



Appeal Decision

Site visit made on 25 September 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2024

Appeal Ref: APP/Q4625/W/24/3343604

83 Blue Lake Road, Dorridge, Solihull B93 8BH

- 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 Avery against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/01836/PPFL.
 - The development proposed is demolition of existing property and erection of 2no. detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing property and erection of 2no. detached dwellings at 83 Blue Lake Road, Dorridge, Solihull B93 8BH in accordance with the terms of the application, Ref PL/2023/01836/PPFL, subject to the conditions in the attached schedule.

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 Matter

3. Prior to the determination of this appeal, a new version of the National Planning Policy Framework was published. The changes therein, as far as they relate to the substantive matters of the appeal, have not however changed fundamentally. I do not therefore feel that the case of either main party would be prejudiced by me proceeding without further consultation.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

5. Two previous applications to replace the existing bungalow with two two-storey dwellings were refused at appeal^{1 2}, on the grounds that the depth, height and massing of the proposed property on plot 2 would impinge on the green and pleasant feel of the area to the detriment of its character and appearance. In

¹ Planning application ref. PL/2021/03073/PPFL, planning appeal ref. APP/Q4625/W/22/3310873

² Planning application ref. PL/2022/01342/MINFDW, planning appeal ref. APP/Q4625/W/22/3310874

the scheme before me, amendments have been made to reduce the bulk and massing of the proposed dwellings. I am mindful that the previous Inspector's remarks relate to the specific details of each of the appeal proposals before them. At no point do they conclude that any additional scale and bulk beyond that which the existing bungalow presents would be harmful to the street scene.

6. The appeal site is on a corner plot at the junction of Blue Lake Road, Clyde Road and Knowle Wood Road. The street scene is predominantly comprised of two-storey dwellings which are set back from the road. There is a significant divergence in size and design of dwellings in the area. Overall, there is a pleasing variety to the area and a strong sense of spaciousness. Both factors contribute positively to the character and appearance of the street scene.
7. The proposed dwellings would be similar in height to the adjacent properties and would reflect the difference in land levels between the appeal site and 14 Clyde Road (No 14). The set-back of the front elevations and separation between the two dwellings would be in keeping with the surrounding ones.
8. With regard to plot 2, the two-storey side elevation would not project any closer to Clyde Road than the current bungalow. The reduced depth of the two-storey side element would ensure that the proposed dwelling would be visibly distinguishable from No 14. The current and proposed landscaping would further detach plot 2 from No 14 and reduce its impact on the street scene.
9. The proposal would result in a greater bulk and massing at the first-floor level forward of the building line along Clyde Road. However, a two-storey side extension at 139 Dorridge Road has been approved³ and, at the time of my site visit, largely built. This property is on the corner plot, at the junction between Clyde Road and Dorridge Road, at the other end of 10A-14 Clyde Road. The extension projects a similar distance beyond the building line along Clyde Road. Furthermore, approved developments for two dwellings at both 110 (under construction) and 114 Dorridge Road (completed) also project beyond the building lines of the properties behind them, and the side elevations have only a small set back from the street.
10. For these reasons, the proposal would not significantly reduce the feeling of spaciousness in the area and would be appropriate to the street scene. The proposal would therefore respect the character and appearance of the area and as such would comply with Policies P5 and P15 of the Solihull Local Plan 2013 and Policy D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2019. These policies require, among other things, that the scale and massing of development respects the surrounding built environment.

Other Matters

11. Concerns have been raised on the effect of the proposal on flooding, removal of trees, highway safety, and living conditions with particular regards to privacy, outlook and light. The site is at risk of surface water flooding, and such occurred on Clyde Road in 2021. The appellant has submitted several documents relating to drainage. The Council and the Local Lead Flood Authority (LLFA) have raised no objections in this matter. Furthermore, I have no substantive evidence before me that the construction of two dwellings in the

³ Planning application ref. PL/2022/01221/MINFHO

place of the existing bungalow, and on a similar footprint thereto, would result in an increased risk of flooding.

12. While a small number of trees and shrubs may be removed, the proposal would enhance the landscaping with an overall increase in planting. Both dwellings would be accessed via separate means onto Blue Lake Road, which would be close to an access for the development opposite. However, the provision of one additional dwelling at the appeal site is unlikely to result in a significant increase in vehicle movements. The construction of the proposed dwellings could result in construction vehicles parked on the street at or near the site, however any disruption to local residents would be temporary and would not be of a level that would unacceptably impact on the road network. Moreover, the Council and the Highway Authority have not raised any concerns in relation to highway safety.
13. The orientation of the proposed dwelling on plot 1 and the neighbouring property at 81 Blue Lake Road should ensure that the proposal causes no undue loss of light or an overbearing effect to the occupiers of No 81. A condition could require the bathroom and stairwell windows facing No 81 to be obscure-glazed, to prevent any overlooking. A restrictive covenant is a private matter and not a planning consideration.

