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## Appeal Decision

Site visit made on 11 February 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26<sup>th</sup> February 2025

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**Appeal Ref: APP/P4605/D/24/3357021**

**21 St. Peters Road, Harborne, Birmingham, B17 0AT**

- 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 Ravi Verma against the decision of Birmingham City Council.
  - The application Ref is 2024/04038/PA.
  - The development proposed is a new boundary wall.
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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 area and;
- highway safety.

### Reasons

#### *Character and Appearance*

3. The appeal property is a detached dwelling located within a predominately residential area of Harborne. On site parking is provided for the property in front of the house. Most dwellings in the immediate surrounding area either have no front boundary treatment, or low fences or walls, often with hedging.
4. The proposed development would result in the creation of a boundary wall with vehicular access and a pedestrian gate across the length of the front boundary of the site. This part of St Peters Road, close to the junction with Harborne Park Road, is generally characterised by two storey detached houses with modest front gardens that either have open frontages or low boundary walls, often with soft landscaping. The tall height of the 4 brick piers, added to by the solid pedestrian gate and the even taller side boundary walls would be out of scale with the other boundary treatments along the same side of the road in the vicinity of the appeal site. The scale of the vehicular access gate and front boundary wall between the piers would be somewhat reduced by the inclusion of rails. However, this would be insufficient to prevent the proposal from being unduly prominent within the street scene and unduly dominant in relation to the house. The scale of the gate would be out of keeping with other front boundary treatments in the immediate surrounding area.

5. Harborne Old Village Conservation area adjoins the site to the rear. However, as the proposed development would not be visible from the conservation area its setting would not be adversely affected by the proposal.
6. The appellant argues that the boundary treatment at 16 St Peters Road establishes a precedent. However, as No 16 is a corner plot with the vast majority of its garden located between the house and its front boundary, it is materially different to No 21 whose main garden is out of public view to the rear. As a result, the two are not directly comparable and reference to this property has not altered my assessment of this issue.
7. The appellant makes reference to the boundary treatment at No 20b. I was however unable to locate this property from the public highway on my site visit due to complicated street numbering and the absence of a plan showing its location. For this reason, it is not possible for me to make any meaningful comparison between it and the appeal proposal.
8. I note the appellant discusses how appropriate materials and landscaping around the wall could further mitigate visual impact and improve the streetscape. However, given the scale of the proposed development, I am not persuaded that such changes would make the proposal acceptable in design terms.
9. For the reasons above, I conclude that the proposed front boundary treatment would result in harm to the character and appearance of the surrounding area and the host property. The proposed development would therefore be contrary to policy PG3 of the Birmingham Development Plan (2017) and policy DM2 of the Development Management in Birmingham Development Plan Document (2021) which, amongst other matters, collectively state that all new development will be expected to demonstrate high design quality contributing to a strong sense of place. I also find conflict with the guidance set out in the supplementary planning document, Birmingham Design Guide Principles Document (SPD) (2022) which has similar objectives.

#### *Highway safety*

10. During my late morning site visit there was a steady flow of traffic and pedestrians in both directions on St Peters Road. There were also numerous cars parked on street and I note there is a school within relatively close proximity to the site, off Old Church Road. Whilst this represents a snapshot in time, there is nothing in the evidence before me to indicate that these observations are atypical of the area.
11. The case officer report explains the required pedestrian visibility splays that should be provided to the proposed vehicular access. Much of the proposed frontage would encroach into these visibility splays. I note that the proposed boundary treatment has an open design in the upper section, however this would not ensure that the required visibility splay would be achieved. The appellant has suggested a number of measures to maintain safety including amending the height of the wall and installing mirrors or signage. However, it is not the purpose of an appeal to evolve a scheme, and as this appeal has been dealt with by way of the Householder Appeals Service, even if details of an amended scheme had been submitted with the appeal, I would not be able to take them into account.
12. Overall, I therefore conclude that the proposed development would be unacceptably harmful to highway safety. I therefore find conflict with policy PG3

and TP44 of the Birmingham Development Plan (2017) which promotes the efficient, effective and safe use of the transport network.

### **Other Matters**

13. The appellant suggests that an alternative boundary wall could be carried out under permitted development. The Town & Country Planning (General Permitted Development) (England) Order 2015 allows for a one metre high fence, gate or wall to be constructed along a front boundary under permitted development. However, it is evident that a one metre high wall would be less harmful than the proposed development given its reduced height. As a result, this is a consideration of little weight in favour of the appeal.
14. The appellant also states that the development may potentially raise property values. However, as it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property, I have not attached material weight to this consideration in support of the appeal.
15. The appellant argues that the proposed development would improve privacy and enhance security to the appeal site. Whilst I have taken account of these potential benefits, they do not outweigh the harm that I have identified above.

### **Conclusion**

16. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal should be dismissed.

*S Burch*

INSPECTOR