
Appeal Decision

Site visit made on 22 July 2019

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/Q4625/D/19/3229747

16 Holland Avenue, Knowle, Solihull B93 9DW

- 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 Guy Jones against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/00158/MINFHO, dated 18 January 2019, was refused by notice dated 16 May 2019.
 - The development undertaken is a 'front double storey extension, single storey rear extension, remove roof and new roof including rooms in roof space and internal refurbishment'.
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Decision

1. The appeal is allowed and planning permission is granted for a front double storey extension, single storey rear extension, remove roof and new roof including rooms in roof space and internal refurbishment at 16 Holland Avenue, Knowle, Solihull B93 9DW in accordance with the terms of the application, Ref PL/2019/00158/MINFHO, dated 18 January 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, 1095/17, 1095/18, 1095/19 & 1095/27.

Procedural Matter

2. The development was complete at the time of my visit. This has no bearing on my decision which is based on the planning merits of the case.

Main Issue

3. The main issue in this case is the effect of the development undertaken on the character and appearance of the local area.

Reasons

4. The appeal relates to a detached house. It sits within a residential cul-de-sac which is home to dwellings of a variety of designs and sizes.
 5. The appeal dwelling has been extended and altered, including an increase in the height of its ridge to allow for rooms to be introduced to the roofspace. Whilst
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the overall design is attractive in its own right, the enlarged dwelling is noticeably taller than the two houses which sit either side. As a result, it has an imposing presence and it somewhat dominates this part of Holland Avenue. In such terms, the development undertaken conflicts with policy P15 of the adopted Solihull Local Plan and policies D1 and D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan, which seek to promote high quality design that respects the character of the local area.

Other considerations

6. Planning permission has been granted for a very similar scheme (Ref. PL/2017/01006/MINFHO). Several third parties point to the fact that the street scene produced in support of the approved scheme shows the ridge of the enlarged dwelling sitting much lower in relation to No. 14 Holland Avenue. From my reading of the plans, this might be the case but in any event, it is the detailed elevation and floor plans which are decisive and it is these plans which are to be relied upon. The Council and Appellant agree, following a site survey, that the ridge height of the dwelling as built is some 290mm taller than the ridge height shown on the detailed scaled elevation plans of the previously approved scheme.
7. The previously approved scheme, if built, would have resulted in the enlarged dwelling sitting taller than the dwellings either side and it would have been more prominent within the street scene. One could take the view that any further increase in the height of the dwelling beyond the approved scheme would only further increase the prominence and be visually unacceptable. However, given the variety of house types within Holland Avenue combined with the fact that the local area enjoys no special designation, I take the view that the increase in height arising from the development as built is modest and it does not have a materially more harmful visual effect.
8. For these reasons, whilst I share the concerns of the Council and local residents that the dwelling as built does appear overly prominent within the street scene, I consider that it is not materially more dominant than if the approved scheme had been implemented. I attach very significant weight to this fallback position as a material consideration.
9. In reaching my decision, I am mindful of concerns raised by a number of local residents regarding the effect of the development upon their living conditions, particularly with regards to outlook, privacy and access to natural light.
10. As I have explained, the increased height of the development as built is modest and I am therefore satisfied that it has no materially greater effect on the outlook from the dwellings either side, or the levels of natural light available to these properties, than if the approved scheme had been implemented. I am also satisfied that the increase in height does not harm the outlook from the dwellings on the opposite side of Holland Avenue or those to the rear on Wychwood Avenue and nor does it compromise their access to natural light.
11. I am mindful that the development undertaken has introduced an additional dormer to the rear compared to the approved scheme. However, it is considerably smaller than the approved dormer. Given the approved fenestration arrangement, I am satisfied that it does not lead to materially greater levels of overlooking across the dwellings either side. Even accounting

for the fact that the dwellings to the rear on Wychwood Avenue sit at a lower ground level, a generous separation distance exists. As a result, I am satisfied that any additional overlooking arising from the additional dormer is within acceptable parameters in the context of this suburban location.

12. To this end, I am satisfied that the development undertaken does not unacceptably harm the living conditions of the occupiers of nearby dwellings and it does not breach the requirements of Article 1 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998.
13. I am mindful that third parties have expressed concern that approval of the scheme could set an undesirable precedent. However, one of the fundamental principles underpinning the planning system is that each planning application must be considered individually and on its merits. I am also aware that disappointment has been expressed with the manner in which the applications have been dealt with by the Council, but this is beyond my jurisdiction.

Overall Conclusion

14. I conclude that although the alterations and extensions, as built, have resulted in the dwelling appearing overly prominent within the street scene, contrary to the development plan policies outlined above, this is outweighed by the fact that the overall effect is not materially greater than if the approved scheme had been implemented.

Conditions

15. The standard condition which limits the lifespan of the planning permission is not required as the development is complete. However, the standard condition requiring the development to take place in accordance with the approved plans is still relevant for the avoidance of doubt. The Council has suggested a condition to ensure the external finishing materials of the extensions and alterations should match those of the host dwelling. As the development is complete and the finishing materials are acceptable, this condition is not necessary.
16. The appeal is allowed accordingly.

David Fitzsimon

INSPECTOR