
Appeal Decision

Site visit made on 19 July 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2016

Appeal Ref: APP/Q4625/W/16/3146868

Olde Walls, Kyter Lane, Castle Bromwich, Solihull B36 9DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Patrick O'Donnell against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2015/52865/PPFL, dated 10 December 2015, was refused by notice dated 8 February 2016.
 - The development proposed is new detached bungalow and detached double garage.
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Decision

1. The appeal is allowed and planning permission is granted for a new detached bungalow and detached double garage at Olde Walls, Kyter Lane, Castle Bromwich, Solihull B36 9DJ in accordance with the terms of the application, Ref PL/2015/52865/PPFL, dated 10 December 2015, 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: P01, P02, P03, P05 and P06.
 - 3) No development shall take place above damp proof course level of the dwelling and garage hereby approved until details / samples of the materials to be used in the construction of the external surfaces of the dwelling and garage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

Main Issue

2. The effect of the proposal on the character and appearance of the Castle Bromwich Conservation Area.

Reasons

3. The appeal site is located in the Castle Bromwich Conservation Area (CA). The Council's guide to the CA states that it comprises five elements one of which is the residential area within which the appeal site is located. The guide states that Rectory Lane is of particular value and Olde Walls is noted as being a locally listed early twentieth century building built in traditional style.
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4. The appeal site comprises the large side garden of the existing dwelling at Olde Walls, a substantial detached dwelling set back from Kyter Lane behind a large front garden. It is bounded by mature hedging to the front and sides meaning that it is not prominent or clearly visible from the road. The immediate surrounding area is of a mixed character with modern single storey and two storey properties on the opposite side of Kyter Lane outside of the CA and a modern two storey dwelling located to the other side of Olde Walls to the appeal site and set forward of the existing dwelling. An access road is located adjacent to the side of the appeal site and separates it from the rear gardens and rear elevations of properties fronting Rectory Lane. The rear gardens of properties on Rectory Lane close to the appeal site contain large mature trees.
5. Though the proposal would result in a reduction in the garden size of Olde Walls, the existing dwelling would still retain a relatively large garden not out of keeping with plot sizes in the immediate vicinity including some of those on Rectory Lane. Additionally the position and scale of the existing boundary hedging around the appeal site means that in the main it is physically and visually separate from the dwelling and remainder of the garden at Olde Walls. The existing side garden is unusually large for the area and in the main dwellings on Rectory Lane are positioned fairly close together with limited space to the side. In any event the appeal site and Olde Walls are not viewed in the same context as Rectory Lane but rather are seen in the context of surrounding development on Kyter Lane. Having regard to this I do not consider that the change to the original grain and layout of the plot would be harmful or that the proposal would fail to preserve the character and appearance of the CA.
6. In reaching my decision I have had regard to the fact that a previous application for a bungalow on the appeal site was refused in 1984 (Ref 1984/1567/s) and that an appeal was dismissed for a new dwelling and garage on the site in 1979 (Ref 79/999). However I am not aware of the details or particular circumstances relating to these cases and given the significant length of time that has passed since the decisions were made, the policy framework is likely to have changed significantly. In any event, I must determine the proposal before me on its own merits.
7. Taking the above matters into consideration, I conclude that the proposal would preserve the character and appearance of the CA. It therefore complies with Policy P16 of the Solihull Local Plan and to relevant paragraphs of the National Planning Policy Framework. These policies expect development, amongst other things, to preserve heritage assets.

Other Matters

8. I have had regard to the concerns raised by interested parties to the scale and design of the proposed bungalow and to the impact of the proposal on existing trees. However I note that the proposed bungalow is smaller in scale than Olde Walls, is of a traditional design and appearance and that it would be set in from the new side boundary with Olde Walls. Having regard to this and to the mixed character of the immediate surrounding area, I am satisfied that the scale of development and design proposed would not be harmful to the character and appearance of the area or to the setting of Olde Walls. No objections were raised by the Council to the impact of the proposal on trees

and I have seen no substantive evidence to lead me to reach a different conclusion on this issue.

9. I note the comments made in relation to vehicular traffic using the access road adjacent to the appeal site. However no objections were raised to the proposal by the Highway Authority and given the position of the proposed access for the bungalow away from the adjacent access road and to the limited amount of traffic that would be generated by one dwelling, I consider that the proposed access arrangements are satisfactory and that the proposal would not have an adverse effect on highway safety.
10. With regard to living conditions I do not consider that the proposed side bedroom window is likely to result in any significant overlooking of the rear of properties fronting Rectory Lane. This is having regard to the fact that it appears to be a secondary window and to existing mature screening along the rear boundaries of properties on Rectory Lane. I also note the concerns raised with regard to the relationship between the proposed bungalow and the existing large Pine trees, however it would not be possible or reasonable to impose a condition requiring the height of the trees to be reduced given that they are not on the appeal site and given the lack of any substantive evidence regarding their impact on the proposed dwelling.

Conditions

11. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition requiring samples of building materials. This is having regard to the sites location within a Conservation Area and to protect the character and appearance of the area.

Conclusion

12. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR