



Appeal Decision

Site visit made on 20 March 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16.04.2024

Appeal Ref: APP/P4605/D/24/3338102

93 Selly Park Road, Birmingham B29 7LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Dr Ramnath Iyer against the decision of Birmingham City Council.
 - The application Ref is 2023/06814/PA.
 - The development proposed is installation of new windows and door to the front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was clear from my site visit that the proposed windows had been installed. However, the submitted plans show the new windows to be white uPVC whereas those installed are of a dark grey colour. Notwithstanding this, I have determined the appeal proposal on the basis of the drawings submitted. For conciseness, I have taken the above description of development from the appeal form and the Council's decision notice, save for the reference to the retrospective nature of the proposal since this is not an act of development.
3. The revised National Planning Policy Framework (Framework) was published in December 2023. I do not consider in this case that this raises any matters that require me to seek any further representations from the parties and I am satisfied that no interests have been prejudiced in this regard.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property and the area, having regard to whether or not it would preserve or enhance the character or appearance of the Selly Park Conservation Area.

Reasons

5. The appeal property is a substantial two storey detached dwelling located on the western side of Selly Park Road within an established residential area. Selly Park Road is a wide road of mainly detached properties which are set back from the road with driveways and gardens to the front bounded by low walls and/or planting. The site is within the Selly Park Conservation Area (CA) which is covered by an Article 4(2) Direction removing some permitted development rights for extensions and alterations to properties.

6. I consider the significance of the CA to be derived from its pleasing suburban character featuring attractive detached and semi-detached houses of good architectural quality. Properties vary in terms of size and design, with red brick being the predominant building material. They are generally set on large plots with mature trees within their gardens and those lining the roads resulting in a sense of spaciousness and a verdant character.
7. The appeal property is in the Arts and Crafts style and has a hipped roof with a gable feature and bay windows to the front elevation and is render finished with a tiled roof. Although a two storey side extension featuring a large garage has been added to the south side, it is sympathetic to the existing building in terms of form, design and materials. As a result, the property has a pleasing character which reflects surrounding built form.
8. The appeal proposal relates to the new uPVC windows installed to the front elevation, together with a proposed new composite front door. I have considered the effect of the scheme in the context of the obligations under the Act¹, which requires special regard to be given to the desirability of preserving the character or appearance of the CA. This is reflected in paragraph 205 of the Framework which requires that great weight should be given to the asset's conservation when considering the impact of a proposal on its significance.
9. Based on the evidence before me, it appears that the host property previously had white painted window frames with decorative lead work similar to some of the other properties on the road, which provided a traditional appearance and contributed positively to the character of the building and the CA and the variety of architectural details within it.
10. During my site visit I observed there to be a number of properties on this stretch of Selly Park Road with uPVC windows of varying designs, including the examples referred to in the appellant's statement of case. That said, several have retained timber windows with decorative lead work, which are a positive feature of this part of the CA.
11. According to the appellant the new window frames have a similar thickness and openings to those which existed previously. However, the smooth texture and modern appearance of the new windows do not reflect original timber frames. Moreover, the double-glazed units do not include the decorative lead work of the previous windows, which is an attractive and characteristic feature of other properties on this road. Although I acknowledge the appellant's point that the previous window frames could have been painted a different colour, the dark grey colour of the new frames are in stark contrast to the prevailing use of white windows on this stretch of the road. While the appellant would be willing to paint the new windows white, this would not overcome my concerns about the texture and overall appearance of the windows, which would detract from the traditional appearance of the building.
12. There are a variety of door designs along this stretch of Selly Park Road, but they appear to be largely of timber construction. Even if it were to have a wood effect, I am not convinced that the proposed composite door would satisfactorily replicate the existing solid timber door. Whilst the property is set back from the road, the windows and door are still visible within the street scene. Overall, when compared to the previous timber windows and door, I find

¹ Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

that the proposal would be harmful to the appearance of the host property and the street scene.

13. I have been referred to replacement windows to properties elsewhere on this road, including the use of new uPVC and aluminium windows at 101 and 122 Selly Park Road respectively. However, the precise details of these developments, and the circumstances which led to their approval, are not before me and so I cannot be sure they represent a direct parallel to the appeal proposal, which I have considered on its own merits. Moreover, I saw that some of the replacement windows in the area were not particularly sympathetic to the buildings or the CA. Furthermore, the presence of modern windows elsewhere does not justify allowing development that in this instance I consider detrimental to the character of the host property and the area. Rather, it accords some importance to preserving the historic integrity that remains.
14. The harm to the significance of the CA would result in less than substantial harm. This harm still however carries great weight. Paragraph 208 of the Framework requires that the less than substantial harm be balanced against the public benefits of the proposal including securing its optimum viable use.
15. The appellant explains that there was a major water leak in the property in December 2022 and the original windows and doors were said to be damaged and were not weatherproof and energy efficient. In this regard, the proposed windows and doors would be likely to improve the energy efficiency and insulation of the property and reduce energy consumption. They would also be likely to require less maintenance and provide added security to the property. However, there is no evidence before me to show that the appeal proposal is only solution to achieving these benefits. Therefore, I attach only limited positive weight to these matters and conclude that they do not outweigh the less than substantial harm that would be caused to the significance of the CA.
16. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the host property and the area, and it would fail to preserve or enhance the character or appearance of the CA. It therefore conflicts with Policies PG3 and TP12 of the Birmingham Development Plan (2017), Policy DM2 of the Development Management in Birmingham Development Plan Document (2021), guidance in the Birmingham Design Guide Supplementary Planning Document (2022) and the Framework. These seek, amongst other matters, to ensure proposals are of high quality design that preserve the character and appearance of conservation areas.

Conclusion

17. The proposal does not accord with the development plan as a whole and there are no material considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. For the above reasons, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR