



Appeal Decision

Site visit made on 6 August 2024

by Mike Worden BA (Hons) DipTP MTRPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal Ref: APP/P4605/W/24/3338592

The Village Inn, 179 Alcester Road, BIRMINGHAM, B13 8JR

- 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 Suburban Inns Limited against the decision of Birmingham City Council.
 - The application Ref is 2021/09791/PA.
 - The development proposed is erection of hotel building to the rear of existing public house, associated function space, alterations to car parking, works of hard and soft landscaping and other works incidental to the application.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the Moseley Conservation Area
 - The living conditions of the occupiers of Moseley Gate with particular regard to overshadowing, overdominance, overlooking and overbearance, and;
 - Highway safety

Reasons

Character and appearance

3. The appeal site is a public house and car park in the Moseley Conservation Area (the Conservation Area). The public house is a large two storey late 19th century building. The public house fronts the road with the car park lying to the side and rear. There is a glass fronted function room to the side of the public house.
4. The rear and sides of the appeal site are bounded by established tall trees, some of which are subject to tree preservation orders. There are some trees on the frontage too. The public house building and the trees make a positive contribution to the character and appearance of the Conservation Area.
5. To the south of the site lies a flat roofed former telephone exchange building whilst immediately to the north, and behind another large Victorian property, lies a modern flatted development known as Moseley Gate. To the rear of the appeal site lie the grounds of Moseley hospital with a triangular shaped woodland area separating the appeal site from the hospital car park. Within the

hospital site lies Moseley Hall, a grade II listed building. To the south of the telephone exchange, by the entrance to the hospital lies a listed structure, a dovecote. I consider the appeal site lies outside of the setting of both.

6. The public house is a distinctive feature on Alcester Road and is prominent on the section of road between St Mary's Row and the hospital entrance. It is a large grand detached building, a Victorian villa, which is referenced in the Council's Moseley Conservation Area Character Appraisal and Management Plan. Both parties state that it would be considered as a non-designated heritage asset, but there is no evidence before me that it has been formally identified as such or that it is on a local list of heritage buildings. Nevertheless, it is a distinctive building and makes an important contribution to the Conservation Area.
7. The proposed development is a four storey building which would be located mainly to the rear of the public house. The proposed new building would have rooms in the roof space served by rooflights, and therefore would appear as three storeys. The site slopes downwards from the road and with the public house, which is two storeys, standing on slightly higher ground.
8. The new building would be positioned to have bedroom windows facing towards the public house and towards the hospital site, with blank walls on the side elevations. It would incorporate the gable features existent on the frontage of the public house. The majority of the building would sit behind the public house but part of it would protrude to the car park side beyond. Given the openness of the car park area to the side of the public house, and the frontage of the site, much of the proposed new building would be visible from the street.
9. The ridge line of the proposed building would sit lower than the existing building but the building would be a significant mass. The footprint is nearly as great as the public house itself. The mass and scale of the proposed building would mean that it would not appear as subservient to the existing building. This would significantly detract from the appearance of this detached building and would erode its value and contribution to the street scene and the way in which it can be appreciated in the Conservation Area. I consider that the existing car park makes a neutral rather than negative contribution to the Conservation Area and so have not given weight to its partial development as a result of the proposal.
10. I do not consider Moseley Gate to be a good comparable example. That development consists of two storey housing with a roof which slopes down on the Alcester Road side, and a larger block of flats to its rear, on the hospital side of the site. That modern block is large and rather incongruous, but it is located further back from Alcester Road than the proposal in this appeal would be. In fact that block sits beyond the line of the appeal site's western boundary. The smaller block of housing at Moseley Gate, particularly with its sloping roof acts as a buffer between the Victorian properties on Alcester Road and the large block. The large block is less visible from the road than in this appeal and does not detract from the character of the street. The whole development is accessed via a fairly narrow closed gate from Alcester Road and therefore the appearance of it from the main road are quite constrained. In contrast the proposal before me would be much closer to Alcester Road, much more visible from it and would significantly over dominate the Victorian building in front of it. Because of its size and visibility, it would somewhat draw

the view of the traveller on Alcester Road to it rather than to the Victorian building.

