
Appeal Decision

Site visit made on 4 July 2017

by M Aqbal BA (Hons) DipTP MRTPI

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

Decision date: 2nd August 2017

Appeal Ref: APP/Q4625/W/17/3172552

54 Station Road, Balsall Common, Solihull CV7 7FL

- 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 William McLaughlin against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2016/02474/PPFL, dated 29 September 2016, was refused by notice dated 20 January 2017.
 - The development proposed is erection of 1 No. dwelling, including access.
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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 surrounding area.

Reasons

3. 54 Station Road (No 54) is a large detached bungalow, set within spacious fore and rear gardens. The established pattern of development surrounding the appeal site along Station Road comprises low density predominantly post-war suburban detached dwellings with generous gardens. All have direct access and frontages onto the highway. The rear garden of the appeal site and those of neighbouring gardens are free of any substantial built development and back onto an area of landscaped open space. Together the gardens and the area of open space contribute towards the distinctly spacious and suburban character of the area.
4. The proposed dwelling would be constructed to the rear of No 54 in part of its garden. Access to the proposed dwelling would be via an existing driveway to the side of No 54, which at present serves a detached garage. The existing garage and other sheds would be removed to facilitate the proposal. The new dwelling would take up approximately a third of the plot associated with No 54. Whilst there are examples of small developments served off cul-de-sacs, there are no examples of tandem developments in the near vicinity of the appeal site.
5. Private residential gardens do not fall within the definition of previously developed land, as set out in the National Planning Policy Framework ('the Framework'). The main parties do not dispute that the appeal site is in a sustainable location. Accordingly, Policy P5 of the Solihull Local Plan 2013 ('the

Local Plan') supports the principle of sustainable residential development provided the proposal enhances local character and distinctiveness. This is consistent with the principles of the Framework, which sets out a presumption in favour of sustainable development, which includes respecting the local environment, and encourages local planning authorities to boost significantly the supply of housing.

6. Notwithstanding the Council's Supplementary Planning Guidance 'New Housing in Context' which provides urban design advice, there is nothing before me to suggest that the Council, as yet, has considered the Framework's advice, at paragraph 53, which suggests that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
7. The proposed dwelling has been designed as single storey and located to the rear of No 54. Consequently it would not be visible from the highway nor interfere with the established streetscene. Nonetheless, the proposal would introduce tandem development in the form of a bungalow with a large footprint relative to its plot size with a height of approximately 5m to the ridge. This form of development would not be in keeping with the established pattern of development. Therefore, it would erode the distinct spacious character of the area and appear incongruous amongst garden areas, which are free of any substantial built development.
8. The introduction of development in a relatively small plot with the proposed dwelling orientated to face a side boundary would also appear contrived and significantly conflict with the established pattern of development, which comprises dwellings parallel to the highway with substantial fore/rear gardens and direct frontage access.
9. The proposal would also introduce new development closer to the open space. Although there is some landscaping to the rear of the site. The proposed dwelling would be obvious when viewed from the open space particularly during autumn and winter periods, when leaf cover on the intervening landscaping would be reduced. This would further exacerbate the impact of the proposal on the character and appearance of the surrounding area.
10. For the above reasons, I conclude that the proposed development would significantly harm the character and appearance of the surrounding area, being at odds with the prevailing pattern of residential development and therefore conflicts with Policies P5 and P15 of the Local Plan, which inter alia, require new development to enhance local character and distinctiveness. The proposal would also conflict with the Framework, which amongst other matters seeks to secure high quality design and reinforce local distinctiveness.
11. In refusing the appeal proposals the Council has also referred to Policy P7 of the Local Plan. This policy seeks to focus new development in accessible locations, enhance existing accessibility levels and promote ease of access. I have no evidence before me to suggest that the appeal site would be in an inaccessible or unsustainable location. As such, the proposed development does not conflict with this policy.
12. I accept that the net increase of a single dwelling would bring some, albeit limited, economic and social benefits including boosting housing supply and the

creation of construction jobs. However, considering the three dimensions of sustainable development together. The economic and social benefits would not outweigh the environmental harm I have identified on the character and appearance of the area. This includes having regard to the appellant's proposals to improve the biodiversity of the site by retaining existing landscaping and also augmenting this with new planting, and further aspirations to build a dwelling, which incorporates high levels of energy efficiency.

13. The appellant has referred me to a scheme for a tandem residential development at 175 Kenilworth Road, planning reference: PL2016/01595/PPFL. From the information available to me, the context of that scheme is different in terms of the layout and typology of the surrounding development. However, whilst there may be some similarities with the current case I have considered the appeal proposal on its own merits taking into account the relevant policies and the specific context of the site. Accordingly, this has not been a determining factor in my consideration of this appeal.
14. Based on a previous appeal decision the appellant asserts that the Council cannot demonstrate a five-year supply of deliverable housing land. However, even if there is not such a supply, the proposal would make only a very small contribution to housing supply. Any economic benefits would be similarly limited. I consider that the adverse effects of allowing the scheme would significantly and demonstrably outweigh the benefits. Consequently, the proposal would not amount to sustainable development as defined in the Framework. This is not a case where there are material considerations which indicate a decision other than in accordance with the development plan.

Conclusion

15. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR