



Appeal Decision

Site visit made on 21 March 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th June 2023

Appeal Ref: APP/Q4625/W/22/3310873

83 Blue Lake Road, Dorridge, Solihull B93 8BH

- 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 Benniman against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/03073/PPFL, dated 19 November 2021, was refused by notice dated 26 May 2022.
 - The development proposed is the demolition of the existing dormer bungalow and erection of 2 No. detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following receipt of comments from interested parties' clarification was sought regarding the name of the appellant. Confirmation has been received that the appeal is to proceed in the name of Mrs Benniman.
3. There are two appeals before me on the same site, for very similar development. However, as the name of the appellants are different, I have considered each case separately.

Main Issue

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

Reasons

5. The appeal site is the donor property, a detached bungalow, and its garden which are on the corner of Blue Lake Road and Clyde Road. The area comprises predominately, large, detached 2-storey houses with some bungalows. The properties vary in scale and design but have limited space between the sides of the properties. Most are set back from the road with driveways set in open front gardens with trees along the roadside. On the opposite side of Blue Lake Road is undeveloped agricultural land. The variety of the properties, with spacious road-facing frontages, contributes positively to the character and the open and pleasant feel of the area.
6. The design and scale of the front elevations, facing Blue Lake Road, and the proposed materials are acceptable and would be in keeping with the surrounding character. The layout also respects the building line along Blue Lake Road.

7. However, the depth and height, and therefore massing, specifically of plot 2, would be visually prominent given its position on the corner of Blue Lake Road and Clyde Road. The trees along the outside of the site do provide some screening of the proposal. However, the trees do not entirely block the view of the existing dwelling from Clyde Road, or the view of the houses on the opposite side of the road from within the site. Due to the proposed massing and height, Plot 2 would be highly visible in the gaps between the trees.
8. Furthermore, due to the change in ground levels on the site and along Clyde Road, the proposal would be prominent in views from further along Clyde Road. The gap between the proposed building and 14 Clyde Road would be imperceptible from these longer views and the proposal would be clearly viewed forward of the building line and hence be incongruous.
9. The proposed development would also result in a greater level of built development along Clyde Road, in terms of the depth, height and massing, than the existing dwelling and would also be closer to the road than the other houses along Clyde Road. The position, depth and massing, specifically of Plot 2, would be prominent and impinge on the open and pleasant feel of the area to a significantly greater degree than the existing bungalow.
10. Although the depth of plot 2 is similar to the width of the frontages of some of the houses on Clyde Road the proposal is for the side elevation of Plot 2 to face Clyde Road. Even though the proposed side elevation would include some design features, such as the chimney and timber cladding, it is a secondary elevation, and the proposal has been designed to front Blue Lake Road. The appearance of the side elevation of plot 2 is therefore not comparable with the other houses fronting Clyde Road.
11. As a result, the development would not conserve nor enhance the streetscape or respect the surrounding built environment and would, therefore, be detrimental to the character and appearance of the area.
12. I have not been made aware that the extension proposed at 139 Dorridge Road, referred to by the appellant, has been determined by the Council and I am therefore not able to give this any weight in my decision. I have also been made aware of several other new dwellings built in the immediate area as replacement dwellings, including the replacement of one bungalow with two dwellings at 114 Dorridge Road. Although there are other large houses in the immediate area none are in a similar corner plot position, and none result in the same level of prominence on the street as the appeal scheme before me.
13. For the above reasons I find that the proposal would have an adverse effect on the character and appearance of the area and is therefore contrary to Policy 15 of the Solihull Local Plan, Shaping a Sustainable Future, 2013 (LP) which, amongst other matters, seeks to ensure that new development achieves good quality, inclusive and sustainable development and aims to conserve and enhance local character, distinctiveness and streetscape quality through development respecting the built environment.
14. The proposal would also be contrary to Policy D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan, 2019 (NP) which seeks to ensure that new development preserves or enhances the character and appearance of the area and street scene, taking into account building lines, and reflects the layout of an area.

15. The appellant has referenced the Solihull Metropolitan Borough Council Supplementary Planning Guidance – New Housing in Context, 2003 (SPG) which, at 3.10 seeks to ensure that development maintains local distinctiveness and character, whilst making efficient use of land, and advises on the elements which contribute towards character. The Council has not referred to the SPG in the reason for refusal, however it was detailed in the officer report. Although the appellant suggests that the SPG advises that corner sites can provide opportunities for larger buildings the SPG also advises that corners are more complex and require a more sophisticated approach. The SPG does not provide justification for the scale of the proposal, its proximity to Clyde Road or the effect of the scheme on the character and appearance of the area.

Other Matters

16. The development would provide one additional house and both new dwellings would be energy efficient and have carbon savings. The new dwellings would also have associated social and economic benefits both during and post construction. However, given the small scale of the development these benefits are limited. Nevertheless, these benefits contribute positively and carry modest weight in favour of the proposal.
17. The dwellings would not result in an adverse effect on the living conditions of occupiers of neighbouring dwellings or the future occupiers of the proposed dwellings. The scheme also has a limited effect on biodiversity and trees and conditions could be used to secure appropriate drainage to reduce flood risk. However, these matters weigh neither for nor against the proposal.
18. Policy 15 of the LP and Policy D1 of the NP are the most relevant policy in considering the proposal. Neither of these policies seek to restrict new housing within the development boundary and they are both, therefore, consistent with the National Planning Policy Framework, 2021 (the Framework), as a whole. As such I have given the conflict with these policies, identified above, significant weight in this appeal. Although the development may accord with other individual development plan policies and neighbourhood plan policies, the proposed development would conflict with the development plans as a whole.
19. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. Although the published figure is not a significant shortfall it is still a shortfall. Paragraph 11(d) of the Framework therefore applies.
20. The proposal would accord with paragraph 60 of the Framework which seeks to significantly boost the supply of housing. I also acknowledge there would be general social and economic benefits and energy efficiencies and carbon savings as supported by paragraphs 152 and 157 of the Framework. However, in providing one additional property these benefits attract limited weight. A lack of harm in other respects is a neutral factor.
21. There would be adverse environmental impacts in terms of the depth, height and massing of the proposal and its adverse effect on the character and appearance of the area. The development would, therefore, be contrary to paragraphs 124, 126 and 130 of the Framework, which amongst other matters seek to secure well-designed and attractive places, promote good design and maintain a strong sense of place. These environmental impacts are afforded significant weight.

22. The adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

23. The proposal would conflict with the development plan as a whole, including the NP, and there are no other considerations, including the provisions of the Framework, which would outweigh this. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR