
Appeal Decision

Site visit made on 2 December 2019 by A J Sutton BA Hons DipTP DMS MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/Q4625/W/19/3233431

89a Dorridge Road, Solihull, West Midlands, B93 8BS

- 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 Jayanti Chouhan against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/01418/MINFHO, dated 14 May 2019, was refused by notice dated 10 July 2019.
 - The development is described as proposed front perimeter wall and access gates.
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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 Issues

3. The wall and brick piers had been constructed in part when I visited the site. The gates had however not been erected.
4. The main issues in this case are the effect of the new wall and gates on the character and appearance of the area and on highway safety.

Reasons for Recommendation

Character and Appearance

5. The appeal site is located close to the centre of a suburban settlement on Dorridge Road. Properties are generally detached, set back from the carriageway with drives and gardens at the front. The area has an attractive avenue like character with mature trees, hedges and soft landscaping largely forming the boundary of properties with the highway.
6. The new wall is located adjacent the back edge of the pavement and forms a solid boundary with the exception of the proposed gate openings, to the highway. It is devoid of soft landscaping and the hardstanding which forms the front drive of the appeal property currently impedes scope for a landscaping scheme to soften the appearance of this structure. Furthermore, the new gate, when closed would result in a solid front boundary treatment with the road

which would have a severe appearance. Taken as a whole, the development would result in an intrusive, alien form of boundary treatment in this attractive road.

7. The appellant has submitted images of properties with boundary walls, one of which has an entry gate. No address details have been provided, although I observed on the site visit that one of the properties is further along Dorridge Road to the appeal site. This property is one of the few examples along the road with a low boundary wall forming the front boundary and is not directly comparable to the scheme before me because there is planting close to the wall which softens its appearance in the street scene. Moreover, the dwelling at the entrance of Weston Close has similar landscaping close to its wall, which serves to reduce the visual impact of the boundary wall to this property also. These examples do not justify the boundary treatment at the appeal site, which I have considered on its own merit.
8. It is concluded that the new wall is harmful to the character and appearance of the area, the harm of which would be exacerbated by the proposed gates, in conflict with Policy P10 of the Solihull Local Plan Shaping a Sustainable Future 2013 (Local Plan) which seeks to protect and enhance the natural environment, paragraph 127 of the National Planning Policy Framework (Framework) and the guidance within the Planning Policy Guidance (PPG) which requires, amongst other matters for developments to add to the overall quality of the area, be visually attractive and sympathetic to local character.
9. The Council's decision notice has made reference to Local Plan Policy P14 which relates to protecting and enhancing the amenity of occupiers of houses and business, amongst other uses. No evidence has been presented that suggests that harm would result to occupiers of nearby uses, indeed, the officer report explicitly states that the development would not have any undue effect upon neighbouring amenity. Accordingly, I find no conflict with this policy. Furthermore, whilst the House Extensions Guidelines (2010) was referred to in the decision notice, I have not received a copy of this and have been unable to assess the scheme against this document.

Highway Safety

10. The residential road is wide, relatively straight and has reasonable pavement widths, which when combined provide clear visibility both for drivers and pedestrians using the road. I note the single yellow line on the highway which restricts public parking in front of the appeal property, providing some certainty that the hazard of parked cars is unlikely to be an issue when exiting and entering the property.
11. Two access gates are proposed at either end of the central wall. These are shown to be sliding. The position of the gates, relative to the highway would not accord with the Highway Authority's guidelines of being set back at least 5 metres from the edge of the public highway, which is required to enable a vehicle to pull clear of the public highway carriageway whilst the gates are opened/closed.
12. I acknowledge that whilst the gates were being opened or closed, it is likely that a vehicle using them would need to stop within the highway in the vicinity of the site. However, this would only be likely to be for a short period of time, and would, in the absence of substantive evidence to demonstrate otherwise,

be unlikely to obstruct the flow of traffic along Dorridge Road to a detrimental degree, or result in harm to users of the highway, including drivers, pedestrians and cyclists.

13. For the reasons outlined above, I conclude that the development would not be harmful to highway safety. There is no conflict with the Framework or PPG which require development to be safe and accessible, with a safe and suitable access to the site achieved for all users. The Council's decision notice makes reference to Local Plan Policy P7. This policy seeks to ensure new development is located in the most accessible locations as opposed to considering matters of highway safety. It is not directly relevant to this appeal. I have therefore considered this appeal against Policy P8 of the Local Plan, which has been made available, and relates to this particular matter, and find that there would be no conflict with this policy given my conclusion in respect of this main issue.

Conclusion and Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR