



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: 19 March 2021

- Appeal Ref: APP/Q4625/W/20/3260079
 - 32 Links Drive, SOLIHULL, B91 2DL
 - 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 Durim Cekrezi, Blythe Homes Limited against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/02692/PPFL, dated 14 October 2019, was refused by notice dated 27 August 2020.
 - The development proposed is the demolition of existing detached dwelling and erection of two detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing detached dwelling and erection of two detached dwellings at 32 Links Drive, SOLIHULL, B91 2DL in accordance with the terms of the application, Ref PL/2019/02692/PPFL, dated 18 November 2019, subject to the conditions on the attached Schedule.

Main Issue

2. The Council refused planning permission for the proposed development, although it had been recommended for approval by officers. There was no objection to the principle of the development and this decision therefore focusses on the main issue which is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal scheme involves the sub-division of a large corner plot containing a substantial detached bungalow in order to provide two detached houses. The area immediately surrounding the appeal site comprises predominantly two-storey detached houses in generous plots. However, Links Drive is broadly square shaped, with bungalows on the corners of its inner block. Due to the lengths of the 4 sides of the block, the bungalows are not viewed together in any of the street views.
4. The proposal would largely respect the building lines of the 2 sides of Links Drive leading to the corner. The dimensions of the proposed houses and their plots would reflect those in the surrounding area. The space provided around each house and the extent of the building set back from the road would preserve the open frontage which is a feature of the area. Accordingly, the proposal would not lead to a cramped development of the site and would respect the grain of development. Trees would also be retained along the front boundary, thereby maintaining the existing green character of the appeal site.

5. In terms of detailed design, the pair of houses would not replicate the appearance of other large detached dwellings along the road. However, the scheme's design incorporates local design features. Furthermore, the houses in the locality are not identical and the existing bungalow has a significantly different appearance to its neighbours. No specific local design characteristics have been identified such as to require development to be identical to its neighbours. For the same reason, the location and style of the dormer windows would be acceptable.
6. I am satisfied by the evidence that the number, layout, scale and massing of the proposed dwellings would not amount to an overdevelopment of the site. The development would not harm the character and appearance of the area and would have little impact on its sense of place. The proposal would positively respond to local character. There is no convincing evidence to indicate that a single new dwelling, rather than 2 would more comfortably address its surroundings. But in any event, I am required to determine the appeal as submitted.
7. For the reasons set out above, I conclude that there would be no conflict with Policy P5 of the Solihull Local Plan 2013 (LP) which, in summary and of relevance to this appeal, requires high quality development which retains local distinctiveness and makes efficient use of land; and the similar, detailed design requirements of LP Policy P15. The proposed development would also accord with the design policies of the National Planning Policy Framework with which the LP policies are consistent.

Other Matters

8. Local residents have raised a number of issues additional to the Council's reason for refusing planning permission. I agree with the Council that the resulting separation distances, garden depths and design would ensure that amenity and privacy levels between properties would be maintained without resulting in any unacceptable levels of overshadowing and overlooking. Furthermore, a condition would require side facing windows to be obscurely glazed and non-openable.
9. In respect of parking and highway safety, the houses would each have car parking and an access. Traffic generated by one additional dwelling is unlikely to have any measurable impact on highway safety. I note that the Council's Highway Engineers raised no objections and I share the Council's view that the proposal is acceptable on these grounds. Concerns about the impact of the development on ecology would be addressed by condition, as would the short-term effect of construction noise. The development of 2 dwellings falls beneath the threshold for requiring affordable housing.

Conditions

10. The following conditions are reasonable and necessary: details of external materials and hard and soft landscaping, including boundary treatment, and the retention of the soft landscaping are required to safeguard the visual amenities of the area. For the same reason hedges should be retained. To safeguard the amenities of neighbours, windows in the side elevations of the houses are conditioned to be obscurely glazed and fixed shut and permitted development rights to build dormer windows or to make additional window openings are withdrawn.

11. Details of surface water drainage are required to ensure satisfactory drainage of the site. Conditions are imposed requiring the approved alterations to the site accesses to be carried out in the interests of the convenience and safety of the users of the dwellings and highway safety. As detailed above, a construction management plan is conditioned to minimise disruption to neighbouring occupiers during construction. Works relating to bat mitigation are necessary to ensure that protected species are not harmed by the development. An ecological and landscaping scheme should be submitted and approved to support the ecology and wildlife on the site. The appeal site land slopes gradually towards the road, details of finished levels are therefore required by condition to ensure the satisfactory layout and development of the site. The appellant agrees to the pre-commencement conditions. In some instances, I have amended the wording of the suggested conditions to better relate to the appeal proposal.

Conclusion

12. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

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 be carried out in accordance with the following approved plans: 2353-050A, 2353-017, 2353-007, 2353-050B, 2352-053D, 2353-052E, 2353-056 and 2353-061D.
3. No 'above-ground' building works shall proceed above damp-proof course level or equivalent on any buildings 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/samples.
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 and hard surfacing materials. 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. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
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. The development hereby approved shall not be first occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out and thereafter retained in accordance with the approved details.

7. The windows to be installed in the side elevations of the 2 new dwellings 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.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no windows, dormer windows or other openings (other than those expressly authorised by this permission) shall be constructed or installed.
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, indicating the ownership and maintenance responsibility for each dwelling.
 - 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 accesses to the site for vehicles shall not be used until the existing public highway footway crossing serving Plot 1 has been realigned and a new public highway footway crossing has been laid out and constructed to serve Plot 2 in accordance with Drawing Number 2353-061D (Two Plot Option), and to the standard specification of the Highway Authority.
11. The development shall not be occupied until all parts of the existing vehicular access onto Links Drive that shall not be used in connection with the development has been closed, and the kerb and footway have been reinstated to the standard specification of the Highway Authority.
12. The accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound material for their whole length, as measured from the near edge of the public highway carriageway.
13. 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.

14. The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been completed in consultation with a suitably qualified bat worker and submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.
15. No works are to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority. The scheme must include all aspects of landscaping including details of tree and shrub species and any species enhancements such as hedgehog access. The agreed scheme shall be fully implemented before/during development of the site as appropriate.
16. Before the development hereby approved is commenced, details of Ordnance Datum of existing and proposed contours of the site, adjoining land and highways and finished floor levels of the buildings shall be submitted to be approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.