Conditions

14. The Council has suggested a series of conditions, which I have considered against the National Planning Policy Framework and Planning Practice Guidance. Some do not contain any specific wording, only a short outline as to what the condition should be about. In those cases, I have added wording that is appropriate.
15. Conditions pertaining to the time limit for implementation and specifying the approved plans are necessary for certainty and enforcement. Conditions are also necessary to require details of the external materials of the dwellings and boundary treatments, in the interests of the character and appearance of the area. As are conditions requiring the submission of and adherence to a landscaping scheme and for trees or shrubs which are lost within five years to be replaced. Details of the root protection zones and tree protection fences are included in the BS5837 Tree Constraints, Tree impacts, and draft Tree Protection method statement by B. J. Unwin Forestry Consultancy Ltd., dated 21st Aug 2023. This document will be listed as an approved one and the development will have to be carried out in accordance therewith.
16. In the interests of highway safety and for the proper functioning of the development permitted, a condition is necessary which requires that the access and parking arrangements are provided and retained as shown on the submitted drawings. For the same reasons, it is necessary to limit obstructions to said access and ensure any gates do not open into the highway.
17. The officer report refers to a condition requiring the first-floor side windows facing No 81 to be obscure-glazed. This has not been included in the list of suggested conditions and no reason has been given for its omission. However, to prevent any overlooking of No 81, as I have specified above, such a condition is necessary.

18. The wording of suggested condition 10 appears to provide advice regarding drainage. It refers to the provision of a drainage plan, however the appellant has already submitted several documents relating to drainage. The Council and the LLFA have not indicated that these documents are inadequate and have not raised any objection with regards to drainage. I therefore have no compelling reason to suggest this condition. The submitted drainage details shall however be added to the list of approved documents to ensure that the development is carried out in accordance therewith.
19. Suggested condition 11 requires the submission and approval of existing and proposed contours of the site, adjoining land and highways and finished floor levels of the buildings, in order to ensure a satisfactory layout and development of the site in accordance with Policy P15 of the LP. However, the submitted street scene elevation drawing shows that the proposed dwellings would be built at the same ground level as the existing bungalow. It is therefore unclear why contours and floor levels are required, and as such condition 11 would not be necessary.
20. Comments from the Highway Authority contain a condition that would require the submission and approval of a Construction Management Plan (CMP). However, this has not been included in the Council's list and no reason has been given for its omission. Nevertheless, given the limited scale of the development, I am not persuaded that a CMP is justified in this case.

Conclusion and Recommendation

21. For the reasons given above, I recommend that the appeal should be allowed and planning permission granted subject to the conditions in the attached schedule.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and my representative's report and on that basis I allow the appeal and grant planning permission subject to the conditions in the attached schedule.

John Morrison

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: 31132 01; 31132 02; 31132 04; 31132 05; 31132 06; Drainage Calculations For 83 Blue Lake Road, Dorridge, Solihull, Contract No. 18719, dated Nov 21; Drainage Maintenance Strategy For 83 Blue Lake Road, Dorridge, Solihull, Contract No. 18719; 18719-01D; 18719-02D; 18719-03D; 18719-04D; 18719-05B; 18719-06B; BS5837 Tree Constraints, Tree impacts, and draft Tree Protection method statement by B. J. Unwin Forestry Consultancy Ltd., dated 21st Aug 2023.
- 3) No development above slab level shall take place until details/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 details.
- 4) Prior to the first occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatments to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed in accordance with the approved details before the dwellings hereby permitted are first occupied.
- 5) No development above slab level shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. Before the development is first occupied the landscaping works shall be carried out in accordance with the approved details and implementation programme. 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.
- 6) The development hereby permitted shall not be first occupied until the access and parking arrangements have been implemented in accordance with drawing no. 31132 02. The arrangements shall then be retained thereafter.
- 7) No vehicular access gates or other such obstructions shall be erected within a distance of five metres of the highway boundary. Any such access gates shall be hung to open away from the highway.
- 8) The dwelling hereby permitted on plot 1 shall not be first occupied until the stairwell and en-suite windows on the side elevation facing 81 Blue Lake Road have been fitted with and retained thereafter as obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.