



Appeal Decision

Site visit made on 27 August 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/K3415/W/25/3366260

17 Hardwick Road, Sutton Coldfield, Staffordshire B74 3BY

- 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 Mr Richard Williams (Williams Architectural) against the decision of Lichfield District Council.
 - The application Ref is 24/01102/FUL.
 - The development proposed is construction of detached bungalow to the rear of 17 Hardwick Road, Little Aston to front Leslie Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the header is taken from the application form. The Council's decision notice includes a different description but there is no indication that this has been agreed with the appellant. As such, my assessment is based on the original description.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Little Aston Conservation Area (the CA).

Reasons

4. The CA covers a significant area consisting predominantly of detached residential properties. The CA was designated due to the high quality environment that includes remnants of a parkland estate. Most of the residences are set within large plots with mature trees and other vegetation. This spacious, wooded environment demonstrates the historical context to the area and so it contributes to the special qualities of the CA. The appellant refers to recent developments that have been allowed and carried out within the locality. Nonetheless, the CA retains its attractive verdant and spacious character.
5. The appeal property is a detached dwelling that faces onto Hardwick Road. Its long back garden extends to a boundary with Leslie Road to the rear. The garden is mainly laid to lawn but it contains trees and bushes, some of which are tall and visible from Leslie Road over a boundary fence. The appeal site forms the part of the back garden nearest to Leslie Road. It lies just within the CA and its mature vegetation and spacious qualities reflect the positive features of the CA. It is noteworthy the properties that face onto Leslie Road lie outside the CA.

6. The development would involve the removal of a cherry laurel hedge along the Leslie Road boundary of the site, the uppermost part of which can be seen above the boundary fence from the highway. Also, a group of cypresses towards the side boundary would be removed to accommodate the house. These are tall trees that are seen from some distance away in both directions along Leslie Avenue. The removal of the hedge and the trees would noticeably erode the vegetated nature of the site and the positive contribution it makes to the natural feel to the CA.
7. Moreover, the dwelling would be positioned underneath the canopy of a tall ash tree, the trunk of which lies just outside the appeal site in the garden of the neighbouring residence. The appellant suggests the ash has a limited life and ideally it should be felled as it is suffering from disease. However, regardless of its health, the tree by virtue of its height and visibility contributes to the visual qualities of the locality. Irrespective of the appellant's suggestion, there is no evidence to indicate the tree would be removed in the event of the dwelling being constructed. In such circumstances, the appellant's tree report proposes the removal of a large branch to reduce the overhang to the appeal site. Even so, by virtue of its height and close proximity, the ash would appear overbearing from the house and its garden. Therefore, the development would increase pressure to fell the ash with a subsequent erosion of the sylvan nature of the locality.
8. The measures set out in the appellant's tree report would help protect trees and vegetation to be retained during construction works. Also, the report refers to new planting to replace that which would be lost. A privet hedge is suggested as well as trees. However, the house and associated driveway would be positioned fairly near to the boundaries of the plot and so the scope for new planting would be limited. Also, the proposal includes a new access off Leslie Road and so there would be a gap in any new front boundary hedge. From the limited information provided on proposed landscaping, I am unconvinced the development would allow the appropriate introduction of new trees and planting that would fully offset the loss of existing vegetation.
9. The house would be of similar size to others within the CA and it would be detached. The plot would be fairly small in overall area when compared to most other nearby properties. However, this would not be readily apparent as the depth of the plot would not be appreciated from the highway. Due to the gaps to the sides and front of the house the proposal would not appear cramped or as overdevelopment of the site. As such, the loss of openness as a result of the proposal would be acceptable.
10. The development would involve the removal of the rear boundary fence that makes no positive contribution to the street scene. The proposed house would add architectural interest compared to the current situation. Also, it would have traditional architectural features and so it would be sympathetic in appearance to other Leslie Road properties. The introduction of a new dwelling alongside adjacent residences would reflect the existing development pattern on Leslie Road. However, these acceptable and beneficial aspects of the scheme would not address nor override the harmful effects in terms of the reduction of vegetation coverage on the plot, particularly the loss of tall trees that make a significant contribution to the visual and natural qualities of the area.
11. I am referred to other developments that have been allowed within the CA. However, these are not so similar to the scheme before me so as to set an

irresistible precedent. I also understand that the appeal proposal is a revised version of a previous scheme that was refused planning permission. However, it does not follow that the amendments result in an acceptable development.

12. For the above reasons, I conclude the development would have a harmful effect on the character and appearance of the area. Also, it would not preserve or enhance the character or the appearance of the CA. In these regards, it would not accord with Core Policy 3, Core Policy 14 and policies BE1 and BE2 of the Council Local Plan Strategy adopted 2015 (the LP) as well as policy HSG1 of Little Aston Neighbourhood Plan made 2016. Amongst other things, these seek to protect and enhance the character of settlements and to avoid harm to the significance of heritage assets.

Other Matters

13. LP policy BE2 states that development that causes harm to a heritage asset will only be permitted where public benefits outweigh the potential detriment. This is generally consistent with advice provided at paragraph 215 of the National Planning Policy Framework (the Framework) on development that leads to less than substantial harm to the significance of a designated heritage asset. As only a small part of the overall CA would be affected, I find the proposal would indeed cause less than substantial harm. Moreover, the detriment effect would be modest as the loss of mature vegetation would have a fairly localised visual effect, albeit one that would be appreciated from the public realm. It follows to consider the public benefits of the scheme.
14. The proposal would remove the uninteresting boundary fence and would introduce a building of sympathetic design. This would be of limited public benefit, particularly when assessed against the harm caused through the loss of trees and vegetation on the recognised qualities of the CA.
15. The appellant claims the site has little ecological value and this would be improved through the provision of bird and bat boxes. However, the scope to enhance biodiversity through planting would be limited given the loss of existing trees and hedges and the fairly extensive plot coverage of the proposed buildings and surfacing. Any benefit to the ecological value of the site attracts limited weight.
16. The proposal would be located to provide convenient access to the nearest services and public transport links to the wider area. Also, it would represent the more effective use of urban land. However, the Framework excludes residential gardens within built-up areas from the definition of previously developed land. As such, the proposal does not benefit from the substantial weight to the value of using brownfield land within settlements as set out at paragraph 125(c) of the Framework. Instead, I attach modest weight to these factors as a public benefit.
17. Construction of the development would create employment and residents of the house would support local businesses. Given the small scale of the proposal, the economic benefits in these respects would be limited.
18. The application form indicates the proposal would provide a self-build home. However, there is no legal undertaking or agreement before me that requires the development to be first occupied by a person who has had a primary input into the design of the house. Moreover, there is no evidence submitted to show a unmet

need for self-build housing plots. Therefore, this consideration attracts limited weight in my assessment.

19. The appellant contends the proposal would help meet an identified need for smaller houses. Even if this need is accepted, a single dwelling would only make a small contribution towards the housing stock. As such, the benefits in these regards attract modest weight.
20. Paragraph 212 of the Framework states that great weight should be given to the conservation of a heritage asset, irrespective of whether substantial or less than substantial harm would occur. With this in mind, I find the public benefits of the development do not outweigh the identified detriment to the character and appearance of the area and the significance of the CA.
21. There is no information before me on whether the Council is able to demonstrate a 5 year supply of housing land as required under the terms of the Framework. Where this cannot be shown, footnote 8 and therefore paragraph 11(d) of the Framework apply. However, in this case I find the policies of the Framework on designated heritage assets provide a strong reason for refusing the proposed development. As such, the presumption in favour of granting planning permission as set out in paragraph 11(d) of the Framework does not apply.

Conclusion

22. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR