



Appeal Decision

Site visit made on 15 May 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2020

Appeal Ref: APP/Q4625/W/20/3245451

18 Blandford Avenue, Castle Bromwich, Solihull B36 9HX

- 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 Glenn Clinch against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/02399/PPFL, dated 13 September 2019, was refused by notice dated 22 November 2019.
 - The development proposed was originally described as the "demolition to the side of number 18 and erection of a new dwellinghouse at 18a."
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwellinghouse at 18a, at 18 Blandford Avenue, Castle Bromwich, Solihull B36 9HX in accordance with the terms of the application, Ref PL/2019/02399/PPFL, dated 13 September 2019, and the plans submitted with it, subject to the conditions in the attached Schedule.

Procedural Matter

2. The demolition element of the proposal has already been carried out. I note the Council confirmed that this element of the development did not need planning permission. I have therefore determined the appeal on the basis of the erection of a new dwellinghouse removing reference to demolition.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

Character and Appearance

4. The appeal site is located on the corner of Blandford Avenue and Farnworth Grove. The area is characterised by semi-detached properties, interspersed with a small number of detached properties. They are mostly two storeys in height and similar in appearance, comprising red brick construction, bay windows, hipped roofs and lean-to garages at the side. Each street has appreciable width and separation between property frontages. To the side, separation between properties is occupied by lean-to garages at ground floor level, with a limited degree of separation remaining at first floor level. Consequently, openness appears as a result of separation at the frontages, rather than at the sides of properties.

5. Corner properties are open to the street at the side, creating additional garden area compared to properties comprised in a row. Some of these corner properties are sited closer to the street than others, bringing a reduction in garden area to the side, and consequently a reduction in openness. Some also incorporate outbuildings within their garden along with hard edged boundary treatments, such as close board fencing, which also bring a reduction in openness. Others use landscaping to soften the built form, which helps create its own sense of openness, even in the context of smaller garden areas. Overall, there are many factors that influence the apparent feeling of openness at corner properties and the extent of a side garden in and of itself is not definitive. Furthermore, openness is but one element of character.
6. The appeal site presents itself as a large garden area between the street of Farnworth Grove and the property of 18 Blandford Avenue. It appears much larger in size compared to garden areas at other corner properties. It is largely empty, generally lacking aesthetically pleasing landscape features and comprising stark close boarded fencing along Farnworth Grove. Consequently, its current appearance is more akin to a vacant plot of land than garden. Notwithstanding its present open state, the site, could make a more positive contribution to the area's character.
7. The distance between the new dwelling's side elevation and the boundary at Farnworth Grove would be reduced in comparison to other corner properties in the area, diminishing the garden area and the degree of openness. However, there are opportunities to secure beneficial landscaping treatments that will not only improve on the existing appearance of the site but also soften the built form. This would largely mitigate issues associated with proximity to the boundary and the modest reduction in openness. Furthermore, the resultant layout would not be completely inconsistent with other relatively enclosed corner properties in the area. Consequently, the overall effect of the development on the appearance of the site would be positive.
8. The width and length of the site is comparable to that of 18 Blandford Avenue, including other properties in the vicinity, and is sufficient in size to host a dwelling of the scale proposed. The dwelling would be detached, two storeys in height with features typical of the local area, including brick construction, bay windows and a hipped roof. Its design and siting would be largely in-keeping with the prevailing context and even though it is materially longer than 18 Blandford Avenue, it is similar in length to other properties in the vicinity. The distance between the new dwelling and 18 Blandford Avenue's boundary is not dissimilar to boundary relationships elsewhere in the area, with lean-to garages either adjoining or in close proximity, and would not feel cramped.
9. References to other appeals are noted. APP/Q4625/W/19/3234415 was dismissed partly on the grounds that the development read more as a domestic extension than a self-contained new dwelling, thus creating a cramped environment diminishing the existing appearance of the site. In this case, the site is spacious enough to receive the development without becoming cramped and opportunities exist to improve the existing appearance of the site. APP/Q4625/W/18/3208391 was dismissed partly on the grounds that the development would disrupt the rigid layout and uniformity of the area. In this case, the development is assessed against a more organic layout with greater nuance in appearance. Consequently, these appeal decisions are not directly comparable to the appeal scheme before me.

10. The development would reduce the amount of garden area at the site and that available to the dwelling, but the beneficial use of landscaping would improve upon its existing appearance and avoid unacceptable effects on openness. Overall, the effect of development would be positive and carries moderate weight. It would improve the character and appearance of the area and in doing so would accord with Policy P15 of the Solihull Local Plan 2013 (SLP) and Supplementary Planning Guidance New Housing in Context 2003 which, among other things, seeks to ensure that development is of good design respecting local distinctiveness.

