



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: 31 March 2020

Appeal Ref: APP/Q4625/D/19/3239337

970 Warwick Road, Solihull, B91 3HN

- 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 Mrs Susan Afzal against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/01313/MINFHO, dated 7 May 2019, was refused by notice dated 26 July 2019.
 - The development is a 'proposed single storey rear extension, first floor over garage side extension, loft conversion and new front boundary wall, railings and gates'.
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Decision

1. The appeal is allowed, and planning permission is granted for a proposed single storey rear extension, first floor over garage side extension, loft conversion and new front boundary wall, railings and gates, at 970 Warwick Road, Solihull, B91 3HN in accordance with the terms of application Ref PL/2019/01313/MINFHO dated 7 May 2019 and subject to the following 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 Extensions and Alterations at 970 Warwick Road, Solihull numbered 01 – 05 (May 19).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The flat roof area of the single storey rear extension shall not be used as a balcony, roof garden or any other amenity area.

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 appeal site is within the Green Belt. The essential characteristic of Green Belts are their openness and permanence, to which the Government attaches great importance.
4. Policy P17 of the Solihull Local Plan 2013 (Local Plan) generally accords with the National Planning Policy Framework (the Framework) in respect to protecting Green Belt land from inappropriate development.
5. The Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate. Paragraph 145 outlines exceptions which include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Glossary of the Framework defines original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948 as it was originally built.
6. The Council consider the proposed extensions to the dwelling would not be inappropriate development. Policy P17 of the Local Plan and the Framework do not provide guidance in respect to establishing what constitutes a disproportionate addition. Guidance on this matter is however provided in the Housing Extension Guidelines Supplementary Planning Document 2010 (SPD) which both parties believe to be consistent with Policy P17 of the Local Plan and the Framework.
7. The SPD explains that the Council will limit extensions to no more than 40% of the original building. It further states the policy will not be applicable to properties within established ribbons of development.
8. The officer's report identifies the appeal site as being within such a ribbon of development in the Green Belt, concluding the development therefore would not be inappropriate. I see no reason to disagree.
9. The Council has raised no objections to the loft conversion and new front boundary arrangements and the main issues therefore are the effects of the proposed extensions on:
 - the living conditions of the occupiers of No 972 Warwick Road; and
 - the character of the surrounding area and the appearance of the host dwelling.

Reasons for Recommendation

10. The appeal property is a large detached dwelling in a spacious plot. The dwelling has the distinct character of an early/mid 20th Century residential property within an established suburban setting. There are similar large detached dwellings in the immediate area, of differing styles, some of which are being altered and extended. The property benefits from a set-back position off the main Warwick Road, screened by trees and landscaping situated on a grass verge/reservation which divides the access road to the appeal site from the main road, thus creating a pleasant and distinct residential enclave east of Pool Meadow Close.

Living Conditions

11. Permission has been granted for a large rear extension to the dwelling at No 972. The approved development allows substantial remodelling of the property with a rear development which will extend over the majority of the width of the plot, with a ground floor office and additional first floor bedroom at the boundary with the appeal property. I note that works have commenced since conducting the site visit, and I have nothing before me that would lead me to conclude that the approved development will not be completed. Therefore, I have attached great weight to the approved plans at the neighbouring dwelling in assessing the relationship of the proposed rear extension at No 970 with the adjacent property.
12. In this regard, I note that the proposed rear extension to the appeal property, when judged against the original footprint of No 972, would have had an adverse impact on the neighbouring dwelling arising from a significant breach of the Council's 45 degree guide. Whilst the proposed extension would still encroach into this zone, relative to the approved office window at No 972, the incursion would be considerably reduced.
13. I note that the SPD states that the guide is intended as advisory with greater flexibility applicable to single storey extensions. Taking account of the height of the proposed development, the size of respective plots, the relative spacing between the properties when extended, which would not be materially different to that existing, and the mature boundary treatment, I conclude that the development would not have an overbearing or dominating effect on occupiers of No 972 when viewed from windows at the rear of the altered dwelling.
14. In terms of privacy, the proposed side elevation of the rear extension incorporates a window with an outlook to the boundary with No 972. The fence and mature hedge along the boundary currently provide mutual screening and privacy and there is nothing to suggest that this would change.
15. Moving on to the first floor extension at the front of No 970, its forward projection would more or less coincide with the building line of the approved first floor extension at No 972, thereby negating any benefit of requiring the development to be set back from the shared boundary. Furthermore, there are no planned openings on the side elevation of No 972. As such the proposed development would not block light to the neighbouring property.
16. In summary, the proposed development would not have a harmful effect on the amenity enjoyed by occupiers of the neighbouring property or lead to loss of amenity to the closest rear habitable room windows of No 972 and therefore it would not be contrary to Policy P14 of the Local Plan, the Framework and SPD which seek to protect and enhance the amenity of existing or potential occupiers of houses, only permitting development if it respects the amenity of existing and proposed occupiers and would be a good neighbour.

