
Appeal Decision

Site visit made on 16 September 2025 by E Clifford BA (Hons) MA

Decision by F Wilkinson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

Appeal Ref: APP/P4605/D/25/3371032

11 Farquhar Road, Edgbaston, Birmingham B15 3RA

- 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 Tamjid Mirza against the decision of Birmingham City Council.
 - The application ref is 2025/02349/PA.
 - The development proposed is the installation of front boundary gates, railings, and hedge.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appellant has noted that permission is not required for the planting of a hedge at the boundary line. There is no reason to disagree with this.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the local area bearing in mind the special regard that should be paid to the desirability of preserving the setting of the nearby Grade II listed building, 15 Farquhar Road, and the extent to which it would preserve or enhance the character or appearance of the Edgbaston Conservation Area (CA).

Reasons for the Recommendation

5. The appeal site is a large, detached property sited on a generous plot. Built in the inter-war period, the dwelling features many of the characteristics of the stockbroker Tudor style, a sub-group of the wider Arts and Crafts movement. The property has two garages to the left-hand side which are presently accessed via the carriage driveway. The appeal property is set back from the highway beyond a low boundary wall, lawned area and driveway and is partially screened by mature trees.
6. The appeal property is set within the Edgbaston Conservation Area and is adjacent to a Grade II listed building. As such, I have had regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The appeal site lies within the boundaries of the Calthorpe Estate; established in the late C18 the area was protected from the construction of factories, warehouses or

stopping points when the Worcester Canal was built through the area thereby preserving the residential and exclusive nature of the estate. The estate tightly controlled the size of buildings plots and architectural design creating a unique and characterful suburb of Birmingham. As a result, the residential character has been preserved to the modern day, and there remains a wide variety of architectural styles and dwelling sizes making up the character and appearance of the area. The dwellings in this part of the CA sit in liberal, well-defined plots which enable the generous scale of the properties to not appear as cramped or overly closely set. This spacious nature contributes positively to the street scene and the CA.

7. A number of the properties along Farquhar Road have a variety of boundary treatments, ranging from boundary walls with verdant diffused screening to iron gates similar to the design proposed for the appeal site. The introduction of a fence and gates to the street scene therefore would not necessarily appear as an alien feature. On my site visit, I observed extant examples of similar gate designs to that proposed at the appeal site. However, these examples were typically attached to plots with dwellings of a more modern design than that of the appeal dwelling and therefore reflected the overarching style of the plot.
8. This stretch of the CA is characterised by the architectural differences of the plots lining either side of Farquhar Road and it derives a high degree of significance from this evolution of styles. The boundary treatments currently reflect the varying styles and thereby contribute positively to the appearance of the CA. However, the style of the proposed gates would fail to compliment the stockbroker Tudor design of the host dwelling and would appear as overly ornate design which would be at odds with the carefully restrained style of the appeal property. Given the architectural and spatial similarities of the appeal and the adjacent listed building, 15 Farquhar Road, the introduction of the inappropriate design would cause harm to both its setting and to the wider CA.
9. Notwithstanding the harm that I have found above, the appellant has proposed to grow a hedge to disguise the appearance of the fence along the boundary line. However, the proposed hedge would take a substantial amount of time to reach maturity and there is no guarantee that the density of the hedge would be sufficient to block the fence from sight for the lifetime of the development. Therefore, I must determine my recommendation on the effect that the proposed fence would have on the surroundings. There has been no clear detail submitted as to the design of the fence, although the application form states metal railings and the appellant's appeal statement provides some further details. These details indicate a design that would not be reflective of the character of the property. Given the sensitivity of the site, within the CA and adjacent to the listed building, it is important to understand the possible effects before a decision is made on the acceptability of the proposal. Leaving the detail of the fence to a condition would not therefore be appropriate in this instance
10. Paragraph 212 of the National Planning Policy Framework 2024 (the NPPF) states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given the above, I find the harm to the CA and the setting of the listed building to be at the lower end of less than substantial in this instance but nevertheless of considerable

importance and weight. Under such circumstances, paragraph 215 of the NPPF states that this harm should be weighed against the public benefits of the proposal. The appellant has presented no case suggesting that the proposed scheme would result in any public benefit.

11. The development would therefore conflict with Policy TP12 of the Birmingham Development Plan (2017) which requires new development to demonstrate a contribution to designated heritage asset through the protection or enhancement of its significance and setting. It would fail to satisfy the requirements of the Act and would further conflict with the Birmingham Historic Environment Supplementary Planning Document and paragraph 215 of the NPPF.

Other Matters

12. My attention has been drawn to incidents of car theft within the local vicinity, both successful and attempted, including incidents at the appeal property. Whilst I am sympathetic to this situation, there is no clear evidence to suggest that the immediate area in which the appeal site is situated has been particularly vulnerable to crime or that other security measures, including but not limited to gates of a different design, could not be utilised which would preserve the significance of the CA and adjacent listed building.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

E Clifford

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

F Wilkinson

INSPECTOR