



Appeal Decision

Site visit made on 1st July 2025

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/P4605/D/25/3360297

40 Amesbury Road, Birmingham, B13 8LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Baldip Khatkar against the decision of Birmingham City Council.
 - The application Ref is 2024/03940/PA.
 - The development proposed is fenestration replacement.
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Decision

1. The appeal is allowed and planning permission is granted for fenestration replacement at 40 Amesbury Road, Birmingham, B13 8LE in accordance with the terms of the application, Ref 2024/03940/PA, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the Moseley Conservation Area.

Reasons

3. The appeal property comprises a detached two-storey 20th Century white-rendered dwelling with decorative brick dressings. It is located in a largely residential area close to Moseley Hall Hospital.
4. The dwelling is set well back from the road behind a hedgerow and front garden/parking area and has a long garden to the rear. It is located within the Moseley Conservation Area, characterised by the presence of a range of attractive period dwellings set within green and spacious surroundings.
5. Dwellings along Amesbury Road, within Moseley Conservation Area, demonstrate a variety of styles, and include Arts and Crafts, revivalist and early 20th Century dwelling types. This together with the generous spacing of dwellings within comfortable garden plots, provides for an attractive street-scene with a strong sense of the area's rich built heritage.
6. During my site visit, I observed that whilst much of the original architectural integrity of dwellings along Amesbury Road remains intact, there have been a number of changes and alterations over the years. This includes changes to fenestration and I

note that in this regard, the appellant has provided details including examples of the replacement of original windows with heritage-type modern windows.

7. In general, the setting back of dwellings from the road means that such minor changes do not detract from the positive contribution that the dwellings make to the significance of Moseley Conservation Area.
8. I noted during my site visit that the appeal dwelling has been impacted by subsidence and in this regard, I am mindful of the detailed evidence before me demonstrating how this has resulted in the warping of the windows that it is proposed to replace, which themselves are not the dwelling's original windows.
9. The proposed replacement windows would comprise timber-replica windows. Whilst they would be uPVC rather than timber, the difference in appearance would, due to the replica design of the replacement windows and the considerable setting back of the dwelling from the road, have no discernible impact on the character and appearance of Moseley Conservation Area. Observed from a distance, the proposed replica windows would appear in keeping with the historical appearance of the host dwelling.
10. The overall appearance of the appeal dwelling would be little changed whilst the functionality of the windows would be improved.
11. Further, I am particularly mindful that there are examples of windows along Amesbury Road have already been replaced with windows that are little different to those proposed by the application the subject of this appeal whilst maintaining the integrity of the Moseley Conservation Area.
12. Taking all of the above into account, I find that the proposed development would preserve the character and appearance of the Moseley Conservation Area. The proposal would not be contrary to the National Planning Policy Framework; or to Policies PG3 and TP12 of the Birmingham Development Plan (2017), which together amongst other things, seek to protect local character.

Conclusion

13. For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR