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## Appeal Decision

Site visit made on 29 October 2019

**by J Williamson BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> November 2019**

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**Appeal Ref: APP/Q4625/D/19/3235409**

**15, The Briary, Bellemere Road, Hampton-in-Arden, Solihull, B92 0AN**

- 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 Dr Adrienne Barker-Corrigall against the decision of Solihull Metropolitan Borough Council.
  - The application Ref PL/2019/01263/MINFHO, dated 7 May 2019, was refused by notice dated 01 July 2019.
  - The development proposed is described as erection of raised decking to rear of property using same footprint as original patio. Amended screening and planting scheme to PL/2018/02782/MINFHO.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I observed that the development described above has already been carried out, and I have dealt with the appeal on that basis.

### Main Issues

3. The main issues are:
  - the effects of the development on the character or appearance of the host property and whether the development preserves or enhances the character or appearance of the Hampton-in-Arden Conservation Area (CA), and
  - the effect of the development on the living conditions of existing occupiers, with particular regard to overlooking of immediate neighbouring properties.

### Reasons

*Character and appearance of the host property and CA*

4. The property is a detached three-storey dwelling constructed of red brick under a slate roof. It is included on a Local List of Heritage Assets; as such it is categorised as a non-designated heritage asset. It is also identified as a 'positive building' in the CA, which is a designated heritage asset. The property was built as one of several large dwellings on Bellemere Road, provided with views from the rear across the Blythe Valley and towards the Blythe viaduct. From the evidence before me it can be seen that many of the properties on the eastern side of the road have raised patios extending off their rear

elevations with steps that descend directly away from the dwellings into the relatively large rear gardens.

5. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of a CA, which is therefore a matter of considerable importance and weight. In addition, paragraphs 193 and 197 of the National Planning Policy Framework (the Framework) require decision-makers to give great weight to the conservation of a designated heritage asset and to take account of the effect of development on the significance of a non-designated heritage asset.
6. It is evident that the property previously had a rear, raised terrace. The new raised decking has been constructed over this, such that the side elevations of the old terrace, which are constructed of concrete stone that has weathered to a stone appearance, are still visible. The external surfaces of the new decking are constructed of a composite grey cladding. Consequently, an additional material, that is not traditional and in a modern colour has been introduced to the site. The resultant pallet of materials and colours do not blend harmoniously and as such are harmful to the appearance of the host dwelling.
7. The new decked terrace is higher and deeper than the previous terrace. The height has been increased to match the floor level of the dwelling. Previously, the occupants stepped out and down 3 steps to reach the terrace, whereas now they step straight onto the decked area. Increasing the height has reduced the extent of brickwork visible below a bay window on the rear elevation and there is now little relief between the base of the 2 glazed door openings on the rear elevation and the decked area. Consequently, the extent of the rear elevation of the property that was visible has been reduced, thereby diminishing the perceived extent of the elevation. I consider this to also be detrimental to the appearance of the host dwelling.
8. Furthermore, 2 sets of steps are provided at the rear of the new terrace, each descending to their respective side, garden boundaries. This contrasts with the general arrangement seen on the large dwellings on the eastern side of the road, which is of steps descending from terraces/decked areas directly into the garden. This arrangement provides an open view of the rear elevation that rises from garden level. In contrast, the height of the decked area and the way the steps are arranged blocks the view of the rear elevation from garden level.
9. Black metal railings have been installed around the perimeter of the decked area and down one side of each of the steps. In addition, as a means of seeking to reduce the effect of the development on the living conditions of the occupants of neighbouring properties, timber fence panels, approximately 1.8 m high, have been erected along the sides of the decked area, sited inside the metal railings. Trellis panels have also been fitted to the inside of the fence panels (in connection with the proposed planting). The fence panels substantially enclose the floor level of the property. Collectively, these features erode the grandeur of the rear elevation of the host dwelling, which has a detrimental impact on its character and appearance.
10. I note the appellant's intention to landscape in front of the rear elevation of the decking, using various plants, and to plant in planter boxes on the decked area itself. The illustrations submitted also show a water feature. However, I consider that such landscaping will not significantly soften the appearance of

the development or reduce its impact on the character and appearance of the host dwelling.

11. Although the fence panels can be seen from Bellemere Road, I acknowledge that the full extent of the decked area is not visible from public vantage points. However, in accordance with paragraph 197 of the Framework, when weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. The significance of the non-designated heritage asset relates to it representing a good example of a collection of sizeable dwellings constructed on the eastern side of Bellemere Road, whose rear elevations are important, given the views provided from the rear of the properties across the Blythe Valley. For the reasons outlined above, I consider that the character and appearance of the non-designated heritage asset would be significantly harmed.
12. Due to the factors outlined above, I also consider that the development would fail to preserve the character of the CA. I consider the extent of harm would be less than substantial. In accordance with paragraph 196 of the Framework, less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. However, I find no public benefits resulting from the appeal development.
13. I note that the appellant has sought to provide a safe and level means of access to the rear of the property with steps to the rear garden that are not as steep as the previous steps. I also note that the intention has been to improve the appellant's living conditions and maintain quality of life. However, neither of these considerations, individually or collectively, justify the harm I have found to the character of the host property and the CA.
14. Consequently, the development does not accord with policies P15 and P16 of the Solihull Local Plan–Sustaining a Sustainable Future (2013), (SLP), or Policy ENV4 of the Hampton-in-Arden Neighbourhood Plan 2017-2028, which collectively seek to ensure all development is of good quality design, respects the historic environment and preserves or enhances heritage assets.

#### *Living conditions*

15. As noted above, a terrace previously existed at the property, which I consider to be a consideration. As a result of increasing the height of the new decked area, the potential for overlooking of immediate neighbouring properties has increased. If the timber fence panels were not present along the sides of the new decked new, then users of the decking would be able to overlook the gardens/terraced areas to the rear of the immediate neighbouring properties, to an extent that would be harmful to the privacy levels of existing occupiers of these properties.
16. That said, the fence panels currently in situ do not extend into the corners of the decked area furthest from the dwelling. Consequently, overlooking from these corners is possible to a harmful degree. However, the submitted plans show the fence panels to extend to the corners of the decked area. Therefore, I consider that panels installed in accordance with the plans would not result in any harmful overlooking of neighbouring properties. As such, the living conditions of existing occupiers would not be harmed.

17. In this respect, I consider that the development would accord with Policy P14 of the SLP, which seeks to protect and enhance the amenity of existing occupiers.

**Conclusion**

18. For the reasons outlined above, I conclude that the appeal is dismissed.

*J Williamson*  
INSPECTOR