



Appeal Decision

Site visit made on 23 March 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/Q4625/W/20/3262193

**88 (+parts of Nos 86 and 90) Station Road, Balsall Common, Coventry
CV7 7FL**

- 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 Regis Property Ltd against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/00772/MINFDW, dated 13 March 2019, was refused by notice dated 27 August 2020.
 - The development proposed is the demolition of part of 90 Station Road and erection of 4 No. five bedroom detached houses together with access and ancillary site works on land rear of 86-96 Station Road (Resubmission of PL/2018/02561/MINFDW).
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Regis Property Ltd against Solihull MBC. This application is the subject of a separate decision.

Procedural Matters

3. The proposed development has previously been the subject of a grant of planning permission by the Council. However, that decision was challenged and the planning permission was subsequently quashed in the High Court. The Court referred the application back to the Council for redetermination whereupon planning permission was refused. That decision is the subject of this appeal.
4. The Balsall Parish Neighbourhood Plan (NP) has been subject to examination but has not been ratified at referendum. It is therefore yet to be 'made' and does not gain full weight in the consideration of proposals for planning permission. However, given its substantial progress along the road to adoption, and its consistency with the Solihull Local Plan Shaping a Sustainable Future [2013] (SLP) and the National Planning Policy Framework (the Framework), it is a material consideration of significant weight in the context of the appeal.

Main Issues

5. The main issues are the effect of the development on:
 - the character and appearance of the locality
 - highway safety

Reasons

Character and appearance

6. The backland site lies between rows of housing fronting on to Station Road and Stoneton Crescent within a predominantly residential area. Station Road is characterised by mixed age properties of mainly individual designs. They are set behind modest front garden areas and generally benefit from large private amenity spaces to the rear. The street has a sense of spaciousness on account of the wide roadside verges, set-back position of the houses and modest heights of the buildings. The buildings predominantly vary between 1 and 2 storeys. The streetscene benefits from established roadside trees and frontage hedges that, taken with established trees in rear garden areas, provide a pleasant leafy character to the locality.
7. The row of detached modern dwellings on Stoneton Crescent which lie adjacent to the site, show a higher degree of consistency in their scaling, spacing and design characteristics. The houses lie on the outside of a gentle bend in the road and are set behind open fronted gardens and parking areas; private gardens are located to the rear.
8. The main part of the site consists of a rectangular area of scrub fringed by trees and bushes. This area is open to the rear of 90 Station Road but is otherwise fenced or hedged behind the regular rear boundaries of properties facing outwards on to the adjacent roads. The level of the site falls gently to the south. Access is proposed between the gardens and houses of 90 and 92 Station Road following the demolition of an existing 2-storey side extension to No90. The proposal includes the erection of 4 detached dwellings with integral garages.
9. The demolition of the side extension would partially reinstate the initial space between Nos90 & 92. As a later extension, its removal would not adversely affect the character of the host building. The subsequent gap and access width would reflect the varied spacing and entrances between buildings along Station Road. Although the appearance would contrast with the formal layouts of the more spacious cul-de-sac developments served off Station Road, it would not be dissimilar to a backland access on the opposite side of the road.
10. The proposed site layout would subdivide the site to create four plots, the access road and a turning area. This would utilise parts of the rear gardens of 86, 88 & 90 Station Road. In the context of surrounding development, the truncated areas of 86-90 would be smaller in scale than the typically spacious plots in the vicinity. This would cause a minor conflict with the prevailing pattern of development in the locality. However, they retain a ratio of development to open space that would be comparable to some later infill nearby.
11. In contrast, the proposed plots to the southern part of the site would be dominated by the scale of the buildings. This would arise from the combination of their wide front elevations, large depth and their siting in close proximity to each other. The resultant short frontages and limited rear garden depths would highlight a significant sense of scale and massing of the buildings.
12. Although the plots to the northern part of the site would have more typically proportioned frontage spaces, the substantial length of the buildings would also

provide uncharacteristically small private garden areas to the rear. Here the significant length of the buildings and close siting would also give rise to an excessive sense of scale of development within the plots.

13. I acknowledge that the quantum of development and overall heights of the buildings have been reduced in comparison to an earlier application for planning permission. However, I find that the overall scale of the buildings, when taken with the ratio of development to plot size, would appear excessive and hemmed-in. This would contrast sharply with the prevalent character and grain of development in the area.
14. Moreover, the contrived form of the dwellings on the northern part of the site would present side-by-side large-scale gable elevations dominated by double garage door openings with a single opening above. In conjunction with the plain side elevations containing few openings, the buildings would have little reference to the quality of the surrounding development and fail to provide a visually attractive form of development. Although building elements would reflect those of nearby dwellings and could be constructed in high quality materials, this would not overcome the adverse effects of the appearance of those buildings.
15. The proposals would play little active role in the street scenes of Station Road and Stoneton Crescent. However, they would form a notable backdrop to the existing frontage houses on account of their scale. The development would be readily visible along the widened gap of the proposed access road and from the backs of the numerous properties enclosing the site. The effect of the scale would be particularly notable from within those adjacent plots where the units would be visible across the majority of their rear boundaries and in close proximity to them.
16. For the above reasons, I find that the proposals would fail to reflect the character and grain of local development. It would deliver a poor standard of design that would fail to contribute to local distinctiveness. It would thereby conflict with Policies P5 and P15 of the SLP and Policies H1 and BE2 of the Balsall Parish Neighbourhood Plan (pre-referendum) as they require development to positively contribute to the character of its locality through appropriate density, pattern, scale and design.

Highway safety

17. According to the submitted plans, the proposed access would provide a road of some 4.8m wide made up of a vehicular track and a contiguous level walkway in contrasting materials. The shared surface would be of sufficient width to enable 2 cars to pass and direct pedestrians along its north-eastern edge. Furthermore, it could accommodate emergency and service vehicles.
18. The limited width of the access would cause some restrictions to free movement, particularly when used by larger vehicles. However, as a development restricted to 4 new dwellings with some additional parking for No90, the incidences of conflicting movements sufficient to cause significant highway safety concerns would be very limited. Intervisibility along the relatively short length of the access would allow reasonable forward views of other users and opportunities to wait. This would be sufficient to enable vehicles to pull off the highway, avoid conflict between users and limit hazardous reversing manoeuvres.

19. The access would emerge on a straight section of Station Road with good visibility in both directions. Although this could be reduced by parked vehicles anywhere on the unrestricted carriageway, this would be in a manner comparable to numerous points of access along Station Road. As such, any effect of the comings and goings associated with the development would cause no greater risk to highway safety than existing developments served off it.
20. The proposed layout plan (1354-10 rev D) indicates that parking for up to 5 vehicles for each new dwelling would be provided. However, a proposed space at each of plots 3 and 4 would conflict with the garage canopy stanchions to frustrate use of those spaces. Furthermore, although the Council accepts that the proposed garage spaces would be of sufficient width to accommodate tandem parking, the layout, particularly in respect of plots 1 and 2, would be largely impractical. The double depth of parking spaces in front of the garages would likely be prohibitive to their active and convenient use should a full complement of parking be required.
21. Nevertheless, the number of usable parking spaces would be commensurate with the scale of accommodation proposed and be comparable to the level provided in other backland and cul-de-sac examples in the locality. Accordingly, I find that the proposal would be adequately served in that respect. It would be unlikely to result in considerable or frequent out-spill of resident or visitor vehicles from the site sufficient to cause significant highway safety concerns in the locality.
22. For the above reasons, the proposal would deliver a suitable standard of access and parking provision that would provide safe access and egress for all users. This would be in a manner consistent with the requirements of Policies P7 and P8 of the SLP.

Other Matters

23. I acknowledge the concerns of some nearby residents in regard to the potential effects of the development on existing standards of living conditions in relation to overshadowing; losses of privacy, openness and views; overbearing effects; and, noise and disruption. Although the dwellings would be sited in close proximity to some third-party boundaries, the distances between the buildings and proposed orientation of habitable room windows would protect privacy in a manner consistent with standards experienced in similar residential settings.
24. Some overshadowing of garden areas would occur; however, this would be for limited times of the day and to limited parts of garden areas only. It would not therefore cause significant harm to living conditions of resident occupiers. Although outlook for many adjoining residents would change, the interface distances between new and existing buildings would limit any overbearing effects. The loss of neighbours' views over the open ground of the site or any effect on surrounding property values are not planning considerations in the circumstances of the case.
25. The use of the access road would concentrate additional activity close to the blank extended side elevation of No92. Given the modest number of proposed dwellings and established boundaries adjoining the appeal site, I find there is little evidence to suggest that any significant impact through noise or disturbance would arise in association with the routine residential use of the access.

26. I note concerns of some residents in relation to removal of large areas of vegetation and trees, and the potential effects on wildlife including bats. A survey of the site for the presence of bats failed to identify any active roosts and there is little substantive information to demonstrate that this is not the case. The majority of trees on and about the site were assessed and deemed to be of little merit. However, to fulfil biodiversity enhancement requirements, appropriate mitigation measures could be secured through planning condition.
27. I acknowledge a claim of encroachment on part of the site, however, there is little evidence before me to demonstrate that would arise, or, that it could not be resolved under legislation dealing with private legal rights regarding land ownership.
28. I note the frustrations expressed by the appellant in relation to the delay in referring the application back to the Planning Committee leading up to this appeal. However, this is not a matter for this appeal which I have determined on its own merits.

Planning Balance

29. There is no dispute between the parties that the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites. Consequently, because of the provisions of footnote 7, paragraph 11 d) ii of the Framework should be applied and consideration must be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
30. As set out above, I have found harm to the character and appearance of the area. Both the Council's policies and those in the emerging NP with respect to well-designed and distinctive places are consistent with the Framework. Therefore, given that buildings are designed to last for tens of years, the identified harm should be given significant weight in this appeal.
31. In support of the appeal the appellant indicates that the proposal would contribute to the housing mix and supply across the plan areas and it would make the best use of underutilised land. Although it is recognised that small sites, including infill sites, have a capability to contribute to housing delivery, the addition of a limited number of units would make little difference in the overall supply of housing or housing mix. Nevertheless, these are matters to which I attach moderate weight.
32. The location of the site is within walking distance of the main service area of the settlement and local bus stops. However, the locality scores lower in regard to some key facilities, including rail access and the nearest GP surgery. It is therefore a benefit of the scheme attracting limited weight.
33. The absence of objections from statutory consultees or significant effects on the living conditions of nearby residents are not benefits in favour of the development.
34. Set against the identified harm, the benefits associated with a small number of dwellings would be limited even taking account of the objective of boosting significantly the supply of housing in the Framework and given the Council's housing land supply position. Consequently, the adverse impacts on the character and appearance of the locality would significantly and demonstrably

outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

35. Whilst I have found in favour of the appellant with regard to matters of highway safety, for the above reasons, I conclude that the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR