
Appeal Decision

Site visit made on 7 November 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/Q4625/W/23/3318652

16 Cornyx Lane, Solihull B91 2SJ

- 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 Peter McManus against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2022/01712/PPFL, dated 8 August 2022, was refused by notice dated 3 February 2023.
 - The development proposed is the erection of a new three storey detached dwelling within the boundary of 16 Cornyx Lane.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. There has been a previous appeal decision for this appeal site¹. The Inspector identified that the appeal site comprises the side garden of No 16 Cornyx Lane (No 16), a two-storey semi-detached house situated at the junction of Cornyx Lane and Newfield Close. The Inspector observed that No 16 is a modestly sized dwelling in an area that exhibits different styles and ages of dwellings and that the group, of which No 16 is part, is well set back from the street giving the area an open and spacious feel. Following my site visit I agree with this assessment of the area's character and appearance. I would only add that the existing side garden at No 16 contributes to the open and spacious feel of the area and makes a significant contribution to the character and appearance of the area.
4. Unlike the previous appeal scheme, which was two-storey, the proposed dwelling would be a three-storey dwelling with dormer windows to the front and rear. The appellant highlights that it matches the recent town house style properties in the vicinity. However, despite any similarities with other developments within the area and notwithstanding that the current proposal now includes some additional land, it would nevertheless result in the existing side garden of No 16 being occupied by a detached house with a substantial mass.

¹ APP/Q4625/W/19/3234320

5. The proposed side elevation facing towards Newfield Close would immediately abut the boundary of the appeal site next to the pavement that runs along Newfield Close and the elevation facing towards No 16 would be set in only marginally from the proposed new boundary between the existing and proposed dwellings. As a result, the proposed development would appear cramped on the site. Further, as a result of its siting and mass the proposed dwelling would erode the existing sense of spaciousness and would represent an overdevelopment of the appeal site. Moreover, like the previous appeal scheme, the proposal would introduce a significant sense of enclosure along Newfield Close.
6. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area in conflict with Policies P5 and P15 of the Solihull Local Plan, December 2013. Amongst other things these seek to ensure that development proposals achieve good quality design that conserves and enhances local character, distinctiveness and streetscape quality. It would also conflict with the National Planning Policy Framework which promotes development that is sympathetic to local character.

Other Matters

7. The appellant has expressed some concerns about the Council's handling of the application, highlighting that they had not been given the opportunity to reconsider the design in-order to overcome any perceived shortcomings with the scheme, queried why other houses in the vicinity had been permitted by the Council, and are concerned that the Council had pre-determined to reject the proposal. However, I am required to determine this appeal on its own individual merits and any concerns that the appellant has about the actions of the Council does not alter my view on the main issue or justify harmful development at the appeal site.

Conclusion

8. The proposal would unacceptably harm the character and appearance of the area and would conflict with the development plan. There are no material considerations which indicate that a decision should be made otherwise in accordance with the development plan. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR