



Appeal Decision

Site visit made on 28 February 2023

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023

Appeal Ref: APP/Q4625/W/22/3309207

10 Walnut Close, Chelmsley Wood, Solihull B37 7PU

- 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 Mrs Claire Dunkley against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2022/00320/PPFL, dated 17 February 2022, was refused by notice dated 4 August 2022.
 - The development proposed is a new 2 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located within a predominately residential area and comprises the existing property at 10 Walnut Close and its garden, along with a parcel of land to the rear on which a double garage is situated. The parcel of land to the rear is sub-divided from rear garden of No 10 and enclosed by close boarded timber fencing. The appeal proposal seeks the demolition of the existing double garage and erection of a two-storey detached dwelling. The proposed dwelling would incorporate part of the rear garden of No 10 within its curtilage and would front onto Walnut Close.
4. The surrounding area is characterised by two-storey terraced properties in 'L' or 'horseshoe' shaped blocks. Although it is evident that additions and alterations have been carried out to several nearby properties these do not alter the prevailing character and form. Despite its two-storey scale and use of appropriate materials, the proposed dwelling would appear as an isolated and incongruous form of development that would be out of keeping with the established urban grain and overall character of the area.
5. Whilst the appeal site would be capable of accommodating a dwelling with sufficient amenity space and parking, there would be little external space provided to the front and rear of the dwelling with its private garden area located to the side. The plots lack of depth combined with the proposed dwelling's lack of relationship or connection with the surrounding built form would result in the development appearing cramped and uncomfortable causing harm to the character and appearance of the area.

6. Although the existing close boarded timber fence that encloses the rear garden of No 10 and fronts onto Walnut Close is somewhat lengthy and tired in appearance, it is not dissimilar to other boundary treatments in the locality and does not significantly detract from the overall character and appearance of the area. Whilst I acknowledge that the appeal proposal provides an opportunity to improve the visual appearance of this boundary through the provision of planting, this would fail to overcome the harm identified above.
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) which seek, amongst other matters, to ensure that developments conserve and enhance local distinctiveness and character. It would also be contrary to the design aims of the National Planning Policy Framework (the Framework), and guidance contained the New Housing in Context Supplementary Planning Guidance (adopted November 2003) which also seeks to ensure that new developments respect, maintain or enhance local distinctiveness and character.

Other Matters

8. The appellant has referred me to two appeal decisions¹ and has provided commentary on them. However, without the full details of the appeal decisions or the evidence submitted in support of them I cannot be certain that there are any direct comparisons with the appeal before me. In any event, each case has to be assessed on its own merits.

Planning Balance

9. The Council accepts that it cannot demonstrate a five-year housing land supply, and therefore paragraph 11d) of the Framework is engaged. Consequently, according to paragraph 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.
10. 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.
11. The proposal would provide economic and social benefits through the construction phase and the additional contributions of the occupiers to the local economy. The one new dwelling would also contribute to 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.
12. 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

¹ APP/Q4625/W/20/3253001 and APP/Q4625/W/21/3285063

development to be acceptable. It would, in any event, be a lack of harm rather than a benefit to the scheme.

13. 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

14. 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