The Planning Inspectorate

Appeal Decision

Site visit made on 28 February 2022 by A J Sutton BA (Hons) DipTP MRTPI

Decision by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2022

Appeal Ref: APP/Q4625/D/22/3290923
44 Chadworth Avenue, Dorridge, Solihull, B93 8SX

- 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 Colin Sagar against the decision of Solihull Metropolitan Borough Council.
- The application Ref PL/2021/01997/MINFHO, dated 13 July 2021, was refused by notice dated 17 December 2021.
- The development proposed is described as 'Double storey adjoining granny annex.'

Decision

1. The appeal is allowed, and planning permission is granted for a double storey adjoining granny annex, at 44 Chadworth Avenue, Dorridge, Solihull, B93 8SX, in accordance with the terms of application Ref PL/2021/01997/MINFHO, dated 13 July 2021, and subject to the schedule of conditions attached to this decision.

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. For the purposes of this appeal, I have limited the description of the proposal stated in the application form to matters related to the development.

4. The Council provided a set of plans referenced as Rev D. However, plans Rev E are cited on the decision notice, a set of which have been submitted by the appellant. For avoidance of doubt the set of plans referenced as Rev E form the basis of this appeal decision. Plan reference 809 – 6 Rev E labels the rear elevation as 'Existing' which is an error and is taken as the 'Proposed Rear Elevation.'

Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the area, and
- whether the personal circumstances of the appellant outweigh any harm in respect of the proposal.

Reasons for the Recommendation

6. The appeal property is a detached dwelling built close to the corner of Chadworth Avenue and Glendon Way. Its side boundary, which is covered by vegetation, near the highway, is a prominent feature at the junction of these roads. But views of the appeal site are limited to a short stretch of Glendon Way before the curve to the south, and a southern section of Chadworth Avenue.

7. The built form in this modern estate has an irregular building line and varied plot form. The dwellings, although clearly of a similar era, are also individual in design detail. The estate is therefore not characterised by regularity or consistency, and a sense of coherency is only apparent by the general mass of properties, traditional fenestration, a mix of pitched and hipped roofs and use of materials. Despite being detached, properties are relatively close knit and space and openness in the area is principally derived from the green spaces to the north and east of the property.

8. The proposed extension would be set well below the existing roof ridge of the dwelling and subservient in this respect. It would be a sizeable addition to the property and would extend its depth substantially. However, its proposed width and mass would be significantly smaller than the original dwelling and would appear proportionate in this regard.

9. The rear annex would be linked but separated from the main dwelling and would not integrate with the existing roof. However, the proposed gable apex would respect the existing pitch of the main house, providing some rhythm and balance at this aspect. The relationship between the proposed addition and the host dwelling would also be strengthened through the use of matching materials.

10. Despite being partially screened by the boundary, a significant section of the proposed two storey side elevation would be visible above the fence when viewed from the street. However, it would be stepped in from the side boundary and the design of the side profile, with a diminishing roof form, would reduce the bulk of the proposed structure and would retain some gaps and space at this aspect. The profile of the asymmetric roof shape would also be reflective of architectural details observed on the side elevation of some surrounding properties, and therefore would not be an incongruous form in the street scene.

11. However, the proposed two storey, rear elevation would substantially obscure the existing rear elevation of the appeal property. This would result in a sizable expanse of solid wall when viewing the property from the rear and would reduce the visibility of windows and consequently the interesting details at this existing elevation. This inharmonious feature would harm the appearance of the host property and would be out of keeping with the character of properties in the surrounding area.

12. The addition would be significantly screened by trees to the rear, some of which I saw were outside of the appeal property and therefore not within the control of the appellant. That said a condition requiring a landscaping scheme which would retain and enhance vegetation on the side boundary of the appeal property could soften the harmful impact identified. But given the limited space at the boundary of the appeal property and the height of the proposed

structure such a scheme would not fully mitigate the harm identified. I note the reference to a green roof but the submitted plans and original application state that the proposed roof would be tiled. Therefore, I am unable to consider this matter in detail and for this reason it does not weigh in favour of the proposal.

13. I am mindful of the needs that the extension would seek to address and that this would be consistent with the design policy aim of the National Planning Policy Framework (Framework) in respect to creating places that are safe, inclusive and accessible and which promote health and well-being. This aim is also reflected in policy P18 of the Solihull Local Plan (Local Plan) which the appellant has drawn to my attention. This matter weighs in favour of the proposal. However, this is one aspect of design quality and I find that the proposed design in this case would not be good quality in respect to the effect on the appearance and local character of the area.

14. The harm to the street scene would be localised to limited sections of Chadworth Avenue and Glendon Way. However, I find the proposal, when considered in the round, would have a harmful effect on the character and appearance of the area. It would in this respect conflict with policy P15 of the Local Plan and policies D1 and D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan, which collectively require proposals to achieve a good quality, inclusive and sustainable design that, amongst other matters, conserve local character, and that should be granted if the design would respect the dwelling and the character and appearance of the area.

15. It would also be inconsistent in this regard to advice set out in the House Extension Guidelines Supplementary Planning Document which seeks extensions that harmonise with the general character and appearance of the street scene and design policies of the Framework.

Personal Circumstances

16. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Disability is a protected characteristic to which the PSED applies.

17. It does not follow from the PSED that the appeal should succeed. However, the appellant submitted evidence clarifying the family circumstances at the application stage and as part of this appeal process. This includes confirmation of the long-term medical issue relevant to this case from the NHS Foundation Trust and other supporting information from Government departments.

18. I have carefully considered these submissions in respect to the appellant's specific family needs, and I recognise the importance that the proposed annex would play in meeting these needs. I am also mindful of the particular requirement for a degree of separation necessary in this case. With these requirements in mind, I cannot envisage how these needs might be addressed without significantly compromising the living arrangements of the family or without a more significant impact from an alternative form of development.

19. Therefore, in accordance with the PSED, I attach significant weight to the need to address the specific circumstances presented by the appellant in this case and this weighs in favour of the proposed development.

Other Matters

20. The Council contends that to allow this proposal would set a precedent which would be harmful to the character of the area. However, the small harm identified and the conflict with local plan policy in this respect is significantly outweighed by other factors advance by the appellant in this case. To allow this appeal would therefore not provide a justification for other harmful development in the area, and each proposal should be assessed on its individual merits and circumstances. This has not been a determinative matter for this reason.

Conditions

21. In addition to the statutory requirement time limiting the consent, a condition is necessary requiring that the development must accord with the approved plans in the interest of certainty. A condition controlling the materials to be used is also necessary to protect the character and appearance of the area.

22. A landscaping scheme would help mitigate some of the harm identified to the character and appearance of the area and therefore a condition on this matter is necessary for this reason.

23. The Council has requested a condition ensuring the extension remains incidental to the dwelling. The annex could function as a self-contained unit and therefore to ensure the development is limited to the purpose outlined in the application this condition is reasonable and necessary.

Conclusion and Recommendation

24. I find that the proposal, when considered in the round, would harm the character of the area. However, I am satisfied that the effect of dismissing the appeal would have a disproportionate impact on the individual with a protected characteristic in this instance. Consequently, the needs highlighted under the PSED outweigh the harm identified to the character and appearance of the area, and the stated conflict with the Development Plan and other material considerations. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

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

David MH Rose

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: Location and Site Plan 809-8 Rev E, Annex Ground Floor 809-2 Rev E, Annex First Floor 809-3 Rev E, Proposed Elevations 809 – 6 Rev E, and Sections 809 – 7 Rev E.

3) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 44 Chadworth Avenue, Dorridge, Solihull, B93 8SX.

4) The external surfaces of the development hereby permitted shall be constructed in the materials to match the existing dwelling.

5) The development here by permitted shall not progress beyond base course until a scheme of a soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include:

   i. A plan showing existing vegetation to be retained and safeguarded at the rear southern side boundary of the property during construction; and

   ii. A detailed planting scheme for the rear southern side boundary of the property.

   Approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons following the first use of the building or the completion of the development. If, within a period of five years following the completion of the development, a tree, shrub or hedge shall for any reason die, is removed or is felled, it shall be replaced with others of the same size and species during the next planting season.