



Appeal Decision

Site Visit made on 2 November 2021

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2021

Appeal Ref: APP/Q4625/W/21/3277222

49 Station Road, Knowle, Solihull B93 0HN

- 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 James Obrien, Bond Property Investments Ltd., against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2020/02024/PPFL, dated 2 September 2020, was refused by notice dated 23 December 2020.
 - The development proposed is described on the application form as 'Erection of 3 two storey 2 bed town houses retaining existing offices/flats on frontage. Existing side vehicle access to be used with car parking at rear to serve houses and offices'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021. The main parties have been given an opportunity to comment on its provisions in regard to the appeal. I have taken any responses into account and referred to the Framework in my decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the living conditions of future occupiers with specific reference to outlook, private amenity space and internal floor space
 - the significance of heritage assets, including whether it would preserve or enhance the character or appearance of the Knowle Conservation Area (KCA); and
 - highway safety, having regard to the adequacy of the access to accommodate vehicles, pedestrians and cyclists, turning arrangements for larger vehicles and car parking.

Reasons

Living Conditions

4. The proposed dwellings would be located a short distance from the two storey commercial building at No 51 which is located on higher ground than the appeal site. Views from the rear facing habitable rooms of the proposed dwellings on plots 1 and 2 would be dominated by the side wall of No 51 which

would significantly restrict the outlook from within those properties. Moreover, it would have an overbearing impact on the rear gardens of these dwellings.

5. I have no evidence before me relating to garden space requirements, or the impact that any existing or future buildings would have on sunlight and daylight within the gardens. That said, given the limited depth of the proposed rear gardens, and the height and location of No 51 and the proposed dwellings, it is likely that there would be only limited periods of the day when sunlight would be able to enter the rear gardens. This would typically be around late morning/early afternoon.
6. In light of the above, the dwellings and rear gardens to plots 1 and 2 would be less pleasant space for their occupiers to spend time in, and accordingly harm to their living conditions would occur.
7. An existing timber fence sits on the common boundary and screens the ground floor windows of No 51 from the appeal site. Moreover, the only first floor window was located towards the front of the building. Consequently, I find that the development would not be overlooked from No 51. However, there would be a direct line of sight between the rear facing, first floor windows, of No 49 and the rear garden of plot 1. This would result in overlooking, and a consequential loss of privacy, which would be to the detriment of the living conditions of future occupiers.
8. Whilst noting the Council's concern about the internal floorspace and the desire to apply the National Prescribed Space Standard I find that they do not have an adopted policy in this regard. Consequently, I give this matter little weight.
9. In light of the above, I conclude that the proposed development would not provide acceptable living conditions for the future occupiers of the proposed dwellings, with regards to outlook and private amenity space. Consequently, it would conflict with the relevant provisions of Policy P14 of the Solihull Local Plan - Shaping a Sustainable Future which, amongst other matters, seeks to protect and enhance the amenity of existing and potential occupiers of houses.

Heritage assets

10. The appeal site is located within the KCA. The historic medieval core of Knowle is centred on High Street which lies a short distance to the north of the appeal site. Plot widths in the older part of the village are not regular and contrast with those of later developments. Despite the diversity of building types, plot width and materials, the village is unified by a general two-storey height. Moreover, there is a consistency of the building lines whether at the back of the pavement, in the case of the High Street, or behind short front gardens elsewhere.
11. Nos 44–52 and 70–72 Station Road are identified as locally listed properties. The United Reform Church, The Parade and residential terraces on Station Road are also recognised as buildings that make a positive contribution to the character of the conservation area.
12. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets is set out in the Framework. At paragraph 197, it sets out matters which should be taken into account

including sustaining and enhancing the significance of the heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

