



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: 10 March 2025

Appeal Ref: APP/P4605/D/25/3358417

2 Metchley Park Road, Birmingham, B15 2PG

- 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 Gurmail Gakhal against the decision of Birmingham City Council.
 - The application Ref is 2024/05495/PA.
 - The development proposed is a new outbuilding and front gates.
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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 large, detached dwelling located on a wide triangular corner plot within a residential area of Birmingham. The dwelling is set comfortably back from its front boundary treatment which consists of a combination of a fence and low wall with a hedge behind. Surrounding development largely consists of large, detached dwellings set back from the highway that occupy the vast majority of the width of their rectangular plots. Front boundary treatments in the area generally comprise of walls, railings and hedges with ungated front drives. This combination contributes to the spacious character of the area. Within the immediate surrounding area, I was unable to identify any other dwellings which have garages or outbuildings within the front garden.
4. Edgbaston Conservation Area is located in close proximity to the site. The site is not visible from the conservation area, and it appears that the appeal property makes no contribution to its setting by virtue of its separation and lack of historic significance.
5. The proposed development would result in the creation of a detached double garage with a games room to the rear. The building would be situated in between the house and road. However, as the building would be located within its large side garden, it would not obscure the front elevation of the house.

6. A previous application for a similar outbuilding in this location was dismissed at appeal (Ref: APP/P4605/D/22/3296674). However, unlike in the appeal scheme before me, the building in that appeal had a dual pitched roof. As a result, it would have protruded above the height of the front boundary treatment and would have been a readily apparent feature of the street scene. In contrast, the proposed building before me has a flat roof which would be level with the height of the front boundary treatment. This would mean that it would be hardly seen in views from the street. Moreover, its reduced height would mean that it would also be subservient in scale to the house and would sit comfortably within the side garden.
7. Taking all these matters into account, I therefore find that the proposed outbuilding would be of an acceptable design which would be in keeping with its plot as well as the character and appearance of the street.
8. I note that neither party raise any concerns relating to the effect of the proposed gates on the open driveway and the character and appearance of the area. I do not consider the development to be problematic in this regard.
9. For the reasons outlined above, I therefore conclude that the proposed scheme is well designed and would be in keeping with the character and appearance of the surrounding area. Accordingly, the proposal would accord with the aims of 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 no 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. Access to the host property is via Metchley Park Road, close to a roundabout which forms a junction of four residential roads. During my late morning site visit there was a steady flow of both traffic and pedestrians in both directions on Metchley Park 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. There are both double and single yellow lines within the surrounding area to restrict parking.
11. I note that there is a nearby school, located off the roundabout on Somerset Road. Given the appeal site's proximity to an intersection which provides access to a number of local routes, the section of road near the appeal site is likely to be busy with road users and pedestrians at peak times, particularly during school drop off and pick up times.
12. The proposed development would result in gates which would sit flush with the existing front boundary treatment. The case officer report explains how in a previous appeal decision at the site (appeal reference: APP/P4605/D/22/3296674 for application reference 2022/00886/PA) the Inspector was of the view that the gates, which were set back approximately two metres from the highway, would result in vehicles protruding into the carriageway and blocking the pavement. That, she reasoned, would introduce an increase in potential for conflict between road users and pedestrians with knock on implications for highway safety.

13. The same risks would appear to remain. The proposed gates would be sited closer to the highway in comparison to the scheme discussed above. This would result in insufficient space for the entire length of the vehicle to access the site without compromising the operation of the highway and pedestrian network by protruding into the carriageway and blocking the pavement. The proposal would therefore increase the potential for conflict between road users and pedestrians to the detriment of highway safety.
14. The appellant refers to a recently approved development at 122 Metchley Lane, however this allowed a second side access, rather than a main primary access. It is therefore not directly comparable to the proposed development.
15. The appellant has also included images of other gates within the wider surrounding area. The gates shown on 43 York Street are located on one way streets and are therefore not directly comparable to the proposal. In relation to the properties referred to on Nursery Road and Nursery Lane, the circumstances of each are likely to be different, and in any event the fact that similar gates exist is not a reason, on its own, to allow development that would have a material adverse effect on highway safety.
16. I therefore conclude that the proposed gates would have an unacceptably harmful effect on highway safety. This would be contrary to the safety objectives of policies PG3 and TP44 of the Birmingham Development Plan (2017) which promote the efficient, effective, and safe use of the transport network.

Conclusion

17. Notwithstanding my favourable findings with regard to character and appearance and compliance with the associated criteria of related policies, the harm that would be caused to highway safety and the resulting conflict with the development plan is such that the proposed scheme would not comply with the development plan considered as a whole. Therefore, the appeal should be dismissed.

S Burch

INSPECTOR