



Appeal Decision

Site visit made on 15 August 2023

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/Q4625/W/23/3317887

21A Meadow Drive, Hampton-In-Arden, Solihull B92 0BD

- 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 Clive Hinsull against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2022/01402/MINFDW, dated 17 June 2022, was refused by notice dated 6 February 2023.
 - The development proposed is construction of two storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for construction of two storey dwelling at 21A Meadow Drive, Hampton-In-Arden, Solihull B92 0BD in accordance with the terms of the application, Ref PL/2022/01402/MINFDW, dated 17 June 2022, subject to the conditions contained in Schedule 1 of this decision.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was updated in September 2023. As the updates do not affect that part referred to by the parties, it has not been necessary to consult them further.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The proposed dwelling has been designed to front Station Road with vehicular access taken from this road. Accordingly, the scheme would be viewed as part of that street scene, although there would be views of the rear and flank wall of the dwelling from Meadow Drive.
5. The site is surrounded by residential development as well as the railway track. It has a couple of small-scale outbuildings on it and is maintained garden land with small scale trees and shrubs. Insofar as the site is undeveloped garden land it does make a positive contribution to the character and appearance of the area; however, this contribution is limited given the small size and location of the site at the end of Station Road.
6. The dwellings along Station Road vary in scale, character and appearance. Most of the dwellings are brick built with pitched tiled gabled roofs and the proposed dwelling would be similar in this regard. The overall height of the building would also be similar to those on Station Road. Given the variation in the

detailed design of the houses locally, the scale and design of the dwelling would conserve the local distinctiveness. Furthermore, detached single storey garages are common in the area and given its limited scale and the use of appropriate materials the garage would relate well to the new dwelling.

7. The dwellings along Station Road have large rear gardens and the proposed site would be smaller than the neighbouring plots. However, the limited depth of the site would not be readily apparent from Station Road. There would be a separate garage and driveway to the front of the dwelling with associated landscaping, similar to the neighbouring houses, as well as space around the house and a garden to the rear. This outdoor space would be large enough to provide ample space to relax and socialise. Furthermore, given the limited scale of the proposed garage it would sit comfortably within the available space. Overall, the scale of the built development would not overdevelop the site itself and would not appear cramped or shoehorned into the available space.
8. The proposed frontage of the site would be narrower than the frontages associated with the neighbouring dwellings along Station Drive. Nevertheless, the dwelling would be built in line with the neighbouring properties and because the proposal would not overdevelop the plot itself, the design of the house would respect the established streetscape quality. The proposal would introduce a new dwelling to the area; however, the site is located within a predominantly residential area and because the proposal would not overdevelop the site itself, it would sit comfortably alongside the existing residential character.
9. The site is clearly delineated from the communal area around Meadow Court by the fencing that bounds the site as well as the change in ground levels. The dwelling would be sited close to the boundary with this communal area. However, Meadow Drive is a predominantly residential road and the view of the flank wall of the dwelling would not appear out of character within the street scene. Furthermore, the flank wall of the proposed dwelling would be relatively narrow with regard to the full width of the site with much of the dwelling set back from the boundary fencing. This would ensure that the dwelling would not appear overbearing when viewed from this communal garden, or from within the wider street scene.
10. Several trees are proposed to be felled around the boundary of the site. These trees act as a visual buffer between Meadow Drive and Station Road which is also supported by the communal area around Meadow Court. As such they positively contribute to the character and appearance of the area. Given the prevalence of trees across the wider area the loss of the trees on the site would cause very limited harm to the character and appearance of the area. However, a condition requiring a hard and soft landscaping scheme to replace some of these trees with landscaping of a more appropriate scale would respect the natural environment. Given that the size of the communal area would not be affected by the proposal, it alongside the associated landscaping scheme would maintain the visual buffer between the two roads.
11. Therefore, the proposed development would not harm the character or appearance of the area. The scheme would accord with Policy P15 of the LP as well as the general design policies of the National Planning Policy Framework

(the Framework) which seeks, amongst other matters, to ensure development proposals conserves and enhances local character and distinctiveness.

Other Matters

12. The proposed dwelling would provide car parking spaces and a garage within the site sufficient to meet the demands of the proposed occupiers. Station Road itself is relatively narrow and I note that cars are often parked on the road. Nevertheless, given the limited scale of the proposal the level of traffic associated with the proposed use would be very limited. Furthermore, there would be space within the site for cars to manoeuvre and exit the site in a forward gear. There is no substantive evidence that any manoeuvres that are already being undertaken by delivery drivers when delivering to the existing houses on Station Road would be substantively hindered or different for the proposed development. There would be an increase in the number of cars accessing this road. However, the road is flat and straight and as such vehicular users exiting the site would have ample visibility to see pedestrians and oncoming traffic.
13. The scheme would take both pedestrian and vehicular access from Station Road and as such, the proposal would not lead to a material increase in cars being parked on Meadow Drive.
14. Network Rail withdrew its objection to the proposal and accepted that vehicular access could be taken from Station Road. Whilst the scheme would increase the number of traffic movements along the road, I have no substantive evidence that this would cause significant disruption to Network Rail's access.
15. There would be some disruption during construction. However, this would be for a limited period, and this would be managed through the Construction Method Statement which would be controlled by a condition.
16. The site has a lower ground level than Meadow Court and whilst the proposal would be a two-storey dwelling, the only window that would face directly towards Meadow Court would be a bathroom window. A condition would require this window to be obscure glazed with limited opening. Accordingly, the occupants would not be able to overlook the apartments in Meadow Court from this window. Similarly, the opposite flank wall of the dwelling would face towards 11 and 12 Station Road and there are no windows proposed on this flank wall. Whilst the proposal would be built at a similar ground floor level, the scheme would not result in a loss of privacy to these occupiers.
17. The development would result in a change of outlook for the occupiers of the surrounding properties. However, the dwelling would be located a significant distance from these dwellings and the outlook from the affected rooms and gardens would not be substantially enclosed to the point where the scheme would appear oppressive.
18. The proposal would introduce a two-storey wall close to the boundary with Meadow Court. However, given the significant separation distance between the proposal and the apartments within Meadow Court, natural light would not be significantly hindered from reaching the windows of those apartments.
19. The proposal would result in the loss of several trees around the site which may cause the loss of nesting and foraging areas for birds and other species. The loss of any trees would be partly mitigated by conditions requiring