Character and Appearance

17. Policy 15 of the Local Plan states that all development will be expected to achieve good quality design. The Framework requires decisions to ensure that developments are visually attractive as a result of good architecture. Permission should be refused for development of a poor design that fails to take opportunities available for improving the character and quality of the area.

18. There is no uniformed pattern of development near the appeal site and the wider area is characterised by large, much altered properties, which are individual in style, set in spacious plots but with built footprints either abutting or close to respective side boundaries and limited gaps evident between dwellings. In my opinion, the local distinctiveness of the area is not formed by any sense of generous separation between dwellings.
19. The existing gap over the garage, which would be infilled by the first-floor extension, is not readily visible in the street scene and as such has a limited contribution to the character of the area. Although the proposed extension would have minimal separation from the neighbouring dwelling, each property is individually distinct in terms of architectural styles and building materials. As such, there would be no perception of a terracing effect which the SPD seeks to avoid.
20. The guidance in the SPD discourages extensions to the front of a dwelling where they introduce a prominent addition or detract from the overall appearance of the dwelling. Factors such as the individual design of the dwelling and its setback position from the highway fall to be considered. The proposal would form an additional floor on an original built footprint, which was designed to be forward of the dwelling, and would follow the existing tapered boundary line. In doing so it would conserve the original style of the dwelling and it would not harm the character of the area. Moreover, the proposed scale of the extension with its ridge significantly lower than the main house, and the set-back from the road would avoid it being viewed as bulky and dominant. Furthermore, such a development would not be incongruous in a street scene which is characterised by large extended dwellings, some with forward additions.
21. The proposed first floor extension has been designed to be a subservient addition to the dwelling, with design cues taken from the host dwelling in respect of gable and fenestration details. Furthermore, the eaves line of the proposed extension would be lower than that of the main house and in common with the existing two-storey projection which incorporates the existing entrance and stairwell. Overall, the existing dwelling lacks prevailing symmetry and the design of the extension would create a harmonious flow which would complement the appearance of the property.
22. It is therefore concluded that the development would not be detrimental to the character and appearance of the street scene and would not detract from the visual amenity of the appeal property. It follows that it would not be contrary to Policy P15 of the Local Plan and the Framework which requires development to be of high design quality which conserve and enhance local character, distinctiveness and streetscape quality. The proposal would also not be contrary to guidance set out in the SPD which seeks to ensure that development respects the character of the area and existing property.

Conditions

23. In addition to the statutory requirement to impose a time-limit within which the development authorised must be started the following are considered necessary:
 - to ensure that the development is undertaken in accordance with the approved plans for certainty; and

- materials for the external surfaces of the development match the existing development, in the interest of safeguarding the character of the area.
24. The Council has requested a condition restricting the uses of the flat roof on the rear extension which I consider reasonable to protect the living conditions of those occupying neighbouring properties.

Conclusion and Recommendation

25. 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

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

David MH Rose

INSPECTOR