



Appeal Decision

Site visit made on 10 April 2025

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/Q4625/D/25/3362328

100 Wellsford Avenue, Solihull, B92 8HB

- 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 S Saaïd against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2024/02459/MINFHO.
 - The development proposed is described as 'Amendments to planning approval PL/2024/00264/MINFHO Two storey side/rear extension, single storey rear extension. Larger bay window to front and conservatory to rear'.
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Decision

1. The appeal is allowed and planning permission is granted for Amendments to planning approval PL/2024/00264/MINFHO Two storey side/rear extension, single storey rear extension. Larger bay window to front and conservatory to rear at 100 Wellsford Avenue, Solihull, B92 8HB, in accordance with the terms of the application, PL/2024/02459/MINFHO, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plan: Dwg No: 2024/178 PL01 Rev B.

Preliminary Matter

2. The Council described the proposal as being partly retrospective and, at the time of my site visit, I saw that the side extension, rear extensions and the bay window were substantially complete. The application also sought permission for a rear conservatory which had not been commenced. I have therefore dealt with the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - the character and appearance of the host dwelling and surrounding area; and,
 - the living conditions of neighbouring occupiers, with particular regard to light and outlook.

Reasons

Character and appearance

4. The extensions were constructed following the approval of a planning application reference PL/2024/00264/MINFHO. However, according to the Council, the extensions were not built in accordance with the approved drawings. The appeal application was submitted to regularise the situation and retain parts of development but to also make some minor changes and seek permission for a new conservatory.
5. I do not have the previously approved plans before me. However, I understand from the planning committee minutes that the amendments are relatively minor, where they relate to alterations to the front of the house, and that the main differences are to the first and ground floor rear extensions.
6. The appeal site relates to a semi- detached house in a residential street. Houses generally have hipped roofs and 2 storey front projecting bays with hanging tiles between the ground and first floor windows. They are set back from the pavement edge behind front gardens most of which are paved and used for parking.
7. The 2 storey side extension roof sits below the main roof ridge and has a hipped roof. The proposal is to step its wall back from that of the main house to further ensure that it appears subservient to it. The rear first floor extension is set in from the side of the house closest to the adjoining property and joins the main house below the windows on the rear dormer. The ground floor extension is a similar depth as the rear extension on the adjoining house, but its single pitched roof joins the main house higher than that of the neighbour's extension which has a flat roof. Nonetheless, all the elements described are subservient and the council has raised no objection to their design, and I find no reason to disagree.
8. Houses within the street, including the appeal property and the adjoining house, are constructed of red brick with a mix of tones, whereas the colour of the extensions' brickwork is red but uniform in tone, and the mortar is slightly lighter than that of the main house. The council is concerned that these colour differences harm the appearance of the house, its adjoining neighbour and the wider street scene.
9. The mortar will weather and change colour over time, and I note that extensions elsewhere within the street have brickwork that differs in colour or tone to their host property without unduly harming their appearance. Also, pairs of semi-detached houses within the street have different coloured or shades of render, roof tiles and hanging tiles on their front elevations. Therefore, whilst the uniform colour of the brickwork on the appeal scheme to some extent draws attention to the extensions, in the context of the variation elsewhere in the street it does not harm the appearance of the house or upset the balance with its adjoining neighbour to a degree that would warrant withholding planning permission. There is therefore no conflict with Policy P15 of the Solihull Local Plan 2013 (LP) which requires development to conserve local character and streetscape quality.

Living conditions

10. The proposed rear conservatory would be the full width of the rear of the house and abut the boundary with neighbouring houses. It would sit forward of the rear windows of both neighbouring houses, beyond a 45 degree line taken from the

centre line of their rear windows, and exceed the guideline set out in the Councils Housing Extension Guidelines Supplementary Planning Document (2010) (SPD). However, the SPD notes that the guidance is applied more flexibly for ground floor extensions with weight being applied to other factors including orientation, which in the case of the neighbouring houses is such that their rear windows and gardens will receive direct sunlight for most of the day. Although there would be some overshadowing of the rear windows of No 98 during the mornings it would not be significantly greater than that which is already caused by the close board fence along the boundary with the appeal property. On the other side the nearest rear windows affected on No 102 are already under a rear porch and thus shaded.

11. The proposed conservatory side walls would comprise 2m high solid walls which would not be substantially higher than the existing boundary fence. Above them there would be obscured glass side panels enabling light from the roof to filter through them preventing the extension from appearing overly oppressive and dominant. Overall, I am satisfied that the proposed conservatory would not, as the Council suggest, reduce the daylight or sunlight to habitable rooms on neighbouring houses or appear overbearing from them to a degree that would harm their occupants living conditions. The proposal would therefore accord with Policy P14 of the LP which seeks to protect the amenity of neighbouring occupiers.

Other Matter

12. Representations raised concerns relating to parking, privacy, the potential use of the property as a house of multiple occupation (HMO), the use of the rear garden building, the height of fences and surface water drainage. The use of the house and garden buildings, and the boundary fences, were not included within the proposal and not, therefore, for me to consider as part of this appeal. The Council confirmed, in its officer's report, that the retained parking spaces meets its parking standards. In my view, the proposal would not give rise to any significant loss of privacy and no evidence has been provided to me that the development or the proposed rear conservatory would cause surface water flooding.

Conclusion and Conditions

13. For the reasons set out above I conclude that the appeal should be allowed.
14. I have attached the standard time limit condition as this is necessary for those parts of the scheme that are not retrospective and a plans condition as this provides certainty. I do not included the council's suggested condition requiring the completion of certain elements of the scheme within 6 months to be necessary or reasonable.

P D Sedgwick

INSPECTOR