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# Appeal Decision

Site visit made on 19 April 2022

**By R Hitchcock BSc(Hons) DipCD MRTPI**

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

**Decision date: 26 April 2022**

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**Appeal Ref: APP/Q4625/W/21/3285063**

**Land adjacent to 7 Newfield Close, Solihull, West Midlands B91 2SH**

- 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 Graham Purdue against the decision of Solihull Metropolitan Borough Council.
  - The application Ref PL/2021/00313/PPFL, dated 3 February 2021, was refused by notice dated 14 October 2021.
  - The development proposed is a 'New build detached dwelling. Original land at number 7 has been divided into two lands.'
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## Decision

1. The appeal is allowed and planning permission is granted for a 2 bedroomed detached house at land adjacent to 7 Newfield Close, Solihull, West Midlands B91 2SH in accordance with the terms of application Ref PL/2021/00313/PPFL, dated 3 February 2021, subject to the conditions set out in a Schedule attached to this Decision.

## Preliminary Matters

2. During the Council's consideration of the planning application revised plans were submitted by the appellant showing a reduced scale of dwelling. These were the plans listed on the Council's Decision Notice and on which the Council made its decision. I have proceeded on the same basis.
3. The description in the banner heading above is taken from the planning application form. However, I have used that appearing on the appeal form as a more succinct description of the development. It does not change the proposal for which planning permission was sought or consulted upon by the Council.

## Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the locality.

## Reasons

5. The site lies within a residential cul-de-sac of 2-storey modern semi-detached and detached houses. The buildings are set behind open-fronted gardens or forecourts with private amenity spaces to the rear. Despite various forms of extensions, the houses have some degree of visual coherence on account of their common materials and proportioning.
6. The site consists of part of the garden area lying to the side of a single storey wing along the southern gable of 7 Newfield Close. The land is bordered by

timber fencing and a conifer hedge with an open frontage adjacent to the turning head of the cul-de-sac. The plot is surrounded by residential properties.

7. The scheme proposes a 2-storey detached dwelling. The building would be set behind the line of No7, consistent with the staggered line of the pairs of dwellings on the eastern side of the cul-de-sac. The offset position would result in the building appearing recessive in streetscene views along the close. A visual gap above the first-floor level would achieve a sense of space about the building to the neighbouring houses at Nos7 and 9. This would be comparable to the gapping of buildings on the opposite side of the road such that the proposal would integrate with the existing arrangement of development in the locality.
8. The dwelling would have a similar overall height and width to the main 2-storey element of No7. This would provide building proportions commensurate with the predominant original design of dwellings in the close. The use of materials to match the external finishes of neighbouring houses would further assimilate the proposal.
9. The subdivision of the existing site would result in a plot size smaller than most of the neighbouring properties. However, in an area of plots of mixed shapes and sizes with a variety in the depth of their frontages, the dwelling would not appear out of place. The substantial use of the plot width would reflect the situation of other houses in the street.
10. The frontage would narrow on to the street to provide suitable vehicular access from the roadway in a manner similar to other plots about the turning head. The land to the rear of the building would provide sufficient and commensurate amenity space for occupants of the proposed unit.
11. The use of the proposed forecourt area for parking would result in the loss of some greenery at the head of the cul-de-sac. However, this would reflect the characteristics of a number of plots in the close. Furthermore, any losses therein could be compensated for by landscaping requirements, which could be secured through a planning condition.
12. Taken together, I find the proposal would sit comfortably within the Newfield Close streetscene and relate well to other development within the road. It would comply with Policies P5 and P15 of the Solihull Local Plan [2013] as they seek development that respects, maintains or enhances the local distinctiveness and character of the surrounding area.

### **Other Matters**

13. The distance of the proposed building from neighbouring dwellings would ensure that effects on the living conditions of occupiers from losses of light or overlooking would be minor. Any effects therein would be comparable to the general circumstances of housing located within estate settings. They would not therefore provide a reason to refuse planning permission in the circumstances of the case. This is consistent with the Council's findings.
14. I acknowledge the claims that the site is used by various forms of wildlife. Whilst there is little substantive evidence to support those claims, the beneficial effects of existing hedging that would be removed from the site could reduce the site's biodiversity value. However, this could be mitigated through landscaping requirements on the site and secured through planning condition.

A large tree located in the rear garden of 56 Redlands Close would be sufficiently distant from the proposed siting of the dwelling to avoid prejudice to the tree's long-term health.

15. Third party concerns relating to land ownership and the location of a former right of way are not substantiated and are matters of negligible weight in the context of this appeal. Unless specified, a grant of planning permission does not, of itself, authorise any obstruction of a right of way.

### **Conditions**

16. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the National Planning Policy Framework (the Framework) and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. A condition requiring the approval of external materials is necessary and reasonable in the interest of preserving the character and appearance of the area.
17. In the interests of local amenity and highway safety, a construction management plan is necessary. This is, of necessity, a pre-commencement condition given the site's limited area and position close to the turning head of a residential cul-de-sac. A condition requiring the sustainable drainage of the site is also necessary to minimise the risk of flooding on the site and elsewhere. To mitigate potential biodiversity losses and achieve biodiversity net gain, a condition requiring landscaping is necessary.
18. To protect the living conditions of neighbouring occupiers a condition requiring obscure glazing to the first-floor side window is reasonable. A condition preventing additional window openings to the side elevations is not justified in the circumstances where ground-floor side windows are proposed and additional first floor windows would be subject to obscure glazing/fixing under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015.

### **Conclusion**

19. For the reasons given above, I conclude that the appeal should be allowed.

*R Hitchcock*

INSPECTOR

### **Schedule of Conditions to planning permission ref. PL/2021/00313/PPFL**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 567-1 Rev J, 567-2 Rev J, 567-3 Rev J and 567-5 Rev J.
3. No 'above-ground' building works shall proceed above damp-proof course level or equivalent on any buildings or structures hereby approved until a schedule and samples of all bricks, tiles and other materials to be used in the external elevations have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. The landing window to be installed in the new dwelling which faces number 7 Newfield Close shall be obscurely glazed, and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall thereafter be permanently retained in that condition.
5. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; hours of operation and deliveries; the storage of plant and materials used in constructing the development; and, measures to prevent mud/debris being passed onto the public highway.
6. No above-ground work shall commence until such a time as a scheme to manage the surface water runoff from the development has been submitted to and approved in writing by the Local Planning Authority, with no occupation until the scheme is operational. The submitted details shall include, as a minimum:
  - a) Information about the lifetime of the development, design storm period and intensity (1 in 1, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of finished floor levels in AOD.
  - b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
  - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

- d) Flood water exceedance routes, both on and off site, demonstrating that the buildings will be safe from flooding in the event of blockage or exceedance of the drainage system.
- e) Engineering details of all surface water drainage features.
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
- g) Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site.
- h) Foul drainage plans.

The scheme shall be implemented, maintained and managed in accordance with the approved details.

7. 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 and these works shall be carried out as approved. These 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; retained historic landscape features and proposals for restoration. 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; and, the implementation programme.

END.