
Appeal Decision

Site visit made on 6 January 2020 by A J Sutton BA Hons DipTP DMS MRTPI

by David M H Rose BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2020

Appeal Ref: APP/Q4625/W/19/3239145

734A Old Lode Lane, Solihull, West Midlands, B92 8NH

- 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 Essen Homes Ltd against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/01354/MINFDW, dated 22 February 2019, was refused by notice dated 24 July 2019.
 - The development proposed is described as 'New build 2 bedroom bungalow – land to the rear of 734A'.
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Decision

1. The appeal is allowed, and planning permission is granted for a new build 2 bedroom bungalow on land to the rear of 734A Old Lode Lane, Solihull, West Midlands, B92 8NH in accordance with the terms of application Ref PL/2019/01354/MINFDW, dated 22 February 2019 and subject to conditions in the schedule attached to this decision.

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.

Application for Costs

3. An application for costs was made by Essen Homes Ltd against Solihull Metropolitan Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

4. The proposal was amended during the determination of the planning application and revised plans were submitted at this stage which removed a garage and retained off-street parking provision. The revised scheme forms the basis of this appeal.

Main Issue

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

Reasons for Recommendation

6. The appeal site is situated at the rear of a detached and semi-detached dwellings within a suburban, residential setting. It is an area which appears to have formed part of the garden of properties on Old Lode Lane and currently comprises overgrown vegetation bounded by panel and mesh fencing on all sides. It wholly fronts Frankton Close where the development pattern differs significantly from the more uniform pattern evident on Old Lode Lane and the wider residential estate. There is a mix of property types in the vicinity of the site, including apartments, terrace blocks, semi-detached/detached dwellings and a short row of small bungalows.
7. Although the Solihull Local Plan 2013 (Local Plan 2013) predates the latest iteration of the National Planning Policy Framework (Framework), policies relevant to this proposal generally conform with the Framework. In particular, Policy P5 of the Local Plan 2013 states that new houses will be supported on unidentified sites in accessible locations where they contribute towards meeting identified housing need and enhance local character and distinctiveness.
8. The Government's objective is to significantly boost the supply of homes. Small sized sites can make an important contribution to meeting housing requirements in an area. Paragraph 68 c) of the Framework provides support for the development of windfall sites – giving great weight to the benefits of using suitable sites within existing settlements for homes. Furthermore, it states that planning decisions should promote an effective use of land in meeting the need for homes while safeguarding and improving the environment and ensuring safe and healthy living conditions. Whilst supporting such developments account should be taken of the desirability of maintaining an area's prevailing character and setting (including residential gardens).¹
9. The Council states the proposed design is acceptable and therefore consistent with the requirements of the Local Plan and policies of the Framework. Although a copy of the Supplementary Planning Guidance has not been submitted with the evidence, it appears that the matters highlighted as being applicable to this proposal such as consideration of plot format, access, building line etc. have informed the design of the development before me.
10. Whilst the plot size is comparatively smaller than those generally found in the locality the proposed bungalow has been designed to a scale appropriate to the plot size and it would not have a noticeable effect on the urban grain of the area. Furthermore, the limited depth of the plot would not be readily apparent from surrounding vantage points and would be offset by a wide frontage with the garden on one side and parking provision to the other side of the proposed dwelling.
11. I note the linear rear garden pattern evident in the immediate area of Old Lode Lane is already interrupted by the adjacent substation and the short rear gardens of No 734A and No 734, to which the appeal site bounds. Therefore, the proposed development would not harmfully alter any distinct development pattern on Old Lode Lane.
12. The relatively open aspect close to the appeal site, topography of the surrounding area which falls to the east, and the low profile of the proposed

¹ Paragraph 122 d) of the National Planning Policy Framework

dwelling, would ensure that it would not appear cramped or viewed as an overly dominant feature in the street scene, when observed from within the Close or from the junction of Old Lode Lane.

13. Furthermore, the proposed design and scale of the development would not be at odds with the mixed and varied character of Frankton Close. Indeed, it would not be dissimilar to the existing small bungalows to the east of the appeal site situated on Frankton Close.
14. Properties on Frankton Close do not form a consistent pattern, grain of development or building line which would be adversely affected by the proposed infill development. The proposed dwelling would be set back slightly from the pavement, with the boundary fence forming a continuation of the boundary of the rear garden of No 734A. This would not appear out of character with this part of the Close, where I note the extension to No 728 abuts the pavement, or the building line observed towards the end of the Close.
15. The site would comprise a windfall development within an existing settlement which is well related to jobs, services and public transport, to which I attach great weight in reaching my decision. In summary, the well-proportioned proposed dwelling would conserve and enhance the varied character of Frankton Close, providing a much needed home and making efficient use of land within a settlement well served by services and infrastructure.
16. In light of the foregoing, the proposal would not represent poor urban design which would be alien to and out of character with the surrounding area. Therefore, it would not be contrary to policies P5 and P15 of the Local Plan 2013 which support new housing on unidentified sites in accessible locations where they enhance local character and the proposal achieves good quality of design.
17. The proposal would also be compliant with the Framework which seeks to achieve well-designed places and boost the supply of housing, recognising that small sized sites can make an important contribution and providing support for windfall sites and giving great weight to the benefits of using suitable sites within existing settlements.

Other Matters

18. I have noted concerns expressed about the possible loss of on-street parking and the access and parking arrangement of the proposed development. The proposed development would comprise a small dwelling with space for off-street parking. The Highways Authority raises no objection following the deletion of the originally proposed garage and given the scale of the proposed development and nature of the Frankton Close I find the revised arrangements acceptable.
19. I have had regard to screen fences bordering rear gardens of No 728 and No 736 and concluded that the single storey nature of the proposal would result in no material loss of privacy or outlook to the occupiers of these properties. In reaching that conclusion I note the proposed roof light in the rear roof slope would be well above normal eye level. Given the southern aspect of neighbouring properties and rear gardens and the limited height of the proposal there would be no loss of light. Similarly, given the limited scale of the

- proposal, the bungalow would not appear unduly dominant in the outlook from neighbouring properties. As such the proposal would not be in conflict with Policy P14 of the Local Plan 2013 which seeks development that respects the amenity of existing occupiers of houses and would be a good neighbour.
20. Whilst the development would result in a change of outlook for occupiers of these properties both from the dwellings and gardens, the scale of the proposed dwelling, which would be single storey, would ensure that it would not appear an unduly dominant feature in the street scene and a sense of openness would be retained.
21. Although I note concerns about the accuracy of the application, the Council considered the application to be validly made and my consideration relates to the planning merits of the appeal against its decision to refuse planning permission.
22. Matters related to surface water drainage, landscaping and boundary treatments would be addressed as conditions to the planning permission. I am satisfied that the proposed development would have adequate outside space for residential paraphernalia, and, despite the limited depth of the rear garden, it would be sufficient and proportionate for the modest scale of the development.
23. Connection to the sewer system is a matter which would be addressed separate to the planning process.
24. The Council did not consider the issue of ecology a concern in respect to the development of the appeal site. There is nothing before me or that I observed when conducting the site visit which leads me to reach an alternative conclusion on this matter.

Conditions

25. Both parties have suggested conditions, in the event that planning permission is granted. In addition to the statutory requirement to impose a time limit within which the development must start and to ensure that the development is undertaken in accordance with approved plans for certainty, I consider it necessary to attach the following conditions.
26. A construction method statement is required to protect the amenity of those living near the appeal site during the construction phase of the development.
27. Details of proposed site contours and finished floor levels, and soft and hard landscaping, including boundary treatments is necessary to protect the privacy of occupiers of adjacent properties and the character and appearance of the area. Details of materials to be used on external surfaces are also necessary in the interest of the character and appearance of the area.
28. The details of off-street parking surfaces and drainage and approval of a drainage scheme is required in order to secure satisfactory drainage on the site.

Conclusion and Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

30. I have considered all the submitted evidence and concur that the appeal should be allowed.

David MH Rose

INSPECTOR

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed Floor Plans & Elevations, Proposed Site Plan & Location & Block Plan Ref HGD18-148-1.1 Revision C.
- 3) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) a scheme for recycling/disposing of waste resulting from construction works;
 - ii) contact details for the appointed site agent that can be contacted in the event of any problems arising during construction activities; and
 - iii) delivery and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) Before the development hereby approved is commenced details of Ordnance Datum of existing and proposed contours on the site, adjoining land and highways and finished floor levels of the dwelling shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved details.
- 5) The development shall not progress beyond the base course until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 6) The development hereby approved shall not be occupied until full details of a scheme for hard and soft landscaping have been submitted to and approved in writing by the local planning authority.
- 7) All hard and soft landscape works shall be carried out in accordance with approved details. The works shall be carried out prior to occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) The development shall not be commenced until such time as a scheme to manage the surface water runoff from the development has been submitted to and approved in writing by, the local planning authority, with no occupation until the approved scheme is operational. The submitted details shall include:
 - i) results of infiltration tests, carried out in accordance with BRE 365 or similar to determine the suitability of the site for infiltration. If

- infiltration is deemed to be suitable, the proposed soakaway(s) shall be designed in accordance with BRE 365 also;
 - ii) a plan indicating the size and location of the proposed soakway;
 - iii) if a soakaway is demonstrated to not be suitable then details of an alternative SuDS system shall be submitted;
 - iv) construction details;
 - v) maintenance plan for the whole drainage system in accordance with the SuDS manual.
- 9) The dwelling shall not be occupied until the area shown for car parking spaces (2) has been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.