



## Appeal Decision

Site visit made on 13 December 2023 by A Coombes MRTPI

**Decision by L McKay MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 30<sup>th</sup> April 2024**

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**Appeal Ref: APP/Q4625/D/23/3332399**

**164 Hobs Moat Road, Solihull, West Midlands B92 8JZ**

- 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 Majid Rehman against the decision of Solihull Metropolitan Borough Council.
  - The application Ref PL/2023/01020/MINFHO, dated 28 April 2023, was refused by notice dated 11 August 2023.
  - The development proposed is described as 'Retention of boundary wall'.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matters

3. The Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The development was in situ at the time of the site visit and comprises sliding gates and matching fence panels along part and a lower concrete wall with decorative columns on top. The development accords with the drawings before me and I have therefore considered the appeal on the basis of what has been built.

### Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the host property and surrounding area; and highway safety.

## **Reasons for the Recommendation**

### *Character and Appearance*

6. The appeal site is a prominent residential corner plot. Whilst the surrounding area is a mix of commercial and residential, the appeal site is seen within the context of residential properties. The prevailing character is of open plan driveways, low walls, hedges and trees to the front boundaries along the highway edge, giving the area a spacious, open character.
7. The Council's House Extension Guidelines Supplementary Planning Document (SPD), adopted 2010, recommends that boundary walls and fences adjacent to the road should harmonise with the character and local distinctiveness of the streetscene. In instances where there is a prevailing character, the SPD recommends that a wall should normally follow the height, style and facing materials within the streetscene to avoid introducing a prominent, hard landscaping feature.
8. The gates and fencing are significantly higher than other front boundary treatments nearby and their solid nature means that views into the site frontage are obscured from certain views. This is out of character with the area.
9. Whilst the decorative columns allow visibility into the site and are comparably lower than the gates and fencing, the mix of the very different materials and styles appears fussy and contrived, particularly compared to the simple low brick walls seen nearby.
10. I acknowledge that the gates and fencing are made using eco-friendly materials, which lends itself to being low maintenance and sustainable. However, due to its height and design, the development is an intrusive and incongruous addition to the streetscene and does not conserve or enhance local character or streetscape quality.
11. The appellant has provided an example of a similar development at 40 Blossomfield Road. However, those gates are set well back from the road, and the context of No. 40 is different to the appeal site, much more variety of boundary treatments and greater sense of enclosure in the street scene. Photographs of other gates and fencing have been provided however the addresses are not given and they do not provide enough detail to understand the context of those developments. Furthermore, each shows a different type of boundary treatment to the scheme before me. Consequently, those examples are materially different to the appeal scheme and do not justify the harm resulting from this development.
12. For the reasons given above the development is harmful to the character and appearance of the streetscene. Therefore, it does not comply with Policy P15 of the Solihull Local Plan, adopted 2013 (LP) which expects development to achieve good quality, inclusive and sustainable design.
13. The Council has cited Policy P10 of the LP in its reason for refusal, however this relates to the natural environment. There is no substantive evidence before me that the development has affected the natural environment or biodiversity. Therefore, this policy has not been determinative in my recommendation.

14. Furthermore, the proposal also conflicts with the Framework which requires development to add to the overall quality of the area, and the SPD guidance in respect of design.

### *Highway Safety*

15. The sliding gates allow vehicular access into the site. The appellant cites the opening and closing time as 20 seconds. On the site visit I saw that there was limited traffic on the part of Hobs Moat Road directly outside the site. However, there was a consistent flow of traffic on Merevale Road.
16. Given the position of the gates, a vehicle would not be able to wait clear of the highway for them to open. On street parking limits opportunities for other traffic to pass a waiting vehicle, therefore waiting for the gates to open would be likely to cause a traffic obstruction. Furthermore, as the gates are positioned at the edge of the pavement, rather than set back within the plot, vehicles waiting to enter the site could also obstruct pedestrian use of the footway.
17. Consequently, the development is harmful to highway safety. Therefore, it does not comply with Policy P8 of the LP, which does not permit development that results in a significant increase in delay to vehicles, pedestrians or cyclists or a reduction in safety for any users of the highway network.
18. Furthermore, the development does not comply with the Framework, which seeks to avoid unacceptable impacts on highway safety, and with the SPD, which recommends that gates should not obstruct pedestrian and traffic movements.

### **Other Matters**

19. The appellant undertook the development due to security concerns and has submitted crime statistics. However, from the evidence submitted it is not clear which geographical area the statistics relate to. I acknowledge that the appellant has taken action to secure the property by changing locks and introducing security cameras. It has not however been demonstrated that additional security measures could not be achieved equally well by a less intrusive and harmful scheme. Furthermore, given the low height of the wall and the wall of the neighbouring property beside the fence, it has not been demonstrated that the fence provides significant security benefits.
20. Consequently, I give this matter modest weight and it does not outweigh the substantial weight that arises from the harm identified above and the resulting policy conflict.

### **Conclusion and Recommendation**

21. For the reasons given above and having had regard to all other matters raised, I find that the development conflicts with the development plan when read as a whole, and there are no material considerations that justify granting permission. Therefore, I recommend that the appeal should be dismissed.

*A Coombes*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

22. I have considered all the submitted evidence and my representative's report and I agree with the reasoning and recommendation set out above. On that basis the appeal is dismissed.

*L McKay*

INSPECTOR