

Appeal Decision

Site visit made on 1 March 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 14 March 2017

Appeal Ref: APP/Q4625/D/17/3166450

49 Butler Road, Solihull B92 7QL

- 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 Paul Cartwright against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2016/02603/MINFHO, dated 11 October 2016, was refused by notice dated 7 December 2016.
 - The development proposed is the erection of detached annexe in rear garden.
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Decision

1. The appeal is dismissed.

Procedural matter

2. At the site visit, I viewed the site from 51 Butler Road with the consent of the occupier of this adjacent property and did so unaccompanied.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

4. The proposal is to erect a single storey detached building towards the rear of the long back garden of the appeal property, which is a 2-storey semi-detached dwelling that stands at the turning head of a residential cul-de-sac. The new building would form an annexe to No 49. It would stand to one side of the rear garden, some distance from the rear elevation of the main house.
 5. The appeal scheme would introduce a substantial new built form into open garden space that, at present, adds to the spacious feel at the rear of No 49. This garden space, with its open areas and established vegetation, positively contributes to the local area in providing a visual break from existing built development and by visually softening the appearance of surrounding buildings. While the rear garden of No 49 is not readily visible from public vantage points, given its position at the back of the existing dwelling, it nonetheless encompasses the characteristics of the local area as experienced and appreciated from nearby properties and gardens. In this case, the proposal would be evident from the upper windows of the attached house,
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- which is 51 Butler Road. In these views, the proposal would be highly conspicuous. Its considerable footprint, exceeding that of the main house, scale and solid built form would sharply contrast with domestic outbuildings typically found in residential gardens that in my experience are often smaller and less substantial structures. As such, the proposal would appear as an overly large and an uncharacteristic intrusion into open garden space.
6. From what I saw, the main body of the rear garden of No 49 is partly screened by vegetation and fencing. Additional planting could further mitigate the visual impact of the new development. However, by adding a sizeable new building, as proposed, and even taking into account detailed design considerations, the proposal would be a visually disruptive addition to the local area.
 7. The Council is also critical of the proposal because they consider it would appear as a separate dwelling. With sufficient space within the new building to provide self-contained accommodation and the ability to potentially subdivide the plot to provide a separate garden, and the opportunity for a separate access and on-site parking to serve the new building, there is substance to the Council's concern. However, the evidence before me is not clear-cut in this regard and the use of the new annexe could be covered by condition.
 8. On the other hand, because of the scale of the proposed accommodation and the limited connection to the main house, there could be a request to use it independently in the future. The creation of a separate dwelling in a back garden location, behind existing properties, such as this would be seriously at odds with the more traditional arrangement of buildings that predominate in the local area that directly address the road. I saw some variations in local character but there were no obvious examples of development, as proposed, nor have any cases been brought to my attention. It is not certain that the use of the proposal as a dwelling would ultimately come to pass. However, the possibility that it could adds weight to the harm that I have identified.
 9. The appellant states that the proposed building may qualify as permitted development and thus would not require planning permission. However, few details have been provided to support this assertion and I have assessed the proposal for which planning permission is sought.
 10. On the main issue, I therefore conclude that the proposed development would unacceptably harm the character and appearance of the local area. As such, it conflicts with Policy P15 of the Solihull Local Plan, which states that new development should conserve and enhance local character and respect the surrounding built environment. It is also contrary to the National Planning Policy Framework, which notes that development should respond to local character and add to the overall qualities of an area.
 11. The proposed annexe would provide accommodation for the appellant's elderly mother and, if necessary, a carer. I have some sympathy for this desire. However, few details have been given to demonstrate that these particular needs could only be met in the manner proposed. Furthermore, personal circumstances seldom outweigh more general planning considerations. Once built, the proposal would be likely to subsist for many years to come.
 12. Reference is also made to a larger residential scheme beyond the rear of the appeal property, which the appellant considers would have a greater impact

than the proposal. As that development, which I saw at the site visit, differs to the proposal in nature, scale and location there are very few direct parallels to be drawn between them with regard to impact. In any event, I have assessed the proposal on its own merits and find it to be objectionable for the reasons given.

13. The appellant has indicated a willingness to adjust the scheme if required and has referred to the lack of a response from the Council on the application. However, my remit is solely to determine the appeal.

Conclusion

14. For the reasons set out above, and taking into account the absence of objections from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR