



Appeal Decision

Site visit made on 29 March 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 5 May 2022

Appeal Ref: APP/Q4625/W/21/3288196

148 Widney Lane, Solihull B91 3LH

- 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 Naim Mirza against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/01230/PPFL, dated 29 April 2021, was refused by notice dated 12 November 2021.
 - The development proposed is a partial demolition of an existing dwelling, erection of two new dwellings and garage together with associated access and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site is land formed by the extended rear garden of No 148 Widney Lane. The existing dwelling is a large detached building in an extensive plot, set back from and facing the road. Other dwellings in the street scene vary in their design but have equally open and undeveloped large plots and the use of hipped roofs predominate. The sense of spaciousness this relationship creates is reflected by the adjacent grounds of Widney Junior School and Solihull Sports and Social Club. This, along with the pleasant uniformity created by the consistent building to space relationship, roof form and verdant street scene, contributes positively to the character and appearance of the area.
4. The introduction of two dwellings on the appeal site would, by virtue of their siting behind existing development, create additional tiers, interrupting the quality of the established urban grain and accordingly reducing the spaciousness of the area. It would introduce an incongruous and spatially constrained form of development due to its size and height. The height of the dwellings specifically would not be visually subservient to the frontage units as required by the Council's Residential Backland Development Supplementary Planning Document (2021) (SPD). The use of gable roofs to the proposed dwellings would further divorce them from the consistency of the area.
5. The proposal would also require the partial demolition of No 148 to create a vehicular access to the proposed development. What would be a long, narrow access driveway would create a tunnel effect between No 148 and No 150.

There would be limited space for landscape planting either side of the driveway, inhibiting the schemes' ability to soften its appearance. The driveway entrance would result in the unattractive visual exposure of the building sides of No 148 and No 150. In addition, the entrance would be set back from the road and poorly marked, creating an unwelcome entrance to the development. As a result, it would not be cohesive with the street scene. The extent of the proposal's hardstanding driveway and courtyard area to the rear of the existing dwelling would add to this harm, when read against the area's verdant qualities.

6. The backland siting of the proposed development would limit its wider influence on the appearance of the area but the proposed access would allude to its location; it would be highly visible from neighbouring gardens and in any event, any reduced visual effect would not make up for the harmful impact the appeal scheme would have on the character of the area.
7. The proposal would therefore cause unacceptable harm to the character and appearance of the surrounding area. Accordingly, it would fail to accord with Policy P15 of the Solihull Local Plan (2013), which, amongst other things, seeks to conserve and enhance local character, distinctiveness, and streetscape quality. It would also fail to accord with the design objectives of the National Planning Policy Framework (2021) (the Framework). The proposal would also conflict with the SPD which provides design principles to be applied to backland developments specifically as well as a need to protect and enhance existing residential areas.

Other Matters

8. The Council set out that they are unable to demonstrate the supply of housing required by the Framework. This would lead me to consider the most important policies out of date. Paragraph 11 further explains that, in this situation, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
9. The appeal scheme would give rise to harm to the character and appearance of the area in the manner I have described. This harm would lead to conflict with the Framework. It would be wide ranging and long lasting. I therefore ascribe it substantial weight.
10. The proposal would make a contribution to the housing supply, albeit a very limited one. It is explained that the proposed dwellings are intended for the appellant's children, to enable them to stay in the local area in which they have grown up in. However, planning decisions must be made in the public interest, and therefore such personal benefits attract limited weight. The proposal aspires to use sustainable energy methods, such as ground source heat pumps and/or air source heat pumps. Laudable as such an approach may be, such measures should be encouraged as a matter of principle. Their use for two dwellings would make a positive, but small contribution to overall carbon reduction.
11. The appeal site is not in a Conservation Area, nor would it affect the setting of listed buildings. This would not however absolve me from assessing the scheme in the interests of the character and appearance of the area. In addition, the

lack of objections to the proposed development would be a lack of harm rather than a tangible benefit. It would accordingly be neutral in any balance.

12. Taking the above matters together, and the weight I would ascribe to the benefits specifically it is sufficiently clear that the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.
13. The appellant has drawn my attention to examples of backland developments located elsewhere in the local area. However, there are no examples of backland development on Widney Lane and I do not know the circumstances that led to the approval of these other developments or their specific relationship to their site. In any event, I have determined this appeal on its own merits.

Conclusion

14. The proposal conflicts with the development plan as a whole, and there are no material considerations, including the approach of the Framework and worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Helen Smith

INSPECTOR