
Appeal Decision

Site visit made on 5 July 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2023

Appeal Ref: APP/Q4625/W/22/3294008

**Lode Lane frontage to former Hobs Moat United Reformed Church,
Faulkner Road, Olton, Solihull B92 8SD**

- 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 Z Ahmed (Activepine Ltd) against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/02933/PPFL, dated 05 November 2021, was refused by notice dated 22 December 2021.
 - The development proposed is new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal relates to a proposal for a new dwelling on a rectangular strip of land located on the western side of Lode Lane between the semi-detached dwellings at nos 499 and 503. The site previously formed part of the Hobs Moat United Reformed Church and provided a private pedestrian access to the church from Lode Lane. At the time of my site visit, the wider church site was being redeveloped with 7 dwellings that face onto Faulkner Road, located to the east of the appeal site. The planning permission¹ granted for the wider church site redevelopment includes a condition that has the effect of securing the appeal site as an area of managed incidental landscaping in perpetuity.
4. The site is located within a run of similar semi-detached two storey dwellings, within a predominantly residential area. Those dwellings are consistently set-back from the road behind small front gardens/driveways, have regular plot widths, and are of relatively uniform scale and form. Architecturally, the dwellings are typically characterised by distinctive hipped and catslide roof forms, with double height bay windows, hanging tiles and consistent building materials. The consistency of design, scale, layout and spacing within the run of dwellings results in them appearing as a cohesive grouping that gives a sense of place and distinctive character to the area.

¹ Planning Permission ref: PL/2021/00553/PPFL

5. The appeal proposal would introduce a detached, two storey, gable fronted dwelling within the relatively uniform run of semi-detached dwellings identified above. The built form of the dwelling would, therefore, be significantly different to those found surrounding the site on the western side of Lode Lane. Furthermore, the dwelling would be sited on a relatively narrow frontage in comparison to the surrounding run of dwellings. These factors would result in the dwelling appearing harmfully cramped and discordant with the visually cohesive surrounding grouping of semi-detached dwellings. The dwelling would relate poorly to the regular pattern of development in its vicinity and, as a result, it would fail to respond to the local character or reflect the identity of the surroundings.
6. The proposed development would, therefore, cause significant 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) 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), which also seek to maintain or enhance local distinctiveness and character and protect and enhance existing residential areas.

Planning Balance

7. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations (including the Framework) indicate otherwise.
8. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. In these circumstances, the most important policies for determining the application are out-of-date in accordance with footnote 8 of the Framework. The so-called tilted balance at Paragraph 11(d) ii of the Framework is therefore engaged. In such circumstances, the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.
9. Paragraph 60 of the Framework sets out the Government's objective of significantly boosting the supply of housing. The proposal would contribute to the supply of housing in a location where there is an identified shortfall in the supply of deliverable sites, and where the distances to services and facilities would limit the need to travel. I acknowledge that small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, as indicated in paragraph 69 of the Framework. I also recognise that the proposal would develop a brownfield site and that related construction activities would create some employment. Furthermore, the occupiers of the proposed dwelling would help to support local facilities and services. Taken together, however, I give only limited weight to these benefits given the small scale of the proposal.
10. The Framework also sets out the importance of achieving well-designed and attractive places, and to ensure that developments are sympathetic to local character. Whilst the Framework supports the efficient use of land and states that appropriate change such as increased densities should not be prevented, it

says that the desirability of maintaining an area's prevailing character should be taken into account. In this regard, I have found that the proposed development would cause significant harm to the character and appearance of the area. Consequently, I afford significant weight to the identified harm to the character and appearance of the area.

11. Overall therefore, whilst I have given weight to the benefits of the development, I find that the harm to the character and appearance of the area, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The application of the so-called tilted balance at Framework paragraph 11d (ii) does not, therefore, indicate permission should be granted. As such, I find material considerations do not exist to justify a decision other than in accordance with the development plan.
12. The proposal would conflict with the development plan, when taken as a whole, by virtue of the development's harmful effect on the character and appearance of the area. There are no other considerations, including the provisions of the Framework, which outweigh that conflict.

Conclusion

13. For the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR