance gates and along the driveway to the northwest of the building. From here, the form and materiality of the enclosure would be a prominent and discordant feature that would disrupt the existing strong symmetry of the listed principal façade.
8. The proposed horizontal strip of large glazing panels would starkly contrast with the deliberately precise positioning, sizing and detailing of the existing windows. That the use of reflective glass may reflect the sky and glimpses of surrounding trees would not adequately mitigate this adverse impact. On the other hand, nor would clear glazing be completely transparent. Reflective glass, along with the zinc cladding, or similar, would inappropriately introduce new materials into the otherwise highly restrained palette of the original design.
9. Taken together, the proposal as a whole would be an incongruous addition to the existing building, regardless of design typology. The jarring effects of the proposed extension would also be seen clearly from the street and the public realm of the conservation area through the entrance gates, as well as through glimpsed gaps in the treeline above the boundary wall.
10. The presence of the university tower block on the opposite side of Church Road does not alter my findings on the proposal. The appellant also refers to a number of glazed roof extensions elsewhere, however, from the limited details

¹ I reach this conclusion for two reasons. Firstly, the listing description indicates that there was a glazed canopy here in 1982, which is no longer the case. Secondly, my close observations from the site visit are that the portico structure has been built around the brick door surround, rather than being an integral part of the original building.

available to me, these are all distinguishable from the appeal proposal in their design approaches. Even though the design has been revised following discussions with the Council, I must determine this appeal on its merits.

11. Furthermore, the proposal would involve potentially significant alterations to the fabric of the concrete flat roof, although there is insufficient information before me on any proposed downtakings and alterations to determine the extent of any harm that may be caused.
12. Accordingly, the proposal would not preserve the listed building. It follows that the character and appearance of the conservation area would also be incrementally harmed. Under the terms of the National Planning Policy Framework, I qualify that the degree of harm would be less than substantial, but nevertheless of considerable importance and weight. Paragraph 208 of the Framework sets out that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
13. The removal of the later classical porch would offer some public benefit by better revealing the significance of the intended design of the principal elevation, as would replacement of the modern garage door. However, this attracts no more than limited weight, notwithstanding the potential relevance of classical features on this style of building. Whilst the extension would bring with it some necessary repairs to the existing fabric, this attracts very limited weight, as general maintenance is normally a routine matter. The continued use of the listed building is not dependant on the proposal as the present residential use would not cease in its absence. Although the proposal is the minimum needed to meet the appellant's space requirements, this is a private not a public benefit. Overall, even taken together, the public benefits are significantly outweighed by the harm identified.
14. The proposed works would fail to preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses; and would not preserve or enhance the character or appearance of the Edgbaston Conservation Area. Conflict therefore arises with the expectations of sections 16(2), 66(1) and 72(1) of the Act, the historic environment policies in the Framework, and policies PG3 and TP12 of the Birmingham Development Plan (2017). Together these require the historic environment to be valued and protected for their contribution to character and local distinctiveness. Policy DM2 of the Development Management in Birmingham Development Plan Document (2021) is not relevant to this appeal as it concerns the management of living conditions, to which the Council raises no objection.

Conclusion

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

Patrick Hanna

INSPECTOR