



Appeal Decision

Site visit made on 2 September 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2024

Appeal Ref: APP/P4605/W/24/3344254

110 Edgware Road, Birmingham B23 6JH

- 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 M Cullen against the decision of Birmingham City Council.
 - The application Ref is 2024/00846/PA.
 - The development is the erection of a two storey dwellinghouse with associated access, parking, fencing and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.
3. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of occupiers of No. 110 Edgware Road.

Reasons

Character and Appearance

5. The site is within a predominantly residential area, the appeal site is a two-storey semi-detached property, situated on the corner of Marsh Lane and Edgware Road. Properties in the area are of similar design style, I observed during my site visit that some have been extended or altered over time.

Notwithstanding this there is a harmony to the built form and design of properties in the immediate area.

6. The location of the proposed development would create a prominent addition to the area. The appeal site and the semi-detached property opposite create an entrance feature into Edgeware Road. Whilst the property opposite is screened to a degree by a hedgerow boundary treatment this does not detract from the openness of the entrance.
7. A detached garage would be removed from the appeal site to facilitate the proposed development. Nevertheless, the proposed development would extend the built form on this corner plot, forming a terrace. Whilst terraced properties are noticeable in the surrounding area, the proposed development would be incongruous to the corner plot and streetscene in general.
8. I conclude that the proposed development would harm the character and appearance of the area.
9. There is conflict with Policy PG3, TP27 and TP30 of the Birmingham Development Plan (2017) (the BDP) and Policy DM2 of the Birmingham Development Plan Document DPD (2021) (the DPD) which seeks amongst other things to ensure developments create an attractive and high quality development appropriate to its location.
10. There is also conflict with the Birmingham Supplementary Plan Document (2022) (the SPD) which amongst other things seek to ensure development respect the appearance of a property and local area.
11. There is conflict with the Framework which seeks amongst other things to ensure developments are of good design appropriate and sympathetic to their surroundings.

Living Conditions

12. The SPD confirms that all residents should be able to access private outdoor amenity space, of sufficient size and quality to serve the occupants of the dwelling. In this instance the host property, No. 110 Edgeware Road, a 3 bedroom dwelling should have 70sqm minimum of outdoor amenity space.
13. The Council confirm that the rear amenity space would be reduced to 51sqm. The appellant has not disagreed with this calculation. I have not been provided with the amount of overall outdoor amenity space which would be retained at No. 110. From the plans before me the front of the property would be retained as a driveway for vehicles, as such the functional outdoor amenity space for occupiers of the host dwelling is limited to the rear of the site. The proposed development conflicts with the SPD.
14. I have not been provided with substantive evidence to demonstrate that a reduction in outdoor amenity space would be appropriate in this location. I therefore conclude that the development would be harmful to the living conditions of occupiers of No. 110 Edgeware Road.
15. There is conflict with Policies PG3 and TP27 of the BDP and Policy DM2 of the DPD which amongst other things seeks to ensure private external spaces are attractive and functional with a strong sense of place.

16. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Other Matters

17. The appellant has highlighted that the proposed development is required due to personal circumstances, in this instance to retain ownership of the proposed development and allow a family member to live within the property. Notwithstanding this aspiration I have not been provided with substantive evidence to confirm that this would outweigh the harm I have identified above, I therefore give this limited weight.

Conclusion

18. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR