
Appeal Decision

Site visit made on 10 August 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal Ref: APP/Q4625/W/21/3274743

Hobs Moat Road/Old Lode Lane, Solihull, West Midlands B92 8LT

- 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 Greg White against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/01867/MIODW, dated 22 July 2020, was refused by notice dated 12 November 2020.
 - The development proposed is the demolition of existing pair of semi-detached dwellings and erection of 20 No. apartments with external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with landscaping as a reserved matter.
3. A unilateral undertaking has been finalised and lodged with the Council. This confirms that 6 of the dwellings would be affordable. I therefore find that this resolves the third reason for refusal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposed bin storage area on the living conditions of the occupants of No. 585 Old Lode Lane and;
 - the effect of the proposal on biodiversity.

Reasons

The effect on character and appearance

5. The appeal site is within a suburban location on a corner of Hobs Moat Road and Old Lode Lane, which are main through routes defined as red route 'clearways'. The area is characterised by two storey mid twentieth century semi-detached dwellings arranged in uniform building lines behind front gardens.

6. The appeal site includes two semi-detached dwellings which are set back from the roads so that there is a substantial area of open space to the frontages of both roads. The site is open and consequently prominent from the public realm.
7. The proposed redevelopment would involve a continuous building line wrapping around the frontages. The expanse of building would be considerable and would not be reflective of the compact footprints along the facing roads. Additionally, an angular U-shaped building is proposed which would not be in keeping with the modest form of the semi-detached plots.
8. The siting of the building would be towards front of the site, on the apex of the corner, which would appear very prominent. It would spoil the views across the site and the sense of openness that currently prevails.
9. The windows within both proposed elevations would be arranged in differing positions, heights and sizes. Whilst this would help break up the massing, I find it would lead to a complex and fussy appearance which would be hard to appreciate. It would lack the simplicity of the surroundings.
10. I noted on my site visit that there are two storey flats to the north of the site. However, they are restricted to that particular area whereas Hobs Moat Road and Old Lode Lane have a discernible pattern of building and the proposal would jeopardise that notable consistency.
11. I therefore conclude that the proposal would harm the character and appearance of the area.
12. Policies P5 and P15 of the Solihull Local Plan (LP) require the retention of the area's character and local distinctiveness, and respect for the streetscape in terms of scale, massing, density and materials and landscape. Paragraph 126 of the National Planning Policy Framework (the Framework) requires the creation of high quality, beautiful and sustainable buildings and places. Paragraph 130 requires that development is sympathetic to local character. The proposal would be in conflict with the above policies.

The effect on living conditions of the occupants of 585 Old Lode Lane

13. The submitted layout shows the communal bin store would be against the shared boundary with the neighbouring dwelling 585 Old Lode Lane. The windows of that dwelling on both floors directly face the road and obliquely towards the bin store. Its frontage is used as a parking area and as I observed on my site visit, the shared boundary is formed by a low stone wall.
14. The bin store would serve the 20 flats and is therefore a substantial size. This would lead to a significant number of movements to and from the storage area at sporadic times, close to the frontage and perceptible above the boundary wall.
15. The action of unloading rubbish and recycling materials could generate noise, including the banging of lids and rattling of bottles. It would also be likely to lead to nuisance from smell particularly during hot weather.
16. Whilst bins may well be stored in such locations for single dwellings, the noise, disturbance and smells would be magnified for 20 flats and would be likely to be troublesome.

17. The appellant suggests that the bin store could be relocated, however that would need to be the subject of re-consultation and beyond the scope of this appeal.
18. I therefore conclude that the proposal would harm the living conditions of the occupants of the neighbouring dwelling.
19. Policy P14 of the LP seeks to protect and enhance the amenity of residents adjoining development proposals. Paragraph 92 of the Framework promotes health and well-being. The proposal would be in conflict with the above policies.

Biodiversity

20. The second reason for refusal refers to the lack of a gain in biodiversity and a potential impact on protected habitat and species.
21. The site partly consists of domestic gardens which would have limited value being close to the houses and with limited vegetation. The frontage open space is rough grass with no trees or shrubs, which would offer minimal habitat and foraging. Additionally, the submitted preliminary ecological appraisal found no evidence of bats in the existing buildings.
22. The openness of the site could help the movement of wildlife between the street trees and pockets of woodland. However, the adjoining roads are wide and busy, with streetlights, which would discourage most wildlife.
23. Whilst the actual landscaping details would be a reserved matter, the layout shows that some space would be left particularly to the rear, which would be large enough for new trees to flourish. Additionally, there would be space for shrubs and/or hedging and specific measures for birds and insects could be required by condition.
24. I therefore conclude that the proposal would not harm biodiversity and there is potential for landscaping and specific habitat measures which would be beneficial.
25. Policies P10 and P15 of the LP require that proposals conserve and enhance biodiversity and promote green infrastructure. Paragraphs 179 and 180 of the Framework also seek to promote and enhance biodiversity. The proposal would not be in conflict in this respect.

Planning Balance

26. The Council confirms it is not meeting its 5-year housing land supply requirements having 4.19 years and paragraph 11(d) of the Framework applies.
27. The proposal would provide 18 additional dwellings which would be a significant contribution to housing land supply and within a location not dependent upon the use of private transport and involving the re-use of neglected land. The 6 affordable houses would also help towards a pressing need.
28. Paragraph 8 of the Framework provides the three overarching objectives of the planning system: economic, social and environmental. The proposed additional dwellings would have economic and social benefits but would conflict with the environmental objective in terms of the harm to the character and appearance

of the area. This adverse impact is particularly significant bearing in mind the prominence of the site and the numbers of people experiencing the site. Additionally, there would be impact on the occupants neighbouring dwelling, albeit limited.

29. The proposal contravenes paragraphs 8, 92, 126 and 130 of the Framework which seek to safeguard character and appearance and living conditions. The land supply shortfall questions the development plan housing policies, but the general thrust of policies P5, P10, P14 and P15, which require protection of the character of the area and the well-being of residents, is still an appropriate strategy.
30. In overall balance, I therefore conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

31. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR