



Appeal Decision

Site visit made on 22 October 2024 by T Morris BA (Hons) MSc

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2024

Appeal Ref: APP/Q4625/D/24/3351072

100 Grange Road, Olton, Solihull B91 1DA

- 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 Osman Aslam against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2024/01034/MINFHO.
 - The development proposed was originally described as 'Two storey and part one storey rear extension with front amendments'.
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Decision

1. The appeal is allowed, and planning permission is granted for two-storey and part one-storey rear and front extensions at 100 Grange Road, Olton, Solihull B91 1DA in accordance with the terms of the application, Ref PL/2024/01034/MINFHO, subject to the following 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 drawing nos PL01 (Location Plan) and SK10 Revision G (Proposed Drawings).
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 4) The extension hereby permitted shall not be first brought into use until the en-suite windows on the first-floor side elevations facing Nos 98 and 102 Grange Road have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the rooms in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
 - 5) The flat roof area of the single-storey rear extension element of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

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 development description within the banner heading above is taken from the application form but does not refer to the front extension, only 'front amendments'. Therefore, for the purposes of the decision I recommend that the more accurate description used on the Council's decision notice is utilised.
4. The Council's decision notice focusses on the effect of the proposed first-floor front extension on the living conditions of occupiers of 102 Grange Road (No 102) and this reflects the Council's concerns in its officer report which states that the 'first floor front projection would cause a detrimental loss of light and overbearing impact on the neighbour at No 102'. However, the decision notice also refers to a 'loss of light to the closest rear habitable room window and amenity area of No 102'. As the front extension sits away from the rear facing windows and amenity area at No 102, this seems to relate to the relationship of other elements of the proposal with No 102. For the avoidance of doubt and given the ambiguity in the Council's decision notice, I have defined the main issue on the basis that all elements of the proposal and their relationship with No 102 are taken into account.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of occupiers of 102 Grange Road (No 102), with particular regard to outlook and light.

Reasons for the Recommendation

6. No 100 Grange Road (No 100) is a detached two-storey dwelling situated within a residential area. The dwelling features a pitched roof, a forward projecting garage and a single-storey rear extension. The dwellings on this part of Grange Road are sited within a staggered building line. As a result, the appeal dwelling is setback from No 102 and is set forward of No 98 Grange Road (No 98).
7. No 102 has two elevated windows on its side elevation close to the boundary with No 100. The windows overlook the front driveway and parking area of No 100. One of the windows is slightly larger than the other and this aligns closely with an existing single storey garage projection at No 100. The other window is set forward of this. Both of these windows are obscurely glazed.
8. The windows on the side elevation of No 102 would sit close to and would face the side elevation of the proposed first floor extension. I have been provided with the floorplans for a planning application at No 102 which dates from 2017. According to the floorplans, the larger window on the side elevation serves a landing area over the stairs. Outlook from this window would not be unacceptably altered given its function serving the landing and stairs the obscure nature of the window. While there is the potential that there would be some reduction in levels of light received through this window, this would be unlikely to be materially harmful to living conditions at No 98 in the absence of any contrary evidence to suggest the window serves a main habitable room.
9. The floorplans relating to No 102 suggest that the smaller window was intended to serve a laundry. Even if this room is in fact used as a bedroom, it already has a restricted outlook as a result of the obscure glazing. Given the position of this window aligned close to the front elevation of the proposed first-floor front extension at No 100, there would be suitable appreciation of the

space just to the front of this. Whilst I accept that some reduction in light received may occur, particularly during the morning, its relative alignment towards the front of the first-floor extension would also afford light to be received through the window. In the circumstances, and in the absence of any detailed evidence to demonstrate otherwise, I find that the proposal would not unacceptably reduce levels of light and outlook to this room.

10. The proposed two-storey rear extension would project beyond the rear elevation of No 102. However, the first-floor rear elevation of No 100 already projects beyond the closest first floor window of No 102. Whilst the rear elements of the extensions would increase the depth of the appeal dwelling, the large rear garden serving No 102 provides a spacious outlook from the rear windows and to immediate garden area next to its rear elevation. Together with the alignment of the extensions, suitable levels of outlook and light would be retained to the rear elevation of this neighbouring dwelling.
11. Moreover, the officer report confirms that 'the application only differentiates from the original submitted approval 04/04/23 (PL/2023/00018/MINFHO) by the addition of a first-floor front extension'. This suggests that the Council have already approved a similar rear extension and there is nothing before me to suggest that the proposal would have any material effect over and above the extant planning permission.
12. I conclude, the proposal would have an acceptable effect on the living conditions of occupiers of 102 Grange Road, with particular regard to outlook and light. The proposal would comply with Policy P14 (Amenity) of the Solihull Local Plan (2013), which states that the Council will seek to protect and enhance the amenity of existing and potential occupiers of houses and will permit development only if it respects the amenity of existing and proposed occupiers.
13. Furthermore, the proposal would comply with the guidance in the Solihull Council House Extension Supplementary Planning Document (2013) insofar as it seeks to safeguard the amenity of adjoining occupiers and which confirms that its 45-degree guide will not always be appropriate and in certain cases there will be other factors that will carry as much and potentially more weight.
14. The proposal would also comply with Paragraph 135 of the National Planning Policy Framework which states that development should provide a high standard of amenity for existing and future users.

Other Matters

15. Whilst the Council did not refuse planning permission on such grounds, the effect of the proposed rear extension on neighbouring living conditions at 98 Grange Road (No 98) has been raised by a third-party. There is no substantive evidence before me to suggest that the proposal would have a materially greater effect on this neighbouring property than the extant planning permission at No 100. In any case, from my own observations, the alignment of the proposals with the main habitable windows and private garden area serving No 98 would not result in any material effects on light or outlook for occupiers of this neighbouring dwelling. Suitable levels of privacy would also be retained through the imposition of the conditions suggested by the Council in respect of the first-floor side elevation windows and to restrict the use of the flat roof.

16. There is no objective evidence before me to demonstrate that the proposal would build across the boundary with No 98. Whether or not the proposal would prevent a neighbouring occupier from maintaining their property is a private matter and there is no detailed evidence to suggest that any human rights would be infringed in this instance.
17. The appeal site is located within the Olton Conservation Area (CA). The effect of the proposed on the CA is raised within the consultation responses but is not a matter in dispute between the main parties. Even so, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The extensions are to a modern dwelling, and the evidence before me indicates that only the first-floor front extension differentiates it from an extant planning permission on the site. That element would be read against the backdrop of the host dwelling and the neighbouring dwelling at No 102 and the overall composition would have a cohesive appearance. I therefore concur with the observations of the Council's Historic Environment Department that no harm would result to the significance of the CA.

Conditions

18. I have had regard to the Council's suggested conditions. I have included the time limit and approved plans conditions in the interests of certainty and clarity. I have included the materials condition in the interests of preserving the character and appearance of the CA. I have included the conditions requiring the first-floor side elevation windows to be obscurely glazed and restricting the use of the flat roof of the single storey rear extension in the interests of protecting the privacy of occupiers of neighbouring properties.

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

M Russell

INSPECTOR