



Appeal Decision

Site Visit made on 28 June 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2021

Appeal Ref: APP/Q4625/W/21/3273358

118 Longmore Road, Shirley, Solihull B90 3EE

- 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 Mr Cahal Grant against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/03063/PPFL, dated 23 December 2020, was refused by notice dated 7 April 2021.
 - The development is described on the application form as "adding an extension to a rear storage shed".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development proposed has already been carried out. I have therefore dealt with the appeal scheme as seeking retrospective planning permission.

Main Issue

3. The effect of the development on the living conditions of the occupiers of Elizabeth House Care Home, with particular regard to outlook.

Reasons

4. The appeal site comprises a substantial detached two storey building which is set within a large plot on the south-western side of Longmore Road in a residential area. The property was last used as a nursing home and is currently vacant. The appeal proposal is an extension to the storage shed which is located at the bottom of the rear garden. The storage shed is a brick-built structure with a pitched roof and the proposal has been constructed in materials to match.
5. The extension to the shed extends closer to the boundary with Elizabeth House Care Home than the original structure. The neighbouring care home includes a single storey projection to its northern side which extends partly alongside the boundary of the appeal site and includes several windows, which I understand serve bedrooms.
6. There is a low fence and an established hedge on the boundary with the care home. However, there is a large gap in the hedge on that part of the boundary where the appeal proposal is located, such that several of the bedroom windows concerned face directly towards the proposal.

7. At the closest point, the proposal is about 4m away from the neighbouring windows of the care home flats. The maximum height of the proposal is around 3.5m and its south-eastern flank wall extends about 7m alongside and parallel to the boundary. Although the roof of the extension slopes away from the boundary, given its scale and massing and proximity to the boundary, the proposal unduly dominates the outlook from the neighbouring windows. The outlook for occupiers is therefore negatively affected, which is particularly unacceptable as the occupiers are likely to spend a significant amount of time in the bedrooms, which have a single aspect, and are dependent on these windows as the only source of outlook.
8. The appellant states that the hedge previously extended along the length of the boundary and that its part removal and replacement with a low fence has taken away their privacy and security, and allowed views from the neighbouring windows into the site. Be that as it may, that part of the hedge is no longer there and I have determined the appeal on the current site circumstances and the evidence before me.
9. My attention has also been drawn to a recent planning permission¹ for extensions and alterations to the neighbouring care home. The drawing provided by the appellant shows that one of the bedroom windows most affected by the appeal proposal would be relocated from the side facing the site to the rear elevation. However, even if that window is relocated as shown on the drawing, it would not overcome my concern with regard to the effect on the other bedroom windows that would remain to the side elevation of the care home. I have therefore afforded little weight to this factor.
10. The appellant indicates that they could erect a high fence within their boundary which means that the outlook from the bedroom windows towards the proposal would be partly screened. However, the erection of a 2m high fence on the boundary would not be as high or as overbearing as the appeal proposal.
11. I therefore conclude that the development is harmful to the living conditions of the occupiers of Elizabeth House Care Home, with particular regard to their outlook. The proposal is therefore contrary to Policy P14 of the Solihull Local Plan (December 2013), which, amongst other things, seeks to protect the amenity of nearby occupiers.
12. The Council also refer to Policy P15 of the Local Plan in their reason for refusal. The sufficiency of Policy P14 aside, and on my reading, P15 seems to be primarily concerned with quality of design and contextual appropriateness. As such, it is not directly relevant to the main issue of the case before me.

Other Matters

13. I understand that the extension was required to provide extra storage space for nursing equipment, which became more pressing as a result of the Covid-19 pandemic. That said, there is no robust evidence to indicate that the proposal before me is the only approach to providing the required additional storage space. I therefore give this matter limited weight.
14. The appellant has referred to the Council's approval of a detached outbuilding within the rear garden of a property elsewhere on Longmore Road². However, I

¹ Council ref. PL/2020/01834/PPFL

² Council ref. PL/2018/01935/MINFOT

do not have the full circumstances of that scheme before me, including its relationship with nearby properties, and in any event I have determined this appeal on its own merits. I also note the appellant's concerns with the way in which the Council dealt with the planning application. This is however a procedural matter for the Council to address and does not impact on my assessment of the merits of the case.

Conclusion

15. I have found that there would be harm arising from the main issue of the appeal. Harm that would lead to conflict with the development plan and thus to which I ascribe substantial weight. It is for these reasons that the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR