



Appeal Decision

Site visit made on 03 January 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal Ref: APP/Q4625/D/24/3347283

55 Castle Lane, Olton, Solihull B92 8DE

- 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 Afzal Mirza against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2023/02451/PPFL.
 - The development proposed is described as Retrospective planning application regarding variances from planning approval PL/2020/02500/MINFHO (Single storey rear extension, two storey side extension).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my site visit I observed that extensions to the dwelling had been carried out. The appeal proposals seek to alter the constructed development by reducing the eaves height of the two-storey side extension. Therefore, I have considered the appeal based on the submitted plans.
3. 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

4. The main issue is the effect of the development on the character and appearance of the building and surrounding area.

Reasons

5. The appeal dwelling is a two-storey semi-detached property, with hipped roof and two-storey bay to the front elevation. The dwelling is located on a corner plot at the junction of Castle Lane and Dene Court Road. The dwelling and its semi-detached pairing, No.2 Dene Court Road (No.2), are set back from the street behind a front garden, and positioned at an angle. As such the front façade of the pairing addresses the junction. The siting and orientation of the pairing means that they occupy a prominent position within the street scene. As originally constructed, the appeal dwelling was set away from Castle Lane having a similar set back to the front building line of the dwellings to the rear. While there are commercial

- properties nearby, the surrounding area is predominantly residential in character generally comprising two-storey semi-detached dwellings of similar form and scale.
6. The two-storey extension would be positioned to the side and rear of the dwelling. Its overall width would be significant being similar to that of the original dwelling. This would add horizontal emphasis and would visually elongate the dwelling and, from the front, would fill much of the width of the plot. This would be further exacerbated by the overall depth of the extension which would result in a large expanse of two-storey built form positioned close to Castle Lane with little off set for visual relief. Therefore, the extensions would dominate and visually compete with the original dwelling, resulting in a development which would fail to appear subservient. Furthermore, the extensions would result in a semi-detached pairing which would appear one sided, leading to significant visual imbalance.
 7. The orientation of the dwelling means that, when viewed from the front, the side extension would erode the important visual gap between the dwelling and Castle Lane. This would impede views across the site and along Castle Lane. Further, this results in an extension which would project significantly beyond the established building line of the dwellings on Castle Lane that are positioned to the rear. As such the extensions, in this prominent location, would result in a dominant addition within the street which would fail to respect the established pattern of development in the area.
 8. It is noted that the proposal seeks to address the existing mismatch in eaves height by providing an eaves which matches that of the original dwelling. However, while this would represent an improvement to the overall design of the extension, it is not considered that this would be sufficient to address the overall harm arising from the development due to its excessive width and depth in a prominent location in the street.
 9. I also note the examples of corner development cited by the appellant. However, I do not find these to be directly comparable to the appeal proposals as those extensions which are not as disproportionately wide over two-storeys, include elements of single storey, and are not as prominently located. In any event, I have considered this appeal on its individual merits
 10. For the above reasons, I conclude that the development would have a harmful effect on the character and appearance of the building and surrounding area. Therefore, the development conflicts with Policy P15 of the Solihull Local Plan (2013) which, amongst other things, seeks to deliver development that is of good quality design that conserves local character and streetscape quality. The development also fails to adhere to the guidance contained within the House Extensions Guidelines Supplementary Planning Document (2010) which advises that side extensions should be in proportion to the existing dwelling and that a generous gap should normally be retained to preserve the openness of the corner plot.

Other Matters

11. I sympathise with the appellants personal circumstances during which the unauthorised development arose. However, this is not a matter which is material to my consideration of the appeal. I also note that the extension would meet the needs of a person who has the 'protected characteristic' of disability for the purposes of the public sector equality duty under s149 of the Equality Act 2010.

Again, I am sympathetic to these circumstances, and while it would be advantageous to provide such accommodation, I can only attach moderate weight in favour of providing a development which would improve the quality of life for its occupants. In this regard, I have not been provided with any evidence to be persuaded that the proposed design is the only means for achieving satisfactory accommodation, and other configurations of design may be achievable. I consider that this, and any other public benefits, do not outweigh the harm that the development would cause in relation to the main issue. Therefore, it is proportionate and necessary to dismiss the appeal.

Conclusion

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

D Cleary

INSPECTOR