



Appeal Decision

Site visit made on 29 July 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2020

Appeal Ref: APP/Q4625/D/20/3247133

33 Alspath Road, Meriden, Solihull, CV7 7LU.

- 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 R Scott against the decision of Solihull Metropolitan Borough Council.
 - The application Ref. PL/2019/02568/MINFHO, dated 01 October 2019, was refused by notice dated 24 January 2020.
 - The development proposed is the erection of a two storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey side and rear extension at 33 Alspath Road, Meriden, Solihull, CV7 7LU in accordance with the terms of the application, Ref. PL/2019/02568/MINFHO, dated 01 October 2019, and the plans submitted with it, 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: Sheets 1 & 2 (no ref. and undated).
 - 3) The materials used in the external elevations and roof of the extension hereby approved shall match the brickwork and roof tile of the main house at 33 Alspath Road.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of the adjacent dwellings.

Reasons

Background

3. The appeal site comprises a two storey semi-detached property which lies in a residential area of mainly similar properties. The proposal is to add two storey extensions to the side and rear of the property and at the rear a ground floor part would project some 2m beyond the two storey element. The Council is satisfied that the proposal would not harm the appearance of the property in the street scene and that the proposal complies with Solihull Local Plan (2013) Policy P15 and supplementary guidance on house extensions on design aspects.

Effect on living conditions

4. In considering this issue I have had regard to the Council's supplementary planning guidance - House Extensions Guidance (HEG) adopted 2010. Further, Local Plan Policy 14 requires new development to respect the amenity of existing and proposed occupiers.
5. Dealing with the relationship with No.35 first, I noted at the site visit that there is a variation in ground level between the two properties with the appeal site being slightly higher and the land also slopes away from the houses at the rear. The neighbouring property has a single storey garage at the eastern side of the property which extends up to the party boundary. Drawings submitted by the appellant's agent show that the two storey extension proposed would not project rearwards beyond a 45° splay from the nearest ground floor window in No.35 which also has a bathroom window at first floor level nearest to the appeal site. The scale and position of the two storey extension therefore meets the technical standard for the protection of neighbours set out on pages 19/20 of the HEG.
6. I recognise that the juxtaposition of the siting of the two properties means that No.35 will have about a 5m long flank wall close to the party boundary but the proposal will not have an adverse impact on a main area of this property's garden as the Council alleges. I noted at the site visit that there is a garden shed in the adjoining part of the garden and then shrubs along the boundary.
7. On the particular circumstances of the case I am satisfied that the proposal would not harm the living conditions of the occupiers of No. 35.
8. Turning to the relationship with No. 31 (the attached part of the semi) I noted at the site visit that a 5m long single storey rear extension is being constructed. This is referred to by the Council in the decision on the appeal application, but the Council says it could not place much weight on the prior notification approval at that time as it had not been started. The submitted plans show that the proposed two storey extension would just project past the 45° splay from the nearest first floor window in No.31. However, in the context of the large new extension added to that property at ground floor level, the degree of encroachment is not significant. The proposal would not materially interfere with the aspect of this extended property and as such the amenity of the occupiers would be respected.
9. Overall, I find that the proposal would not harm the living conditions of the occupiers of adjoining properties and accords with the requirements of the relevant Policy P14. No other considerations outweigh this conclusion.
10. In terms of conditions the Council advises that only standard conditions are necessary concerning: the timing of the start of development; external materials to match the existing property; and that the development be carried out in accordance with the plans that are approved. These conditions are reasonable and necessary in the interests of maintaining the appearance of the area and the living conditions of neighbours and I will impose them.

Conclusion

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

David Murray

INSPECTOR