13. The appeal site is largely undeveloped albeit part of it is used for car parking in association with the ground floor retail and upper floor residential use of 49 Station Road. Whilst it appears as a functional space, it nevertheless makes a positive contribution to the KCA as it acts as a welcome visual break in an otherwise developed area.
14. The proposed dwellings would be discretely sited behind the frontage properties on Station Road, with access being obtained via a narrow gap between Nos 49 and 45/47. They would extend into the site by a similar distance to the building at No 51, but not to the same extent as commercial premises located at No 41/43. As such the proposed development would not appear unduly prominent in relation to its immediate surroundings. The remainder of the site would be taken up by a landscaped car park and access drive, and consequently the open character of the site would be preserved.
15. Furthermore, the proposed dwellings would be of a similar height to that of other properties fronting Station Road, and with their front walls broadly in alignment with the gable wall of No 49. They would incorporate traditional design elements, including sash windows with reconstructed stone lintols and sills, pitched roofs with chimneys, corbelled eaves and a blue brick plinth. As a result, they would not be out of scale or unsympathetic to the form, design, materials and massing of many of the other nearby buildings. Consequently, I find that they would preserve the character and appearance of the KCA.
16. In addition to the above I find that the proposed development would provide three new dwellings in an accessible location and there would be accompanying benefits in the form of employment in their construction and from spending in the local area by future occupants. This weighs in favour of the proposal.
17. In light of the above, I find no harm to the Knowle Conservation Area and as such no conflict with Policy P16 of the Solihull Local Plan – Shaping a Sustainable Future, and paragraph 197 of the Framework, which jointly seek to preserve or enhance heritage assets, conserve local character and distinctiveness, and create or sustain a sense of place.

Highway safety

18. During my daytime site visit I was able to observe that Station Road is a busy road. Whilst some properties had off street parking within their curtilage, I also noted a significant level of on-street parking. It is likely that parking demands would increase in the evening and at weekends when people return to their homes. I acknowledge that these observations can only provide a snapshot of traffic conditions at a particular time of day, however, I have no evidence to suggest that they are not representative of typical traffic conditions.
19. Access to the proposed development would be restricted to one way vehicle movements for a short distance from Station Road, beyond which a wider 'passing place' would be provided. I acknowledge that there would be occasions when vehicles travelling in opposite directions would meet requiring one of the vehicles to be given priority. However, in my view, the number of occasions

when this situation would be likely to arise would be limited. In the unlikely event that the situation did arise the passing place could be utilised thereby avoiding the need for drivers entering the site to reverse onto Station Road. Consequently, there would be no significant increase in danger to drivers or pedestrians using Station Road.

20. A narrow footpath is proposed adjacent to the eastern side of No 49 and a more generous route to its western side. I find that these facilities would provide good pedestrian access between the site and Station Road and would satisfactorily accommodate the needs of both existing and future occupiers, and any associated visitors.
21. Given the scale of the proposed development it is unlikely that many large vehicles would enter the site. Furthermore, I note that it would not be necessary for refuse vehicles to enter the site, as the bin collection point is located close to Station Road. Moreover, I am not convinced that, in the unlikely event that a large vehicle did enter the site in a forward gear, it would not be able to turn within the car park or, with assistance, reverse safely onto Station Road. As a result, the likelihood of conflict would be low, and consequently there would be no significant increase in danger to drivers or pedestrians using Station Road.
22. The Council's Vehicle Parking Standards and Green Travel Plan SPD indicates a need for 6 car parking spaces to meet the requirements of the proposed dwellings. The proposed development would satisfy this requirement with a further 6 spaces being made available for the existing offices and flats. From what I saw on my site visit this would be sufficient to meet the needs of the existing uses. Moreover, there is no indication that existing on-street parking levels are such that any additional demand would exacerbate any problems that may exist. Consequently, I cannot conclude that the appeal proposal would add significantly to on-street parking to the detriment of highway safety, or the amenity of neighbouring occupiers.
23. I have found that there would be adequate access to accommodate both vehicles, pedestrians and cyclists. Moreover, even taking into account the absence of a dedicated turning facility for larger vehicles, I find there would not be a significant increase in danger to road users. I have also found that there is sufficient parking capacity to meet the needs of existing and future occupiers and any associated visitors. Consequently, the development would comply with the provisions of Policies P7 and P8 of the Solihull Local Plan - Shaping a Sustainable Future which, amongst other matters, seeks safe access for those on foot and by bicycle, and for those in vehicles, who need to access the development.

Planning Balance and Conclusion

24. Paragraph 11 d) of the Framework requires decision makers to apply a presumption in favour of sustainable development where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

25. Figures provided by the Council, in relation to the five year housing supply indicate that they can demonstrate a supply of 4.19 years (as of 1st April 2020). The scheme would make a contribution, albeit small, to the supply of housing in the area, at a time when the Council is unable to demonstrate a five-year supply of deliverable housing sites.
26. There would be a small social benefit in providing three extra dwellings close to existing services and facilities. Economic advantages would also arise from their construction. However, the harm to the amenity of future occupiers would be significant and as a result the environmental role of sustainable development would not be achieved when assessed against the policies in the Framework when taken as a whole. The adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development.
27. There are no other relevant material considerations that indicate the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR