



Appeal Decision

Site visit made on 4 May 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/Q4625/W/20/3263532

172 High Street, Solihull Lodge, Solihull B90 1JR

- 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 Sheldon Clayton (Mr Scott Campbell) against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/02375/PPFL, dated 5 September 2019, was refused by notice dated 28 May 2020.
 - The development proposed is demolition of existing building and erection of 14 new apartments with basement parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on the character and appearance of the area and the effect of the development on the living conditions of the adjacent residents at 59 Greenslade Road in respect of access to parking.

Reasons

Character and appearance

3. The appeal site is a corner plot of two dwellings, in an area of residential development. There is no overriding theme of design and development in the locality.
4. The proposal is for demolition of the existing buildings on site, and the erection of fourteen apartments in a block.
5. The surrounding area is characterised by development consisting of two storey properties and the appeal site is a prominent corner plot. In this setting, a building of this nature would be a landmark feature, that would, by the nature of its design dominate the surrounding area. It would be visible in longer views from a number of locations in the public realm and its scale and design would contrast sharply with the existing pattern of development in the area.
6. In this regard the submitted plans show a bulky structure, contemporary in design, that would not sit well within its relatively traditional surroundings and include design features such as large expanses of flat roof construction. A substantial building is required to achieve the number of units proposed on a plot this size, so the design has to be correct, as it would be standing for the foreseeable future.

7. I understand that since this decision was made, a subsequent application has been made and approved for 18 units. This represents a fallback position, and the appellant has commented that it would also feature more units on site.
8. I have taken this into consideration, but I note from the evidence in front of me that the new design is substantially different from the appeal in front of me, and I find that it respects the character and appearance of the area to a far greater level than the current appeal, and demonstrates how a sizeable development could integrate successfully into the locality.
9. As a result, I find the design and appearance of the appeal structure harms the character and appearance of the locality, and as such, is contrary to Policy P15 of the Solihull Local Plan (2013) (the LP), the New Housing in Context Supplementary Planning Guidance, and design guidance set out in the National Planning Policy Framework (the Framework) which, when taken as a whole, expect new development to conserve and enhance local character, ensure that its scale respects the built environment, function well and add to the overall quality of the area over the lifetime of the development and are visually attractive.

Living conditions of residents of 59 Greenslade Road

10. There would undoubtedly be additional vehicle movements relating to the appeal site, when looked at in the context of the comings and goings of 14 units against the existing situation of two units. However, this would be mitigated by the design of the building and the fact that parking would be in the basement.
11. From this, I find that the effect on the living conditions of the residents would not be to such a degree that would cause material harm to their amenities, with the proposed mitigation from the design and an appropriate condition to ensure that the fencing to that elevation is capable of reducing that impact further.
12. As a result I find that, with regard to this issue, the proposals are not in conflict with Policy P14 of the LP which, amongst other matters, expect development to respect the amenities of existing occupiers and minimise the adverse impact of noise.
13. Nonetheless, this does not eradicate the harms that I identified in the other main issue.

Other Matters

14. As appraised earlier, I am aware of the fallback position as a result of the later approval, but from the evidence supplied, I am satisfied that the latter scheme utilises a design that respects the character and appearance of the area, and cannot be considered to be a similar scheme when seen within the context of the locality. I have assessed this appeal on its own merits as the fallback position is acceptable in its own right.
15. With regard to the five year housing supply position, the Council's submissions state that they cannot demonstrate a five year housing land supply and that, in accordance with the Framework, the Local Plan policies for the supply of

housing are considered out of date. As a result of this paragraph 11 d) of the Framework is engaged which means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when, when assessed against the policies in the Framework taken as a whole.

16. The proposal would provide social benefits, in terms of delivering housing, in a Borough where the Council accepts it cannot demonstrate a five-year housing land supply. It would also help to support local services and facilities and provide investment in terms of its construction. It would result an uplift of fourteen units which would be a moderate contribution to the supply of housing, however, taking into account my findings I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, including its presumption in favour of sustainable development.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR