



Appeal Decision

Site visit made on 5 January 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2022

Appeal Ref: APP/Q4625/W/21/3281259

7, Blythe Way, Solihull, B91 3EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Durim Cekrezi against Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/00419/MINFHO, is dated 15 February 2021.
 - The development proposed is extensions and alterations to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of proposed development provided on the application form, having removed the phrase "*amended scheme*" as this does not describe development.

Main Issues

3. Based on the evidence submitted and my observations on site, the main issues are the effect of the proposed development on the character and appearance of the existing property and the street scene, and whether the proposal would protect or enhance the character or appearance of the Malvern Hall and Brueton Avenue Conservation Area (CA).

Reasons

4. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Additionally, paragraph 189 of the National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework advises that great weight should be given to the conservation of such assets when considering the impact of development on the significance of a designated heritage asset.
5. The site is located on Blythe Way, a street within a well-established, suburban residential area. The street was added to the designated CA in 2006, along with Park Avenue and parts of Warwick Road.
6. I have not been provided with a Conservation Area Appraisal that covers the area that it now encompasses. However, I have been provided with a copy of an appraisal that was undertaken on behalf of the Council when the extension to the CA was proposed; along with a copy of a document (2 sides of A4,

including map and photos) headed 'Malvern Hall and Brueton Avenue Conservation Area', which provides a summary of the CA as originally designated.

7. From the evidence before me, and what I was able to see during my visit, I consider one of the key factors from which the CA derives its heritage significance is the historic association with Councillor Horace Brueton, who envisaged the development of the area around the early-to-mid 20th Century.
8. Another factor of significance is the layout of the dwellings on the streets, which are arranged on both sides of, and fronting, the roads, set-back from footpaths that run along the streets. The rows of dwellings have broadly consistent frontage building lines. Where there are grass verges and trees lining the streets, they create a sense of spaciousness and make a positive contribution to the significance of the CA.
9. Additionally, the area is characterised mainly by two-storey, detached and semi-detached dwellings. The properties have been constructed with use of a limited range of external materials; mainly red brick, render and timber feature panels and tiled roofs.
10. The dwellings vary in their designs and architectural features. Although many have been altered and extended in various ways, including rooms created in the roof space, from what I was able to see from the streets, the alterations and extensions undertaken have generally been in keeping with the designs of the original properties and proportionate in scale and massing. As such, the original character and appearance of the properties, the spaces between them and their scale and massing have been maintained.
11. The site comprises a detached, two-storey dwelling with lawned areas and hard-standing for off-road parking to the front, and a relatively deep garden to the rear. The dwelling is set-back from the footpath. Blythe Way has narrow grass verges with trees lining the street, with mainly detached, two-storey dwellings located either side of, and fronting, the street, arranged with a broadly consistent building line. The dwelling is constructed of red brick under a tiled roof. The site and its location reflect what I have described as being the significant characteristics of the CA. I consider the appeal property positively contributes to the character and appearance of the CA, all-be-it to a minor degree.
12. The proposed development would significantly increase the footprint, floor area, volume, and mass of the existing dwelling, which would result in a dwelling substantially larger than the original property in respect of these aspects. Moreover, the extent of the proposed extensions would be substantially disproportionate to the original dwelling. Consequently, the proposals would dominate the original property, thereby having a detrimental effect on it.
13. Although most of the proposed development would be to the rear of the dwelling, due to the design, siting, height, depth, and scale of both the proposed one-and-a-half-storey side and two-storey rear extensions (the latter having a floor level in the roof space), the extensions would still be visible from the street, when viewing the property both head on, and from oblique angles travelling in both directions along the street. The proposals would also substantially reduce the spaces, above ground-floor level, between the existing

dwelling and the dwellings either side of it. The combination of the extent of the proposed extensions and the reduction in space above ground level between the appeal property and immediate neighbouring dwellings, would create an excessive mass of built form in the street scene.

14. I consider the detrimental effect of the proposed development on the original dwelling and the resultant detrimental impact on the street scene, would cause significant harm to the character and appearance of the CA. With reference to paragraph 202 of the Framework, I consider the degree of harm to be less than substantial. The Framework advises that such harm should be weighed against any public benefits resulting from the proposal.

Other Considerations & Planning Balance

15. The proposal would provide minor economic benefits during the construction phase. However, given the scale of such benefits I attach limited weight to this factor.
16. As noted, I accept that many properties along Blythe Way, and across the CA, have been altered and extended in various ways. The appellant points out that some have included two-storey extensions with flat roofs, which is true. However, the harm I have found does not stem solely from the proposal having a two-storey element with a flat roof; rather, it is the substantial disproportionate scale of the proposed development overall which concerns me most.
17. Additionally, design features such as the gabled, semi-hipped roof of the proposed replacement garage and utility with accommodation above, the depth of the proposed two-storey rear extension and the heights of the proposed one-and-a-half and two-storey extensions, with use of flat roofs, contribute to the harmful increase in scale and mass.
18. The appellant has drawn my attention to a garage extension at No. 12 Blythe Way. However, although there are some similarities between that extension and the proposed one-and-a-half-storey extension, eg a double garage with habitable accommodation above, there are also some distinct differences between the sites. Thus, I have found significant harm due to the combined effect of the extent of the proposed extensions. I therefore consider that the 2 sites are not directly comparable.
19. Consequently, there are no public benefits or other considerations that outweigh the harms I have found. The proposal would harm the character and appearance of the original dwelling, which would be detrimental to the street scene, and therefore the proposal would not protect or enhance the CA. As such, it does not accord with policies P15 and P16 of the Solihull Local Plan: Shaping a Sustainable Future, 2013, or design and heritage policies in the Framework.
20. Collectively, and among other things, these policies require development to consist of high-quality design that meets a range of principles, including conserving and enhancing local character, distinctiveness, and streetscape, ensuring the scale and massing respect the surrounding built and historic environment, and preserving or enhancing historic assets.

Other Matters

Effect on European Protected Species - Bats

21. The evidence submitted includes a 'Preliminary bat roost assessment', produced by Chase Ecology, dated 12th May 2020. The assessment concludes that the building and surrounding environment offer value for bats, and bat droppings were observed within the main roof void. For these reasons, the assessment recommends further surveys be undertaken. Bats are a European Protected Species (EPS). Until additional surveys have been carried out, to determine the impact of the proposal on the protected species of bats, and to establish what, if any, appropriate mitigation could be provided, I am not able to conclude that the EPS would not be harmed.
22. This issue has not been identified by the Council as a matter of concern. However, the issue would have been a sufficient reason on its own to dismiss the appeal. Should I not have found other harm, I would have requested the parties to comment on the matter. However, given that I am dismissing the appeal for other reasons, it was not necessary to pursue this.
23. The appellant has not applied for costs. However, he has suggested that I use my discretion to award costs, due to the delay that has occurred in obtaining the appeal decision, because the Council did not submit a statement until 6 months after the questionnaire.
24. I accept that the Council's delay in submitting evidence has significantly contributed to a delay in determining the appeal, which is likely to have been frustrating and disruptive for the appellant. However, as the appellant would likely have responded to the Council's statement even if it had been submitted in a timely manner, and as I have dismissed the appeal there has not been a delay in allowing development that should have been granted. I therefore conclude that the appellant has not incurred unnecessary or wasted expense in the appeal process, as outlined in the Planning Practice Guidance. Consequently, I have not used my discretion to award costs.

Conclusion

25. For the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR