



Appeal Decision

Site visit made on 16 July 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Appeal Ref: APP/Q4625/W/24/3342080

213 Tanworth Lane, Shirley, Solihull B90 4BZ

- 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 Danny Harkin against the decision of Solihull Metropolitan Borough Council.
 - The application reference is PL/2023/01030/PPFL.
 - The development proposed is the demolition of existing dwelling and replacement with two dwellings.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing dwelling and replacement with two dwellings at 213 Tanworth Lane, Shirley, Solihull B90 4BZ in accordance with the terms of the application, reference PL/2023/01030/PPFL, subject to the conditions set out in the schedule to this decision.

Application for costs

2. An application for costs was made by Mr Danny Harkin against Solihull Metropolitan Borough Council and this is the subject of a separate decision.

Preliminary matter

3. An interested party raises concern that some of the measurements given in the appellant's evidence that relate to the access road to the site are inaccurate. Reference is also made to a complaint made to the Council in relation to the Officer's report and the presentation that was made to its Planning Committee. I have taken these concerns into account in my assessment of the proposal, which is based on all the evidence before me, and an inspection of the site and its surroundings. On that basis, I am satisfied that the details of the appeal scheme as shown on the plans and detailed in the written evidence allow a reasonable assessment of the development sought.

Main Issues

4. The main issues are the effect of the proposed development firstly, on the character and appearance of the local area; and secondly, on highway safety and efficiency for users of the road that connects the site with Tanworth Lane, which is referred to hereafter as the access road.

Reasons

Character and appearance

5. The proposal is to erect 2 detached dwellings on the site and to subdivide the plot following the demolition and removal of the appeal property, which is a detached 2-storey house. It stands within a good-sized landscaped plot at the end of a short cul-de-sac that also serves 2 other detached dwellings, which are 209 and 211 Tanworth Lane. Because these existing dwellings and the site are set back from the main highway, behind and partly screened by trees within an area of green open space, and served by a separate access road, they form a small and partly secluded enclave, which is locally distinctive.
6. Beyond the rear of the site is 106 Blackford Road which is a 2-storey detached dwelling. Although I saw a range of residential properties in the local area, it is within the context of Nos 209, 211 and 106 that the proposed development would be mainly seen.
7. Like the dwelling to be replaced, the new additions would occupy a broadly central position within the irregular shaped plot and orientated at an offset angle to both the access road and to the existing dwellings on either side. As a result, the proposal would be consistent with the existing urban grain.
8. Each of the new dwellings would be simple in design and conventional in terms of fenestration and layout. Unlike Nos 209 and 211, accommodation would be provided in the roof space that would be served by dormers and rooflights. Nevertheless, this arrangement, and the pyramidal shape of the main roof to each new dwelling, would not look out of place among the varied roof forms that characterise the properties on either side of the site, nor would it jar with the horizontal emphasis to the new principal elevations. While the height of the proposed dwellings would slightly differ to the adjacent properties, the contrast would not be so significant as to draw the eye.
9. While additional built form would be introduced to the site, each of the new dwellings would include setbacks in the principal elevations, hipped roof slopes and a single storey element that would all serve to visually 'break down' the scale and mass of the buildings. Although the new dwellings would be sizeable additions and project deeper into the site than the existing house no visual disharmony would result mainly because ample space would surround the new buildings. With good-sized gardens to the side and rear of each new dwelling and a driveway and turning area at the front, the appeal scheme would not appear, nor would it be perceived, as an over-intensive development of the site. The evidence also indicates that the overall density of development and the built footprint sought would compare favourably with existing properties.
10. The hard surface area proposed at the front of each new dwelling for use as an access and for vehicle parking and turning would be noticeable feature in the local street scene with limited opportunities for meaningful frontage planting. Even so, this arrangement would be similar to No 213 and several other properties close to the site where front gardens include driveways and parking that are prominent from the road.
11. Overall, the spacious and verdant character of the enclave to which the site belongs would remain if the appeal scheme were to proceed. Combined, the new buildings would cover a larger footprint than the house to be replaced.

Nevertheless, the proposal has been designed to blend in with its surroundings and the dwellings are well proportioned. Although arranged side by side, the staggered layout, with one dwelling set back from the other, would subdue the presence of the new built form in the local street scene. Overall, the proposal would be compatible within its context.

12. On the first main issue, I conclude that the proposed development would not cause significant harm to the character and appearance of the local area. As such, it does not conflict with Policy P15 of the Solihull Local Plan (LP). This policy expects all development proposals to achieve good quality, inclusive and sustainable design; conserve and enhance local character; and respect the local environment. It also complies with the National planning Policy Framework (the Framework), which states that new development should be sympathetic to local character and add to the overall qualities of the area.

