



Appeal Decision

Site visit made on 19 January 2021

by Elaine Benson BA (Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 01 March 2021

Appeal Ref: APP/Q4625/W/20/3260639

68 Needlers End Lane, Balsall Common, Coventry CV7 7AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Thomas and Gillian Matthew against Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/01511/PPFL is dated 2 July 2020.
 - The development proposed is demolition of existing dwelling and erection of 6 two-bedroom flats with access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of 6 two-bedroom flats with access, parking and landscaping at 68 Needlers End Lane, Balsall Common, Coventry CV7 7AB in accordance with the terms of the application, Ref PL/2020/01511/PPFL, dated 2 July 2020, subject to the conditions on the attached Schedule.

Background and Main Issue

2. The application was deferred from earlier meetings of the Council's planning committee. Following the submission of this non-determination appeal, the application was reconsidered on 14 October 2020. The Council resolved that had it been in a position to determine the application, it would have refused planning permission.
3. Having regard to this resolution, the main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area, particularly in terms of its scale and massing.

Reasons

4. The existing building on the plot has for some time offered bed and breakfast accommodation for up to 6 guests. It is a large two-storey detached house which extends across the full width of the plot with generous front and rear gardens. There is a dense hedge along the front boundary and substantial tree and hedge cover along parts of the side boundaries.
5. Homes in the area are detached and semi-detached houses of varied ages, styles and massing, with no particular design consistency. The buildings are staggered within the plots and there is no defined building line around the appeal property. There are also a number of relatively recent apartment building developments in the area. The variety of building form and the

diversity of materials used creates a characterful street scene. The changing ground levels in the area also contribute to the local character.

6. The proposed block would largely stand on the footprint of the existing house with a significant projection further into the rear garden. This would reach a point broadly level with the rear of the neighbouring No 64, which is set back considerably from the road frontage. The apartment development would be 2 storeys, whilst also incorporating 2 flats in the roof space, and would be around 0.5 m taller than the existing dwelling. It would have the appearance of a large house of traditional design and would reintroduce design features of the existing dwelling such as gable features and dormer windows. It would comprise external materials common to the locality.
7. In accordance with the detailed design advice in the Council's Supplementary Planning Guidance *New Housing in Context* (SPG), I have considered the plot format, building line, building set back, plot access, building format and other design aspects of the appeal proposal. The overall size, scale and mass of the resulting building would be substantially larger than the dwelling it would replace. Nonetheless, due to its siting in relation to the neighbouring properties, it would not appear overly dominant or out of character with its surroundings. I am satisfied that the distance between the proposed block and its boundaries, including to the eastern boundary with No 2 Winsford Close, would not jar with the grain of development on this side of Needlers End Lane.
8. Existing boundary landscaping would be largely retained and enhanced, taking account of a revised access to the frontage parking area. The loss of poorer quality trees and their replacement are justified in a professionally prepared report. A green site frontage as is common to this part of Needlers End Lane would be retained.
9. I conclude that the key characteristics of the proposed development would be a sympathetic response to the varied character of the surrounding area and would respect the local distinctiveness of the residential location in accordance with the SPG guidance. For these reasons there would be no conflict with the development plan policies identified in the Council's appeal submissions, namely Policies P5 and P15 of the Solihull Local Plan 2013 which set out a requirement for good quality, inclusive and sustainable design, and Policies H1 and BE2 of the Balsall Parish Neighbourhood Plan which have similar design requirements, requiring development to be compatible with the distinctive character of the location in all regards. The proposal would also respect the design policies of the National Planning Policy Framework.
10. In terms of other matters raised, and noting the objections of Balsall Parish Council, I agree with the Council that there would be no overbearing impact on neighbouring properties and that there would be no unacceptable overlooking. Appropriate conditions are imposed to address the potential for loss of privacy. Parking provision at the front of the building would accord with the Council's policy requirement and there would be sufficient amenity space at the rear to ensure a satisfactory form of development.
11. For the reasons I have set out the appeal should be allowed and planning permission granted subject to the following conditions. The appellants have agreed to those which are to be approved prior to the commencement of the development.

