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## Appeal Decision

Site visit made on 29 June 2020

**by J Gibson BUEP MPIA**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 July 2020**

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**Appeal Ref: APP/Q4625/W/20/3247341**

**104 Cranmore Boulevard, Shirley, Solihull B90 4RU**

- 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 & Mrs Chan against the decision of Solihull Metropolitan Borough Council.
  - The application Ref PL/2019/02699/MINFHO, dated 10 October 2019, was refused by notice dated 11 December 2019.
  - The development proposed is for a front porch and rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a front porch and rear extension at 104 Cranmore Boulevard, Shirley, Solihull B90 4RU in accordance with the terms of the application, Ref PL/2019/02699/MINFHO, dated 10 October 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Existing and Proposed General Arrangement (Job No QA 1929, Dwg No 01, Rev D, dated 10.19).
  - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plan, and where not specified using external materials that match the existing materials used and finished appearance of the original building.

### Procedural Matter

2. The appeal proposal comprises of a two storey rear extension and a front porch. The Council's objection to the proposed development relates specifically to the two storey rear extension. As such, the proposed front porch was considered appropriate. Based on the information before me I have no reason to reach a different conclusion.
3. To remove any doubt, this appeal has been determined based on the proposed plan referenced on the Council's decision notice.

### Main Issue

4. The main issue is the effect of the proposed rear extension on the living conditions of occupants at 106 Cranmore Boulevard, with regard for light and sense of enclosure.

## Reasons

5. The appeal site is a two storey end of terrace dwelling located along the north western side of Cranmore Boulevard. Adjoining the appeal site to the immediate south is 106 Cranmore Boulevard, a mid-terrace dwelling of a similar size and layout to the appeal site.
6. The Council have suggested that the proposed two storey rear extension would breach a 45 degree guide<sup>1</sup> used to determine whether an extension may detrimentally affect the degree of light and outlook experienced by the occupants of neighbouring properties. Notwithstanding this, No 106 is located south of the appeal site and is oriented towards the north west. As such, the rear facing windows of No 106 would already experience a limited degree of light exposure which would not be worsened by the proposed rear extension on the appeal site, located to the north. It is therefore my view that the proposed two storey rear extension would not result in any harmful overshadowing to No 106 as suggested by the Council.
7. With respect to outlook, the closest ground floor habitable window at No 106 already experiences a degree of enclosure due to the height and proximity of the boundary fence and the existing conservatory on the appeal site. The proposed two storey rear extension would represent a more prominent built form in the rear garden of the appeal site. However, I am satisfied that it would not amount to an unacceptably harmful sense of enclosure for the occupants at No 106 having regard for the existing level of outlook.
8. Accordingly, I am satisfied that the proposed two storey rear extension would not detrimentally harm the living conditions of neighbouring occupants at No 106, with regard for light and sense of enclosure. It therefore complies with Policy 14 of the Solihull Local Plan (adopted December 2013). This policy seeks, amongst other things, to ensure that development is designed to protect and enhance the living conditions of existing and future occupants, including those in neighbouring properties.
9. The Council has not identified any specific provisions under the National Planning Policy Framework in their reason for refusal. As such, no further assessment has been carried out in this respect.

## Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

*J Gibson*

INSPECTOR

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<sup>1</sup> House Extension guidelines Supplementary Planning Document (adopted February 2010).