

Appeal Decision

Site visit made on 8 May 2024

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23.05.2024

Appeal Ref. APP/P4605/D/24/3341630 68 Sir Harrys Road, Edgbaston, Birmingham B15 2UX

- 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 Mrs Sofina Ahmed against the decision of Birmingham City Council.
 - The application ref. 2023/06997/PA, dated 11 October 2023, was refused by notice dated 8 January 2024.
 - The development proposed is "two storey rear extension with front adaptations and internal reconfiguration".
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Decision

1. The appeal is allowed and planning permission is granted for 2-storey rear extension with front adaptations and internal reconfiguration at 68 Sir Harrys Road, Edgbaston, Birmingham B15 2UX in accordance with the terms of the application ref. 2023/06997/PA, dated 11 October 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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 numbered/titled: PL01 Site Location Plan, PL02 Revision D Existing and Proposed Drawings; PL03 Revision D Existing and Proposed Drawings; and PL04 Revision C Existing and Proposed Drawings (but not insofar as that plan relates to the *Proposed Site Plan* and the *Proposed Front Elevation of Gate* included upon it).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Preliminary matters

2. The description of the proposal in the heading and decision above is taken from the application form. Somewhat confusingly, whilst section E of the appeal form indicates that the description of the development has not changed from that stated on the application form, the details entered then follow the Council's description of the proposal on the decision notice. The front adaptations would include a dormer and balcony as noted in the Council's description.
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3. The Council's description also refers to new front entrance gates. However, gates were not stated to be part of the proposal on the application form which confirmed that there would no new or altered vehicle or pedestrian accesses. The Council, understandably, seems to have been drawn to the details shown on drawing no. PL04 Revision C. If this drawing is to be used as the basis for the description of works, it is unclear why the proposed erection of a front boundary wall, railings and 7 piers (each 1.6 m high) was not also referred to.
4. Be that as it may, the inclusion of the front gates led to the second reason for refusal relating to an adverse impact on pedestrian and vehicle safety. There is an extant planning permission granted under ref. 2022/01514/PA in May 2022 for extensions and alterations at the appeal property which included approved plan drawing no. AL20 Rev C showing a new front boundary wall, railings, 8 brick piers (each 1.4 m high) and front gates set back 5 m into the site. This drawing would have again satisfied the Council's Transportation Officer in the appeal application but was not submitted as part of it. Instead, it has been provided with the appeal.
5. If I was to accept that approved drawing, the description of the development would be amended quite considerably even from the Council's description. The fact remains that planning permission exists for the details shown on that drawing with a need, importantly, to comply with the associated conditions on ref. 2022/01514/PA. To be consistent with the description of the proposal on the application form before me, I intend to omit any reference to the *Proposed Site Plan* and the *Proposed Front Elevation of Gate* on drawing no. PL04 Revision C. This would not put any party at a serious disadvantage and would avoid any confusion with the extant planning permission and address the second reason for refusal of the subject application.
6. The appeal site falls within the Edgbaston Conservation Area (ECA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (s72 of the Act) requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. I have also had regard to the ECA Character Appraisal 1998, the comments made by the Council's Conservation Officer and the appellant's own Heritage Statement & Impact Assessment.

Main issue

7. The first and third reasons for refusal have a degree of overlap. They variously cover the proposal's effects upon the host building, the ECA and the character of the street scene. I have therefore identified a single main issue which is the impact of the proposed development upon the character and appearance of the host property, the street scene and the ECA.

Reasons

8. The ECA encompasses Sir Harrys Road which is a largely residential and straight street with a fall in gradient from the north-west to the south-east. The road typifies the ECA's special character and significance as a designated heritage asset which stem from, amongst other things, its verdant appearance and tree cover and the diversity of buildings dating from about 1810 onwards, ranging here from the early to mid-19th century Calthorpe Estate villas on the

southern side of the road (all grade 2 listed buildings) opposite no. 68 to the 1960s or 1970s detached houses of very little architectural or historic value on the northern side of the road at its north-western end.

