



Appeal Decision

Site visit made on 1 November 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 04 December 2023

Appeal Ref: APP/Q4625/W/23/3321596

Land at Lodge Croft, Knowle, Solihull B93 0HF

- 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 Kimberley Developments against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2022/01462/MINFOT, dated 5 July 2022, was refused by notice dated 20 December 2022.
 - The development proposed is a two storey office block.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Kimberley Developments against Solihull Metropolitan Borough Council. The cost application is the subject of a separate decision.

Preliminary Matters

3. The proposal is a submission of an amended scheme, the previous planning application¹ was refused in July 2021. The Council refused that application for four reasons, the effect of the proposal on Knowle Conservation Area, an inappropriate access and insufficient provision of car parking spaces which could lead to highway safety issues, and insufficient evidence in relation to protected species. The design of the proposed building has been amended, further evidence in relation to the protected species has been provided and an increased parking provision and amended access is proposed.

Main Issues

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Knowle Conservation Area (CA).

Reasons

5. As the proposal is in the CA, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. The CA covers Knowle's historic core and main routes in and out of it. It is characterised by a rich variety of high quality buildings, a few of medieval origin generally arranged along the roads, some in long and narrow plots.

¹ Application Ref. PL/2021/00422

Insofar as is relevant to this appeal, I find the significance of the CA is derived from the historic layout and the traditional detailing of the building within it.

7. The appeal site is located on Lodge Croft to the rear of properties on Lodge Road and Station Road. It accommodates two garages, and the rest of the site comprises dense vegetation. It is surrounded by a range of uses including dwellings and commercial properties on Lodge Road and Station Road, surface car parking and an allotment. Several of the properties on Lodge Road and Station Road are identified as positive buildings within the Conservation Area Appraisal². The Appraisal advises that these buildings make a positive contribution to the character of the conservation area.
8. As the appeal site accommodates garages it could be defined as previously developed land, as per the National Planning Policy Framework (the Framework). The existing presence of built development influences the openness of the area. Notwithstanding this, the appeal proposal would replace a small scale low height building with a two storey office block. This would be located in a part of the CA where many buildings nearby are single storey and generally subservient in character to the taller traditional buildings which are formally arranged along Station Road and other main streets in the CA. The introduction of a building of the scale proposed in this location would be prominent and noticeable. Such that it would draw attention away from the traditional properties on Station Road and Lodge Road and appear noticeably at odds with the historical pattern of development in the CA. Thus, the proposal would harm the character and significance of the CA.
9. Although the mass and footprint of the proposed office building has been reduced from the previously refused scheme, the proposed two storey building would not overcome the harm I have identified. Due to the location of the proposed development, it would be partially screened from public views. Moreover, a comprehensive landscaping scheme could be implemented, due to the space around the office block, which would further screen the proposal. Regardless, the proposal would harm the CA.
10. Furthermore, a lapsed planning permission³ for the clearance of vegetation and the construction of a surface car park at the appeal site has been put before me. That proposal would have affected the openness of the area through increased activity associated with vehicular movements. Nonetheless, it would not have introduced a significant mass of built development, unlike the appeal proposal. The proposals are materially different, and that permission does not set a precedent for the appeal proposal. Additionally, that lapsed permission demonstrates that development of the site would affect the openness but not all development would be harmful.
11. The form of the proposed building reflects the form of buildings in proximity to the site, also the use of traditional materials would help assimilate the proposed building with others within the CA. Nonetheless, this would not overcome the harm I have identified.
12. Given the above, I find that the proposal would fail to preserve the significance of the CA. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight

² Solihull Metropolitan Borough Council, Knowle Conservation Area Appraisal, September 2007

³ Planning Permission Ref. PL/2011/01467/FULL

should be given to their conservation. Given the scale of the development, I find the harm to be less than substantial in this instance.

13. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits. The public benefits derived from the scheme include the provision of office space, which would provide economic benefits during its construction and once operational. The proposal would include carbon emission reducing and water efficiency measures; in accordance with policies P9 and P11, and the vision for Knowle and the spatial strategy set out within the Solihull Local Plan (LP), Shaping a Sustainable Future, December 2013.
14. The proposal would also be in accordance with the National Planning Policy Framework (the Framework) where it advises that planning decisions should help create conditions in which businesses can invest, expand, and adapt. Albeit significant weight cannot be ascribed to this benefit as it has not been demonstrated that there is a local business need for the office and wider development opportunities have not been considered. Moreover, substantial weight cannot be given to the value of using suitable brownfield land for similar reasons.
15. However, due to the scale of the development, the public benefits would be moderate while the harm to the significance of the CA caused by the proposed development is ascribed great weight, as per the Framework. Accordingly, the public benefits do not outweigh the harm.
16. Overall, I conclude that the proposal would not preserve or enhance the character or appearance of the CA. The proposal would therefore be contrary to LP policies P3, P15 and P16, and policies VC2 and E2 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2018-2033 (NP), January 2019. These policies indicate that proposals should conserve and enhance the local character and heritage assets including the CA; and small-scale development supporting economic facilities may be allowed but where they are needed to specifically enhance or complement business uses in a particular locality. The proposal would also be contrary to the Framework where it sets out that the creation of high quality, beautiful places is fundamental to what the planning process should achieve and planning decisions should ensure that developments are sympathetic to local character.

Other Matters

17. I accept the principle of an office space, in this accessible location, not in the Green Belt. The proposal would also not have a harmful effect on the living conditions of occupants of neighbouring properties or protected species and would provide suitable access and parking arrangements. For these reasons, it would be in accordance with LP policies P8, P10 and P14. Regardless, these factors do not alter my assessment of the acceptability of the appeal proposal.

Conclusion

18. The proposed development conflicts 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.

19. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR