



Appeal Decision

Site visit made on 7 January 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2025

Appeal Ref: APP/Q4625/W/24/3349053

106 Blackford Road, Shirley, Solihull B90 4BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Kishan Swali against Solihull Metropolitan Borough Council.
- The application Ref is PL/2024/01055/VAR.
- The development proposed is two storey side and rear extension.

Decision

1. The appeal is allowed, and planning permission is granted for two storey side and rear extension at 106 Blackford Road, Solihull B90 4BX in accordance with the terms of the application, Ref PL/2024/01055/VAR, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing numbers: REV 01-OS/1003, 1003-04/ REV.04, 1002-18, REV 01-1003-17, and 1002-18.
 - 2) The external materials of the extension hereby permitted shall match in colour and texture of those used in the existing dwelling, except where render is proposed to be used. The render shall be in the colour “white.”
 - 3) The extension hereby permitted shall not be occupied until the first floor bathroom window has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is 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 window is installed and once installed the obscured glazing shall be retained thereafter.

Preliminary Matters

2. The appeal is submitted against the failure of the Council to determine the planning application within the statutory timescale. The Council has advised that they consider the proposal would be acceptable and that it would have approved the proposal, had it been able to do so. I have had regard to this as far as it provides clarity on the Council’s view on the appeal scheme.
3. I have also been made aware of a number of objection letters which have raised concerns regarding issues relating to, but not exclusively, the scale and design of the extension; the effect on the living conditions of the occupants of neighbouring properties, with particular regard to loss of privacy and loss of light; that the same development was previously refused; and that the appellant has carried out the work without planning permission.

4. From the evidence submitted, and from my site visit, the proposed development has commenced. I have dealt with the appeal on a retrospective basis. Furthermore, both main parties have drawn my attention to a previous planning permission for a two-storey side and rear extension to the property¹. That scheme is likely to be developed in the event that the appeal before me should fail. Consequently, it represents a realistic fallback position.
5. 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 substantially 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. Given the evidence from the Council and the letters of objection, the main issues are:
 - the effect of the proposed development on the character and appearance of the existing building and the surrounding area; and
 - the effect of the proposed extension on the living conditions of the occupiers of neighbouring properties, with particular regard to 209, 211 and 213 Tanworth Lane and specifically the issues of loss of privacy and loss of light.

Reasons

Character and appearance

7. The appeal property is a detached dwelling set back from Blackford Road. It is one of a mix of detached and semi-detached houses on Blackford Road, on the edge of Solihull. It is a residential area with a verdant and pleasant appearance due to the presence of trees and hedges along the road frontage.
8. The appeal before me proposes a side and rear extension with dormer windows in the rear elevation and a blank dormer window in the side, to provide accommodation within the roof. When compared to the fallback position the addition of three dormer windows and the removal of the chimney are the only changes to the scheme with the side and rear extensions very similar to the previous approval.
9. Policy P15 of the Solihull Local Plan, December 2013 (the LP) advises that all development will be expected to achieve good quality, inclusive and sustainable design which, amongst other matters, conserves and enhances local character, distinctiveness, and streetscape quality, and ensures that the scale, massing, layout, and materials respect the built environment.
10. The Solihull Council House Extension Guidelines Supplementary Planning Document, February 2010 (the SPD) provides additional guidance when considering extensions to houses. The SPD notes that, detached dwellings may require subservient design for extensions. However, for gable-end detached dwellings such as the appeal property, non-subservient extensions will be considered. Nonetheless, the extension should remain proportionate and retain a

¹ Council reference PL/2024/00299/MINFHO

balanced appearance to the dwelling. Extensions should also follow the style, character, and appearance of the original home and maintain the character of the house and street scene.

11. The side and rear extensions are not subservient; however, the policy allows for this, and I have also had regard to the fallback position. The side and rear extension and the dormers respect the roof shape of the original dwelling and the appearance of the other houses along Blackford Road. The extensions, including the dormers, would create a balanced appearance to the dwelling, respecting the symmetry of the original building. Moreover, due to the position of the dwelling, turning the corner between Blackford Road and Tanworth Lane, the proposal would not be incongruous in the street scene.
12. The dormers in the side and rear are modest and set below the main ridge so as not to dominate the existing roof. The dormers would also be finished with hipped roofs to fit in with the appearance of the original dwelling. The windows, including the dormers, all match the style and details of the existing dwelling and are in keeping with the existing vertical proportions.
13. The appeal before me is, therefore, materially different to the previously refused scheme referred to by interested parties² which would have resulted in much larger rear dormers that would have been out of keeping with the scale, detailing and proportions of the original dwelling and harmful to the character and appearance of the local area and street scene.
14. Moreover, even though there was a previous refusal for extensions and dormer windows, the Council has also approved an application for the side and rear extensions. For the above reasons, I find that the appeal before me is no more harmful than the fallback position.
15. Consequently, I find that the appeal proposal would not be harmful to the character and appearance of the existing building or the surrounding area and would, in that regard, comply with the requirements of Policy P15 of the LP and the guidance provided within the SPD.

Living conditions

16. 104 Blackford Road is the neighbouring detached dwelling to the side of the appeal property. The proposal would not cause any greater overlooking or loss of light to this neighbour than the original dwelling, even with the addition of dormer windows in the roof.
17. 209 and 211 Tanworth Lane are to the rear of the appeal site. These properties are both detached houses with windows in the rear and side elevations. However, they are set at an angle and do not directly face towards the appeal site. Furthermore, there is sufficient distance between the appeal property and these neighbouring properties to ensure that the extension would not cause unacceptable loss of daylight or sunlight to either the dwellings or the garden areas.
18. The new windows in the ground floor rear extension would be screened by the existing boundary fencing I saw at my site visit. This would limit the opportunities for overlooking from these windows into these neighbouring properties. With a

² Council reference PL/2023/02588/MINFHO

condition to require the window in the first floor bathroom to be obscure glazed the overlooking from the first floor would be the same as the original dwelling.

19. The dormer windows in the rear roof slope would be new; however, these would not be any nearer to the gardens or windows in the neighbouring properties than the windows in the original dwelling. Consequently, I find that the dormer windows would not result in unacceptable loss of privacy to the occupiers of 209 or 211 Tanworth Lane.
20. 213 Tanworth Lane (No. 213) is the neighbouring detached property to the side, which also turns the corner between Blackford Road and Tanworth Lane. It has numerous windows in the side and rear elevations. Nevertheless, this property sits further forward than the appeal property. The windows in the side of No. 213, therefore, face over the front of the appeal property. The proposed side extension would not include any windows facing the side of No. 213 and would not result in any overlooking or loss of privacy to the occupiers of No. 213.
21. The proposed extension would be nearer to No. 213 than the original dwelling. However, it would be sufficient distance from the windows in the side and rear of this neighbouring property to not cause unacceptable loss of light. Moreover, the scheme in the appeal before me is no nearer to No. 213 than the fallback position and, therefore, no more harmful.
22. For the above reasons, the appeal proposal would not unreasonably affect the living conditions of the occupiers of neighbouring properties, with particular regard to 209, 211 and 213 Tanworth Lane and specifically the issues of loss of privacy and loss of light. It would, therefore, comply with the requirements of Policy P14 of the LP which, amongst other matters, requires development to protect and enhance the amenity of existing and potential occupiers, respect the amenity of existing and proposed occupiers, and be a good neighbour.
23. The development would also comply with the guidance in the SPD which seeks to ensure that development does not affect neighbours through loss of direct sunlight or general daylight, result in a general overbearing or dominating effect from an extension that is too large or too close to the adjacent property, or unreasonable loss of privacy from overlooking windows, particularly at first floor level.

Other Matters

24. Interested parties have also raised concerns that the development has been carried out without planning permission. Although I acknowledge their concerns, at the time of my site visit, work had stopped, and the appellant had submitted a planning application to obtain planning permission for the additional works.

Conditions

25. Given the previous approval for a similar development and the nature of the proposal I have considered it necessary to attach conditions relating to the materials and requiring the window in the first floor bathroom to be obscure glazed. In the interests of certainty, I have also attached conditions specifying the approved plans.

Conclusion

26. For the reasons given above the appeal should be allowed and planning permission should be granted.

K Townsend

INSPECTOR