



Appeal Decision

Site visit made on 03 January 2024

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th January 2025

Appeal Ref: APP/Q4625/D/24/3351597

49 Cornyx Lane, Solihull B91 2SG

- 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 Miss Maria Doan against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/00062/MINFHO.
 - The development proposed is described as First floor/Two storey rear extension, installation of two front dormers, alterations to fenestration, and other minor alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor/two storey rear extension, installation of two front dormers, alterations to fenestration, and other minor alterations at 49 Cornyx Lane, Solihull B91 2SG in accordance with the terms of the application, Ref PL/2023/00062/MINFHO, and the plans submitted with it.

Preliminary Matters

2. On my site visit I observed that the development subject to the appeal had taken place and was complete. Planning permission is therefore sought retrospectively. I am satisfied that the submitted plans accurately represent the installations in place. Consequently, I have assessed the appeal development based on the plans provided.
3. The description of development in the banner heading above, and in my formal decision, is taken from the decision notice of the Council and the appeal form, rather than that contained within the application form. This is because it more accurately describes the development.
4. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

5. The main issue is the effect of the development on the living conditions of the occupiers of No.47 Cornyx Lane with particular regard to overbearing and loss of light.

Reasons

6. No.49 Cornyx Road is a two-storey detached property with accommodation in its roof space. The dwelling is set within a rectilinear plot with generous private garden space to the rear. No.47 Cornyx Road (No.47) is a detached bungalow which is located to one side of the appeal dwelling separated by close board fencing. No.47 has a deep, full width, single-storey flat roof extension located to the rear and is set within a similar sized plot to the appeal dwelling. A single dormer window is located within the rear roof slope.
7. The appeal relates to various extensions and alterations to the dwelling, including a two-storey rear extension which is located adjacent to the boundary with No.47. The design of the rear extension where located closest to No.47 has a flat roof. The degree of projection to the rear is similar to the extended rear building line of No.47. Therefore, as the extension is positioned adjacent to existing built form, it is not immediately adjacent to the garden space of No.47 and does not appear domineering or overbearing from this area. As both properties are of a similar depth, the extension is not prominent from rear facing ground floor windows within No.47. Furthermore, No.47 benefits from a generous rear garden which provides a sense of spaciousness. While the extension is visible it does not protrude along the boundary beyond this existing building line of No.47, as such it does not result in any undue enclosure of the garden space.
8. The rear extension projects by some distance beyond an existing dormer window within the rear roof slope of No.47. On my site visit I was unable to definitively determine whether this window was obscure glazed or whether it serves a habitable room. Nonetheless, the maximum height of the flat roof extension does not project significantly above this window. Therefore, due to its design the extension would not be dominant in the outlook from the window to result in a poor outlook or result in any significant loss of light.
9. It is understood that No.47 benefits from an extant planning permission for first floor additions¹. The Council have raised concern with regard to the effect of the appeal scheme on the nearest proposed first floor opening, which I understand would serve a bedroom. Nonetheless, as with the existing relationship, the extension would not project above this window by a significant amount due to its flat roof form. As such, there would be views available over the extension so that it would not appear dominant, ensuring that a satisfactory level of outlook is provided. As the extension is subservient in height to the adjoining two storey elements, due to its flat roof form, I am not persuaded that it would give rise to any greater loss of light to the window than the approved elements. In any event, the orientation of the properties would mean that any loss of light to the window, should it arise, would likely be limited to a small part of the day in the early morning.
10. For the above reasons, I conclude that the development does not have a harmful effect on the living conditions of the occupiers of No.47 Cornyx Lane with particular regard to overbearing and loss of light. Therefore, the development complies with Policy P15 of the Solihull Local Plan (2013) which, amongst other things, seeks to protect the living conditions of the occupiers of existing houses. The development also complies with the guidance contained within the House Extensions Guidelines

¹ PL/2023/01198/MINFHO

Supplementary Planning Document (2010) which safeguard the living conditions of the occupiers of neighbouring properties.

Other Matters

11. I acknowledge the comments raised by third parties with regard to the effect on living conditions, concerns relating to design, lack of parking and the proposed use of the building.
12. I have considered the effect of the development on No.47 as this forms the main issue of the appeal. The Council have not raised any concern with regard to the effect on the occupiers of other properties or the design of the extension and alterations. Given the location and scale of the extension, along with its distance from and relationship with other dwellings, I have no reason to disagree with the Council's assessment on these matters. The proposals have been submitted as householder development and should be considered as such. Any future unauthorised use of the building would be a matter for the Council to investigate at that time. To this end, there is no reason to believe that the level of off-street parking is insufficient to serve a dwelling of this scale, as concluded by the Council.

Conditions

13. Because the development is complete and planning permission is being granted retrospectively it is not necessary to attach the standard time limit condition, plans or any materials condition.

Conclusion

14. For the reasons given above the appeal should be allowed.

D Cleary

INSPECTOR