



Appeal Decision

Site visit made on 2 June 2020 by S Watson BA(Hons) MSc

Decision by Mike Worden BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/Q4625/D/20/3247379

6 Bushwood Drive, Dorridge, Solihull B93 8JL

- 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 Thompson against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/02436/MINFHO, dated 17 September 2019, was refused by notice dated 10 February 2020.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a two storey side extension at 6 Bushwood Drive, Dorridge, Solihull B93 8JL in accordance with the terms of the application PL/2019/02436/MINFHO, dated 17 September 2019 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans: PAL.02, PAL.010A, PAL.011A, PAL.013A, PAL.014A.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this case is the effect of the proposal on the living conditions of the occupiers at No 5 Bushwood Drive, with particular regard to outlook and light.

Reasons for the Recommendation

4. The appeal site is located on the south-east side of the junction between Bushwood Drive and Knowle Wood Road. It contains a large detached dwelling. The proposal includes the erection of a first floor extension over the existing

single storey garage projecting from the west side of the host dwelling. To the west of the site is No 5, a similarly large, detached dwelling. No 5 has two side facing windows which directly face the garage and the proposed extension. These windows serve a habitable room, used as an office. This room is also served by a front facing, diamond shaped window.

5. From my site visit it is clear that the side windows of the neighbouring house currently have a restricted outlook as they face on to the side elevation and gable of the garage. Equally, direct sunlight to the side windows would also be limited given the boundary treatment and the existing garage. In light of this I find that the proposed removal of the gable-end facing No 5, and the set back of the first floor extension from the boundary would not significantly alter the quality of the outlook from, or natural light to, the side windows.
6. Moreover, in any event there is a third, front facing, window which serves the room. This window is of a size similar to the side windows and has an open outlook towards the north. While direct sunlight is again unlikely, due to its northerly facing, it is more likely that there would be a good level of ambient natural light. I consider that there would be no adverse impact on light levels in this room as a result of the proposal.
7. I note that representations from the neighbouring occupiers refer to the proposal breaching the 45° guidance as set out in the House Extensions Guidelines Supplementary Planning Document (SPD). I also note that both the Council and appellant consider that this guidance is not relevant to the proposal before me and the sketches in the SPD show horizontal rather than vertical relationships. I have nevertheless found above that the proposal would not adversely affect the outlook from, or light to, the neighbouring windows and as such the proposed extension would comply with the purposes of the 45° guidance.
8. For the reasons set out above I find that the proposed first floor extension would not harm the living conditions of the occupiers at No 5 Bushwood Drive by way of their outlook from, or natural light to, the side windows facing the proposal. The proposal would therefore comply with Policy P14 of the Solihull Local Plan which, amongst other matters, requires development to respect the amenity of existing occupiers and be a good neighbour. The proposal would also comply with Paragraph 127(f) of the National Planning Policy Framework (the Framework) which similarly requires development to have a high standard of amenity for existing and future users. Moreover, there would be no conflict with the guidance contained within the SPD.

Other Matters

9. Bushwood Drive is a relatively spacious street, with properties set back from the road within large plots. However, the relationship between Nos 5 and 6 Bushwood Drive is less spacious due to the garage at No 6 and the boundary treatment and No 5. The proposal before me would be set back from the side boundary and would include hipped roofs at both ground and first floor level. Cumulatively this would protect the spacious character of the plots and street.
10. Although there is some concern from the occupant of the neighbouring property over a lack of dimensions on the submitted plans, I consider that they are to scale and are sufficient to make an assessment on. Concern has also been raised that the proposal would overhang the boundary to the

neighbouring garden at No 5. However, from the plans before me it is clear that the proposal is within the appellant's ownership, as shown outlined in red and contained inside the existing boundary fence. The permission requires that the proposal is built in accordance with the submitted plans, and this is controlled by a condition.

Conditions

11. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the advice on conditions set out in the Framework and the Planning Policy Guidance.
12. A condition is necessary, for the sake of clarity, requiring that the development is carried out in accordance with the approved plans. In the interest of character and appearance a condition is required for the external materials to match those used in the existing host dwelling.

Recommendation

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

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed.

Mike Worden

INSPECTOR