



Appeal Decision

Site visit made on 24 September 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/Q4625/D/19/3232923

790 Warwick Road, Solihull, West Midlands B91 3EL

- 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 Amgad Youssef against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/01010/MINFHO, dated 9 April 2019, was refused by notice dated 10 June 2019.
 - The development proposed is replacement front boundary treatment.
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Decision

1. The appeal is allowed and planning permission is granted for replacement front boundary treatment at 790 Warwick Road, Solihull, West Midlands B91 3EL in accordance with the terms of the application, Ref PL/2019/01010/MINFHO, dated 9 April 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: WARWICK/19-02 rev A

Procedural Matter

2. At my site visit I saw the front boundary treatment as shown on the submitted plans has been erected and I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the appeal development preserves or enhances the character and appearance of the Malvern Hall and Brueton Avenue Conservation Area (CA).

Reasons

4. The appeal site is located within the CA and so I have had regard to the legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area¹.
5. The CA consists of 3 predominantly residential cul-de-sacs and houses facing onto Warwick Road. From my observations, the significance of the area lies in the consistent form of dwellings set back from the pavement and the presence of roadside verges and trees, which all help create a sense of spaciousness. Roadside boundary features are predominantly hedging, bushes and trees

¹ Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

although walls and fences are also present. The spaciousness and vegetation create an attractive leafy environment.

6. The appeal property reflects many of the characteristics of the area being a detached house, set back and separated from the road by a grass verge. As such, it contributes positively to the character and appearance of the CA.
7. The appeal development is a spiked metal rail fence positioned along most of the front boundary. The appeal site lies in a prominent location and the fence can be seen from along Warwick Road as well as by drivers waiting at the nearby signalised junction.
8. Whilst metal rail fencing is an uncommon feature within the CA, a metal rail gate of similar appearance and materials to the appeal development exists on the site, albeit set back from the pavement. Also, a wooden fence of similar height to the appeal proposal runs along the front boundary of the neighbouring property. As such, the appeal development shares some characteristics with other boundary features in this part of the CA.
9. Furthermore, whilst in a prominent location, the fencing is seen against the house and hedges behind and on the side boundaries of the appeal site, thereby reducing its visibility. Also, the open railings allow views through to the house and vegetation and so helps retain a sense of space and a leafy appearance to the appeal site. For these reasons, the fencing preserves important characteristics of the site that contribute positively to the character and appearance of the CA.
10. The Council raise concern that the appeal development would set an unacceptable precedent. However, I have assessed the appeal on its own merits, having regard to the specific circumstances of the appeal site. In any event, each future application must be considered on its individual planning merits and a generalised concern of this nature does not justify withholding permission in this case.
11. For the above reasons, I find the appeal development does not harm, but is consistent with the preservation of the appearance and character of the CA. Consequently, the appeal development complies with policies P15 and P16 of the adopted Solihull Local Plan 2013, the Council's House Extension Guidelines Supplementary Planning Document 2010 and the National Planning Policy Framework. All of these aim, amongst other things, to conserve and enhance heritage assets, local character and streetscape quality.

Conditions

12. As the appeal development has been carried out, there is no requirement to impose a time limit condition as suggested by the Council. A condition detailing the plans is necessary for the avoidance of doubt.

Conclusion

13. For these reasons, I allow the appeal as set out in the formal decision above.

Jonathan Edwards

INSPECTOR