Other Matters

11. Several other matters have been raised by the Council, consultees and interested parties. These include parking provision and highway safety, drainage, living conditions, local service provision, financial loss or gain and housing land supply.
12. There is sufficient off-street parking for the proposed dwelling. I am satisfied that the visibility splays can be achieved to ensure safe ingress and egress to the off-street parking spaces. I do not find that the positions of the existing street light and electricity substation would have any effect on the ability of a vehicle to use the off-street parking space on Farnworth Grove.
13. The limited scale of development would have similarly limited implications for surface water and foul drainage. I have no substantive evidence before me to indicate that there would not be a technological solution to water management in this location. Consequently, a planning condition is necessary to ensure that the details are appropriate for the site.
14. The plot is of sufficient size to allow for suitable separation distances, to avoid overshadowing, overlooking and overbearing, thereby preserving the living conditions of neighbouring occupiers. Any potential future effects resultant from permitted development rights can be suitably addressed by condition.
15. The limited scale of development would not increase the local population to such a degree that it could have any more than a limited potential impact on the capacity of local services, such as schools. It would not therefore be capable of being a reason in this instance for withholding permission.
16. The aspects of financial loss or gain together with comments relating to the loss of a private view, do not relate to the planning merits of the case and consequently such considerations are outside the scope of this appeal.
17. The Council confirms it cannot demonstrate sufficient housing land supply. Resultant from the shortfall in housing land supply, and in line with Footnote 7 of the National Planning Policy Framework (the Framework), Paragraph 11 is engaged which weighs in favour of the appeal proposal. In any event I have found that the proposal accords with the development plan.

Conditions

18. The Council suggested 14 conditions, and these have been considered in relation to the Framework and Planning Practice Guidance (PPG). Some of the conditions have been amended and removed for precision and to avoid duplication. As such the main parties have been given the opportunity to comment on the draft conditions.

19. I have attached 11 conditions set out in the accompanying Schedule, all of which are deemed necessary to make the development acceptable in planning terms.
20. The standard conditions setting out the time limit for implementation, and compliance with the approved plans are necessary to provide certainty. To protect the character and appearance of the area it is necessary to impose a condition requiring approval of the materials. Managing drainage is necessary to ensure adequate foul drainage connections are made and that foul water is disposed of appropriately, and that the control of surface water runoff is disposed of sustainably. Managing ecological, landscape and boundary features is necessary in the interests of safeguarding and enhancing natural features of the site and the corner property's character and appearance. Managing access is necessary in the interests of securing safe ingress and egress on a corner plot at a busy junction to a cul-de-sac, ensuring the safety of pedestrians and other road users.
21. The Council has suggested removing permitted development rights in relation to future extensions. I am mindful that the PPG is very clear that blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. However, in this case because the rear of the development would extend an appreciable distance beyond its neighbour, there is a risk that further extension may result in harmful impacts on living conditions. Consequently, I am satisfied that it is reasonable and necessary to remove the permitted development rights for household extensions to protect the living conditions of adjacent occupiers of No 18 Blandford Avenue.
22. The PPG is clear that pre-commencement conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission. In this case I find that the condition relating to the combined ecological and landscaping details is necessary to avoid site clearance that might otherwise prevent biodiversity net gains that are encouraged in accordance with the Framework. The procedural requirements set out in Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (as amended) have been followed and the appellant was offered the opportunity to make a substantive response within the timescales set out in regulations.

Conclusion

23. The development is found to be in accordance with the development plan as a whole and benefit from a presumption in favour of sustainable development in accordance with the Framework. For these reasons, the appeal is allowed, and planning permission is granted subject to conditions in the attached Schedule.

Liam Page

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved plan: 18 BA/001A (dated Sep 19).
- 3) No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme must include all aspects of landscaping including details of native or fruit bearing tree and shrub planting and extent of existing vegetation retained and measures for their protection during construction. Any vegetation identified for retention which is lost for any reason during development works, shall be replaced during the next planting season. The scheme shall be fully implemented before development is occupied.
- 4) No above-ground work shall commence above damp-proof course level or equivalent on any buildings or structures hereby approved until a schedule and samples of all bricks, tiles and other materials to be used in the external elevations have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No above-ground work shall commence until such a time as a scheme to manage drainage from the development has been submitted to and approved in writing by the local planning authority, with no occupation until the scheme is operational. The scheme shall be implemented, maintained and managed in accordance with the approved details.

The submitted details shall include:

- (1) Engineering details of all surface water drainage features;
 - (2) Demonstration that the final design provides appropriate treatment for water leaving the site;
 - (3) Maintenance plan for the proposed system; and
 - (4) Foul drainage plans
- 6) Notwithstanding the partial details shown on the approved plans, the development hereby approved shall not be occupied until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
 - 7) The development shall not be occupied until public highway footway crossings have been laid out on Blandford Avenue and Farnworth Grove.
 - 8) The development shall not be occupied until an access for vehicles has been provided onto Blandford Avenue not less than 5m in width for its entirety and an access for vehicles has been provided onto Farnworth Grove not less than 3.5m in width for its entirety, as measured from the nearside edge of the public highway carriageway.

- 9) The accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound material for their whole length, as measured from the nearside edge of the public highway carriageway.
- 10) The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.0 metres and 'y' distances of 43 metres to the nearside edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development included within Schedule 2, Part 1, Class A (enlargement, improvement of other alteration of a dwellinghouse) shall be carried out.

End of Schedule