Highway safety and efficiency

13. If the development were to proceed, there would be an additional dwelling on the site and, as a result additional traffic would use the access road, which is narrow and includes a tight bend towards its junction with Tanworth Lane. Nevertheless, the access road is straight on the immediate approach to the site with a grass area on one side and a footway on the other. As a result, forward visibility for road users approaching and leaving the site is generally good.
14. Drivers would also be likely to travel slowly as the modest width and length of the cul-de-sac and the junction arrangement with Tanworth Lane would combine to moderate vehicle speeds. While I saw that overgrown vegetation narrows the effective width of the carriageway, as would on-street vehicle parking, which is clearly illustrated on the submitted photographs, there would be waiting points along the access road. Consequently, drivers would be likely to see each other in good time beyond the bend to the access road to allow one to give way and let the other vehicle safely pass. Users of the existing access road are likely to take this approach.
15. The proposed layout includes adequate space for vehicle parking and manoeuvring within the site such that a driver could enter and exit in forward gear, including those making deliveries. As such, the lack of a turning head along the existing road would not affect existing or future road users. It is possible that a driver may not use the turning head within the site if, for instance, it was occupied by another parked vehicle. However, I doubt this would be a common occurrence and the prospect of a vehicle reversing from the site is unlikely to be significantly greater than with the existing dwelling.
16. I acknowledge the problems raised by residents and Members of the Planning Committee, which are set out in the Council's Statement of Case. However, I am not convinced that these problems would be significantly worse if the appeal scheme were to come forward. While I note the concern about delivery drivers and emergency vehicles, the access road has reasonably good visibility and passing potential along most of its length. Furthermore, the specific arrangements for construction vehicles could be managed through a Demolition and Construction Management Plan (D&CMP) and secured by a condition.
17. Overall, the Council's Highways Officer raises no objection. Having carefully considered all the evidence I have no reason to disagree with that stance.

18. On the second main issue, I conclude that the proposed development would not materially harm highway safety or efficiency for users of the access road. Therefore, it does not conflict with LP Policy P8, which states that development proposals will not be permitted if it results in a significant increase in delay to vehicles, pedestrians or cyclists or a reduction in safety for any highway users.

Other matters

19. During demolition and construction there would inevitably be some impact on nearby occupiers from noise and general disturbance and from vehicles going to and from the site. However, this disruption would be over a limited time and could be managed in a way that minimises disturbance through the D&CMP. With the D&CMP in place and adhered to, the proposal would not significantly harm residential amenity nor lead to problems identified by some residents such as vehicles over running onto the adjacent grassed area.
20. Given the position of the new buildings and their relationship to adjacent dwellings any loss of privacy due to overlooking or loss of natural light to nearby properties would not be significant. The Council's Ecology Officer raises no objection. From the submitted evidence, I have no reason to disagree with that finding subject to a condition that secures biodiversity improvements.

Planning balance

21. The Council is currently unable to demonstrate a 5-year supply of deliverable housing sites. As a result, paragraph 11 d) of the Framework is engaged. This paragraph states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. In this case, the proposal would add to the supply of housing, albeit the net addition of 1 dwelling would be a modest contribution. It makes an efficient use of land. There would also be some economic benefits from the sale of materials during the construction phase and from spending by future occupiers. There is an opportunity to enhance biodiversity through the provision of bird and bat boxes. These considerations all weigh in support of the proposal.

Conditions

23. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development be carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the development, conditions are imposed requiring samples of external materials and landscaping details, including replacement planting, where necessary. To promote biodiversity, a condition is attached to require a Biodiversity Enhancement Scheme, with measures that include bird and bat boxes and for any new fences to allow access for hedgehogs. To safeguard the living conditions of the occupiers of nearby properties, a condition requiring the approval of and compliance with a D&CMP is necessary.
24. Where appropriate, I have amended the Council's suggested conditions for precision and clarity, and to more closely reflect national policy. Since the baseline tree survey is not accompanied in the evidence before me by a drawing that identifies the specimens to which it refers, it is not included in the plans condition. I have not imposed the Council's suggested condition that all works to trees and within the root protection areas comply with the

arboricultural information that accompanied the application. This condition lacks precision, and so it does not meet the tests of conditions set out in the Framework. The measures to protect retained trees can also be covered by the main landscape condition.

Conclusion

25. When assessed against the policies in the Framework taken as a whole, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the appeal scheme. Therefore, the proposal benefits from the presumption in favour of sustainable development, which means that the Framework does not indicate a decision other than in accordance with the development plan.
26. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs A03-100 P1, A03-110 P1, A03-500 rev P1, A03-600 rev P1, and A05-600 rev P2.
- 3) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample details.
- 4) No development shall take place, including any works of demolition, until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for: the parking of vehicles of site operatives and visitors; provision of a turning area within the site for demolition and construction vehicles; loading, unloading and storage of plant and materials; wheel washing facilities and any other measures to prevent mud/debris being transferred onto the public highway; and delivery, demolition and construction working hours. The approved Demolition and Construction Management Plan shall be adhered to throughout the demolition and construction periods for the development.
- 5) No dwelling hereby permitted shall be occupied until a Biodiversity Enhancement Scheme has been carried out in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include at least one integrated bat and/or bird box and gaps in any new fences to allow access for hedgehogs.
- 6) No dwelling hereby permitted shall be occupied until hard and soft landscape works have been carried out in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority. Where appropriate, the scheme 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 (e.g. furniture, play equipment, refuse or other

storage units, lighting etc.); measures to protect retained trees and other landscape features and proposals for restoration. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities; and an implementation programme.

- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any of the dwellings hereby permitted or the completion of the development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) Any tree, hedge or shrub scheduled for retention which is lost for any reason during development works, shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.