



Appeal Decision

Site visit made on 14 May 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/P4605/W/24/3337589

788-790 Alum Rock Road, Birmingham, B8 2TE

- 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 Mr A Shabir of Madani Builders Merchants DIY against the decision of Birmingham City Council.
 - The application Ref is 2023/07560/PA.
 - The development is a front canopy structure.
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Decision

1. The appeal is allowed and planning permission is granted for a front canopy structure at 788-790 Alum Rock Road, Birmingham, B8 2TE in accordance with the terms of the application, Ref 2023/07560/PA, and plan nos. PA 5437-02 Revision P1, PA 5437-03 Revision 1: Existing Ground Floor Plan and Elevations, and PA 5437-03 Revision P1: Proposed Ground Floor Plan and Elevations.

Preliminary Matters

2. The application subject of this appeal was submitted on a retrospective basis. The canopy was in place at the time of my site visit and I have therefore considered the appeal on the same basis.

Main Issue

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

Reasons

4. The site comprises the end property in a terrace of seven units, all with retail uses at ground floor. There is a degree of consistency in the terrace with a repeated rhythm of bay windows at first floor level and a definitive building line at ground floor, although the differing commercial units and their individual adverts is a more striking characteristic at this level. Also, some of the units have roller shutters. In front of the terrace, the properties have large forecourts with that at the appeal site, as well as that at one of the other shops, being used to display products. Due to the curve in the road and its corner position, the forecourt at the appeal site is the largest in the terrace.
5. The front canopy is a solid, open fronted structure with roller shutters to the sides and a shallow pitched roof. It is largely painted red with a black roof, matching the colours of the shopfront behind, and appears commercial.
6. This part of Alum Rock Road is within the Pelham Neighbourhood Centre. Most of the properties on this side of the road, between Nos. 664 and 884, are in

retail use and the appeal site sits centrally within that. There are also shops on the opposite side of the road to the south of the railway bridge. The retail units are arranged in terraces separated by side roads and almost each terrace contains at least one unit with a front canopy. Indeed, I counted five canopies within close proximity of the site. Many of these are substantial structures and include roller shutters along their sides like those at the appeal site. The canopy does therefore not appear incongruous in the context of this wider commercial area.

7. The development projects forward from the established building line, and it is the only property in the host terrace to do so. Nonetheless, the ground floor building line is not a strong characteristic of the terrace and the canopy is modest in scale, covering only a small part of the forecourt. Overall, it does not detract from the terrace's primary characteristic of mixed commercial uses at ground floor with bay windows above.
8. The Council suggest that the other canopies referred to by the appellant elsewhere in the city may not be lawful. I have no information on the legality of the specific examples I saw close to the site. Nonetheless, they are common features at retail properties in the area and mostly, like that at the appeal site, are solidly built and do not obstruct the pavement.
9. The development does not set a strong precedent. Most parades in the area have one or two canopies and an excessive number of canopies could be distinguished from this existing scattering.
10. In summary, the small scale and solid, commercial appearance of the development means it would not represent poor design nor detract from the character and appearance of the host terrace. It also does not appear incongruous in the wider context of this commercial area. It therefore accords with policy PG3 of the Birmingham Development Plan which seeks to ensure that development demonstrates high design quality that responds to site conditions and the local area context.
11. It also complies with the guidance in the Birmingham Design Guide which in Design Principle 2, says that development must be informed by the area's character, and in City Note LW3, requires development to have regard to its relationship with the public realm. It also accords with the National Planning Policy Framework which in paragraph 135 advises that development should be sympathetic to local character.

Conditions

12. The Council suggests a condition specifying the approved plans. I have included them within the terms of the decision for clarity.

Conclusion

13. The development accords with the development plan as a whole and there are no other considerations that indicate a decision other than in accordance with the plan. The appeal is therefore allowed.

A Owen

INSPECTOR