landscaping and biodiversity schemes. Whilst these would take time to establish, they would provide species enhancements including bat and bird boxes. However, I see no reason why this cannot be provided before above ground works commences rather than before the development commences. This would also be supported by the avoidance measures set out in the Preliminary Ecological Appraisal Report to avoid the risk of unlawful disturbance to nesting birds, trees and shrubs which would also be managed via a condition.

20. Given the sporadic planting of the trees around the site, the suitability for these to adequately screen the noise from the associated use of the railway line would be limited. Nevertheless, there is no substantive evidence before me that the noise from the use of the railway causes a significant disturbance to the surrounding occupants anyway.
21. Policy HOU2 of the Hampton in Arden Neighbourhood Plan (made 2017) states that the design of schemes should avoid development to the rear of existing properties which adversely affects the street scene. However, the site is located to the side of both 21A Meadow Drive and 12 Station Drive and because the house would take its access from Station Drive, the scheme would not be back land development and thus would not conflict with this policy.
22. Whilst I note that the Council cannot demonstrate a five-year supply of deliverable housing sites, application of para 11(d) from the Framework would make no difference to the appeal outcome because the Framework and the development plan in this case are pulling in the same direction. This also identifies that there is a need to deliver houses within the Borough, in places like Hampton-In-Arden.

Conditions

23. I have considered the planning conditions suggested by the Council and the appellant, having regard to the tests set out in the Framework. Where appropriate, I have amended the wording to ensure they are reasonable given the scale of the development and site context and to ensure that they meet all other Framework tests for imposing conditions.
24. In addition to the conditions discussed above, and further to the statutory commencement condition, it is necessary in the interest of certainty that the development is carried out in accordance with the approved plans.
25. In the interest in safeguarding the character and appearance of the area a condition is necessary to secure appropriate external materials and boundary treatment.
26. The provision of car parking and turning areas are necessary in the interests of highway safety.
27. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights (PD) unless there is clear justification to do so. Windows above the ground floor are limited by PD legislation which would ensure no windows that were not obscure glazed could be installed. Accordingly, there is no clear justification for removal of these PD rights as suggested by the council.

Conclusion

28. For the reasons given above, the proposal would be in accordance with the development plan taken as a whole and the other material considerations would not indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR

Schedule 1

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan licence No. 100047474; Block Plan Rev A dated December 2022; DWG No. 1569-10-B; and DWG No. 1569-11-B.
- 3) No above ground works shall commence above damp-proof course level or equivalent on any buildings or structures hereby approved until a schedule and samples of all surface materials to be used in the external elevations have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.
- 4) No above ground works shall commence above damp-proof course level or equivalent on any buildings or structures hereby approved until a scheme for biodiversity enhancements has been submitted to and approved in writing by the Local Planning Authority. The scheme should include details of type, specifications for bat and bird boxes, native fruit bearing or nectar bearing tree and shrub species planting and access gaps for hedgehogs in any new fences. The approved details shall be implemented before the development is first occupied and thereafter retained.
- 5) The development hereby approved shall not be occupied until the vehicular access to the site from Station Road as shown on Drawing No. 1569-11-B has been fully constructed. Once constructed the access shall thereafter be permanently retained for the lifetime of the development.
- 6) The development hereby approved shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; retained historic landscape features and proposals for restoration. Soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sized and proposed numbers and / or densities where appropriate and an implementation programme. All hard and soft landscaping works shall be carried out in accordance with the approved details prior to the occupation of the development hereby approved or in accordance with a timetable agreed in writing by the Local Planning Authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planting in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October to March), unless the Local Planning Authority gives its written consent to any variation.

- 7) The development hereby approved shall not be first occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be implemented in accordance with the approved details prior to the first occupation of the dwelling hereby approved and retained thereafter.
- 8) The dwelling hereby permitted shall not be occupied until the window to be installed in the flank elevation of the development hereby approved that serves the bathroom on the first floor of the dwelling shall be obscure glazed and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window shall thereafter be permanently retained in that condition.
- 9) The development hereby permitted shall be timetabled and carried out to wholly accord with the measures set out in the Preliminary Ecological Appraisal Report produced by Countryside Consultants Ltd on 5th December 2022 (pages 20-21). A letter and / or report shall be submitted to the Local Planning Authority within 1 month following completion of the works to confirm the measures have taken place and the outcome.
- 10) The submitted Construction Method Statement produced by FB Architecture Ltd shall be adhered to during construction works and shall provide for: the anticipated movements of vehicles; the parking and loading and / or unloading of staff, visitor(s), and construction vehicles; the loading and unloading of plant and materials; hours of operation and deliveries; the storage of plant and materials used in constructing the development; and, wheel washing facilities and other measures to prevent mud and / or debris being passed onto the public highway.