



Appeal Decision

Site visit made on 4 April, 2025

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/P4605/W/24/3357406

86 Anderton Park Road, Birmingham B13 9DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Ansar Khan against the decision of Birmingham City Council.
 - The application Ref is 2024/01594/PA.
 - The application is for proposed dwelling with new access road to the rear of No. 86 Anderton Park Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) the effect of the proposal upon the character and appearance of the area, ii) the effect of the proposal upon the living conditions of neighbours and; iii) the potential of the proposal to create a harmful environment that would increase the occurrence of crime or the fear of crime.

Procedural Matter

3. The description of development used in the heading above differs from that used by the Council on their Decision Notice and is the description used in the original application form that I consider just as well reflects the nature of the development proposed.
4. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published on 12 December 2024 (updated 7 February 2025). I have determined this appeal in accordance with the revised provisions within the Framework.

Reasons

5. The appeal site contains a detached property likely dating to around the early 20th century and its associated garden and grounds. The house contains features synonymous with the Arts and Crafts movement of this time including a rosemary tiled low hipped roof and prominent rendered front gable. The house is set back within its front garden space where a large coniferous tree and boundary wall demarks the front boundary and slightly obscures the hardstanding and car parking area that currently exists here.

6. The wider context of the site is largely similar with properties of similar ages standing in fairly regular, linear garden plots that I consider are typical of the early suburban expansion of such areas and reflect the garden city principles of the time where houses reflect neo vernacular design and sit within landscaped gardens. This reflects the description used by others to describe this area as a 'Mature Suburb' and I consider that this site represents this maturity along with the essential landscape led elements that exemplify early suburban development of the time.
7. To the side of the appeal property is a white painted detached blockwork garage and this is set behind an existing electrical sub station building. Behind this garage a path extends into a slightly longer than average rear garden that is principally laid to lawn. A small rise effectively demarks the proposed plot concerned with this scheme for the new dwelling. This plot is fringed by coniferous trees and recently planted laurel hedges that mark the boundary of the rear gardens of houses along Sandford Road which is situated at a slightly lower level.
8. The proposal before me seeks permission to construct a new, unrelated, dwelling to this rear garden that would take its access from the existing driveway following the demolition of the existing detached garage. The proposed building would be of a Modernist style design with flat roof and linear planes and elevations. The scheme would include a mix of white render, red brick and timber cladding and would contain four bedrooms, two reception rooms and a large kitchen dining area.
9. The rear ground floor rooms would be around 8m from the rear boundary and would see some trees being felled as a result. To the side there would be a gap of around 2.9 to the boundary of properties along Sandford Road and a smaller gap between the existing house to the opposite side of the site. To the frontage of the proposed house a grasscrete area would accommodate parking and would retain a 10.6m space between the first floor façade and the proposed new boundary between this proposed unit and the existing house.
10. The driveway would extend along the side of number 86 following the demolition of the existing garage and would be a gated approach of around 4.2m in width. It appears that the initial access to the main road between this proposed house and number 86 would be shared.

Effect of the proposal upon the character and appearance of the area and the living conditions of neighbours.

11. The proposed house would inevitably constitute a backland form of development that would be sited behind the principal building that is number 86 Anderton Park Road. As such it would, by definition, introduce a type of development here which would be at odds with the overall character of the Mature Suburb within which it sits.
12. Although the plot length is slightly longer than some others along this stretch the proposed house would introduce a large scale of built form into the rear garden area. As mentioned above, these rear gardens are a typical element associated with the overriding character of the area and through the introduction of a new form of development of such a scale this important characteristic would be harmed and this character eroded.

13. The result would, moreover, introduce a more cramped form of development with a resultant loss of open garden space, outlook and landscape elements that also contribute to this overriding and pleasant character.
14. Whilst the proposed design reflects the Modernist aesthetic of the Mid 20th century, the scale of the proposed building would mean that it becomes a prominent addition within the rear garden of this house. As such the hierarchy of the area would suffer some harm and this proposal would confuse the traditional suburban character that is such a defining feature here.
15. The proposal would also introduce a fairly blank elevation to its respective neighbours and this would be a considerable change to the outlook and aspect that this garden currently gives to the local area. Despite the growing of laurel type hedging, this would only partially soften such an impact.
16. In terms of overlooking I consider that most instances of such overlooking have been overcome through the design detail but the massing and unrelieved form of this proposed house would still have some modest detriment to neighbouring houses and for residents in their gardens whose aspect would be replaced by a large unarticulated built form.
17. Also concerning would be the effect upon the living conditions of those living in the host property whose driveway would effectively be shared by a different house. This would offer the greater potential for disturbance and obstruction caused by the parking of vehicles within this shared frontage area. Such a design could also compound the effect of this proposal upon the character of the area through the parking of and movement of cars upon this frontage which would be visible despite the presence of the conifer tree and the substation.
18. Through bringing the access alongside the host property the proposal would also have no choice but to accommodate movement along what would be quite a contrived accessway, again largely at odds with the original design of the area as a whole, where houses tend to have clear accesses that are highly legible and sometimes a feature of the houses themselves.
19. Although more modern development nearby has seen some neighbouring buildings bounding onto this plot with access from surrounding streets, this development appears to be historic and related to other streets whereby the hierarchy of Anderton Park Road remains unaffected. As such those other examples nearby are not a precedent that I can give any particular weight to.
20. Ultimately the proposal before me would represent a harmful form of backland development that would be overly dominant and out of character to the locality to which it belongs. As such the scheme would be unable to meet the requirements of Policies PG3 and TP27 of the Birmingham Development Plan 2017, Policies DM2 and DM10 of the Development in Birmingham Plan (2021).

The potential of the proposal to create a harmful environment that would increase the occurrence of crime or the fear of crime

21. The scheme would, by necessity, need to access this plot along a long linear driveway that would run behind the existing substation and alongside the existing house. Although the existing house does offer the potential for natural surveillance of such an access through the presence of a side door and windows in number 86 the separate nature of these two dwellings would undermine this benefit especially were a boundary fence be erected subsequently.
22. However, although the proposed access would be deemed to be separate, the actual perception of entering this site would be of entering into a private curtilage in the form of the front garden of number 86. As such I consider that such crime would only occur were such assailants aware that this was a separate driveway that was unconnected to number 86 which I do not feel would be immediately obvious to the opportunist criminal. As such, I consider that, together with proposed gated access and security lighting the fear and action of crime occurring would be managed as effectively as it would be possible to do.

Other Matters

23. The Government's objective as set out in the Framework is to support sustainable housing growth. Paragraph 11 d) of the Framework requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (which includes applications involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), developments should be granted planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having particular regard to, amongst others, policies to secure well-designed places.
24. The Council confirm they can only demonstrate a 4.45-year supply of deliverable housing sites. It therefore follows that paragraph 11 d) of the Framework is engaged.
25. The contribution of one dwelling would make a positive contribution to the housing supply and would be an effective use of land. However, given the scale of the development, these benefits are only moderate
26. In terms of harm, I have found the development would be significantly harmful to the character and appearance of the area. Therefore, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development set out at paragraph 11 d) of the Framework does not apply.

Conclusion

The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

A Graham

INSPECTOR