



Appeal Decision

Site visit made on 03 January 2024

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th January 2025

Appeal Ref: APP/Q4625/W/24/3348231

42 Hazelhurst Road, Castle Bromwich, Solihull B36 0BJ

- 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 Nasir Shahzad against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/01633/MINFDW.
 - The development proposed is described as the demolition of attached garage and construction of 4 bedroom detached house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development as detailed on the application form has been amended in subsequent documents. I have adopted the description included in the Council's Decision Notice, as it details the appeal proposal clearly and concisely.
3. The application form refers to the site relating to 42/42A Hazelhurst Road, however subsequent documents only refer to 42 Hazelhurst Road. The evidence before me, and my observations on site, suggests that the appeal site relates solely to No.42 Hazelhurst Road. I have therefore used this address in the banner above.
4. The appeal includes an amended site plan which alters the position of the dwelling. The amended plan has not been the subject of full consultation with statutory consultees and other interested parties. If accepted, I consider that the amendments would lead to unlawful procedural unfairness. Therefore, I have considered the appeal based on the plans originally considered by the Council and other interested parties.
5. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to the main issues of 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 Issues

6. The main issues are the effect of the development on:
 - i) the character and appearance of the surrounding area; and,

- ii) highway safety

Reasons

Character and Appearance

7. No.42 Hazelhurst Road (No.42) is a two-storey, semi-detached property with hipped roof, and attached flat roof garage located to the side. The garage, which is single storey, is set away slightly from the side boundary, while a detached outbuilding is positioned close to the site boundary. No.42 occupies a corner plot at the junction of Hazelhurst Road and Yew Tree Road. Yew Tree Road is a short street linking with Windleaves Road which runs parallel with Hazelhurst Road. The dwellings on the opposite side of Yew Tree Road are set away from the street, and positioned at an angle to the junction. The dwellings to the rear on Windleaves Road, at the junction with Yew Tree Road, are set away from the highway at two-storey level. The side boundaries which front onto Yew Tree Road are generally defined by close board fencing. The surrounding area is generally characterised by two-storey semi-detached dwellings with two-storey detached dwellings dispersed throughout. The pattern of development in the area is generally close knit. However, two-storey development, positioned away from Yew Tree Road, provides for a greater sense of openness in views along this street.
8. The dwelling would be positioned to the side of No.42, constructed up to the Yew Tree Road boundary. While the proposed and existing dwellings would be separated by a narrow pedestrian access, the development would ultimately fill the gap with Yew Tree Road across two-storeys. Consequently, the development would erode the sense of openness in views along Yew Tree Road, which is created by the existing separation of two-storey development from the street. Furthermore, the position of a two-storey flank elevation immediately abutting Yew Tree Road would result in a large façade of built-form which no sense of visual relief from the street. The development would therefore appear unduly prominent and visually overbearing, which would be significantly at odds with the prevailing pattern of development within the area.
9. I acknowledge that the development would be appropriately designed and would generally respect the overall character and appearance of properties within the surrounding area. I also do not consider that a detached dwelling would be out of context, given they are an established feature within the surrounding streets. However, these elements of design do not outweigh the harm that would arise by providing a development which would be prominently sited and which erodes the visual gap on this corner plot.
10. My attention has been drawn to a development at No.37 Wyckham Road, which is within the same neighbourhood. That property occupies a similar corner plot and has been extended with a part two-storey, part single-storey side extension. The single-storey extension is constructed up to the side boundary. However, the two-storey element is set away from the boundary, and this retains a degree of openness in views along the side street and ensures that its scale and prominence on the street is not visually overbearing. Furthermore, the dwelling on the opposite side of the street has single storey development constructed close to the highway which provides a sense of visual balance at the street entrance. Therefore, as the design and context are different, I do not find this development to be directly

comparable to the appeal scheme. In any event, I have considered the appeal on its individual merits.

11. For the above reasons, I conclude that the development would have a harmful effect on the character and appearance of the surrounding area. Therefore, the development conflicts with Policies P5 and P15 of the Solihull Local Plan (2013) (the LP). These, amongst other things, seek to deliver housing development which is of good quality design that enhances and conserves local character and streetscape quality. The development also conflicts with the guidance contained within the New Housing in Context Supplementary Planning Document (2003) which advises that new development within existing residential areas respects, maintains or enhances local distinctiveness and character.

Highway Safety

12. The junction location of the site means that satisfactory visibility would be necessary in relation to two streets. Therefore, on accessing and egressing the site, drivers would need to be mindful of users associated with both streets. The submission provides little information to demonstrate what visibility from the site access could be provided. The plan showing the proposed driveway details¹, does not show the position of the street kerb line or radii of the junction. Furthermore, on this plan, the frontage of the existing and proposed dwellings, along with the position and alignment of the front boundary appears to be inaccurately drawn².
13. Therefore, I am concerned that the likely position of the new access to the dwelling could be positioned crossing the radii of the junction rather than perpendicular with the street. This may lead to undesirable vehicular movements over two streets and conflict with other road users. I am therefore in agreement with the Council that the information provided is insufficient to demonstrate that safe and convenient access to the site can be achieved.
14. Parking standards as detailed in the Vehicle Parking Standards and Green Travel Plans Supplementary Planning Document (the VPSSPD)³ suggests that new dwellings should be provided with an average of 2 parking spaces. This standard excludes integral garages. Where the site is in an accessible location⁴ this standard may be reduced to one space. The submitted site plan shows the provision of one parking space within the site frontage, which would not meet parking standards. Additionally, as observed above, this plan does not appear to accurately reflect the frontage of the site and, therefore, I cannot rely on this detail in determining whether more parking could be provided.
15. I acknowledge that the plans indicate that an integral garage would be provided. However, as set out above, the guidance is clear that any assessment of parking excludes integral garages. In addition, the garage would be provided where the site frontage is at its narrowest and, given my concerns regarding the accuracy of the plans, I am unclear whether there would be sufficient manoeuvring space for a car to enable its usability.
16. I have not been provided with any robust evidence to demonstrate that dwelling would be in an accessible location in accordance with the criteria set out in the

¹ Plan 005

² Plan 003 (Detailed Site Plan) shows the extent of frontage more accurately

³ Page 8

⁴ Details of "Accessible Locations" provided at Page 7

VPSSPD. Therefore, due to the lack of information to persuade me otherwise, it has not been demonstrated that the site would be adequately served by an appropriate level of off-street parking. An under provision of off-street parking could lead to further parking within the surrounding streets. This could affect the free flow of traffic or lead to an obstruction and, therefore, give rise to highway safety issues.

17. For the above reasons, there is insufficient information for me to conclude that the development would not have a harmful effect on highway safety. Therefore, the development conflicts with Policy P8 of the LP which, amongst other things, seeks to ensure that development does not lead to a reduction in safety for any users of the highway and that it delivers parking in accordance with the VPSSPD.

Conclusion

18. For the reasons given above the appeal should be dismissed.

D Cleary

INSPECTOR