



Appeal Decision

Site visit made on 8 March 2023

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2023

Appeal Ref: APP/Q4625/D/22/3308947

40 Danzey Green Road, Castle Bromwich, Solihull B36 9EE

- 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 John Skeldon against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2022/01547/MINFHO, dated 20 July 2022, was refused by notice dated 30 September 2022.
 - The development proposed is a first floor front, rear and side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the development on the living conditions of the residents at 38 Danzey Green Road.

Reasons

3. No 40 is a semi-detached dwelling that is set back behind its non-adjoining neighbour, No 38, and at a ground level roughly 1.3m higher. The main 2-storey side gable of No 40 is about 3m from the boundary between these 2 properties, but has a single storey extension with a hipped roof along the side (the existing side extension). This runs up to the boundary, and extends to a little over 2m beyond the rear elevation of the appellant's house, and some 6m beyond the rear of No 38. That neighbouring house stands about 1m from the common boundary.
4. The proposal would add an extra storey to the entirety of the existing side extension. It would have a gable in the centre with lower hipped elements to the front and back.
5. As No 40 is to the north-east, and taking into account the current effect of the appellant's house, I consider any impact the proposal would have on sunlight to No 38 would be extremely limited. Moreover, being to one side, the works before me would not have an appreciable effect on daylight at that neighbouring property.
6. However, the proposal would result in a 2-storey wall along the common boundary, the height of which would be exacerbated and increased by the difference in land levels between the properties and the presence of a gable. Given its length, how far it would run along the back garden of No 38, and its proximity to the rear rooms of that neighbouring house, I consider this sizeable

wall would be a dominant, overwhelming feature that would create an unacceptable sense of enclosure at the back of that property.

7. In coming to this view, I accept that the 2-storey side wall of No 40 is already visible from No 38. However, this is set back from the boundary, and its impact is further reduced as it is concealed, to some degree, by the existing side extension. In any event, the proposal would be longer than the current 2-storey element of the appellant's house as it would project further rearwards. Therefore, in my opinion the proposal would have a greater impact than the existing side wall of No 40, and so the effect of the current situation does not lead me to different findings.
8. I recognise too that the owner of No 38 is supportive of the development. Whilst I have taken this into account, there are many reasons why neighbours might express such support. To my mind it is not a basis to allow the scheme in the face of legitimate planning concerns and a reduction in the quality of this adjacent property.
9. Finally, the development would result in more room in the appellant's house, but any benefits that may bring do not outweigh the harm identified.
10. Accordingly I conclude the proposal would detract unacceptably from the living conditions at No 38 by reason of its dominance and its overwhelming impact, and so would conflict with Policy P14 in the *Solihull Local Plan*, which, amongst other things, says new development will only be permitted if it respects the amenity of existing occupiers.

Conclusion

11. I therefore conclude the appeal should be dismissed.

JP Sargent

INSPECTOR

