
Appeal Decision

Site visit made on 14 June 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2022

Appeal Ref: APP/Q4625/W/22/3290977

90 Tanworth Lane, Shirley, Solihull B90 4DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr M McEvilly against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/01500/PPOL, dated 19 May 2021, was refused by notice dated 24 August 2021.
 - The development proposed is new bungalow to replace existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was submitted as an outline planning application which stated that only matters of landscaping are reserved. Whilst the drawings are marked indicative, they include details of the proposed access, appearance, scale and layout of the dwelling. I have decided this appeal on the basis that these matters are indicative only.
3. The appellant expresses a willingness to reduce the size of the proposed bungalow and plot. However, plans showing this alternative scheme have not been submitted to allow consideration of this matter. I note also the appellant's comments regarding five mews properties, but again no details have been submitted. Therefore, for avoidance of doubt this decision is limited to the drawings submitted with the planning application.
4. Reference is made to policies of an emerging local plan which is at submission stage and therefore well progressed. However, I have nothing before me to confirm the extent of unresolved issues and therefore I attach limited weight to this matter. This aside, the policies drawn to my attention are similar to those of the existing Solihull Local Plan.

Main Issues

5. The main issues are the effect of the proposal on the:
 - character and appearance of the area, and
 - living conditions of the occupants of 90 Tanworth Lane and the occupants of properties on Micklehill Drive near the appeal site, with regards to outlook.

Reasons

Character and Appearance

6. The appeal site is a substantial section of an existing rear garden in a predominately residential area. Dwellings in the area have an individual quality, but they generally have street frontages and generous rear gardens. I also saw that this part of Tanworth Lane and the wider street block is distinctly characterised by a linear pattern of development.
7. The proposed bungalow would use an existing access and it would be subservient in height to surrounding two-storey properties. However, the proposed ground floor footprint of the bungalow would be similar in size to the existing footprint of the large family dwelling at No 90. It would be set back and substantially screened by this existing dwelling and this would ensure that it would not interfere with the existing street frontage. But this would also result in the bungalow being visually disconnected from the wider neighbourhood.
8. The bungalow and its plot would be bound by rear outdoor space and gardens of existing properties at all aspects. In this respect it would not integrate into the existing street grid and would significantly disrupt the locally distinct linear pattern of development. In turn, the bungalow would be a standalone built form that would appear a piecemeal form of development that would lack cohesion with other development in the area. It would be of a poor design in this respect.
9. The side boundary along the proposed access road is currently devoid of vegetation and there are few existing landscaping features at the rear boundary of the property. Therefore, a landscaping scheme would enhance this plot of land. However, this improvement would not diminish the harmful disruption the proposal would have on the pattern of development in this location. And this would be the case in respect to the use of matching materials.
10. For the reasons outlined the proposal would fail to respond sympathetically to the existing local context, and I find that the proposal would have a harmful effect on the character and appearance of the area. It would in this regard be contrary to Policies P5 and P15 of the Solihull Local Plan (Local Plan) which, amongst other matters, support housing on unidentified sites in accessible locations where they contribute towards meeting identified borough-wide housing needs and towards enhancing local character and distinctiveness, and require all development to achieve good quality, inclusive and sustainable design.
11. It would also be inconsistent with the design policies of the National Planning Policy Framework (Framework) and advice set out in the New Housing in Context Supplementary Planning Guidance (SPG) and Residential Backland Development Draft Supplementary Planning Document (SPD) which encourages good urban design in respect to new housing development.

Living Conditions

12. No 90 is a large dwelling with a long rear garden space. As such the dwelling at this property is a considerable distance from properties at the rear on Micklehill Drive, and this provides a sense of space when in this rear garden. This sense

of space is less evident at properties on Micklehill Drive as these properties have more modest size gardens. However, the existing outlook to the rear of these dwellings is generally of undeveloped rear gardens.

13. The proposal would fill a substantial portion of the existing rear garden, and this would result in a small garden space for the dwelling at No 90. This would also bring a sizeable built form substantially closer to the rear of this existing dwelling. In doing so the bungalow, with a proposed substantial width and length, along with the existing large built form of No 90 would have a significant enclosing effect on the retained rear garden of No 90. Occupants of this dwelling would have a sense of being hemmed in when using this substantially reduced space. This would make the garden a considerably less pleasant place for existing and future occupants of this dwelling to use.
14. The footprint of the proposed bungalow would extend across most of the width of the appeal plot and would have a small rear garden. This would result in a substantial mass close to the shared rear boundary with the dwelling on Micklehill Drive. Although some of this mass would be screened by the rear boundary fence and proposed landscaping, its expansive width of roof would fill the existing space above the fence and in turn would dominate the outlook of occupants of this neighbouring dwelling. The bungalow would in this respect be a looming feature close to the shared rear boundary. This dominating feature would be particularly imposing to the occupants of this dwelling when they are in their rear garden, and this would make this space significantly less enjoyable to use.
15. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupants of 90 Tanworth Lane and the occupants of properties on Micklehill Drive near the appeal site, with regards to outlook. In this respect it would conflict with Policy P14 of the Local Plan which seeks to protect and enhance the amenity of existing and potential occupiers of houses, businesses and other uses. It would also be inconsistent with policies of the Framework which require a high standard of amenity for existing and future users, and guidance of the SPG and SPD in respect to this matter.

Other Matters

16. The development at 195 – 197 Tanworth Lane comprises a group of nine dwellings. Properties on Broad Oaks Road do not back on to rear gardens and the dwelling in that case is flanked by two infill developments. Woodlands Lane has properties that address the street but there are several built forms to the rear. 6A and 8A Tanworth Lane are at the end of the road where it flows into Shakespeare Drive and the plot in this case is close to a corner. The pattern of development on St Gerards Road is less uniform than the part of Tanworth Lane subject of this appeal. In all these examples the circumstances are either distinctly different to or are not directly comparable with this proposal.
17. The developments at Blackford Road, School Road and Stratford Road are similar in respect to being piecemeal built forms surrounded by rear gardens, but with limited details submitted I am unable to fully consider these matters. This aside, piecemeal development elsewhere should not be a justification for harmful development at the appeal site.

18. No neighbour objections have been received. However, consideration must be given to future residents as well as to existing, and therefore this matter alone would not override the significant harm found in this case.
19. The garage at the rear of the appeal property did not appear to be in a poor state of repair and this was the case for the existing access and boundary fence. Therefore, the removal or replacement of these features as a consequence of this proposal would not weigh in favour of this harmful development.
20. I note the appellant's intent to downsize and remain in the area. However, I am not convinced that this proposal would be the only means of addressing this aspiration and this has not been a determinative factor in this appeal.
21. Local Plan policies related to matters that are not in dispute have been drawn to my attention, however as outlined the proposal would conflict with the Local Plan when read as a whole.

Planning Balance

22. The evidence states that the Council is unable to demonstrate a 5 year supply of land for housing and this is not disputed by the Council. Paragraph 11 of the Framework is therefore triggered in this case.
23. The proposed dwelling would add to the mix of housing in the area and could result in a family sized dwelling coming to market, but one new dwelling would make a small contribution to the supply of housing in the area. There would also be a small benefit in respect to supporting the local economy through Community Infrastructure Levy payments, the construction phase of the development and from future occupants of the dwelling contributing to the vibrancy of the area. Improved landscaping, high technology solutions, energy efficiencies and environmental gains as a result of the proposal would also be small given the scale of the development.
24. The appeal site is well related to local services and open spaces, and this weighs in favour of the proposal. However, the definition of previously developed land in the Glossary of the Framework excludes land in built-up areas such as residential gardens, so this matter is not relevant. Moreover, the Framework states that good design is a key aspect of sustainable development. Whilst its policies promote an effective use of land in meeting the need for homes, they seek to ensure healthy living conditions. In respect to achieving appropriate densities and the efficient use of land, Framework policies require account is taken of the desirability of maintaining an area's prevailing character. As outlined above I have found conflict with these policies in this appeal.
25. The harm I have identified with regard to the character and appearance of the area and the living conditions of neighbouring residents would significantly and demonstrably outweigh the limited benefits of the proposal when assessed against policies in the Framework taken as a whole.

Conclusion

26. Material considerations, including the Framework, do not indicate that the proposal should be determined other than in accordance with the development plan and the appeal is dismissed.

A J Sutton

INSPECTOR