



Appeal Decision

Site visit made on 18 February 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/Q4625/W/24/3349795

Land rear of 25 to 27A Alderbrook Road, Solihull B91 1NN

- 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 Mrs K Gnyla against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/02520/PPFL.
 - The development proposed is the erection of 4no. detached dwelling houses and associated works including access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 4no. detached dwelling houses and associated works including access at land rear of 25 to 27A Alderbrook Road, Solihull B91 1NN in accordance with the terms of the application, Ref PL/2023/02520/PPFL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework do not affect the main issues in the case, the parties have not been invited to make further comments in this regard. References to paragraph numbers of the Framework in this decision pertain to the most recent version.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The area in the vicinity of the site is characterised by large houses in spacious plots addressing Alderbrook Road. Many of these homes are in an Arts and Crafts vernacular albeit that there are numerous examples of modern infill homes and these include examples of backland development. To the rear of the site, Poolfield Drive also features detached houses and bungalows and these are in a circa 1960s style. These homes are commonly lower in height and whilst still in an open and spacious layout, do not occupy plots which are as large as those that address Alderbrook Road. More widely there are examples of backland developments of varying sizes that lead off Alderbrook Road. Many of these are gated at the end of relatively narrow access drives.

5. The appeal site is formed of an existing access drive leading to a substantial parcel of land to the rear of 25 to 27A Alderbrook Road. The access drive has already been constructed and this leads to two recently built homes which formed part of a previously approved scheme for a total of four dwellings. This current proposal is seeking an alteration to the number of homes and the general layout to increase the number of homes on this side of the access drive from two to four. By comparison to the approved layout, this arrangement is altered such that the homes continue along an extended access drive that runs along the rear boundary with 25-27A Alderbrook Road. The houses proposed here are set out in a north facing orientation as opposed to an east facing one in the approved scheme.
6. The adopted development plan, insofar as it relates to the appeal proposal, comprises the Solihull Local Plan (adopted 2013) (SLP) and the Residential Backland Development Supplementary Planning Document (RBDSPD). Policy P15 - Securing Design Quality of the SLP seeks to achieve good quality, inclusive and sustainable design. It promotes key principles which include local character, distinctiveness and streetscape quality and ensures that the scale, massing, density, layout, materials and landscape are high quality. The RBDSPD does not contain any specific policies but provides general detailed guidance in relation to the approach to housing in backland locations.
7. There are a number of core principles which are set out in the RBDSPD that this development has been identified as conflicting with. Concern has been expressed relating to the size of the homes and that they would appear as bulky, fill the majority of their plots, would appear contiguous and lack spaciousness. Whilst I note that the proposed houses are large, this is not uncharacteristic for the area. Indeed, individually the homes remain smaller than many that address Alderbrook Road. The houses are set apart by around 2.5 metres from each other (although there is some variation between plots) and this is not substantially different, often greater, than numerous examples along Alderbrook Road and consistently greater than along Poolfield Drive.
8. The houses are larger than those on Poolfield Drive and are markedly taller than these homes. They feature second floor accommodation and the use of gables emphasises their height. They would be visible from Poolfield Drive through gaps between homes. Even so, their effect on the street scene overall would be quite minimal and one would have to make a concerted effort to identify them in any ordinary appreciation of this street.
9. There is a conflict with the principles of the RBDSPD insofar as the proposed cul-de-sac would be one sided with the new homes addressing the rear gardens of properties addressing Alderbrook Road. I do agree with the Council in this regard, in that this layout is not ideal, however it is a natural response to the site size and relationship with neighbouring properties. Indeed, this, in itself, creates tension with other objectives of the RBDSPD insofar as this layout does allow for the future continuation of the cul-de-sac and thus avoids the need for additional access roads onto Alderbrook Road. Indeed, the existing access road which serves the constructed properties at plots 1 and 2 is arguably not in conformity with the intent of the RBDSPD. This layout would lower the chances of such further access points being needed. Therefore, whilst the one sided street arrangement is not ideal, it would not be readily noticeable in the public realm, especially given the gated nature of this development, and therefore does not cause any demonstrable harm to the character of the area.

10. The cul-de-sac would be landscaped and there is ample opportunity for planting, especially along the rear boundaries with 27 and 27A, which would dilute the effect of the one sided nature of the development. Longer views are offered along the cul-de-sac towards plot 6 and the space between homes whilst the access road from Alderbrook Road is closed off by the presence of plot 3 which presents a distinctive gable. Vehicle parking is off-set to one side offering an uncluttered view into the development.
11. Therefore, overall, while there are elements of the proposed development which do not comply with the RBDSPD, I am unable to identify any matters which would cause demonstrable harm to the character and appearance of the area, particularly when considering that which has already been permitted. Moreover, the proposal offers an increase in the housing supply by four additional dwellings (or a net of two when compared to the approved scheme). Whilst I have not been made aware of the Council's housing land supply position, the development remains consistent with Framework paragraph 61 insofar as it would assist in significantly boosting the supply of homes. In addition, the site is in an established built-up area close to town centre shops, services and public transport infrastructure and therefore further accords with the objectives of paragraph 8 of the Framework. The area would invariably lose some of its character as back garden land but this must be balanced against the benefits of the provision of new dwellings.
12. In conclusion, I therefore find that the proposal complies with policy P15 of the SLP, guidance of the RBDSPD and provisions of the Framework insofar as it conserves and enhances local character, distinctiveness and streetscape quality and ensures that the scale, massing, density, layout, materials and landscape of the development respects the surrounding natural and built environment.

Other Matters

13. In reaching my conclusions here I have had regard to the observations of neighbouring residents. Matters of precedent regarding backland development have already been established in this area through the prior grant of permission for a different scheme in this location and others in the locality. Whilst an increase in density, this would not be inconsistent with other similar developments in the area or the density along Poolfield Drive. There is sufficient separation distance between the proposed homes such that any perceived or actual overlooking would be minimal.
14. I have no reason to conclude that these homes would generate any additional noise or disturbance than that which could be created from others in this residential area. The layout allows for sufficient parking and manoeuvring within the site and I have imposed conditions relating to landscaping, tree protection and biodiversity.
15. I have further had regard to the previous appeal decision which was provided by the appellant. Indeed, I accept the context and layout of this previous decision, despite similarities, does not draw any substantive comparison between the schemes. I have found this proposal to be acceptable on its own merits.

Conclusion

16. For the reasons given above, I conclude that the proposal would not be detrimental to the character and appearance of the area, provides a net increase in the number of dwellings and is in a sustainable built-up area. The material considerations do not indicate a decision should be made other than in accordance with the development plan and the appeal should be allowed.

Conditions

17. The Council did not provide a schedule of conditions for this proposal although it did supply a historical decision notice for this site. I have therefore based my schedule of conditions upon these but with variations and revisions insofar as they are relevant to this proposal. Conditions 3, 4, 5, 6, 7, 8 and 11 are pre-commencement conditions. Therefore, in accordance with S100ZA of the Town and Country Planning Act 1990 (as amended) (the Act) and Reg 2 of the Pre-commencement Conditions Regulations 2018, the appellant has been invited to comment on these.
18. Condition 1 is a time limit condition and is imposed here to accord with the provisions of the Act.
19. The second condition is imposed to secure adherence to the approved plans in the interests of certainty.
20. Condition 3 is imposed to ensure the development is constructed in an acceptable palette of materials to ensure it integrates with the character and appearance of the area. The same reasoning applies to condition 4 in addition to ensuring an acceptable standard of living conditions for existing neighbours and future residents.
21. I have imposed conditions 5 and 6 here due to the size of the site, its proximity to homes, the local parking conditions, in the interests of highway safety and having regard to local wildlife.
22. Conditions 7, 8 and 9 are imposed to ensure the development is biodiverse satisfactorily landscaped and integrates with its surroundings in the interests of the character and appearance of the area and the living conditions of residents.
23. Conditions 10 and 11 pertain to the manner of dealing with water and drainage. They are imposed here to ensure that the development is satisfactorily drained and does not result in flooding.
24. Condition 12 requires obscure glass to be used in the side facing windows of properties to mitigate overlooking between the homes.
25. Finally, condition 13 ensures that the access road is completed. No further highway conditions are needed here as the access road to Alderbrook Road has already been completed.

N Bowden

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 plan nos. 21038-D (20)M-401 Rev E, 21038-D (20)M-402 Rev E, 21038-D (20)M-403 Rev E, 21038-D (10)M-403 Rev H, 21038-D (10)M-404, 21038-D (ALL)M-404, Rev E.
- 3) No development shall take place until details or samples of all external facing materials including walls, roofs and surface treatments have been submitted to and approved in writing by the local planning authority in writing. The development shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) The parking of vehicles of site operatives and visitors;
 - b) Loading and unloading of plant and materials;
 - c) Storage of plant and materials used in constructing the development;
 - d) Wheel washing facilities; and
 - e) Permitted hours of work.
- 6) No development shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning appropriate working practices and safeguards for birds, mammals, reptiles and amphibians that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.
- 7) No development shall take place until a Biodiversity Enhancement Scheme has been submitted and agreed between the applicant and the Local Planning Authority. The scheme must include all aspects of landscaping including details and location of integrated bat and bird boxes, and access gaps for hedgehogs in any new fences. The agreed scheme to be fully implemented before/during development of the site as appropriate.
- 8) No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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.
- 10) No plot shall be occupied until a Verification Report for the installed surface water drainage system for the site based on the approved Drainage Strategy has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority and Lead Local Flood Authority. The details shall include:
 - a) Any departure from the agreed design is in keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - e) Confirmation that the system is free from defects, damage and foreign objects.
- 11) No development shall take place until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
 - a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - a. on-going inspections relating to performance and asset condition assessments
 - b. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - c) Means of access for maintenance and easements where applicable.

The scheme shall be implemented, maintained and managed in accordance with the approved details.
- 12) The side facing windows at first floor level and above shall not be glazed other than with obscure glass.
- 13) None of the development hereby permitted shall be occupied until such time as the access road serving plots 3 to 6 has been completed.

End of Schedule