



Appeal Decision

Site visit made on 11 October 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2022

Appeal Ref: APP/Q4625/W/22/3301376

18 Blandford Avenue, Castle Bromwich, Solihull B36 9HX

- 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 Tony Mcelligott against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2022/00357/PPFL, dated 21 February 2022, was refused by notice dated 19 April 2022.
 - The development proposed is the construction of a 2 bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council is undertaking a Local Plan review that has reached a stage where the policies it contains can be given some weight in decisions. Whilst the Council has considered such policies in their assessment of the proposal, the decision notice only contains reference to policies from the adopted Solihull Local Plan, Shaping a Sustainable Future 2013 (LP). In the determination of this appeal, I have only considered the saved policies from the adopted LP.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on highway safety, with particular regard to adequacy of parking provision; and
 - Whether appropriate living conditions would be provided for future occupiers of the proposed dwelling and maintained for the occupants of 18 and 18A Blandford Avenue, with particular regard to garden area.

Reasons

Character and appearance

4. Saved LP Policies P5 and P15 support new housing where they conserve and enhances local character and distinctiveness. The New Housing in Context Supplementary Planning Guidance (SPG) supports developments of densities of 30-50 dwellings per hectare. However, it adds that this should not be at the expense of the quality and distinctiveness of the environment. Whilst the SPG predates the National Planning Policy Framework (the Framework) and refers to

replaced Government Guidance, it generally accords with the design aspirations of the Framework. As such it carries moderate weight in my decision. That weight is not reduced by a lack of case studies that are directly comparable to the proposal.

5. The appeal site is located on Farnworth Grove to the rear of 18 and 18A Blandford Avenue. The site was formerly rear garden but now forms a separate parcel of land. It fronts on to the first, relatively narrow stretch, of Farnworth Grove which currently provides access to a pair of semi-detached dwellings diagonally opposite the appeal site. Beyond that first stretch, Farnworth Grove opens out onto central green space.
6. Farnworth Grove and Blandford Avenue are characterised by two storey semi-detached, with the occasional detached, dwellings. The appearance of the existing dwellings on these streets are largely consistent, being of red brick construction and featuring bay windows and hipped roofs. The dwellings are set back from the highway behind front gardens with a generally consistent building line.
7. The single storey design of the proposed bungalow would differ from the prevailing character of the area. Despite the inclusion of a circular window, the extent of solid brickwork on the elevation facing towards the street would be in marked contrast with the appearance of the surrounding houses. The proposed decorative brickwork does not sufficiently alleviate the impact of the brickwork. Moreover, given the small size of the site and the siting of the proposed bungalow in a position very close to the footpath, it would appear unusually cramped relative to its plot and to the size of the surrounding plots. It would not be possible to soften the appearance of the proposal through landscaping given there would be no space for planting.
8. Overall, the development would have a jarring and unacceptable relationship with the street scene which would be harmful to the character and appearance of the area. Whilst it may be a higher density of development it is not of a form that is supported by the SPG, as it would adversely affect the quality and local distinctiveness of the environment.
9. Consequently, I consider that the proposal would cause unacceptable harm to the character and appearance of the area. Therefore, it would fail to accord with LP Policies P5 and P15 which support housing where it conserves local character. It would also be contrary to the guidance of the New Housing in Context Supplementary Planning Guidance (SPG) and the design aims of the Framework.

Highway safety

10. Adopted parking standards have not been provided. I do note, however, that the Highway Authority have stated that the proposed development, a two-bedroom bungalow, would require two off-street parking spaces, unless it has been demonstrated that the application site is in a highly accessible location. In the absence of any information that suggests otherwise, I accept that two parking spaces is the policy requirement for the appeal proposal. The proposed plan provides a single parking space on site.
11. The site is in an accessible location with a number of local amenities, including two convenience stores, nearby on Green Lane within easy walking distance. I

also noted on my site visit that there are bus stops on Green Lane. This suggests that the occupants of the proposed dwelling would not necessarily be fully reliant upon the private car, having access to alternative modes of transport. Nonetheless, whilst the occupants may not need more than one car should they own two cars, or have visitors, such additional vehicles could not be accommodated on site.

12. On my site visit, I noted that the number and siting of private drives restricted opportunities for roadside parking in the surrounding area but that there is some ability to park along the first stretch of Farnworth Grove where the appeal site is located. Nevertheless, the narrow width of the carriageway at this point is such that a vehicle would have to partially park on the pavement to provide sufficient space for most vehicles to pass. Where not on the pavement, parked vehicles could lead to drivers having to mount the kerb. This would adversely affect highway safety by creating vehicular and pedestrian conflict.
13. Whilst I have no reason to consider that the proposed parking space would not function in a safe manner, I find that the proposed single off-road parking space is insufficient and would create an unacceptable risk to the safety of pedestrians due to vehicles parking on the highway.
14. Consequently, the development would have an unacceptable effect on highway safety due to inadequacy of parking provision. As such it would conflict with LP Policy P8, which amongst other matters, expects development not to present a reduction in safety for highway uses. In addition, it would not accord with the highway safety aims and objectives of the Framework.

Living conditions

15. Given that the appeal site no longer forms part of the garden area of Nos 18 and 18A the proposal would not have any direct effect on those existing garden areas. Nonetheless, I consider that all garden areas, although not extensive, would provide sufficient space to be enjoyed by the occupants of the respective properties and utilised for incidental purposes, such as play, sitting out and drying laundry. In the absence of any conflict with adopted garden space standards, I consider the quantity of space would be appropriate for the proposed dwelling as well as the existing dwellings.
16. Whilst the principal windows of the proposed bungalow would face towards an electricity substation, this would not unacceptably dominate the outlook for the occupiers of the property due to the substation's small size. Moreover, I have been presented with no evidence that suggests that noise from the substation would be unacceptable.
17. The development is single storey and given the separation distance and its scale, any change to the outlook from the rear of adjoining properties or loss of light would not be unacceptable. In addition, I do not consider that noise and disturbance arising from the introduction of a new dwelling in this location would be materially greater to that generated by the existing dwellings. As such, it would not unacceptably affect the living conditions of the occupants of neighbouring properties.
18. Accordingly, appropriate living conditions would be provided for future occupiers of the proposed dwelling and maintained for neighbouring occupiers, regarding garden area. This would be compliant with LP Policies P14 and P15

which seek to ensure that there is no detrimental effect on residential amenity of adjacent properties from new development. It would also accord with the guidance within the SPG and the Framework that seeks to promote a high standard of amenity for existing and future users.

Planning Balance

19. The Council is currently unable to demonstrate a five-year housing land supply. Consequently, para 11d) of the Framework is engaged. Therefore, according to para 11d) ii) of the Framework, consideration must be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
20. The proposal would make a very modest contribution of one dwelling, in an accessible location, to the supply of housing. Benefits to the local economy would also be small given the scale of the scheme.
21. As set out above, I have found that the proposal would cause harm to the character and appearance of the area and would have an unacceptable effect on highway safety to which I give considerable weight.
22. Overall, I find that the harm I have identified would significantly and demonstrably outweigh the benefits. Therefore, the Framework is not a material consideration that indicates a decision other than in accordance with the development plan.

Conclusion

23. Whilst I have found that the proposal would provide and maintain appropriate living conditions for future and existing occupants this does not outweigh the harm to the character and appearance of the area, and the unacceptable effect on highway safety that I have identified. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
24. I hereby dismiss this appeal.

Elaine Moulton

INSPECTOR