

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: 16 March 2017

Appeal Ref: APP/Q4625/D/16/3161473

46 Hay Lane, Solihull B90 4TA

- 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 Randeep Rana against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2016/01944/MINFHO, dated 25 July 2016, was refused by notice dated 22 September 2016.
 - The development proposed is the erection of a 2-storey extension to side elevation of detached property.
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Decision

1. The appeal is dismissed.

Main issue

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

Reasons

3. The appeal property is a mainly 2-storey detached dwelling that stands within a line of detached houses facing Hay Lane in a predominantly residential area. Within the same row as No 46, adjacent buildings are generally separated by modest and irregular sized gaps sometimes just at first floor level. These gaps, together with the contrasting built form and slightly varied front build lines, play an important role in differentiating one dwelling and its plot from another in the local street scene to which No 46 belongs.
 4. The Council's Supplementary Planning Document, *House Extension Guidelines*, (SPD) notes the importance of protecting gaps between houses with first floor extensions identified to be of particular concern to the Council. The SPD states that such gaps should be protected so that semi-detached and detached houses do not appear to be terraced, cramped or unreasonably squeezed into a plot. Accordingly, the SPD states that in relation to first floor extensions a gap to the boundary must be retained of at least 1-metre in most cases.
 5. In this instance, the existing single storey garage at the side of No 46 establishes a substantial built form at ground floor level up to the shared side boundary with the adjacent property, which is 48 Hay Lane. The new side addition would reduce the gap above ground floor level between these
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neighbouring properties by introducing additional built form. As the new first floor element would be close to the common boundary between Nos 46 and 48, the appeal scheme would not achieve the minimum set back distance from the boundary to which the SPD refers.

6. A gap of about 1-metre would separate the sidewalls of Nos 46 and 48 with the new built form in place. However, this gap would appear uncharacteristically narrow with 2-storey gable walls on each side in a street scene where adjacent houses are, for the most part, spaced further apart at first floor level. In that particular context, the completed building and No 48 would appear to stand uncomfortably close together when seen from the road, notwithstanding their slightly varied front build line. With limited space between these neighbouring houses, the finished building would appear cramped in terms of layout and in its relationship to No 48. This arrangement would be obtrusive in the local street scene and detrimental to the character and appearance of the local area.
7. The Council raises additional concern that the proposal, if permitted, would set an undesirable precedent because it would be more difficult to resist other similar proposals that may cumulatively harm the character of the area. However, each case should be assessed on its own planning merits and the varied built form along Hay Lane indicates that the planning circumstances of those properties in the vicinity of the site would not necessarily be the same or very similar to those of the proposal. Therefore, this particular consideration does not weigh against the appellant's case.
8. Specifically, my attention has been drawn to a dwelling further along Hay Lane that the appellant considers to be comparable with the proposal. From what I saw, this nearby property included a 2-storey front elevation that extended across almost the entire width of the plot and there were modest sized gaps between its 2-storey gable walls and those of the dwellings on each side. However, the Council states that planning permission to extend this property was granted some time ago, before the adoption of its SPD, which now applies. Furthermore, the narrow gaps between this house and those on either side contrast with the more generous spacing between detached houses above ground floor level that generally prevails along the same side of Hay Lane as No 46. Consequently, I attach limited weight to this particular example in support of the appellant's case. During the site visit, I also observed that several other dwellings had been extended up to the side boundary in the wider area around the site although none were directly comparable to the proposal in terms of scale, design and in the relationship with adjacent buildings.
9. The space retained between Nos 46 and 48, although narrow, would ensure that both houses would continue to be viewed in the street scene as separate, distinct entities with the new built form in place. Therefore, I share the Council's opinion that the proposal would not lead to a terracing effect, whereby separate buildings visually merge due to their close physical relationship. The new side extension would be a proportionate addition to the host building and there would be a sense of balance to the front façade, as proposed. Nevertheless, even in those circumstances the SPD states that an adequate gap to the side boundary must be maintained, which would not be achieved here. I also note the appellant's opinion that if the new first floor element were to be set back from the site's side boundary that the completed

development would appear even more discordant in the street scene than the proposed before me.

10. Nevertheless, on the main issue, I conclude that the proposed development would materially harm the character and appearance of the local area. As such, it conflicts with Policy P15 of the Solihull Local Plan, which states that development should conserve and enhance local character and streetscape quality. It would also be at odds with the Council's SPD and the National Planning Policy Framework (the Framework), which emphasises the importance of achieving high quality design. The Framework also states that development should respond to local character and add to the overall qualities of an area.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR