



Appeal Decision

Site visit made on 20 May 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Appeal Ref: APP/Q4625/W/25/3360384

49 Orchard Road (land to the rear), Hockley Heath, Solihull B94 6QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr N Holdsworth against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2024/00735/PIP.
 - The development proposed is Permission in Principle for the erection of two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning Practice Guidance (the PPG) advises that the Permission in Principle route is an alternative way of obtaining planning permission for housing-led development. It has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if the first stage is granted. I have determined the appeal accordingly.
4. An applicant can apply for a range of dwellings by expressing a minimum and maximum number as part of the application. In this instance, the proposal is for two dwellings on the appeal site. A layout plan has been submitted. However, as a permission in principle such a plan would be indicative only and I have, therefore, considered this as such.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to the character of the area and the effect of the development on trees.

Reasons

6. The appeal site comprises an area of overgrown land to the rear of numbers 49 and 39 Orchard Road. From the evidence before me the land was previously garden. It is in a residential area in Solihull and within walking distance of services and facilities.

7. The properties on Orchard Road are a mix of two-storey houses and bungalows of varying age, design, and materials. The houses opposite have similarities in design and building line. However, on the same side as the appeal site, there is greater variety. The housing in the area predominantly fronts the roads, with some occasional properties with side elevations facing the road. This direct relationship and consistent visibility of housing from the road is a defining positive feature of the character and appearance of the area. The trees in the front and rear gardens, which result in a verdant backdrop to the housing, are also a positive greening feature of the area.
8. The appeal proposal would include the demolition of 49 Orchard Road (No 49) to provide vehicular access to the site. This would create a gap between numbers 39 and 51 Orchard Road. However, there are other similar width gaps between properties and the creation of the gap is not harmful to the area. The demolition of No 49 would provide some visibility of the site and the proposed development from Orchard Road. However, this would be limited due to the limited width of the gap.
9. While the layout of the proposed development will be determined at the Technical Details Stage, the site's shape, and position, extending to the rear of No. 39, would result in at least one of the dwellings being behind existing housing, as indicated on the plan. The development of the site for two dwellings would not be completely hidden from view. However, two dwellings on the appeal site would result in development that would not directly address the road, would not have a front or side elevation directly facing the road and would not be clearly visible from it, even if they were single storey properties.
10. The indicative layout plan would not resolve the lack of a physical connection with the existing street frontage and, contrary to the appellant's assertion, neither of the dwellings proposed would be clearly viewed from Orchard Road. Even if part of one of the dwellings would be visible, this would only be part of the dwelling which would be alien in the street scene and appear contrived. Moreover, the appeal proposal is for two dwellings. The development would, therefore, not connect the proposal with the surrounding buildings.
11. I have not been provided with any evidence of other similar back-land forms of development and development of the appeal site would, therefore, be out of context with the surrounding built form. Consequently, the appeal proposal would fail to integrate with the character and pattern of the immediate area, would undermine the established grain of the area and would not integrate effectively with its surroundings or reflect the characteristics of Orchard Road.
12. In that regard the appeal before me has similarities to the previous appeal at this site¹. The appellant has not overcome the concerns raised in the previous appeal decision even if the layout, scale, and design of the proposed development would be matters for Technical Details Stage.
13. The development of the appeal site would also be relatively close to trees in the rear gardens of properties around the site and I noted the tree canopies extend over the site. However, this would be a matter for Technical Details Stage and the appellant would need to ensure that the layout avoided the root protection and canopy areas of the trees so as to not result in harm.

¹ APP/Q4625/W/21/3277599

14. For the above reasons, the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to the character of the area. The development would be contrary to Policies P5 and P15 of the Solihull Local Plan, Shaping a Sustainable Future, December 2013 (the LP) which, amongst other matters, support new housing where it contributes towards enhancing local character and distinctiveness, requires development to conserve and enhance local character, distinctiveness and streetscape quality, ensure that the layout, amongst other matters, respects the surrounding built environment, and requires development to contribute to or create a sense of place.
15. For the same reasons, the development would also be contrary to the Solihull Metropolitan Borough Council New Housing in Context Supplementary Planning Guidance (2003) and the Solihull Metropolitan Borough Council Residential Backland Development Supplementary Planning Document. These supporting documents, taken together, seek to ensure that development relates to the character of an area, encourage good urban design, generally seek to ensure proposals respect the character of the surrounding area, acknowledge the importance of back land sites in delivering housing, encourage back land development where it is good urban design which adds to the streetscape, local distinctiveness and character, is street-facing, and is designed in response to the context, while avoiding back land development that lacks active frontage, connection with the existing neighbourhood, or is disconnected and not part of the street grid.

Other Matters

16. Interested parties have also raised concerns regarding matters including, but not exclusively, highway safety, increases in vehicle movements and parking, drainage, and the effect of the development on the living conditions of neighbouring properties. However, these matters are all issues which would be considered as part of the second stage of the Permission in Principle process. The details of the layout of the access and housing and the means of drainage of the development are not before me for consideration.
17. Any physical effect of the demolition on 51 Orchard Road would be private matters between the parties and would not alter my view on the main issues above.
18. The appellant refers to land close to the application site that is proposed to be allocated in an emerging review of the Solihull Local Plan. Details of this are not before me and, in any event, the principle of residential development in the area in general is not in dispute.

Planning Balance

19. Both main parties agree that the Council cannot currently demonstrate a five-year housing land supply. The Council's published figure, as of 1 April 2020, is 4.19 years. However, the appellant has drawn my attention to an appeal where the supply figure was quoted as 2.14 years. This is a significant shortfall. Moreover, from the evidence the Council has withdrawn its emerging Local Plan. Paragraph 11d) of the National Planning Policy Framework (the Framework) therefore applies.

20. Policies P5 and P15 of the LP are the most relevant in considering the proposal. As far as the policies seek to ensure that development respects the character and appearance of the area, they are broadly in accordance with the Framework which seeks to ensure that development is high quality, beautiful and sustainable, advises that good design is a key aspect of sustainable development which creates better places and helps make development acceptable to communities, requires development to be visually attractive as a result of layout and be sympathetic to local character.
21. I have given the conflict with the local policies, in regard to the effect on the character and appearance of the area, significant weight in this appeal. Consequently, the proposed development would conflict with the development plan as a whole.
22. The proposal would accord with paragraphs 61, 73 and 124 of the Framework which seek to boost the supply of housing, recognises the important contribution small and medium sized sites make to meeting the housing requirement of an area, and seek to make effective use of land. The site would be deliverable within a short timeframe. Moreover, the proposal would also provide economic benefits both during and post construction and is in a location that is accessible to services and facilities.
23. I afford significant weight to the provision of new houses. However, as one dwelling is to be demolished as part of the development the net increase in dwellings on the appeal site would be one. The benefit of this is, therefore, limited when weighing the merits of the scheme. I afford significant weight to the limited benefit the development would make to addressing the housing shortfall.
24. On the other side of the balance, the proposal would result in environmental harm from the effect of the development on the character and appearance of the area and would not protect and enhance the surrounding built environment, contrary to the appellant's assertion, and contrary to Paragraphs 131 and 135 of the Framework. The harm that I have found to the character and appearance of the area is substantial and I afford it significant weight. This harm, in my judgement, would significantly and demonstrably outweigh the benefits that would arise from the development. As a result, the presumption in favour does not apply.

Conclusion

25. For the reasons given above, the appeal should be dismissed.

K Townend

INSPECTOR