



Appeal Decision

Site visit made on 29 July 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 4th September 2025

Appeal Ref: APP/Q4625/W/25/3365963

1 Avenue Close, Dorridge, Solihull B93 8LB

- 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 M Alderson against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2024/00617/PPFL.
 - The development proposed is the demolition of dwelling and garage and erection of one building containing 5 apartments together with new access onto Avenue Road, parking and landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of dwelling and garage and erection of one building containing 5 apartments together with new access onto Avenue Road, parking and landscaping, at 1 Avenue Close, Dorridge, Solihull B93 8LB in accordance with the terms of the application, Ref PL/2024/00617/PPFL, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr M Alderson against Solihull Metropolitan Borough Council. That application is the subject of a different decision.

Preliminary Matters

3. There is an apparent referencing error in the application drawings, in that the Proposed Site Plan is identified as 31155-01 Rev A. However, the 31155-01 drawing number is also used for the Existing Site Location and Survey Plan. For the purposes of the appeal, I have therefore regarded the Proposed Site Plan as being drawing 31155-02 Rev A, as did the Council.

Main Issue

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

Reasons

5. The existing property on the appeal site is a large, two-storey, late mid-century detached dwelling occupying a corner plot at the junction of Avenue Road and Avenue Close. The principal elevation of the property faces Avenue Road, the main thoroughfare, from where it takes its pedestrian access. Whilst its vehicular access, parking area and garage is located on Avenue Close, a cul-de-sac, which rises in level from its junction with Avenue Road up to the turning head at its end.

6. Properties on Avenue Close are similarly late mid-century, large two-storey detached dwellings, which fill much of their plot frontages. Avenue Close is therefore a tight grouping of similar properties, following a common building line as they rise in level up the slope and which are set well back from, but parallel with the highway. Properties have open frontages which provide parking and landscaped garden areas, with isolated mature coniferous, willow or birch feature trees, resulting in the appearance of an open plan, mature residential neighbourhood.
7. Development on Avenue Road is much more varied in architectural style, size and age, with a mix of detached and large semi-detached properties, together with purpose-built apartments, one such building being adjacent to the appeal site and known as 'The Willows'. On the appeal site's side of the road, the properties are set back from, but parallel with the highway, with no common building line for their principal elevations. On the opposite side of the road are large, detached properties, which are orientated at an angle to the highway. Front boundaries generally consist of mature hedges, of varying heights, and the road is lined with mature trees within verge or pavement areas, creating a verdant appearance and providing the character of a well-established, affluent residential neighbourhood.
8. The appeal proposal would replace the existing dwelling on the site with a block of five, two-bedroom apartments. These are organised as two apartments at each of the ground and first-floor levels, with a further apartment at the second-floor level, housed within the roof-space. Architecturally, the proposal would be traditional in design and materials, utilising red-brick and architectural masonry for the walls and details around openings, and with a slate/tile pitched roof. The mass of the building would be well broken down. The front section would have twin projecting gables with pitched roof features in render and timber, and projecting bay windows which together, would form its principal elevation facing Avenue Road. Feature chimneys would be expressed on its end elevations.
9. The rear section of the building, the rear elevation of which would face onto the gable wall of 2 Avenue Close (No 2), would be set down in eaves height from the front section, and would be slightly simpler in its detail, though harmonious. Smaller roof gables, projecting bay windows or projecting hipped gables are utilised to articulate the elevations facing towards 'The Willows' and Avenue Close. The elevation facing 'The Willows' would be positioned almost in line with the rear elevation of No 2. The elevation facing Avenue Close would be in line with the garage of No 2 but has moved back by around 1.5m, from the position of the gable of the existing appeal site dwelling. The resulting overall appearance would be that of a large detached late Victorian or Edwardian individual residence.
10. I find that the architectural language, massing, design and materials employed, together with the proposed locations of the vehicular and pedestrian accesses, would assimilate the proposal successfully with the existing properties on Avenue Road. Turning to the relationship of the proposal with the properties on Avenue Close, the lower eaves level of the rear portion of the proposal, coupled to the space maintained from the gable of No 2, and the raised ground level of No 2 relative to the appeal site, results in the relationship between the proposal and No 2 being consistent with that of the relationship between No 2 and 3 Avenue Close (No 3). It would therefore respect and follow the pattern of development. There are no windows in the gable of No 2, and only windows from en-suite bathroom facilities in the gable of the proposal. I therefore find this relationship to be acceptable.

11. Further, whilst architecturally, the language of the proposal would not match that of No 2 and the other properties on Avenue Close, the proposal, as a whole, would address the corner successfully, and would appear as an earlier form of frontage development in common with other properties on Avenue Road, whilst properties on Avenue Close would appear as a coherent area of later development. The massing, scale and articulation of the elevations of the proposal, would respect the scale of the adjacent properties, easing the transition. I therefore find the proposal acceptable.
12. I was requested by an adjacent resident, to view the site from a first-floor apartment within 'The Willows', which faces the appeal proposal. This property had an external terrace area which was concealed behind the roof slopes of a single-storey ground floor portion of the building below, the resulting parapet to the terrace being solid and above head-height. This terrace was served by two sets of doors, one from the kitchen of the apartment, and the other from the sitting room. Neither the terrace, nor the doors were visible from ground level within the appeal site at my visit. Having reviewed the proposal, the closest window would be the dormer of the 2nd floor bedroom, which would be around 23m away and with an angular view. Owing to the relative distances and angles between the properties, and the effective height of the parapet to the terrace, I do not consider that the proposal would harm the privacy of occupants of the apartment.
13. I was also requested by a respondent to the consultation process, to view the site from the adjacent property at No 2. I viewed the appeal site from the rear garden of the property, and from the closest windows to the appeal site in the front and rear elevations. Having reviewed the proposal, I find that whilst the view from the front bedroom would change, the proposal would satisfy the 45-degree angle of vision rule from this window and therefore would maintain an acceptable level of outlook. From the rear bedroom window, as the rear elevation of the proposal is broadly in line with the rear elevation of No 2, the outlook from this window would be unaffected. There would be some level of overlooking of this window from the parking area of the proposal. However, this would not be inconsistent with that which could be expected between adjacent residential uses, where neighbours using external spaces may view the upper portions of rear elevations of adjacent dwellings, as indeed No 2 would have the ability to do, both with the proposal and No 3.
14. With regards to the effect of the proposal on the use of the garden of No 2, the nearest window of the proposal would be from the first-floor Juliet balcony of the main bedroom of the adjacent apartment. The view from this opening would be no different to a normal window, the railings of the Juliet balcony restricting occupants to within the room, and its relationship in terms of both level and distance to the garden of No 2, would not be inconsistent with that of the relationship from the closest first-floor bedroom window of No 3 to the garden of No 2. As a result, I do not consider that the proposal would harm the privacy of the occupants of No 2 whilst using their garden, over and above that which would be considered normal in domestic use.
15. The proposal's principal elevation on Avenue Road would be narrower than that of the existing property, and its frontage onto Avenue Close would be consistent with the current dwelling, though with a greater mass, but which is set back further from the highway. The proposal respects and reflects the building lines within the vicinity. There would be adequate external landscape space, which would become

more private over time as landscaping matures. The ground floor apartments would be provided with direct access to external terrace space, surrounded by landscape garden areas, with areas for residents of upper floor apartments to sit-out.

16. Provision is made for refuse and cycle storage to comply with relevant policies within the Local Plan. The car parking provision and means of access has been assessed by the highways authority and has been judged acceptable. Given the sustainable location of the proposal, and the visibility evident at the proposed vehicular access position as observed at my visit, I find no reason to disagree. As the proposal can be comfortably accommodated on the site, whilst respecting adjacent building lines, the scale of surrounding properties, providing adequate external space for future residents, and meeting the car parking, refuse and cycle storage requirements, I do not consider the proposal to be over-development of the site.
17. For the above reasons, I therefore conclude that the proposal would not harm the character and appearance of the surrounding area. It therefore follows, that it would not conflict with Policy P15 of the Solihull Local Plan (2013) (the Local Plan), or Policy D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan (2019) (the Neighbourhood Plan), or with the National Planning Policy Framework (the Framework), which require, among other things, that development achieves good quality design that conserves and enhances the local character and distinctiveness of the surrounding streetscape and built environment.

Other Matters

18. Concerns have been raised by residents and by local Councillors. I have already addressed the majority of these in the main issue. However, with regards to the potential of the proposal to exacerbate flooding, the proposal has adequately demonstrated that it will not contribute to flooding. Regarding the type of development being undesirable and the concerns over intensity of development, there are already other examples of apartment developments within Avenue Road which provide precedent. The site has a residential C3 use class, with which the proposal complies. Given the current 5-Year Housing Land Supply position of the Council, the proposal will contribute additional housing supply to the current significant shortfall via a windfall site, thus making effective use of previously developed land as supported by the Framework.
19. The Council has stated that it cannot demonstrate a 5-Year Housing Land Supply, their shortfall being acknowledged as significant. This would normally engage paragraph 11d of the Framework, and the presumption in favour of sustainable development. However, as I have found the proposal to accord with the development plan, it is unnecessary to further consider the question of housing supply and the presumption in favour of sustainable development contained in national policy, as this would not alter the outcome of my decision.

