



Appeal Decision

Site visit made on 15 January 2025 by S Indermaur

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2025

Appeal Ref: APP/Q4625/D/24/3355958

51 Ullenhall Road, Knowle, Solihull B93 9JD

- 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 Ms Jessica Schlupp-Taylor against the decision of Solihull Metropolitan Borough Council.
- The application Ref is PL/2024/01575/MINFHO.
- The development proposed is two-storey side extension; part two-storey, part single storey rear extension, and a single storey front extension.

Decision

1. The appeal is allowed, and planning permission is granted for two-storey side extension; part two-storey, part single storey rear extension, and a single storey front extension at 51 Ullenhall Road, Knowle, Solihull B93 9JD. In accordance with the terms of application Ref PL/2024/01575/MINFHO, dated 6 August 2024.

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 'description of proposed works' detailed on the application form includes words which are not a description of development. These words have therefore been removed for the purposes of the description of development in the banner heading and appeal decision.
4. The development has already been erected and the appeal has been considered on this basis.
5. The Council's reason for refusal identifies that its concerns specifically relate to the single storey rear extension and its relationship with 50 Ullenhall Road (No 50). I have defined the main issue accordingly.

Main Issue

6. The main issue is the effect of the single storey rear extension on the living conditions of neighbouring occupiers at No 50 with particular regard to outlook and light to habitable rooms.

Reasons for the Recommendation

7. The Solihull Metropolitan Borough Council House Extension Guidelines Supplementary Planning Document 2010 (SPD) provides advice on how the effects

of development on neighbouring properties will be assessed, and in doing so introduces and explains the Council's 45-degree guide. The SPD guidance is clear that single storey extensions are usually considered with greater flexibility.

8. The single storey rear extension exceeds the 45-degree guidance and is visible from the rear of No.50. However, due to its single storey, flat roofed profile and its position set in from the boundary it does not dominate the aspect from the rear of No 50. This is particularly the case given that the nearest window at No 50 is a large patio window which faces onto a large rear garden. This ensures that the dining room it serves is provided with a suitably spacious aspect. Furthermore, the nearest bedroom window is situated at first floor level, and so the single storey rear extension does not enclose outlook from that window.
9. Due to the height of the single storey rear extension over the fence line and the orientation of the appeal dwelling relative to No 50, there is the potential for some overshadowing to the rear of this neighbouring property. Indeed, when I visited the appeal site in the early afternoon, a shadow was cast over the rear of No.50 including its rear elevation. I have no technical evidence before me to demonstrate that overshadowing has not increased beyond the pre-existing levels even accounting for the fact that the rear elevation of the two-storey appeal dwelling was previously already set back in relation to the rear elevation of No 50.
10. Notwithstanding the above, given the modest height of the single storey rear extension and that the dining room at No 50 is served by a large patio window which faces onto a long rear garden, there is nothing to suggest that the single storey rear extension prevents No 50 from receiving adequate levels of daylight. This indicates that when sunlight and daylight are taken together, any harm to light is likely to be limited.
11. For the reasons outlined above, I conclude there is the potential that the single storey rear extension has resulted in some limited harm to living conditions for occupiers at No 50 with particular regard to light. As such the development conflicts with Policy P14 of the Solihull Local Plan 2013 (LP) which permits development only if it respects the amenity of existing occupiers and would be a good neighbour.

Other Consideration

12. My attention has been drawn to a previous planning permission which was granted by the Council on 28 April 2022¹ for similar extensions (the previous planning permission). There is nothing before me to suggest that the appellant could not revert to the previous planning permission in the event that the appeal were to be dismissed.
13. The first-floor side extension closest to the boundary and the rear elevation of No.50 is not as deep under the appeal scheme. This has provided a more open aspect from the nearest first-floor window at No 50 than would have been the case had the appellant implemented the previous planning permission. While the as built single storey extension is slightly taller than the previously approved single storey rear element, it is also slightly further away from the shared boundary. It is also evidently lower in height than the deeper first floor side extension that was previously approved which was also in a position closer to the ground floor patio window at No 50.

¹ LPA Ref PL/2022/00213/MINFHO

14. Moreover, the LPA has not raised concerns in respect of the other elements of the development which are very similar to the scale and layout of the proposals under the previous planning permission, and in which both instances include two-storey elements which more likely contribute to any overshadowing effects. I note that the previously approved development also breached the 45-degree guidance in the SPD.
15. Overall, I do not find that the appeal scheme has resulted in materially greater effects on light to No 50, including to its ground floor dining room and first floor bedroom windows, when compared with the fallback of the previous planning permission. In the circumstances, the fallback represents a material consideration of significant weight and I have had regard to this in my conclusion and recommendation.

Other Matters

16. An interested party has drawn my attention to a heat pump installed with the suggestion that the appeal property does not benefit from permitted development rights. However, a heat pump does not form part of the description of the development before me and is not shown on the drawings provided. Therefore, it is not a matter for consideration under this appeal and would be a separate matter for the Council to address if necessary.
17. The extensions include a two-storey rear extension next to the boundary with 52 Ullenhall Road (No 52). The Council's report confirms that No 52 has an intervening garage extension next to the boundary and that No 52's nearest habitable windows are set away from the development. In addition, the development does not breach the 45-degree SPD guidance in respect of this neighbouring property. Consequently, the development does not have an overbearing relationship with No.52 and this also reflects the observations of the LPA in its Officer report.

Conditions

18. Due to the retrospective nature of the appeal development and that there is no dispute that the development on the site reflects the submitted drawings, conditions relating to the commencement of development or requiring it to be constructed in accordance with the approved plans are not necessary.
19. The Council has not suggested any other conditions. I note that the previous planning permission included a condition requiring that the roof of the extension should not be used as a balcony, roof garden or similar amenity area. Planning permission would be required for an alteration to the roof for the construction of a veranda, balcony or raised platform and therefore it is not necessary to include a similar condition in this instance. The condition attached to the previous planning permission in respect of obscure glazed bathroom and en-suite windows related to a different window arrangement. From my own observations the window arrangement on the appeal scheme does not result in any material effects on the privacy of neighbouring occupiers and so such a condition is not necessary in this instance.

Conclusion and Recommendation

20. I have concluded that there is the potential that the single storey rear extension has resulted in some limited harm to the living conditions of occupiers at No 50 Ullenhall Road, with particular regard to light which conflicts with Policy P14 of the LP.
21. However, the fallback position of the previous planning permission is a material consideration of overriding weight and which indicates that in this particular instance a decision should be made other than in accordance with the development plan. Given the particular circumstances of the case, I therefore recommend that the appeal should be allowed.

S Indermaur

APPEAL PLANNING OFFICER

Inspector's Decision

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

M Russell

INSPECTOR