



Appeal Decision

Site visit made on 27 March 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024

Appeal Ref: APP/Q4625/W/23/3329904

74 Willow Road, Shirley, Solihull, West Midlands B91 1UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ashley Stanley against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/01174/PPFL.
 - The development proposed is new three bedroom detached dwelling with new crossover.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the Council approved a scheme for a dwelling at 103 Yoxall Road, which is a short distance northwest of the appeal site. This was raised by the appellant and the Council were invited to comment on its relevance to the proposal. I have taken these into account in my determination of the appeal.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the matters relied on by the main parties are unchanged. Therefore, I did not need to consult with the main parties regarding its content and any references refer to the content and revised numbering in that version.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the site and its surroundings.

Reasons

5. The appeal site is situated in the garden of 74 Willow Road, at the corner with Rowden Drive. The immediate vicinity of the site is characterised by a mixture of detached and semi-detached properties with slight variations in design. Where detached properties are present, they are sited discretely and do not catch the eye due to their set back and location amongst semi-detached properties with similar design characteristics. Detached properties on corner plots are an exception to this and are a feature of the historical form of the wider estate. In these circumstances, these plots generally feature large garden spaces between a new line of dwellings on adjacent roads.

6. The proposed dwelling would appear cramped in its siting due to its confined relationship with the host dwelling in a sub-divided plot and its close siting to Rowden Drive. This would reduce the size of the existing spacious garden to No 74 and erode the contribution it makes to the established development pattern in the local area.
7. I note that small disruptions to building lines do occur in some visible examples within the street scene. However, the effect of this is limited due to the small nature of protrusions beyond the established building line, the large garden spaces between properties and small number of dwellings on adjacent rows. In contrast, the proposal would protrude significantly beyond the established and generally uninterrupted line of properties to the rear on Rowden Drive. Hence, the position of the proposed dwelling would stand out as a harmful contrast to the established grain of development.
8. As part of the appeal I was referred to several sites nearby. While I was not provided with decision notices or officer reports for these, I was able to observe them during my site visit.
9. Taking the site at 103 Yoxall Road first, like the appeal scheme, it would provide a detached dwelling. Whilst this would protrude beyond the building line of the properties to its rear, the effect of this would be limited due to the protrusion of 29 Rowden Drive beyond the same building line and the small number of dwellings between. However, the appeal proposal would be visible over a greater and uninterrupted distance along Rowden Drive. There is also a spacious distance between 29 Rowden Drive and the adjacent property of 72 Willow Road to its rear. This ensures that the two properties do not appear cramped in their setting.
10. The extensions to 105 Yoxall Road, which is opposite to No 103 Yoxall Road are not comparable due to their single storey height and contrasting development types. Hence, this is not a strong justification to overcome the harm identified to the character and appearance of the site and its surroundings.
11. The development behind 18 Radbourne Road on Lawnswood Avenue is not visible from the appeal site. I note that the new dwelling here would protrude beyond the building line of the dwellings sited in Lawnswood Avenue. However, this is not comparable with the appeal proposal due to the large spaces between No 18 and the new dwelling on Lawnswood Avenue, and the curved building line found within this particular street scene.
12. The sites at 53, 55, 58 and 60 Yoxall Road were identified on a map highlighting a crossroads junction. These all contain a significant set back from the roads which convene on the crossroads and their ancillary streets. As such, they do not appear cramped within their individual contexts. More decisively, they follow the general building line to which they relate. Where protrusions do occur, these are at a single storey level where there is less harm to the effect on the character and appearance of the street scene.
13. The examples of 61 and 63 Radbourne Road are also not visible from the appeal site. They also have a large set back from the highway and a large garden space between the building line along Upton Crescent so do not appear cramped in their location.

14. I also viewed development around a further crossroads junction, noting 31, 41, 44 and 52 Radbourne Road. These contain large setbacks from the highway and large spaces between the dwellings to their rear. In this context, the examples provided do not appear cramped in their relationship to other dwellings or within their plots.
15. Overall, I conclude that the proposal would have a significantly harmful effect on the character and appearance of the site and its surroundings. Hence, it would conflict with Policies P5 and P15 of the Solihull Local Plan 2013. Together, these policies seek to support new housing where it would contribute towards the enhancement of local character and ensures that the scale, massing, density and layout of the development respect the surrounding environment, amongst other things. The proposal would also conflict with the Framework which seeks to ensure that development is sympathetic to local character.

Other Matters

16. The appellant states that the reasons for refusal offered by the Council are not based on a design or planning policy. Having assessed the evidence before me, I conclude that the Council did have regard to their development plan, as stated in their reason for refusal.

Planning Balance

17. The Council has noted that it is unable to demonstrate a five-year housing land supply and that its current published position is 4.64 years. As such, paragraph 11 of the Framework states that development plan policies which are most important for determining the application should be considered out of date. As there are no relevant policies protecting areas or assets of particular importance in this case, the requirements of paragraph 11d)ii of the Framework therefore apply.
18. I have found conflict with Policies P5 and P15 of the Solihull Local Plan 2013 as I have found harm to the character and appearance of the site and its surroundings. On that basis, I conclude that there is conflict with the development plan as a whole. The Framework states that good design is a key aspect of sustainable development which contributes to creating better places. As such, these policies are in general conformity with the Framework and the conflict with them should be given significant weight in this appeal.
19. The Framework refers to significantly boosting the supply of housing. One additional unit would make a small contribution to that supply. The site is in an accessible location in Solihull, which hosts a range of services and key facilities. The proposal would also provide local economic benefits during the construction period. The future occupiers would also provide economic benefits to the local area once the development would be complete through their use of local shops and services.
20. However, the proposal would result in significant harm to the character and appearance of the site and its surroundings. When assessed against the policies in the Framework when taken as a whole, the adverse impact to the character and appearance of the area would significantly and demonstrably outweigh the benefits.

Conclusion

21. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Smith

INSPECTOR