
Appeal Decision

Site visit made on 8 May 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 12 May 2017

Appeal Ref: APP/Q4625/W/17/3170629

Land off Rumbush Lane, Earlswood B90 1SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stableford against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2016/02757/PPOL, dated 21 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is one new dwelling with parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with access and layout to be considered at this stage. I have determined the appeal on this basis.
3. Since the Council issued its decision, an appeal¹ to fell a number of trees on the site, which are protected by a Tree Preservation Order (TPO) has been dismissed. That decision was issued on 13 April 2017 and the appellant has therefore had the opportunity to address any implications arising in his final comments. I am therefore satisfied that his case is not prejudiced by my having regard to the Inspector's decision in that appeal.

Main Issues

4. The main issues in this appeal are (i) the effect of the proposal on the character and appearance of the area including the Rumbush Lane street scene; and (ii) its effects on flooding

Reasons

Character and appearance

5. The appeal site forms the southern part of a rectilinear area of well-vegetated land on the western side of Rumbush Lane. The mature trees within the site are mainly located around its boundaries but are large enough to create a substantial wooded canopy covering a significant amount of the site. Notwithstanding this, there is also a substantial amount of younger vegetation within the site and the effect is one of a copse of secondary woodland.

¹ Reference APP/TPO/Q4625/5459

6. The local area has been subject to an extensive amount of built development including a large new residential area, some of which is still under construction, immediately to the west of the site. The site and the wooded area immediately to the north east (also in the appellant's ownership) therefore provides a pleasant verdant feature within an increasingly built-up area and a notable area of mature woodland in local views including along Rumbush Lane and the other nearby residential streets.
7. The proposal seeks to provide a single new dwelling broadly within the centre of the site. The site and the adjoining wooded land forms a clearly defined end point to the houses situated to the north east on Rumbush lane. Because of the proposed dwelling's siting and the shape and character of the site, it would appear separated from the surrounding development. Moreover, it would be oriented such that it would be side-on to Rumbush Lane in contrast to the surrounding dwellings whose front elevations address the street. Therefore, the dwelling would appear as a randomly located building within a much more regimented street scene and it would fail to respect the prevailing development pattern along Rumbush Lane.
8. In addition to all of this is the effect on protected and other trees on the site. The Council has granted consent for the removal of 3 Alders on the Rumbush Lane frontage. They are currently partially dismantled and would need to be removed fully in order to facilitate the proposed access.
9. The appellant's arboricultural report² suggests that the proposed development could be accommodated on the site without compromising its existing wooded character. However, it is proposed to fell other Alders on the site and 27 trees within Group 4 of the TPO. This would effectively result in a substantial amount of vegetation clearance and a notable and adverse diminution of the site's wooded character. Regardless of any individual merits of the trees, they are important components of the overall wooded site and I consider that their removal on the scale proposed weighs heavily against the appeal scheme.
10. Furthermore, many of the retained trees are of substantial size and therefore some semblance of being hemmed-in by them would remain. Moreover, the presence of the trees in such close proximity would result in insignificant overshadowing of the house and its external areas. BS 5837:2012 – Trees in relation to design, demolition and construction advises that the perceptions of future occupiers can lead to pressure for inappropriate tree works, including removal, which the Council would have difficulty in resisting. I therefore consider that the proposal would be likely to result in such pressure and thus, the potential further erosion of the site's wooded character with the consequent adverse effect on the character and appearance of the area.
11. I am mindful that were I to allow the appeal, it would override the TPO. However, I have had regard to the recent Inspector's decision in relation to the TPO appeal mentioned above. This is a significant material consideration and I concur with the Inspector's findings and afford them substantial weight. Notably, the Inspector took a significantly different view to the appellant's arboricultural consultant and found that the amount of tree removal would be harmful to the area's character and appearance, which further supports my conclusions.

² Report by Mark Chester, Cedarwood Tree Care, October 2016

12. For the above reasons, the proposal runs counter to Policy 15 of the Solihull Local Plan (2013) (LP) that seeks to ensure development meets a number of key principles including conserving and enhancing local character, distinctiveness and streetscape quality. It would also conflict with the objectives of LP Policy 10 to protect, enhance and restore the Borough's diverse landscape features.
13. I have also had regard to the Council's Supplementary Planning Guidance *New Housing in Context* (2003) (SPG). The document is now of some age and was based on a now replaced national and local policy framework. However, the SPG is not overly prescriptive, was relatively widely consulted on and broadly aligns with the National Planning Policy Framework (the Framework) requirement for good design. Accordingly, I give it moderate weight and consider the proposal to also run counter to it.

Flooding

14. The available evidence shows that the site is in part subject to high and medium long term flood risk. However, the supporting mapping does not take into account the substantial amount of development that has taken place in the area in recent years. The Council's drainage engineer notes that drainage schemes associated with these developments and the redesign of the culvert under Rumbush Lane have reduced the risk of flooding in the wider catchment and the immediate area.
15. The loss of trees, construction of a dwelling and the associated access works could have some effect on the capacity of the site to accommodate the storage of flood water. However, on the basis of the evidence before me and given the modest scale of the proposed development, I am not convinced it would have a significant effect on increasing flood risk in the local area. In any case the development could make provision for a sustainable drainage scheme, which could be the subject of a suitably worded condition were the appeal to be allowed.
16. For the above reasons, I am not persuaded that the site has identifiable critical drainage problems such that it warrants the dismissal of the appeal on this specific main issue. I do not therefore find that the proposal would conflict with the water management objectives of LP Policies P11 and P15.

Conclusion

17. I have not found that the proposal would have an adverse effect on flooding. However, this is significantly and demonstrably outweighed by the clear identified harm to the character and appearance of the area and on the Rumbush Lane street scene.
18. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector