



Appeal Decision

Site visit made on 11 March 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/P4605/W/24/3356228

1 Hermitage Road, Stockland Green, Birmingham B23 6AS

- 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 Harj Mehmi against the decision of Birmingham City Council.
 - The application Ref is 2024/02758/PA.
 - The development proposed is described as 'Change of use of existing shop (Use Class E) to 2no. flats (Use Class C3) and alterations to roof and elevations.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the appellants description of development does not include all elements of the proposal, I have adopted the Council's amended description as set out in the banner heading above. I have determined the appeal on this basis, as it more precisely reflects the proposal.

Main Issues

3. The main issues in determining this appeal are
 - the effect of the development on the character and appearance of the area; and
 - whether the development would provide adequate living conditions for future occupiers, with particular regard to outlook, daylight and internal floor layout.

Reasons

Character and appearance

4. The appeal property comprises a shop and residential accommodation located on the prominent corner of Hermitage Road with Clarence Street. The area is predominantly residential, characterised in the main by narrow, two storey, terrace dwellings that are laid out in a uniformed manner, most having a small garden fronting the back edge of the footpath. Despite the various alterations that have occurred to the terraces, the buildings are similar in type, size and style. They typically share similar architectural features including windows (including bays) that have a vertical emphasis, chimney stacks, distinctive decorative window headers, stringcourses and ornate eaves detailing, giving an overall sense of cohesion and place to the locality.

5. The appeal property is an end terrace, with its shop frontage facing Hermitage Road. To the rear, it has a two-storey projection which is repeated on the other terraces within this row. Its side elevation facing Clarence Street features a single storey addition, immediately adjacent to the back edge of the footpath which wraps around and links with the two-storey projecting element. There are three windows at first floor level, two with arched brick headers within the original gable end wall and one contained within a projecting dormer which links the rear flanking wall with the extension.
6. Whereas the existing single-storey element has a simple, lean-to form abutting Clarence Street, the two-storey extension would, by virtue of its design, roof form and scale, jar with the proportions of the existing property, introducing a dominant incongruous feature into the street scene. Whilst it is subservient in terms of its height comparative to the original building, it would appear contrived and fails to tie in appropriately to the existing building. It would also obscure one of the original first floor windows with its curved brick header in the side gable. This would be visually disruptive to the appreciation of the original terrace on this prominent corner.
7. Furthermore, the alignment and form of the window openings do not respect those within the appeal property, either in terms of their shape or proportions. This would exacerbate its incoherent appearance. The lack of appropriate detailing such as window headers, starkly contrasts with the traditional form of the original building. The removal of the front door and its re-siting within the extension would also disrupt the appearance of the building, resulting in a visually confusing and awkward development in the street scene.
8. The cumulative effect of these unsympathetic changes would cause an unacceptable adverse impact upon the character and appearance of the area.
9. I am mindful that the external facing materials proposed would match the existing building. However, this would not mitigate the harm I have identified from the design.
10. I therefore find the development would significantly harm the character and appearance of the area. As such it conflicts with Policies PG3 and TP27 of the Birmingham Development Plan 2031 (2017) (BDP), which amongst other things, seeks to ensure developments contribute to sustainable neighbourhoods, to creating an attractive sense of place and local distinctiveness, ensuring that streets and public spaces are attractive.
11. Policy TP30 of the BDP which relates to housing delivery needs, and Policy DM2 of the Development Management in Birmingham DPD (2021) (DMB) which relates to amenity (focusing on living conditions) have been cited in the first reason for refusal. However as these do not relate to character and appearance matters, I find no conflict with them.

Living Conditions

12. In respect of Flat 1 at ground floor, there would be no window serving the open plan living and kitchen area. Despite the appellant suggesting that the external door could be glazed, this would be inadequate given its limited size and placement within the room, away from the most useable space. The result would be a habitable room having a poor outlook and a lack of natural daylight.

13. The bedrooms serving this flat, would be of an adequate size. However the window to bedroom 2 would be awkwardly sited, which would result in insufficient natural light to serve the room. Likewise, in Flat 2 at first floor, the small window comparative to the size of the lounge, coupled with its contrived layout would offer a reduced standard of living with regards to outlook and natural light. Additionally, the lack of a window serving the kitchen also counts against the scheme for the same reasons.
14. Support for my findings is contained within City Note LW 12 of the Birmingham Design Guide: Healthy Living and Working Places City Manual SPD. This guides that layouts should maximise natural light and solar gain to create comfortable natural lit environments of at least 20% of a habitable rooms floor area, which this scheme fails to achieve.
15. There is dispute between the parties with regards to the amount of internal floor space that Flat 1 would have, comparative to the Technical Housing Standards – Nationally Described Space Standard 2015, (NDSS) which form part of the BDP. For a 2-bedroom 3-person, single storey dwelling, the NDSS requires a minimum of 61sq.m gross internal floor area, including storage. The Council argues the floor area of Flat 1 would be 59.4sq.m, whereas the appellant contends it would be 62.7sq.m, as indicated on the drawings. Given the Council provide no explanation as to why they calculate the floor area differently to that annotated on the drawings, I have determined the appeal on the basis that the floor area of Flat 1 would be 62.7sq.m, which satisfied the NDSS minimum standards.
16. The Council raise no objection to the gross internal floor area of Flat 2. I find no reason to conclude otherwise.
17. Notwithstanding that both flats would provide adequate gross internal floor area, the combination of the poor outlook, the consequential lack of daylight, the contrived and confined layouts, particularly in relation to the habitable rooms, would represent a gloomy and oppressive form of residential accommodation.
18. Therefore, I find that the development would fail to provide adequate living conditions for future occupiers, with regards to outlook, daylight and appropriate internal layout. As such it would conflict with Policies DM2, DM10 and DM12 of the DMB, which, amongst other things, require developers to demonstrate acceptable living standards for residential development and expect accommodation that is suitable for the intended occupiers.
19. Policy PG3 of the BDP is also cited in the decision notice but as this relates to place making and the public realm, I do not find conflict with this policy with regard to this main issue.

Conclusion

20. For the reasons set out above, the proposal would conflict with the development plan as a whole, and there are no other considerations which outweigh the adverse effects on the character and appearance of the area or the living conditions of future occupiers. Therefore, the appeal fails.

C Walker

INSPECTOR