



Appeal Decision

Site visit made on 27 June 2023 by Max Webb BA(Hons) MSc

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/Q4625/D/23/3320650

14 St. Francis Avenue, Olton, Solihull B91 1EB

- 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. Nicholas Browning against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2022/02126/MINFHO, dated 7 October 2022, was refused by notice dated 6 March 2023.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension at 14 St. Francis Avenue, Olton, Solihull B91 1EB in accordance with the terms of the application, Ref PL/2022/02126/MINFHO, dated 7 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, including the materials specified thereon: P00-001 Rev 01, P01-200 Rev 01, P01-201 Rev 01, P01-100 Rev 01, P01-101 Rev 01 and P01-102 Rev 01.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 10 St Francis Avenue, with particular regard to outlook.

Reasons for the Recommendation

4. The appeal property is a detached dwelling set back from the road and located adjacent to the garden of 10 St. Francis Avenue. Photographs provided show the outlook from one of the ground floor rear windows of No 10, with No 14 in the centre and a relatively open outlook to either side. No 10 and its garden are set closer to the road than the appeal property, so other windows in the rear of No 10 look out towards the road and across the frontage of No 14, rather than directly at the neighbouring dwelling.

5. The proposal would add a second storey over the existing garage, bringing additional bulk towards part of the boundary with the garden of No.10. The proposed second storey would however be set in from the boundary and would not extend as far forward as the existing garage. Therefore, while the proposed extension would bring first floor development closer to No 10 and clearly visible from it, it would not change the open outlook either side, across the frontage of No 14 or its rear garden.
6. The separation distance between the rear of No.10 and the side of the proposed extension would be very similar to the relationship between other properties on the estate. No 14 is also set at a lower level than No 10. As a result, and given the staggered siting of the two dwellings, the proposal would not be a dominant or overbearing feature in the outlook from the windows or garden of the neighbouring property.
7. Overall, therefore, the proposal would not harm the living conditions of the occupiers of No 10 with regard to outlook. Consequently, the proposal would comply with Policy P14(i) of the Solihull Local Plan (2013), which permits development that respects the amenity of existing occupiers and that would be a good neighbour. Similarly, it would accord with the House Extension Guidelines Supplementary Planning Document (2010), which seeks to avoid extensions having overbearing or dominating effects.

Other Matters

8. There would be no windows in the side of the proposed extension. There would be front windows closer to the boundary than there are currently, however the position and angle of these would mean very little of No 10 would be visible when standing inside the proposed bedroom. Existing trees and hedges would also provide screening. A large window with Juliet balcony is proposed on the rear which would allow for some views towards the rear garden of No 12, however these would not be significantly different to what can be seen from the existing first-floor windows. Therefore, the proposal would not result in harmful overlooking or loss of privacy to either Nos 10 or 12.
9. The existing dwelling at No 14 already shades parts of the gardens of Nos 10 and 12 in the morning. The proposed extension would be in line with the existing dwelling with the same ridge height. Therefore, it would result in some additional shading, however this would only be for a short period, and it would not result in a harmful loss of light to neighbouring properties.
10. Although the proposed extension would be large, it would be set back from the existing gable to the front and set in from the edge of the existing garage, ensuring it would not appear disproportionate to the host dwelling. Properties in the area are not a consistent size or scale, so although the proposal would result in a wide frontage, it would not be overly prominent in the street scene or so large as to appear out of character with the surrounding area.
11. Construction activities can generate noise and disturbance, however this would only be for a temporary period. Potential pollution such as dust and waste should be controlled by appropriate building methods to safeguard the living conditions of neighbours. Any access to Nos. 10 or 12 that may be required by the proposed building works would be a civil matter to be agreed between the parties and is not within my remit in determining this appeal.

12. There are trees and shrubs located close to the boundary of the appeal site in neighbouring gardens, however these are relatively small. There is no substantive evidence before me to demonstrate that the building works would result in significant harm to, or loss of, those trees or shrubs. Existing fences or walls would provide some protection during construction, and any damage would be a matter between the landowners.

Conditions

13. I have recommended the standard time condition and compliance with the approved plans for reasons of certainty. Use of matching materials is necessary to safeguard the character and appearance of the dwelling. As those details are specified on the plans, there is no need for a separate condition for materials.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions listed above.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the reasoning. The proposal would have some impact on the outlook from No 10 but given the relationship between the two properties, this would not be so great as to harm the living conditions of the neighbouring occupiers and would not be unneighbourly development. The recommended conditions are necessary, reasonable and meet the required tests for such conditions.
16. Therefore, the appeal is allowed subject to the conditions listed above.

Laura McKay

INSPECTOR