



Appeal Decision

Site visit made on 23 July 2025

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 29th July 2025

Appeal Ref: APP/P4605/C/24/3356122

304 Bristol Road, Birmingham B5 7SN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by S Suliman against an enforcement notice issued by Birmingham City Council.
 - The notice was issued on 31 October 2024.
 - The breach of planning control as alleged in the notice is 'Without planning permission, the unauthorised installation of a front boundary gate and brick piers.'
 - The requirement of the notice is to
 1. Demolish the front boundary gates and brick piers in their entirety and remove all resulting demolished materials from the Premises
 - The period for compliance with the requirement is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is corrected by:
 - i) the deletion of the allegation in full and its replacement with 'Without planning permission, the unauthorised installation of front boundary gates and brick piers in the approximate position shown marked in green on the attached plan.'
2. Subject to the correction, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Notice

3. The allegation refers to 'a front boundary gate' singular whereas the reasons for the notice and the requirements refer to 'gates' plural. As the development includes a pair of gates to provide vehicular and on foot access, I will amend the allegation so that it refers to 'gates' plural rather than 'a front boundary gate.' The amendment provides consistency and does not cause injustice to any party.

Main Issue

4. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

5. Bristol Road forms part of the A38 which is a wide dual carriageway with a central divide of grass verges with mature trees. The side of the road where the appeal site is located is made up of substantial detached properties with open access to

the property frontages. As well as the open accesses, boundary treatments largely consist of combinations of low brick walls and piers, railings and hedges.

6. The Council indicates that prior to the development taking place, the front boundary of the appeal property was of a similar character with low level brick piers and a low level boundary wall with open access for vehicles onto the front of the appeal site. The development consists of a pair of dark wooden gates with posts and brick piers to either side. The remainder of the boundary treatment consists of a low level wall with railings on top and hedging behind the railings.
7. The front gates are around 2 metres in height and from my site visit observations, the gates are slightly higher than the brick piers with the supporting posts being taller than the gates. Whilst there are brick piers along Bristol Road, they tend to be lower in height and are used to define the extent of open access rather than form an enclosure. The development results in the whole of the front boundary being enclosed.
8. The size, height and design of the development is in contrast to the character of boundary treatments along this section of road including the neighbouring property at No 302 which has a completely open frontage and the open drive of No 306 to the other side. The development is visually dominant and an incongruous feature which is not in keeping with the street scene.
9. For the reasons given, I do find that the development harms the character and appearance of the area. It is therefore contrary to Policy PG3 of the Birmingham Development Plan 2017 which refers to new development reinforcing local area context. It is also in conflict with City Note LW-24 of the Birmingham Design Guide SPD (2022) which states that 'the design, location and height of boundary treatments must align with and complement the character of the surrounding area; and not lead to the fortification of properties. High boundaries at property frontage (beyond 1.2 metres) will not be supported.'
10. It is also in conflict with the National Planning Policy Framework which refers to development being sympathetic to local character. I find Policy DM2 of the Development Management in Birmingham Document (2021) to be less relevant than the other policies relied upon as it relates primarily to amenity.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall correct and uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

E Griffin

INSPECTOR