11. Moseley Central is an apartment development comprising 46 flats which sits in two four storey blocks on the other side of the junction with St Marys Row, further to the north of the appeal site. I was able to see this development on my site visit. I consider the circumstances to be quite different to those of the appeal as that development lies on the street frontage in a higher density commercial area and one where the character of the Conservation Area is very different to that in the vicinity of the appeal site.
12. For these reasons I consider that the proposed development would be significantly harmful to the character and appearance of the Conservation Area and would conflict with Policies PG3 and TP12 of the Birmingham Development Plan. The policies seek to ensure that new development contributes positively to place making and the historic environment respectively. It would also be contrary to the Moseley Supplementary Planning Document (2014) which amongst other things recognises the importance of heritage assets along Alcester Road and seeks to achieve good urban design in the area.

Living Conditions

13. The proposed building would be located in front of, but to the side of the large Moseley Gate building. The buildings would not directly face each other. Moseley Gate building does not appear to have windows on its side elevation.
14. The proposed building would not be directly visible from within the rooms of Moseley Gate. The two sites are separated by mature trees which are subject to a TPO. These trees provide a reasonable screen, particularly in season. The proposed building is not of a greater height or bulk than Moseley Gate, although its presence may be heightened by the slope of the land. I consider that the proposed building would not appear overdominant, overshadowing or overbearing to the occupiers of Moseley Gate and would not harm their living conditions in this respect.
15. There is no demonstrable evidence which indicates that the proposal would lead to any unacceptable harm from disturbance. This is a site of a long established public house on a street close to the centre of Moseley village.
16. The proposal would accord with policies DM2, DM6 and DM10 of the Development Management in Birmingham Supplementary Planning Document 2021 (DMSPD) which together seek to protect amenity.

Highway Safety

17. The proposal would provide sufficient car parking spaces to meet adopted standards as set out in the Car Parking in Birmingham Supplementary Planning Document. The proposal includes plans for managing the car parking spaces so they are restricted for users of the premises. There is no policy requirement for the provision of HGVs to service the site and the Council's transportation team has not raised objections to the proposal.
18. I consider that the plans submitted with the application demonstrate that a vehicle could enter and exit the site in forward gear. Consequently, I consider that there is no demonstrable evidence that the proposal would lead to harm to highway safety. The proposal would accord with Policies DM14 and DM15 of the

DMSPD, which seek to ensure highway safety and secure safe parking and servicing.

Other matters

19. The application was accompanied by a drainage strategy. It is disputed whether satisfactory provision for surface water drainage can be made. I would normally expect that the details of such provision could be secured by an appropriate pre commencement condition, and the wording of such a condition has been suggested by the Council. However, since I am dismissing the appeal in any case, I do not need to consider this issue any further.

Other Considerations

20. The proposal would provide a number of economic benefits including additional employment and benefit to the visitor economy as a result of overnight stays. This would be beneficial to the local businesses in Moseley and beyond. Some of these benefits could be classed as public in terms of supporting the local economy. The proposal would also assist with the viability of the existing public house business and needs to comprise a certain number of bedrooms to achieve this function. I attach considerable weight to these benefits.

Conclusion

21. I have found that the proposal would not cause harm to highway safety nor to the living conditions of the occupants of nearby properties.
22. The proposal would cause significant harm to the character and appearance of the Moseley Conservation Area contrary to PG3 and TP2 of the Birmingham Development Plan. It would fail to preserve or enhance the Conservation Area.
23. The harm to the Conservation Area would be less than substantial. I consider that the proposal would deliver a number of economic benefits. However, whilst giving these benefits considerable weight, they would not be sufficient to outweigh the significant harm that I have found. The proposal would not accord with the provisions of the National Planning Policy Framework which are concerned with heritage assets. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan.
24. For the reasons given above the appeal should be dismissed.

Mike Worden

INSPECTOR