Conditions

12. I have identified in a condition the approved plans for the avoidance of doubt and in the interest of proper planning. Details of external materials are required to safeguard the visual amenities of the area. For the same reasons, details of landscaping, its implementation, any necessary replacement tree or shrub planting details and tree protection measures during construction are required by appropriate conditions. I have imposed a condition requiring the windows to be installed in side elevations of the en-suite bathrooms in apartment numbers 1-4 which face 2 Winsford Close and 64 Needlers End Lane to be predominantly obscurely glazed and non-opening to protect the privacy of those neighbouring occupiers.
13. Details of surface water drainage are required by condition to secure the satisfactory drainage of the site. In the interests of road safety and to protect the living conditions of future and neighbouring occupiers, the apartments should not be occupied until the site access has been brought into use. For the same reasons a construction management plan is required to be approved prior to the development commencing. Cycle storage is required by condition in the interests of sustainable travel. Details of finished floor levels and site levels are required to safeguard the amenity of neighbouring occupiers. To minimise the impact of the development on protected species, the local landscape and biodiversity, I have imposed a condition requiring the development to be carried out in accordance with the submitted Ecological Method Statement and Ecological Landscape Plan.
14. The Council suggested a condition requiring the agreement of a parking management strategy at the Highway Authority's request. I consider this to be unduly onerous for a small development of 6 apartments where there is no dispute that there would be a sufficient number of parking spaces and no specific justification for this condition on a highway safety basis has been provided. I have not therefore imposed this condition.

Elaine Benson

INSPECTOR

SCHEDULE OF 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 not be carried out except in complete accordance with the details shown on the submitted plans, numbers: Location Plan Ref 130 01, Existing Site Plan Ref 130 02, Proposed Site Plan Ref 130 10C, Compliance Plan Ref 130 11, Proposed Ground Floor Plans Ref 130 20, Proposed First Floor Plans Ref 130 21, Proposed Second Floor Plans Ref 130 22, Proposed Site Sections Ref 130 41, Proposed Site Sections Ref 130 42, Proposed Elevations Ref 130 43 and Proposed Elevations Ref 130 44.
- 3) No 'above-ground' building works shall proceed 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.
- 4) The development hereby approved shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting etc.); retained historic landscape features and proposals for restoration. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March), unless the Local Planning Authority gives its written consent to any variation.
- 6) Any tree, hedge or shrub scheduled for retention which is lost for any reason during development works, shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.
- 7) No building or engineering works shall proceed on site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of

the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

- 8) The windows to be installed in the en-suite bathrooms in apartment numbers 1, 2, 3 and 4 in the side elevations which face 2 Winsford Close and 64 Needlers End Lane shall be obscurely glazed and non-opening, unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall thereafter be permanently retained in that condition.
- 9) No above-ground work shall commence until such a time as a scheme to manage the surface water runoff 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 submitted details shall include: i) Engineering details of all surface water drainage features. ii) Demonstration that the final design provides appropriate treatment for water leaving the site. iii) Maintenance plan for the proposed system. iv) Model and calculations demonstrating that the proposed system will manage flows to greenfield rates in all storms up to a 1 in 100 year storm with an appropriate allowance for climate change. v) Overland flow routing plan demonstrating that the buildings will be safe from flooding in the event of blockage or exceedance of the drainage system. vi) Foul drainage plans. The scheme shall be implemented, maintained and managed in accordance with the approved details.
- 10) The development shall not be occupied until the access for vehicles has been laid out in general accordance with Drawing Number 10C (Proposed Site Plan) and constructed to the standard specification of the Local Highway Authority.
- 11) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; hours of operation and deliveries; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway.
- 12) No dwelling shall be occupied until a detailed scheme for the provision of cycle parking has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 13) No development shall take place until full details of the finished floor levels of buildings and site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

- 14) The development hereby approved shall be carried out in complete accordance with the Ecological Method Statement including the Ecological Landscape Plan dated April 2020 unless otherwise agreed in writing with the Local Planning Authority.