



Appeal Decision

Site visit made on 2 September 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2024

Appeal Ref: APP/Q4625/D/24/3345357

11 Dove House Lane, Solihull B91 2HA

- 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 Asad Ullah Khan against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/02463/MINFHO.
 - The development is retention of single storey rear orangery extension.
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Decision

1. The appeal is allowed, and planning permission is granted for the retention of single storey rear orangery extension at 11 Dove House Lane, Solihull B91 2HA in accordance with the terms of the application, Ref PL/2023/02463/MINFHO and the plans submitted with it.

Procedural Matters

2. The application form made clear that development had commenced however was not complete. At the time of my site visit the external works appeared complete. The application had been submitted retrospectively and I have dealt with the appeal on that basis.
3. On 30 July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of the neighbouring property.

Reasons

5. The House Extension Guidelines Supplementary Planning Document (2010) (the SPD)) highlights that the Council will apply the 45-degree guide to ascertain what is likely to be acceptable. The development encroaches on the 45-degree sight line. Nevertheless, the SPD recognises that there will be greater flexibility to extend at single storey to the rear of properties and that

the 45-degree guide would not always be appropriate depending on site specific factors including orientation.

6. The development extends 6.1m from the rear of the appeal property along the shared boundary with the neighbouring property, No. 9 Dove House Lane. The height of the development 3.1m to the eaves and 3.6m to the top of the lantern roof. Whilst a high boundary fence exists between the properties the extension is significantly higher.
7. The extension extends along the shared boundary which is set at an obtuse angle to the rear of the neighbouring property (No. 9). The extension infills the area between the fence and the previously approved rear extension¹. I understand a smaller conservatory was approved in this location; however, the appeal development exceeds this by approximately 2m.
8. No. 9 Dove House Lane has a rear part two storey and single storey extension off set from the boundary with the appeal property, which has secondary windows facing the development. A large ground floor bay window with glazed door exists on the original rear elevation of No. 9 closer to the shared boundary.
9. There is an increase in scale of the development compared to the approved conservatory. However, due to the angled built form of the extension combined with the space between the extension at No. 9 and the development I find that the appeal development is not visually overbearing and does not create a sense of enclosure to the occupiers of the neighbouring property.
10. I conclude that the proposed development would not be harmful to the living conditions of the occupiers of the neighbouring property.
11. There is no conflict with Policy P14 of the Solihull Local Plan, Shaping a Sustainable Future (2013) which amongst other things seeks to ensure developments respect the amenity of existing and proposed occupiers and would be a good neighbour.
12. There is also no conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Conclusion

13. For the above reasons I conclude that this appeal should be allowed.
14. Conditions relating to standard time limit for commencement of development, plans to be adhered to and materials to be used are not relevant or necessary as the development appears externally complete.

C Pipe

INSPECTOR

¹ Council Ref: PL/2022/01094/MINFHO