



Appeal Decision

Site visit made on 16 July 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2024

Appeal Ref: APP/P4605/D/24/3345089

1267 Stratford Road, Hall Green, Birmingham B28 9AJ

- 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 Ishtiaq Rehman against the decision of Birmingham City Council.
 - The application reference is 2023/07095/PA.
 - The development is described as retention of flat roofed double garage on frontage.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The development sought is in place. It is broadly consistent with the details shown on the plans.
3. Retention is not an act of development under the above Planning Act. I have assessed the development as one that seeks retrospective planning permission.

Main issue

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

Reasons

5. The double garage in question is a freestanding building at the front of the appeal property, which is a 2-storey dwelling within a predominantly residential area. As it passes the site, Stratford Road is a 3-lane carriageway with wide footways on each side. This arrangement, coupled with the position of houses set well back from the road and mostly behind good-sized gardens, forecourts and driveways, establishes a spacious feel to the street scene of which No 1267 forms part.
6. The design, general appearance and size of the new building are all typical of a double garage with external materials to broadly match those of the main dwelling. To my mind, it is a proportionate addition given the considerable scale of the appeal dwelling and the size of the plot. I note that the flat roof and dark coloured doors and fascia of the garage are intended to ensure that it keeps a low profile in relation to the host property and the road.
7. Nevertheless, the garage stands forward of the main house and just behind a low-level boundary wall and hedgerow that together with a solid entrance gate

- mark the highway frontage of the site. This hedgerow largely screens the garage in public views. Even so, the upper part of the garage still projects above the boundary hedgerow so the upper section of the building is evident from the road on the immediate approaches to the site. More of the garage would be seen from the front of the adjacent property to one side of the site.
8. From each of these vantage points, the siting of a detached double garage in the front garden draws the eye as a conspicuous and unusual feature of existing properties along this section of Stratford Road that have front gardens and forecourt that are generally free of substantial buildings. Having carefully viewed the garage from both within the site and along the adjacent highway, I have little doubt that the development is a visually disruptive, obtrusive and uncharacteristic intrusion into the front garden that unduly erodes the sense of space within the local street scene.
 9. In reaching this conclusion, I have had regard to the boundary hedges, other planting, walls and fences that typically mark the frontages of properties along Stratford Road in the vicinity of the site. In many cases, the frontages of nearby properties are extensively used for vehicle parking. I also note that a boundary fence could be erected along both sides of the front garden to No 1267 through the exercise of permitted development rights. However, the visual impact of these arrangements would markedly differ to that of a sizable, detached building, as sought, and so they are not directly comparable with it.
 10. Additional landscaping could provide extra screening from the road and neighbouring properties, which could be secured by a condition. However, the presence of soft landscaping cannot be relied on to mitigate the harmful visual effect of the new development, as it can be cut back or removed at any time. While I saw that there are buildings further along Stratford Road that are visible from this highway, these differ in built form to the development sought.
 11. The Council's Supplementary Planning Document, *Birmingham Design Guide: Healthy Living and Working Places City Manual* (SPD) contains advice in relation to garages and outbuildings. City Note LW-21 of the SPD states that such buildings should not stand out as prominent features, negatively impacting on the character of the area. For the reasons given, the garage would be one such example.
 12. On the main issue, I conclude that the development is incongruous, obtrusive and out of keeping with the character and appearance of the local area. As such, it conflicts with Policy PG3 of the Birmingham Development Plan, Policy DM2 of the Development Management in Birmingham Development Plan Document and the SPD. These policies and guidance aim to ensure that development demonstrates high design quality and is appropriate to its location. It is also at odds with the National Planning Policy Framework (the Framework), which states that development should be sympathetic to local character and add to the overall quality of the area.
 13. The appellant considers that several elements of the Officer's report are incorrect, all of which I have noted. I appreciate that there no realistic option to locate a new garage within the site other than at the front of the main house. An alternative position, closer to the appeal dwelling and the properties on either side, would have greater effect on the living conditions of existing occupiers. However, these matters do not outweigh the identified harm.

14. An interested party raises several additional concerns including the effect of the garage on light, outlook, overlooking and the potential for noise and general disturbance. These are important considerations and I have had regard to all the submitted evidence. However, given my findings on the main issue these matters have not been critical to my decision.

Conclusion

15. Overall, the development conflicts with the development plan, when read as a whole. There are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
16. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR