
Appeal Decision

Site visit made on 12 November 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/Q4625/W/20/3257107

50 Kingslea Road, Solihull, West Midlands B91 1TL

- 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 Mrs Rachael McGarry against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/00465/COU, dated 24 February 2020, was refused by notice dated 26 June 2020.
 - The development proposed is the change of use from C4 to Sui Generis, to include a 7th bedroom.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from C4 to Sui Generis, to include a 7th bedroom at 50 Kingslea Road, Solihull, West Midlands B91 1TL in accordance with the terms of the application, Ref PL/2020/00465/COU, dated 24 February 2020, 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: Location Plan, Plan Number 001 - proposed plans dated May 2020; Plan Number 001 - Existing Plans dated May 2020
 - 3) There shall be a maximum of 7 residents occupying the premises at any one time.

Application for costs

2. An application for costs was made by Mrs Rachael McGarry against Solihull Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i. the living conditions of the occupiers of the appeal property and neighbouring properties, with particular regards to noise and disturbance.
 - ii. highway safety with particular regards to off street car parking.

Reasons

4. Policy P14 of the Solihull Local Plan (the LP) refers to 'amenity' and seeks to protect the living conditions of existing and proposed occupiers in respect of new development.
5. The appeal property currently accommodates 6 bedrooms with communal facilities and a large rear garden. As a result of the appeal scheme an additional single bedroom would be permitted. Consequently, it is clear that the appeal scheme would result in a more intensive occupation of the property.
6. However, there is little substantive evidence before me that a single additional bedroom, i.e. a 7 bed house as opposed to a 6 bed house, would result in material harm to the living conditions of occupiers of the neighbouring properties or the existing occupiers of the appeal property, with particular regards to noise and disturbance.
7. At the site visit I saw that the communal areas, including the rear garden are large and appeared sufficient to meet the needs of the current and future occupiers. Objectors to the appeal scheme have referred to past criminal activity and anti-social behaviour in the area. The comments suggest that these are not current issues and it is not suggested that these relate specifically to the appeal site.
8. I therefore find that on the basis of the evidence before me the appeal scheme would not harm the living conditions of the occupiers of the appeal property and neighbouring properties, with particular regards to noise and disturbance.
9. As such, the appeal scheme is not contrary to Policy P14 of the LP.

Highway Safety

10. Policy P8 of the LP seeks to ensure that appropriate car parking is provided, and that highway safety is maintained.
11. The appellant states that the hardstanding to the front of the property can provide four car parking spaces and that there are no restrictions to car parking on the highway directly in front of the property. Furthermore, I note that 'Solihull Metropolitan Borough Council Highways' raised no objection to the proposals.
12. Nonetheless, a number of local residents have raised concerns regarding the availability of on street parking in the local area, particularly in relation to the drop off and pick up times in respect of the local school.
13. This is at odds to my observations at the site visit, made in the afternoon of a typical weekday albeit during the second lockdown of the COVID-19 pandemic. I saw that there was abundant available on-street car-parking when pupils were leaving the school.
14. One objector suggested that the number of cars at the property could be as high as 14, being two per bedroom. However, the Council has requested a condition be attached to any permission resulting from this appeal limiting the number of residents occupying the property to 7. This would indirectly limit the number of cars at the property.

15. On the basis of the evidence before me I find that the appeal scheme would not harm highway safety with particular regards to off-street car parking. As such the appeal scheme does not conflict with Policy P8 of the LP.

Conditions

16. I have had regard to the conditions suggested by the Council. For the avoidance of doubt, a condition is necessary ensuring the development is carried out in accordance with the approved plans. Furthermore, in the interests of the character of the area and to protect the living conditions of the occupiers of adjacent properties a condition is necessary limiting the maximum number of residents to 7.

Conclusion

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

Mark Brooker

INSPECTOR