



Appeal Decision

Site visit made on 15 October 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2024

Appeal Ref: APP/Q4625/D/24/3349173

195 Mill Lane, Bentley Heath, Solihull, B93 8NU

- 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 Chris Holywell against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2024/00261/MINFHO.
 - The development proposed is to relocate a fence to the boundary and the installation of a small office pod in the rear garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Both the application form and the Council's decision notice include in the description details of a previous permission, which I have omitted from the description above but will deal with below.

Main Issue

3. The main issue in this case is the effect of the proposed fence and office pod on the character and appearance of the area around Mill Lane and Winster Avenue.

Reasons

4. The appeal property is a detached house on a corner plot at the junction of Mill Lane and Winster Avenue. To the front of the house is a parking area and there is a boundary hedge around the junction that stretches as far as the front elevation of the house. The house is set back from the boundary with Winster Road and there is a boundary fence along the side/rear of the house. The fence is set back around 60cm from the rear of the pavement, and the area between the fence and the side of the house is largely occupied by a shed with a shallow mono-pitch roof against the side elevation. There is a grass verge between the fence and the pavement.
5. The corner plots along both Winster Road and Mill Road in the vicinity of the appeal property are characterised by planted areas between the house side elevations and the pavement. The planting is of trees and hedges or grassed areas, or both. No 197, on the opposite corner plot, has shrubs and grassed areas to the side, while the appeal site has only a narrow grassed area. From

the information available to me, it would appear that the existing fence to the side of the appeal property was granted permission on condition that the grass verge would be planted with shrubs, which would have maintained the character and appearance of the corner plots in the wider area.

6. Policy P15 of the Solihull Local Plan (LP) indicates that development should conserve and enhance local character, distinctiveness and streetscape quality and ensure that the layout, materials and landscape of the development respects the surrounding built environment. In addition, development proposals should contribute to a sense of place, including such measures as integrating landscape into the development. The proposal at No 195 would conflict with this policy by bringing a hard edge to the boundary of the property which would not leave room for planting and would, on this basis, be uncharacteristic of the area.
7. The appellant has referred to other examples of boundary fences that have been allowed by the Council on the boundary of a property. However, none of these would appear to be within the Mill Lane/Winster Avenue area around the appeal property, where there are characteristic open and soft edges to the plots, especially in corner locations. In any case, I have dealt with this case on its own merits.
8. The appellant also contends that the office pod which forms part of the proposal is required to allow working from home. I sympathise with this situation and I note that the pod would only project above the boundary fence by a very small amount. In addition, I note that Policy E4 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan, 2018 – 2033, (NP) indicates that planning applications that would enable working from home will be supported, but only where there would be no unacceptable harm to the character and appearance of the area. In this case, the proposals would cause such harm, as outlined above.
9. Finally, the appellant has submitted revised sketch plans to the Council which appear to indicate a willingness for the fence to be moved back to around 30cm from the pavement. However, this does not form part of the application documentation and, in any case, I do not consider that a 30cm verge would be sufficient to allow for any substantial planting that would be consistent with the prevailing character and appearance of the area.
10. In conclusion, I find that the proposed development would be harmful to the character and appearance of the area around Mill Lane and Winster Avenue. It would conflict with Policy P15 of the LP, and also with Policy E4 of the NP. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR