
Appeal Decision

Site visit made on 2 September 2025 by K Hole BA (Hons)

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/Q4625/D/25/3368867

100 Kelsey Lane, Balsall Common, Solihull CV7 7GT

- 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 Zoe Kennedy against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2025/00909/MINFHO.
 - The development proposed is new timber driveway gates, brick columns, and garden walls facing the carriageway.
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Decision

1. The appeal is allowed, and planning permission is granted for new timber driveway gates, brick columns, and garden walls facing the carriageway at 100 Kelsey Lane, Balsall Common, Solihull CV7 7GT in accordance with the terms of the application, Ref PL/2025/00909/MINFHO including drawing no 001A, and subject to the following condition:
 - 1) The driveway gates hereby approved shall be inward opening at all times.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appeal evidence confirms that the development has already been carried out, and I saw this on my site visit. I have therefore considered the appeal on this basis.

Main Issues

4. The main issues are the effect of the development on:
 - i) the character and appearance of the area; and
 - ii) highway safety.

Reasons for the Recommendation

Character and appearance

5. The appeal site comprises a detached two-storey dwelling which is set back from the highway behind a gravelled driveway. The surrounding area is residential and characterised by detached dwellings of varied scale and design which are positioned at similar distances from the highway. Many of the properties on Kelsey

Lane have open driveways and mature trees and front boundary hedgerows are a prominent feature of the roadside. Whilst more limited, some front boundaries feature vehicle and pedestrian gates with occasional instances of brick walls or wooden fences, such as at 98 Kelsey Lane (No 98) which adjoins the appeal site, to the extent that they also form part of the local character.

6. The wall and gates at the appeal site are only slightly greater in height than the front boundary treatment at No 98, and the tallest elements are set back from the boundary with the highway. The development is also seen in the context of other occasional boundary treatments of a similar scale and materials which ensures that it does not appear anomalous. Moreover, the prominence of mature hedgerows and trees to the frontage of many of the other frontages to this section of the road ensures that this greenery remains visually dominant and this further assimilates the development into its surroundings. As a result, the development acceptably harmonises with the street scene in this particular instance in line with the guidance on 'boundary treatments' in The Solihull Metropolitan House Extensions Guidelines Supplementary Planning Document (2010).
7. I conclude the development has an acceptable effect on the character and appearance of the area. The development therefore accords with policy P15 of the Solihull Local Plan (2013) (LP) and Policy BE.2 of the Balsall Parish Neighbourhood Development Plan 2018 - 2033 which require development to respect the surrounding built environment and be compatible with the distinctive character of the location.

Highway safety

8. On my site visit I observed an intermittent but regular flow of traffic on Kelsey Lane. Passing vehicles did not travel at excessive speeds due to the 20mph speed limit and priority chicane located nearby. I also noted that at the time of my visit there were very few pedestrians walking along the pavements. I accept my observations are a snapshot in time, albeit they provide an indication of the likely daytime traffic conditions at this location.
9. The gates that have been installed are inward opening and this could be secured in the long term by condition. Therefore, the full forecourt serving the appeal property between the pavement is available for use when the gates are being opened or closed. The photographic evidence provided shows that when the gates are closed an estate type car can substantively be accommodated on the forecourt, thereby not encroaching onto the vehicular carriageway and only marginally overhanging the pavement. Even then, any minor hindrance to passing pedestrians would be at most momentary in instances where the gates are being opened or closed.
10. Therefore, even if the gates fall slightly below the set back distance usually sought by the Highway Authority, it is unlikely that vehicles entering or exiting the site would cause any significant obstruction to pedestrians on the footway or to the free flow of vehicular traffic.
11. Accordingly, the development has an acceptable effect on highway safety. It therefore complies with Policy P8 of the LP which states that development will not be permitted if it causes a reduction in safety for any users of the highway.

Conditions

12. As the development has been completed as per the plans provided, it is not necessary to impose conditions relating to the time limit for commencement or for implementation in accordance with the drawings. However, I have attached a condition requiring the gates to be inward opening at all times to ensure that they do not reduce the amount of forecourt available, as this is one of the factors that has been influential to my findings.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

K Hole

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

M Russell

INSPECTOR