Conditions

20. I have had regard to the 12 conditions suggested by the Council and the comments provided by the appellant. Where necessary I have amended the wording, in the interests of precision and clarity, and to comply with the advice in the Planning Practice Guidance and the Framework.

21. In addition to the standard time limit for implementation, in the interests of certainty I have attached a condition specifying the approved plans.
22. Pre-commencement conditions, which have been agreed with the parties, are necessary to cover the provision of a Construction and Environmental Management Plan, an appropriate external lighting scheme and for the siting and provision of bird nesting boxes, which are all required to safeguard protected wildlife species. A condition is also applied for a detailed Landscape and Ecological Management Plan to ensure that an appropriate landscaping scheme is provided which secures the Bio-Diversity Net Gain in accordance with the Framework.
23. Conditions are also applied to cover the vehicular means of access, vision splays, parking provision, and the provision of cycle storage. These are necessary in the interests of highway safety and to ensure adequate cycle and vehicular parking provision for future occupants.
24. I have also applied a condition to control the choice of materials utilised in the external appearance of the building, in the interests of the visual amenity of the area, and a condition for the works to retained trees, including their protection during the works, to be actioned in accordance with the arboricultural report.

Conclusion

25. For the reasons set out above, I conclude that the appeal proposals would not be contrary to the development plan, read as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal is allowed.

D R Kay

INSPECTOR

Schedule of Conditions

- 1 The development hereby permitted shall begin no later than three years from the date of this approval.
- 2 The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision: 31155-01 - Location Plan, 31155-02A - Proposed Site Plan, 31155-03 - Proposed Plans & Elevations, 31155-04 - Avenue Close Street Scene, 31155-05 - Avenue Road Street Scene, Plan 1 Rev C - Proposed Landscape Plan, 2207-0101 Rev C - External Levels Plan, 2207-0102 Rev B - Drainage Layout, 2207-0103 Rev A - Attenuation Tank Details, 2207-0111 Rev A - Overland Flooding Route, 2207-104 Rev A - Construction Details, 2207-105 - External Works Plan.

Pre-Commencement Conditions

- 3 No development shall take place until a Construction and Environmental Management protection plan has been submitted to and approved in writing by the local planning authority. In discharging the condition, the LPA expect the plan shall include:
 - Details for pre-commencement checks for badger, bats, breeding birds, hedgehogs, reptiles, amphibians and any other protected species;
 - A plan showing any wildlife / habitat protection zones;
 - Details of development and construction methods within wildlife / habitat protection zones; and
 - Measures to be taken to minimise the impact of any works taking place on site

The agreed Construction and Environmental Management Protection Plan shall thereafter be implemented in full.

- 4 No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a detailed scheme of Landscaping and an Ecological Management Plan. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The plan should include details of planting and maintenance of all new planting. Details of species used, and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles etc). Such approved measures shall thereafter be implemented in full. 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.

- 5 The development hereby permitted shall not commence until a detailed and comprehensive lighting strategy, including Lux plans showing light spill, has been produced and submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.
- 6 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable integrated bird nesting boxes to be erected on the new building within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme is to include details of box type, location and timing of works. Thereafter, the box(es) shall be installed and maintained in perpetuity.

Pre-Occupation Conditions

- 7 No 'above ground' building works shall proceed above damp-proof course level or equivalent on any buildings or structures hereby approved, until a schedule and samples of all bricks, tiles or other materials to be used in the construction of the external surfaces of the building, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8 All works to retained trees and hedges, together with development works within the vicinity of retained trees/hedges including any works within Root Protection Areas (R.P.A), no dig construction, tree and ground protection measures etc. are to be carried out strictly in accordance with the recommendations contained within the Arboricultural Report and Tree Condition Survey prepared by Ruskins Tree Consultancy, that accompanied the planning application.
- 9 The building shall not be occupied until a means of access for vehicles shall have been constructed in accordance with the approved plans. The access shall be retained thereafter.
- 10 Before the vehicle access hereby approved is first used, vision splays within the site are to be provided and marked out physically on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall be maintained free of any visual obstruction thereafter.
- 11 All the parking spaces within the red line on the approved plan shall be surfaced, drained and marked out on site before the development is first used and thereafter retained for parking purposes at all times in accordance with that scheme.
- 12 Notwithstanding the details on plan number 31155-01 Rev A, prior to the occupation of the development hereby approved, cycle parking/storage facilities shall be provided within the site, in accordance with a scheme to be submitted to, and approved by, the local planning authority. The cycle parking as approved shall be implemented accordingly and maintained thereafter.

***** End of Schedule*****