
Appeal Decision

Site visit made on 25 August 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2020

Appeal Ref: APP/Q4625/W/20/3253001

29 Holly Lane, Marston Green, Solihull B37 7AP

- 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 Timothy Lawrence against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/02246/PPFL, dated 28 August 2019, was refused by notice dated 12 December 2019.
 - The development proposed is change of use from dwelling house to 3 no apartments.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from dwelling house to 3 no apartments at 29 Holly Lane, Marston Green, Solihull B37 7AP in accordance with the terms of the application, Ref PL/2019/02246/PPFL, dated 28 August 2019, and the plans submitted with it, subject to the following conditions in the schedule of conditions at the end of this decision.

Application for costs

2. An application for costs was made by Mr Timothy Lawrence against Solihull Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appellant's name is taken from the appeal form.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area and;
 - the adequacy or otherwise of the parking provision for the proposal and the highway safety implications.

Reasons

Character and appearance

5. Holly Lane is a well-established residential through road, fronted by a variety of sized houses with some coherency in elements of their style. The site is on the frontage of Holly Lane and prominent from both directions.
6. The proposal involves an extension at first floor level to the side. This would remove a flat roof garage which is a jarring element of the existing building. The extension would have a hipped roof which is a characteristic of the area and would also avoid the perception of any bulk.
7. The extension would give the building a more cohesive appearance by removing the flat roof. The extension would be modest and the main feature of the building, a two-storey gabled projecting bay, would still be prominent.
8. An additional front door is proposed but that would be a small detail which would not be overly prominent. The presence of the proposed flats would not be readily discernible as only the additional door and extra waste bins would be physically apparent. The flats would be likely to lead to additional movement of people and households, but Holly Lane is a busy thoroughfare and its character would not be harmed.
9. A small area of shrubs and frontage wall would be removed to allow car parking on the frontage. These are not notable features. Indeed, open frontage parking would be typical of the area and so the proposal would not appear out of keeping.
10. The proposed extension would be sympathetic to the building and it would still be perceived as an integral part of the frontage Holly Lane frontage. Similarly, the presence of the flats would also not be harmful.
11. I therefore conclude that the proposal would not harm the character and appearance of the area. Policy P15 of the Solihull Local Plan 2013 (LP) promotes quality design and similarly paragraphs 127-130 of the National Planning Policy Framework (the Framework) and the proposal would not be in conflict. The Council refers to policy P5 in its appeal statement which requires proposals to enhance local character and distinctiveness but as I have found above the proposal would not be in conflict.

Car parking

12. The proposed three flats would each have their own parking space, which would be limited as they would have two bedrooms. However, the area is very well served by public transport including a railway station, and there are everyday community facilities within easy walking distance.
13. Whilst the proposal would change the house to flats, it would only add one additional bedroom. Furthermore, the application forms confirm that there are currently only 2 parking spaces on site and the proposal would increase provision to 3.
14. I noted on my site visit, there is a spacious public car park only a few minutes walk away, behind the Green Tavern, which is modestly priced at 50 pence/hour. This would provide commodious visitor parking.

15. The proposal would not lead to indiscriminate parking as Holly Lane and the surrounding streets are all double yellow lined. Similarly, the station car park is limited to rail users only.
16. The car parking would be outside the front entrance to the flats and sufficient space would be available without obstruction of the pavement. The proposal would entail reversing out onto Holly Lane, but the site would have good visibility, and this is a common arrangement along the lane.
17. I note that the Council's Highway Officer had no objection and commented on the adequacy of the parking and the parking restrictions in the area.
18. I therefore conclude that the car parking provision would be adequate, and the proposal would not harm highway safety. Policies P7 and P8 of the LP promote highway safety and similarly paragraphs 108 and 109 of the Framework, and the proposal would not be in conflict.

Planning Balance

19. Both parties agree that the Council is not meeting its residential land supply requirements. The proposed flats would help ease the housing land supply shortfall. Indeed, the appeal site would be in an accessible location being close to everyday community facilities, public transport and employment opportunities. The proposal would bring social and economic benefits.
20. As a result of the housing land supply shortfall paragraph 11(d) of the Framework applies. Where the policies which are most important for determining the application are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
21. Paragraph 7 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the Framework defines the 3 dimensions of sustainable development as an economic, social and environmental role, which in accordance with paragraph 9 should be determined through the application of policies in the Framework. Moreover, the proposal accords with the development plan as a whole and benefits from a presumption in favour of sustainable development in accordance with the Framework and it is for these reasons that the appeal should be allowed.

Conditions

22. Paragraph 55 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. The Council's suggested conditions are in the case officer's report and appeal statement. They are acknowledged by the appellants. The suggested reserved matters approval timescale is replaced with standard time and approved plans conditions which provide clarity and are therefore necessary. A condition requiring matching materials is necessary to give a satisfactory appearance. A restriction on window openings is suggested but the building line would remain unchanged and safeguards are provided in the regulations. The PPG is also clear that such a restriction is only warranted in exceptional circumstances. The Council Highways Officer suggests conditions to secure

the footway and implementation of the access, which are necessary for highway safety. There is also comment on the need for a vehicle crossing agreement, but that requirement lies outside the planning system.

Conclusion

23. I therefore conclude that the appeal should be allowed subject to the conditions below.

John Longmuir

INSPECTOR

-----Conditions Schedule-----

- 1) The development hereby permitted shall be commenced within three years of the date of this decision.
- 2) The development hereby permitted shall only be implemented in accordance with the following plans and drawings hereby approved:
Proposed location and block plan MC/2520/04 and Proposed plans and elevations MC/2566/02A, Existing plans and elevations MC/2566/01A and Existing location and block plan MC/2520/03.
- 3) The walling and roofing of the extension hereby permitted shall match the existing building.
- 4) The access to the site in connection with the development shall not be used until it has been surfaced with a bound material for its entirety as measured from the near side carriageway edge and the public highway footway crossing has been widened and constructed in accordance with the standard specifications of the Highway Authority.