



## Appeal Decision

Site Visit made on 7 September 2021

**by Tamsin Law BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 December 2011**

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**Appeal Ref: APP/Q4625/W/21/3276338**

**2427 Stratford Road, Hockley Heath, Solihull B94 6NW**

- 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 Francis against the decision of Solihull Metropolitan Borough Council.
  - The application Ref PL/2021/00317/PPFL, dated 2 February 2021, was refused by notice dated 15 April 2021.
  - The development proposed is the demolition of part built extension and extensions and alterations to form a self-build dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of part built extension and extensions and alterations to form a self-build dwelling at 2427 Stratford Road, Hockley Heath, Solihull B94 6NW in accordance with the terms of the application, Ref PL/2021/00317/PPFL, dated 2 February 2021, subject to the conditions set out in the attached schedule.

### Preliminary Matters

2. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. The appeal site is located in a predominantly residential area with housing fronting on to Stratford Road, opposite the appeal site is a hotel and restaurant. Nearby properties are largely simple in their design and finished in red brick and render. The dwellings vary in their individual design characteristics, form, age and building line. The site itself comprises the rear garden of No 2427 Stratford Road, a mid terraced dwelling of traditional design. Currently a garage and partially constructed extension are located at the site of the proposed development. The site is bound by the garden areas of No's 2425 and 2433 Stratford Road to either side and agricultural land to the rear.
5. As the proposal would not directly address a street frontage and is located in the rear garden of No 2427, it essentially represents a back land form of

development. I do not disagree with the Council that the prevailing pattern of development in the wider area is of frontage dwellings facing on to Stratford Road. However, as I observed on site, there are examples of dwellings constructed to the rear of frontage dwellings, including to the rear of No's 2182 and 2218 Stratford Road, the former being opposite the appeal site. Therefore, such developments cannot be discounted as uncharacteristic of the area.

6. The layout of dwellings in the area also differs, with some being located close to the highway and others set back well within their plots, other dwellings only have front and side gardens whereas others are located on long linear plots. As such, the proposed developments amenity space being located to its side and front would not be uncharacteristic of the area.
7. I accept that the proposal would introduce a modern form of development, however the surrounding area has been developed over time with differing design forms reflecting the time in which dwellings were constructed, and the proposals modern design would not detract from the character and appearance of surrounding properties. Whilst the host dwelling is of a traditional cottage design, the neighbouring dwelling to the south of the site is a more contemporary two-storey detached dwelling. The proposed use of render and red brick echoes the materials used in the wider area and would ensure that the proposal would not appear at odds with the character and appearance of the area. Although the proposed development would be visible from the nearby highway, due to its location set back from the highway and modest height in relation to neighbouring dwellings, the proposed development would appear as a continuation of the built form along Stratford Road.
8. The description of development states that the proposal is for a self build dwelling. No evidence or information pertaining to its self build nature has been submitted with the appeal and no legal agreement securing it as such has been provided. Additionally the Council have not raised this as a concern during the course of the application or appeal.
9. For the reasons set out above I consider that the proposed development would not undermine the established grain of development or appear alien in design terms. Accordingly, the proposed development accords with Policies P5 and P15 of the Solihull Local Plan (2013), and the guidance contained within the New Housing in Context Supplementary Planning Guidance (2003) which seek, amongst other things, to ensure that development conserves and enhances local character, distinctiveness and streetscape quality. The proposal also complies with paragraph 130 of the National Planning Policy Framework which seeks good design sympathetic to local character.

### **Planning balance**

10. The Council and the appellant state that the Council cannot demonstrate a five year housing land supply, as such I am taken to paragraph 11 of the Framework. The most important policies would be out of date. As the erection of a single dwelling, the proposal would make a very limited contribution to any housing undersupply. The scale of the scheme would accordingly limit its associated socio-economic benefits. Paragraph 130 of the Framework requires that developments have a high standard of design. I have found that the proposal would not cause unacceptable harm on the character and appearance of the area in the manner I have described above, additionally the development is located within the settlement boundary close to local services

and facilities. Therefore, and in regard to the specific circumstances of this case, there are no adverse impacts of the development that would significantly and demonstrably outweigh its benefits. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission.

11. In conclusion, the proposed development would provide a suitable location for housing having regard to the character and appearance of the area and the specific circumstances of the case. It would also represent sustainable development in accordance with paragraph 8 of the Framework.

### **Conditions**

12. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). The appellant has confirmed the acceptability of conditions in their statement. I consider the conditions relating to time limit for commencement and approved plans to be necessary in the interest of clarity and safeguarding character and appearance. Conditions regarding a construction management plan is necessary in order to ensure that there are no harmful effects on nearby residents during construction. Conditions regarding sustainable drainage are necessary in order to ensure that adequate drainage is provided. Landscaping conditions are attached in order to ensure that landscaping is completed and maintained. I have altered the wording of some conditions in order to ensure they comply with the PPG without affecting their fundamental aims.

### **Conclusion**

13. For the reasons given above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed subject to the conditions below.

*Tamsin Law*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 01 A - Existing Location & Site Plans, 201106 – Proposed, K074/HW/1200 – Vehicle Tracking.
- 3) Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority to include details of (i) the parking of vehicles of site operatives and visitors (ii) loading and unloading of plant and materials (iii) storage of plant and materials used in constructing the development (iv) the erection and maintenance of security hoarding including decorative displays (v) wheel washing facilities (vi) measures to control the emission of dust and dirt during construction (vii) details of Haul Routes (viii) contact details for the appointed site agent that can be contacted in the event of any problems arising during construction activities. The scheme shall be implemented throughout the construction of the development in accordance with the approved details.
- 4) The development hereby approved shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting etc.). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October – March).
- 6) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b. include a timetable for its implementation; and
- c. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.