



Appeal Decision

Site visit made on 17 June 2025

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/P4605/D/25/3361992

331 Pershore Road, Edgbaston, Birmingham B5 7RY

- 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 Doctor Lubna Ali against the decision of Birmingham City Council.
 - The application Ref is 2024/06407/PA.
 - The proposed development is described as an extension to an existing foot way crossing.
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Decision

1. The appeal is dismissed.

Background and Procedural Matter

2. Planning permission was previously refused in July 2024 for an extension to the existing footway crossing on this site (Ref: 2024/02894/PA) on the grounds that it would result in the loss of, or a detrimental impact on, a highway tree, thus harming the character and appearance of the streetscene.
3. Following the subsequent refusal of application Ref 2024/06407/PA, and after the appeal had already started, an arboricultural impact assessment ('AIA') was submitted. However, the Planning Inspectorate Procedural Guide: Planning appeals - England 2025 states that the appeal process should not be used to evolve a scheme; and that it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at application stage.
4. As the AIA formed no part of the planning application, for me to accept it at this stage would introduce procedural unfairness, particularly as the scheme has been submitted, and is being dealt with, through the householder appeals service, which does not provide an opportunity for the Council or third parties to comment. Moreover, given the site's planning history, although the crossing in this scheme would be slightly narrower, it should also have been clear at application stage that an assessment of the scheme's impact on a highway street tree would be required.
5. Consequently, I have not considered the AIA in my decision, and neither have I considered the additional statement of case, which was submitted after the appeal had already started by an agent who is not listed on the application or appeal forms.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to its impact on a street tree.

Reasons

7. This part of Pershore Road is characterised by large detached houses, which are set back from one side of the road behind landscaping, low walls and forecourts. There are pavements, and wide grass verges with large trees, on both sides of the road. This all contributes to the area's spacious, verdant character.
8. The host property has a driveway, serving a forecourt, which crosses the pavement. As a result of this scheme, the crossover would be widened by 1 metre, taking in part of the verge, and a short section of the host's front boundary wall would be removed. In themselves, those changes would not appear out of place. However, there is a tall tree with a broad canopy on this section of the highway verge close to the proposed crossover, which contributes to the streetscene and to the area's locally distinctive character.
9. The Council's Tree Officer advises that there would be insufficient clearance between the widened crossing and that tree, which would harmfully impact it, possibly resulting in its loss. The appellant says that there would be 3.5 metres between the crossing and the tree's trunk, and that it withstood the construction of a bus lane 25 years ago.
10. However, even if the crossing would be just 450mm deep, I cannot be certain, from the limited evidence before me, which does not include a method statement or tree protection details, that its construction would not harmfully impact the tree's root system. In that regard, I note that the Birmingham Design Guide Supplementary Planning Document 2022 advises that a tree may be affected if an access is within 5 metres of its full canopy spread. That distance would be far less here.
11. Policy TP7 of the Birmingham Development Plan (2017) recognises the importance of street trees to an area's character and states that the city's green infrastructure will be protected; whilst its Policy PG3 supports green infrastructure, and requires development to ensure that streets are attractive. Policy DM4 of the Development Management in Birmingham DPD (2021) sets out that proposals shall seek to avoid the loss of, and minimise the risk of harm to, existing trees of quality, and that proposals should be supported with an AIA by a suitably qualified professional.
12. Section 12 of the National Planning Policy Framework sets out the need for good design which is sympathetic to local character, and notes the important contribution that trees make to the character and quality of urban environments, and that they should be retained wherever possible.
13. For the above reasons, I cannot be certain that this tree would not be harmfully impacted by the proposal, to the detriment of the character and appearance of the area. The scheme would therefore conflict with the above policies and guidance.
14. In its favour, the scheme would make it easier for vehicles to turn into the site, including the appellant's large seater for his disabled son. However, personal circumstances rarely outweigh general planning matters because the effect of the development would remain long after the personal circumstances, which would inevitably change over time, cease to apply. The benefit to the appellant therefore carries only limited weight in the overall planning balance.
15. Whilst the scheme would provide a benefit to the current occupants, I cannot be certain that it would not cause significant harm to the character and appearance of

the area. The scheme's benefit would not outweigh the significant harm that it could cause. Having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR