
Appeal Decision

Site visit made on 4 April 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 21st April 2017

Appeal Ref: APP/Q4625/W/17/3166514

43 Chelmsley Lane, Marston Green, Solihull B37 7BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Adrian Mirfin against Solihull Metropolitan Borough Council.
 - The application Ref PL/2016/02267/MINFHO is dated 2 September 2016.
 - The development proposed is described in the application as minor infill and loft conversion.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council has not formalised its views on the appeal proposal within the necessary timeframe of this appeal. However, a report from the planning case officer has been prepared in the form of an appeal statement and includes reasons for refusal. I have considered this document on the basis that it constitutes the formal views of the Council.

Main Issues

3. The main issues in this appeal are the effects of the development:
 - Firstly, on the character and appearance of the host property and in turn local area; and
 - Secondly, on the living conditions of occupiers of no.45 Chelmsley Lane.

Reasons

Character and appearance

4. The appeal site comprises a bungalow set back from the roadside edge and located within a verdant suburban area. The bungalow is located in very close proximity of the neighbouring two storey property at No.45. There is little homogeneity in the design of properties in this area; however, the host bungalow occupies a similar building line as its neighbours to the west.
 5. The proposal would see the raising of the roof along the entire width of the present bungalow structure described in the application particulars as minor infilling. Three pitch roofed dormers would be constructed within the front roof
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slope and a long continuous flat roofed dormer occupying the majority of the roof slope to the rear. The resulting development would provide five bedrooms together with a reconfiguration of the ground floor accommodation. I would agree with the Council that the treatment to the front elevation is acceptable.

6. I have been supplied with extracts from the Council's adopted House Extensions Guidelines Supplementary Planning Document (SPD), which provides guidance on the design of dormer windows. The document advises that dormer windows should be modest, well-proportioned and in keeping with the vertical proportions of the host property. Importantly, it advises against the installation of large box dormers. This would indicate to me that the size of dormers should be secondary to the size of the roof face within which it is set.
7. I am cognizant that the rear roof slope is not particularly visible from the public domain. However, it would be noticeable and readily apparent from neighbouring properties. From these vantage positions, the rear dormer projection would constitute an alien and discordant feature in this context. Its projection occupying most of the rear roof slope would also emphasise its dominance in relation to the rear composition of the host property to an unacceptable degree. Accordingly, the proposed development would be harmful to the character and appearance of the host property and, in turn more widely, which would be contrary to Policy P14 of the Solihull Local Plan (SLP), which seeks to ensure that new developments conserve and enhance local character and distinctiveness and streetscape quality. This policy is consistent with the National Planning Policy Framework (the 'Framework') in respect of the need to respond to local character.

Living conditions

8. The rear elevation of the appeal property is approximately 2.5m from the side boundary of the neighbouring property, No.45. Within the proposed rear roof slope, a number of windows would be provided that would serve bedrooms and en-suite facilities. Of concern to the Council in particular is the insertion of windows within the rear dormer that would serve three bedrooms at first floor. While the appellant has expressed a willingness to accept a condition that would require all first floor windows to be obscurely glazed, this arrangement would be unsatisfactory given that these windows would be the only windows available to occupiers of three principal bedrooms. Moreover, the need to ventilate the bedroom areas would mean that there would be a strong urge to open the windows. I would agree with the Council that this arrangement is a product of a poorly designed dormer and would not in any event overcome the problem of overlooking into the neighbouring property's garden area in particular.
9. Consequently, I consider that the proposed development would cause unacceptable harm to the living conditions of occupiers of the neighbouring property No.45 by reason of overlooking resulting in an unacceptable diminution of existing privacy levels. This would be contrary to SLP Policy P14 and the Council's SPD, which combine to ensure that new development is permitted only where it respects the amenity of existing as well as proposed occupiers and would be a good neighbour. This is consistent with the Framework that seeks to ensure high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

10. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR