



Appeal Decision

Site visit made on 16 April 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2024

Appeal Ref: APP/P4605/W/23/3331781

3 Storrs Close, Bordesley Green, Birmingham, West Midlands B9 5AT

- 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 Ms Sameera Akhtar against the decision of Birmingham City Council.
 - The application Ref is 2023/03763/PA.
 - The development proposed is Change of use of land to be incorporated into the curtilage of residential dwelling (Use Class C3), installation of hardstanding to front and removal of existing bollards.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The description of development in the heading above is different to that set out in the original planning application form. Whilst in Part E of the appeal form it is stated that the description of development has not changed, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, the wording set out in the decision notice and on the appeal form more accurately and succinctly describes the full extent of the proposed development and so I have used this description in my heading above.

Main Issue

4. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal property is the middle property in a block of three, two storey houses. The property is located within a small development of residential dwellings in the urban area. The site is at the entrance to the development, which has a central parking area, broken up by soft landscaping, including lawned gardens, informal open space, trees, and shrubbery.

6. The front of the host property is paved and set behind an attractive garden hedge which extends in front of the block of three dwellings. A deep grass verge is located in front of the hedge with a pathway that leads from the private access for the residential development. Concrete bollards protect the grass verge from parking.
7. The loss of the deep grass verge, frontage hedgerow, and the provision of a new access and parking area would result in a large expanse of hardstandings at the front, which would have a stark and incongruous appearance. Due to its prominent position, the proposed development would also be visually harmful within the street scene.
8. There would be limited opportunity for landscaping to soften the effect of the proposals due to the juxtaposition of the appeal site in between two neighbouring properties. The access driveway, which serves the wider residential complex would also likely prevent an opportunity to soften the appearance of the proposed works to suitably mitigate the harm that I have identified.
9. While I acknowledge that the occupiers of the two adjoining properties have done works to their frontages, they have not removed the deep grass verge to the extent that the proposed development seeks. Moreover, the Council have confirmed that those works may not have obtained planning permission. Nevertheless, having considered the effect of this proposal on the character and appearance of the area, for the reasons given, I consider that there would be unacceptable harm. Given this, the works carried out to neighbouring properties do not add weight in favour of the development. Accordingly, as I am required to do, I have determined the case before me on its own merits.
10. Consequently, for the reasons outlined above, I conclude that the proposed development would be unacceptably harmful to the character and appearance of the area. Therefore, the proposed development fails to accord with the aims of policy PG3 of the Birmingham Development Plan (2017), policy DM4 of the Development Management in Birmingham DPD (2021), the Birmingham Design Guide (2022) and the Framework. These taken together and amongst other things, seek all development to provide high quality townscapes that enhance the character of an area and reinforce local distinctiveness.

Other Matters

11. The proposed development would result in the provision of off street car parking spaces at the property, which would free up parking spaces elsewhere within the locality. The appellant also advises that their vehicles have been subject to vandalism in the past. Therefore, parking spaces on the property frontage would provide increased natural surveillance and deter crime and disorder. However, the benefit of off street car parking provision for the occupiers of the dwelling would not outweigh the harm caused by the effect of the proposed development on the character and appearance of the area.
12. The appellant raises concerns about pre application advice that was received from the Council and concerns with the proposed development that were not previously raised. There are also concerns raised about the sale of the land and advice given at the time. However, this does not affect my consideration of the planning merits of the proposed development.

Conclusion

13. For the reasons given above, I conclude that the proposed development would conflict with the development plan as a whole. I have found no other material circumstances that would outweigh that conflict. As such, the appeal is dismissed.

N Bromley

INSPECTOR