9. Continuing that diversity, no. 68, which is finished with white render and plain tiles, is within a row of individually-designed and variously scaled detached 2-storey houses which are well set back from the northern side of the road on deep plots with much mature greenery in evidence. It is not clear when they were originally built but most, if not all, of them were built at some point after 1938. They display a varied but somewhat low-key array of Arts and Crafts styles. None are listed, locally or statutorily. They are not identified in the ECA Character Appraisal as buildings of townscape merit.
10. The appellant's description of no. 68 as a mildly attractive building with little to no heritage interest rings truer than the Council's reference to it as being an historic house. The central advanced 2-storey gable at the front, tall chimneys and decorated eaves are notable features but the interest of the building is diluted by the modern windows with faux glazing bars, the black shiplap timber cladding to the front bay and the blank area of façade created by a pair of up and over metal garage doors in a white finish and not set in reveal, one in the main building and one adjacent in the side wing. The garage doors appear too dominant in contrast to the almost apologetic main entrance door set behind and to the other side of the central advanced gable.
11. The major part of the proposal would see a substantial, near full-width, 2-storey rear extension, with a roof dormer and balcony, added to the property. The contemporary and heavily-glazed design of the rear extension would represent something of a modern facelift for the property at the rear. However, it is apparent that this part of the proposal very closely follows the approved scheme in both scale and design and would not be seen from the street or from any other public vantage points.
12. The design approach at the front would be to create a more cohesive and symmetrical design by introducing a front dormer on the left-hand side after the eaves of the front roof had been lowered, creating a central doorway in the advanced gable behind a modest open porch and canopy with railings and a small balcony above that would take the place of part of the projecting double-height bay and rationalising the distribution of the ground floor front windows with a pair of arched windows either side of the central gable which would in turn see the removal of the wholly unsympathetic garage doors. The central advanced 2-storey gable, a first floor bay window, the high level circular window, the chimneys and decorated eaves would be retained.
13. The scheme is architecturally defensible because the resulting front of the house would be attractive in itself and would fit in well amongst the row of individually-designed, 2-storey houses, picking up the roof style and front dormers of no. 64, the broadly symmetrical and pleasing arrangements of nos 64 and 65 and the arched detailing present at nos 66 and 67. Not all the houses in the row have double-height bays off their front advanced gables and the approved scheme includes a new front porch and canopy which would cause some disruption to the full appreciation of the double-height front bay. The proposal, including the altered front facade, would make its own positive contribution to local character and distinctiveness in this specific street scene.

14. To my mind, overall, the front alterations would, on balance, improve the external appearance of the house. The scheme would not harm the character and appearance of the building which, when viewing the ECA in the round, has only a limited degree of architectural appeal and conservation interest. As such, the appeal scheme would plainly not have a materially harmful impact on the Sir Harrys Road street scene.
15. Drawing these threads together, I consider that the proposed development would exhibit a high, site-specific and sensitive design quality, be sufficiently complementary and sympathetic to the parent building in terms of size, scale, siting and design, be respectful of the local context, the street scene and the surroundings in general and conserve the significance, character and appearance of the ECA.
16. I find on the main issue that the proposed development would preserve the character and appearance of the host property, the street scene and the ECA. As such, there would be no conflict with the aims of s72 of the Act or with Policies PG3 and TP12 of the Birmingham Development Plan 2017. When read together, these policies seek to ensure high quality design in development and to preserve, and where appropriate, enhance Birmingham's rich and diverse heritage assets and their significance and settings, including conservation areas. There would be respect for the National Planning Policy Framework insofar as it relates to achieving well-designed and beautiful places and conserving and enhancing the historic environment. I do not identify any conflict with the Birmingham Design Guide 2022 (Principles Document and the Healthy Living and Working Places City Manual).
17. Potential conflict with Policy DM2 of the Development Management in Birmingham Development Plan Document 2021 was referred to by the Council but this seems to me to be misplaced since the policy is primarily aimed at promoting and protecting high standards of amenity for occupiers and neighbours. The officer's report, quite correctly in my view, found that the impact on residential amenity would be acceptable.

Conditions

18. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. For the reasons set out under the preliminary matters above, I have added the rider that the permission does not extend to the *Proposed Site Plan* and the *Proposed Front Elevation of Gate* included upon drawing no. PL04 Revision C. I have also imposed the Council's other suggested condition which would stipulate the use of matching materials, in the interests of preserving the character and appearance of the building and the ECA.

Conclusion

19. For these reasons and having regard to all other matters raised and the lack of objections from local residents, I conclude that this appeal should succeed.

Andrew Dale

INSPECTOR