



Appeal Decision

Site visit made on 6 August 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/Q4625/W/19/3228646

182 St. Bernards Road, Olton, Solihull B92 7BJ

- 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 Chris Yarnell, Flamboyant Homes Ltd. against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2018/02933/PPFL, dated 17 October 2018, was refused by notice dated 21 December 2018.
 - The development proposed is demolition of existing dwelling and the erection of three detached dwellings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal site comprises a wide fronted detached dwelling, set back from the road, with a long rear garden which has been cleared of trees and outbuildings. A large mature oak tree, protected by a Tree Preservation Order, sits near to the northern boundary of the front garden.
5. The area in which the appeal property lies has an established residential character. The properties fronting St Bernards Road are predominantly two-storey detached, or semi-detached dwellings set back from the road, with landscaped front gardens, containing mature trees and hedgerows, and long, narrow, rear gardens. More recent development to the north and east of the site, comprise bungalows, two-storey detached and semi-detached properties, having frontages facing onto the estate roads, on modest sized plots. The

density of properties on St Bernards Road is low compared with the more modern estates to the north and east.

6. There is no dispute between the parties that the appeal site is located within a sustainable location where the principle of new housing development is supported by policies in the development plan.
7. The proposed replacement dwelling on plot 1 would be erected on a similar building line to the existing two storey dwelling, would be of a similar height and would incorporate similar design features to other properties in the road. Whilst the Council has some reservations about the height of this replacement dwelling, they are generally supportive of its siting and design. I have no reason to disagree with this assessment.
8. However, the proposed dwellings on plots 2 and 3 would result in a linear encroachment of buildings into the open areas between the existing properties in St. Bernards Road and the estates to the north and east, where only a limited number of small single storey outbuildings currently exist. Their close proximity to one another, combined with their height and scale would result in a development of significant mass which would be out of keeping with the existing open character and appearance of the area. Although the dwellings would not be prominent in the street scene, they would be very close to the site boundary and visible from neighbouring properties, and therefore the development would be likely to reduce the appreciation nearby occupiers have of the attractive environment within which they live. Whilst acknowledging that the proposal would result in a more efficient use of land this does not outweigh the harm identified.
9. I note that no concerns were raised at the planning application stage by the Council in respect of a number of matters including the effect of the proposal on the living conditions of nearby occupiers and highway safety and that the Council's Urban Designer found that the design of the scheme was an improvement on previous submissions. However, these matters carry only neutral weight in my consideration of the proposal; they do not weigh in the proposal's favour.
10. The appellant has drawn my attention to several sites where the Council has granted planning permission for the development of garden land and appeal decisions granting planning permission at 36 Hampton Road and Chattock Gardens. I have considered the details submitted and have viewed several of the sites from the public realm. The context for each development did vary significantly and consequently, I was not able to make any direct comparisons with the appeal proposal. Accordingly, I can only attach very limited weight to this matter in my consideration of this appeal. Each planning application and appeal is determined on their merits.
11. In light of the foregoing, I conclude that the proposal would result in harm to the character and appearance of the area, in conflict with Policies P5 and P15 of the Solihull Local Plan 2013 - Shaping a Sustainable Future and the provisions within Supplementary Planning Guidance 'New Housing in Context'. These policies are in broad conformity with the National Planning Policy Framework (the Framework), which amongst other matters seeks development to be

sympathetic to local character and history, including the surrounding built environment and landscape setting, which adds to the overall quality of the area.

Planning Balance and Conclusion

12. The proposal would result in 3 new family sized dwellings in a sustainable location close to services and facilities. This is not in dispute. The scheme would make a contribution, albeit small, to the supply of housing in the area, at a time when the Council is unable to demonstrate a five-year supply of deliverable housing sites. These matters carry considerable weight.
13. Against these benefits is the harm that would be caused to the character and appearance of the area as a result of the new dwellings on proposed plots 2 and 3, in conflict with up-to-date planning policies. This harm would significantly and demonstrably outweigh the benefits of the scheme, and there are no material considerations which lead me to determine the appeal otherwise than in accordance with the development plan. Accordingly, the proposal would not comprise sustainable development.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR