



Appeal Decision

Site visit made on 23 March 2026

by D Marley BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2026

Appeal Ref: APP/P4605/W/25/3374066

1189 Pershore Road, Selly Oak, Birmingham B30 2YT

- 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 Darryl Strickley of Coffee Shack by Wood Reinvented against the decision of Birmingham City Council.
 - The application Ref is 2025/02495/PA.
 - The development proposed is erection of raised decking with railings and access ramp to front to provide seating area.
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Decision

1. The appeal is allowed and planning permission is granted for erection of raised decking with railings and access ramp to front to provide seating area at 1189 Pershore Road, Selly Oak, Birmingham B30 2YT in accordance with the terms of the application, Ref 2025/02495/PA, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan (Title number WM188416)

001 P0 Decking Plan

001 P0 Decking Elevations

Preliminary Matters

2. I have taken the description of development from the decision notice, as it more accurately and concisely describes the development to which the appeal relates.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site includes the existing commercial unit, located within a commercial parade with a variety of commercial and retail uses nearby. The area to the front of the unit is largely dominated by an expansive area of hard surfacing. At my site visit, I observed an enclosed area nearby used for parking associated with one of

the other commercial units on the parade. The proposal would introduce a largely enclosed raised decking and access ramp to the front of the building.

5. Whilst the decking would be raised off the ground and would be visible to passersby, neither it nor the proposed boundary features would be of such height that the proposal would detract either from the host building itself or the row of commercial properties of which it forms a part. By contrast, the relatively low height and overall extent of the proposal would allow it to remain subservient both to the host building and the street scene.
6. Given the presence of another nearby enclosed area, the introduction of a new enclosed area would not appear as an alien feature within the street scene. In any event, the proposal would be experienced as part of the varied commercial and retail uses that characterise the area, and would not appear out of place in this regard.
7. Whilst the current expansive area of hard surfacing does not positively contribute to the character or appearance of the area, the introduction of the proposal would instead break up this area introducing new built form into the street scene, and would have a positive impact on the character and appearance of the area in this regard.
8. Therefore, in terms of its scale, form and siting, the proposal would neither be over dominant in terms of the building or wider area, nor result in a harmful impact upon the visual quality of the appeal site or street scene. Given this, alongside my reasoning above, the proposal would therefore comply with the guidelines set out in the Birmingham Design Guide Principles Document (2022) insofar as this requires the design of proposals to be informed by a clear understanding of the surrounding area's character.
9. Given the above, the proposal would not harm the character and appearance of the area. The proposal would comply with the relevant provisions of Policy PG3 of the Birmingham Development Plan 2017 and Policy DM2 of the Development Management in Birmingham Development Plan Document 2021. Amongst other matters, these policies require development proposals to demonstrate high design quality and contribute to a sense of place, and to be appropriate to its location.

Other Matters

10. Comments relating to the resultant benefits of the proposal with respect to individual circumstances are acknowledged. In determining this appeal, I have had due regard to the Public Sector Equality Duty in Section 149 of the Equality Act 2010 (the 'Act'). This requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's age or disability. I have found no conflict with the development plan, and a grant of planning permission would further the aims of the Act.

Conditions

11. The Council has recommended planning conditions to be imposed in the event that the appeal is allowed. I have amended the wording of these in the interest of precision and enforceability. Alongside the standard time limit condition, in the

interests of certainty I have imposed a condition requiring that the development is carried out in accordance with the approved plans.

Conclusion

12. The proposed development would accord with the development plan and material considerations do not indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given above, the appeal should be allowed.

D Marley

INSPECTOR