



Appeal Decision

Site visit made on 17 January 2023

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2023

Appeal Ref: APP/Q4625/W/22/3308184

784 Old Lode Lane, Elmdon, Solihull B92 8NQ

- 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 Gurdev Singh against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2022/00946/PPFL, dated 4 May 2022, was refused by notice dated 16 September 2022.
 - The development proposed is described as 'proposed bungalow as part of backland development scheme with frontage design onto Mayswood Road. Existing garden at 784 Old Lode Lane to be segregated and fenced off with proposed trees to increase privacy. 1 no. parking space included as part of scheme'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of occupiers of 784 Old Lode Lane, with particular regard to the availability of suitable outdoor amenity space and outlook, and occupiers of other nearby residential properties, with particular regard to outlook.

Reasons

Character and Appearance

3. The appeal site is located within a predominantly residential area and comprises part of the rear garden of 784 Old Lode Lane, a two-storey detached dwelling. No 784 occupies a corner plot on the junction of Old Lode Lane and Mayswood Road, with its rear garden enclosed by close boarded timber fencing. The appeal proposal seeks the erection of a two-bedroom brick-built bungalow that would front onto and be accessed from Mayswood Road.
4. The surrounding area comprises a mix of different housing types and sizes. Whilst Old Lode Lane is characterised by predominately two-storey semi-detached dwellings, Mayswood Road includes two-storey semi-detached and terraced dwellings, with the occasional terrace of single storey bungalows. Despite this variation in house types and sizes, the urban grain is one of frontage development with dwellings set back from the highway behind driveways or front gardens, with further private amenity space provided to

their rear. This consistency lends a pleasant homogeneity which contributes positively to the character of the area.

5. The proposed dwelling however would be sited in a position very close to the footpath on Mayswood Road, with very little external amenity space provided to its frontage. Additionally, due to the small plot size and in particular its lack of depth, very little external space would be provided to the rear of the dwelling with its private garden area located to the side. As a result, the development would appear as a cramped and contrived form of development that would be out of keeping with the established urban grain and overall character of the area.
6. Although the existing close boarded timber fence that encloses the rear garden of No 784 and fronts onto Mayswood Road is somewhat lengthy and mundane, it is in keeping with other similar forms of boundary treatments in the locality and does not significantly detract from the overall character and appearance of the area. Whilst the appeal proposal would result in a reduction in the length of this fencing and include some additional planting, I do not consider that this would overcome the harm identified.
7. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. Accordingly, the proposal would conflict with Policies P5 and P15 of the Solihull Local Plan: Shaping a Sustainable Future (adopted December 2013) (LP) which seek, amongst other matters, to ensure that developments conserve and enhance local character. It would also be contrary to the design aims of the National Planning Policy Framework (the Framework), and guidance contained in the New Housing in Context Supplementary Planning Guidance (adopted November 2003), and Residential Backland Development Supplementary Planning Document (adopted August 2021) which also seek to maintain or enhance local distinctiveness and character and protect and enhance existing residential areas.

Living Conditions

8. No 784 is a four-bedroom semi-detached dwelling sat within a long and narrow plot which incorporates a generously sized rear garden area. The appeal proposal would result in the loss of approximately two thirds of the existing rear garden area, with the appellant stating that No 784 would retain a garden area in excess of 120m².
9. Although the retained rear garden area of No 784 would not be extensive in comparison to many other nearby dwellings, I find that it would nevertheless provide sufficient space to be enjoyed by occupants of the property. The Council has not sought to rely on any adopted garden space standards, and consequently I consider that the proposal would provide adequate private amenity space for present and future occupiers of No 784.
10. The proposed development is single storey and given the separation distances and its scale, any change to the outlook from the rear elevations and gardens of properties on Old Lode Lane, including No 784, would not be unacceptable. Similarly, the nearest properties on Mayswood Road are located a significant distance away and at oblique angles, and therefore the proposal would not have an overbearing or undue impact upon outlook from these properties. As such, it would not unacceptably affect the living conditions of occupiers of neighbouring properties with regard to outlook.

11. For the reasons given above, I conclude that the proposed development would be acceptable in terms of its effect on the living conditions of occupiers of No 784 and other nearby residential properties. The development would therefore accord with Policy P14 of the LP which seeks, amongst other matters, to ensure that developments do not have a detrimental effect on the amenity of existing occupiers of residential properties. It would also accord with guidance contained within the Framework that seeks to promote a high standard of amenity for existing and future users.

Other Matters

12. I have considered the appellant's concerns regarding anti-social behaviour occurring at the set of garages adjacent to the appeal site. In particular, the appellant asserts that anti-social behaviour becomes a possibility due to the poor visibility to this area and the distances between the garages and surrounding homes. However, no specific details have been provided regarding any incidents of anti-social behaviour at the garages or of any subsequent complaints made. Any such incidents would of course be regrettable, however the scheme before me is not necessarily the sole means of achieving a better inter-relationship between the neighbouring sites. I would also note that there are separate controls to address anti-social behaviour. I do not consider that these concerns outweigh the harm identified or provide sufficient justification for allowing the appeal proposal.
13. The appellant has referred to the recent development of a single dwelling at 734A Old Lode Lane which is located near to the appeal site and was allowed at appeal¹. Whilst there are some similarities between the schemes, each case must be assessed on its own merits. Accordingly, the presence of the approved scheme at No 734A does not justify the harm which I have identified that the appeal proposal would cause.

Planning Balance

14. The appellant has stated that the Council is currently unable to demonstrate a five-year housing land supply. This has not been disputed by the Council. 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.
15. I have found that the proposed development would cause harm to the character and appearance of the area. This harm would be long lasting, and as such I ascribe it substantial weight. It would be contrary to the aims of the Framework in regard to its requirements for high quality and contextually appropriate developments which function well and add to the overall quality of the area, as specifically set out by section 12.
16. The proposal would provide economic and social benefits through the construction phase and the additional contributions of the occupiers to the local economy. The proposed development would also provide environmental benefits including passivhaus standard insulation and the provision of an electric vehicle charging point. The one new dwelling would also contribute to

¹ APP/Q4625/W/19/3239145

the supply of housing and the Council's shortfall. Given the scale of the proposed development these contributions would be modest and in some cases time limited. As such, I ascribe these benefits limited weight.

17. I also acknowledge that the property is located within an existing settlement, and thus future occupiers would have good access to services and facilities. This would however need to be the case for the principle of the proposed development to be acceptable. It would, in any event, be a lack of harm rather than a benefit to the scheme.
18. With that in mind, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore represent sustainable development for which the presumption in favour applies.

Conclusion

19. Whilst I have found that the proposal would be acceptable in terms of its effect on the living conditions of occupiers of nearby residential properties and does not result in any further harm being caused, this is of neutral effect and does not outweigh the harm to the character and appearance of the area that I have identified.
20. The proposed development would conflict with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

David Jones

INSPECTOR