
Appeal Decision

Site Visit made on 29 June 2021 by John Gunn DipTP, DipDBE, MRTPI

Decision by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2021

Appeal Ref: APP/Q4625/W/21/3272147

47 Holly Lane, Marston Green, Solihull, B37 7AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Tony Roberts against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/02888/PPOL, dated 8 December 2020, was refused by notice dated 16 March 2021.
 - The development is described as 'Proposed new single storey dwelling'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council's decision notice amends the description of the proposal to read 'New single storey dwelling on garden land to rears of 47 and 49 Holly Lane with all matters reserved'. The appellant has used the same description as the Council, on his appeal form, and therefore it is not unreasonably assumed that both parties are content with the amended description. Consequently, the appeal has been determined based on the revised description.
4. The appeal proposals have been submitted in outline with appearance, means of access, landscaping, layout and scale all matters reserved for later consideration. Whilst not formally part of the scheme I have treated the indicative layout submitted with the appeal application as no more than a guide as to how the site might be developed.
5. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

7. The appeal site comprises part of the rear gardens of two modest sized bungalows, with vehicular access indicated to be taken between 45 and 47 Holly Lane. The rear garden of No 47, including the area that forms part of the appeal site, has been cleared of trees and outbuildings. No 49 has a mature landscaped rear garden that has been well maintained. It contains a number of trees and shrubs, including a large mature oak tree in the northern eastern corner.
8. The area in which the appeal property lies has an established residential character. The properties fronting Holly Lane are predominantly single or two-storey detached dwellings, with landscaped front gardens, containing mature trees and shrubs, and long, narrow, landscaped rear gardens. More recent development to the south and east of the site, comprise two-storey detached and semi-detached properties, having frontages facing onto estate roads, on modest sized plots. The density of properties on Holly Lane in the immediate vicinity of the appeal site is low compared with the more modern estates to the south and east.
9. There is no dispute between the parties that the appeal site is located within a sustainable location where the principle of new housing development is supported by policies in the development plan.
10. The proposed dwelling would result in an encroachment of buildings into the open areas between the existing properties in Holly Lane and the estates to the south and east, where only a limited number of small single storey outbuildings currently exist. Whilst acknowledging that the proposed development could ultimately be single storey in height it would nevertheless result in the introduction of a building of significant mass, which would be out of keeping with the existing open character and appearance of the area. Moreover, although the dwellings would not be prominent in the street scene, it would be visible from neighbouring properties, and therefore would be likely to reduce the amenity of nearby occupiers.
11. I note the appellants comment that an assessment of the proposal can be made on the basis of the outline features of height, position and footprint and such features could be made a condition of any consent. Whilst recognising that the application is for outline consent with all matters reserved, the likelihood is that any new dwelling on the site would be larger than other existing outbuildings within the vicinity of the appeal site, both in terms of floor area and volume. Indeed, the indicative layout shows this. As such a new dwelling on the site would be likely to have a significant spatial and visual impact, even taking into account the existing fences and vegetation.
12. The Council are concerned that the indicative footprint of the proposed development would appear cramped and contrived within its plot, having referred to the proposed new dwelling being situated in a garden area to the rear of number 47. The appellant disputes this and considers the plot size to be generous, exceeding the size of existing more modern plots in the vicinity of

the site. Furthermore, he considers that the proposal would result in a more efficient use of land.

13. Whilst acknowledging that there are more modest sized plots to the south and east where densities are higher, they are not reflective of the character of the part of Holly Lane that lies immediately adjacent to the appeal site. In particular I find that the examples referred to by the Appellant are accessed from other estate roads and have their own street frontage. In any event, I am not aware of the circumstances that prevailed at the time the dwellings were permitted. They do not provide justification for development that would fail to contribute positively to the overall quality of the area.
14. I therefore conclude that the proposal would result in harm to the character and appearance of the area, in conflict with Policies P5 and P15 of the Solihull Local Plan 2013 - Shaping a Sustainable Future and the provisions within Supplementary Planning Guidance 'New Housing in Context'. These policies are in broad conformity with the National Planning Policy Framework (the Framework), which amongst other matters seeks development to be sympathetic to local character and history, including the surrounding built environment and landscape setting, which adds to the overall quality of the area.

Other Matters

15. I acknowledge that, in the event the appeal was allowed, that a small bungalow could be designed for the site to avoid harm to the living conditions of neighbouring residents, with regards to privacy. Moreover, sufficient amenity space could be provided for the future occupants of the proposed dwelling. However, this is not a matter which would weigh positively in support of the proposed development but would be a neutral factor and would not counter the harm to the character and appearance of the area that I have identified above.
16. I also note that no objections have been raised by the Council in respect of highway matters, flooding or landscaping and ecology. These matters are neutral factors in my consideration of this case.

Planning Balance and Conclusion

17. The Government's objective is to significantly boost the supply of housing and the proposal would provide one modern home in a location with adequate access to services. The scheme would make a contribution, albeit small, to the supply of housing in the area, at a time when the submitted evidence indicates that the Council is only able to demonstrate a 4.19 years supply of deliverable housing land. This represents a significant shortfall of supply and this and the presumption in support of sustainable development as set out in paragraph 11 of the Framework carries considerable weight. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment.
18. Against these benefits is the harm that would be caused to the character and appearance of the area as a result of the new dwelling in conflict with up-to-date planning policies. This harm would significantly and demonstrably outweigh the benefits of the scheme, and there are no material considerations which lead me to determine the appeal otherwise than in accordance with the

development plan. Accordingly, the proposal would not comprise sustainable development.

Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

John Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

M Seaton

INSPECTOR