



Planning Committee

Report of Head of Planning and Building Control on 10 February 2022

Plans List Item Number: 6

Reason for bringing to committee

Called in by a Councillor Pardeep Kaur on the grounds that the application needs delicate judgement.

Application Details

Location: 1, BARR COMMON ROAD, ALDRIDGE, WALSALL, WS9 0SY

Proposal: ERECTION OF 4 BEDROOM REPLACEMENT DWELLING WITH GARAGE.

Application Number: 21/0811

Case Officer: Leah Wright

Applicant: Harjinder Sandhu

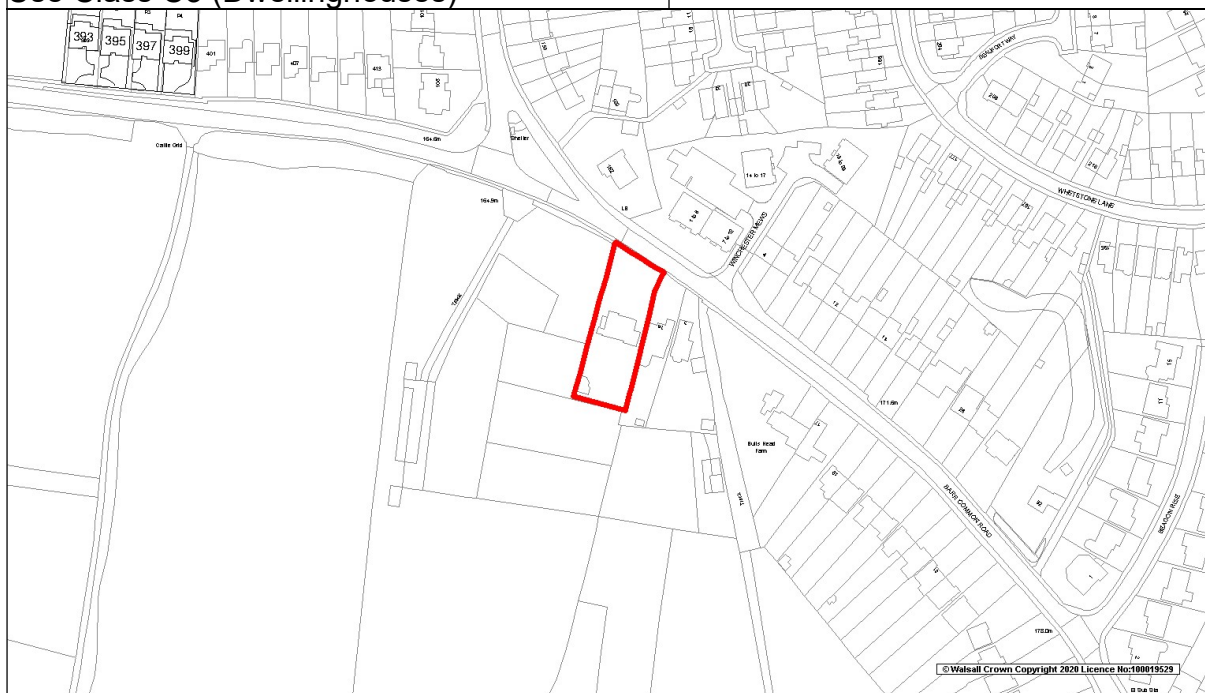
Ward: Aldridge Central And South

Agent: Ms Tumi Jegede

Expired Date: 19-Aug-2021

Application Type: Full Application: Minor Use Class C3 (Dwellinghouses)

Time Extension Expiry: 08-Nov-2021



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Recommendation

Refuse Permission

Proposal

This application proposes the erection of a four bedroom replacement dwelling with a garage.

The replacement dwelling measures 6.92m in maximum height with a dual pitch roof with eaves of 2.5m. The dwelling would measure 21.56m in maximum width and 19.34m in maximum depth.

To the front elevation there would be a large gable feature with glazing at ground and first floor, 2no dormers at first floor and 2no windows at ground floor. To the east elevation there are various windows and a door proposed and to the west elevation a single window. To the rear elevation there are 2no rooflights proposed, a central glazed gable feature, 1no dormer and three sets of bi-fold doors to ground floor.

Internally at ground floor there is an entrance hall, formal lounge, boot room, bedroom with en-suite and walk in wardrobe, family room, living area, kitchen, spice kitchen and double garage proposed. At first floor there will be 2no bedrooms with an en-suite, 1no bedroom, a family bathroom and a landing.

Site and Surroundings

The subject site comprises a detached dwelling sited to the south-western side of Barr Common Road. The dwelling has a hipped roof with multiple gables and is constructed from brick and render. The property benefits from an In/Out driveway and a large garden to the rear.

The street scene is characterised by a mix of residential properties which differ in style size and are constructed from a variety of materials. There are residential apartments sited off of Barr Common Road, located on Winchester Mews opposite the site. To the north-west of the site is open field with a large amount of trees protected by Tree Protection Orders.

The site is within the West Midlands Green Belt. It is not within a Conservation Area, nor does it comprise a listed building.

Relevant Planning History

1A Barr Common Road

06/1513/FL/H4- First floor side extension- **GSC 23.10.2006.**

Land adjacent, 1 Barr Common Road

12/0534/FL- Erection of 60m x 20m all weather surface menage.- **GSC 02.08.2012.**

1 Barr Common Road

Tree Preservation Order 1/1997.

BC46003P- Extension to Form Bedroom & W.C/Shower Room- **GSC 06.03.1996.**

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Reducing Inequalities

The Equality Act 2010 (the '2010 Act ') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty "PSED" on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing

or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV7: Countryside Character
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13- Parking provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing
GB1: Green Belt Boundary and Control of Development in the Green Belt
EN1: Natural Environment Protection, Management and Enhancement
T4: The Highway Network

Supplementary Planning Documents

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory

Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 – Viability

Consultation Replies

Highways- Support subject to condition.

Trees- No Arboricultural objections to the application as long as the recommendations and guidelines as detailed in the BS 5837: 2021 tree report by Apex Environmental (and the Protection Plan AEL-18384-TPP) are implemented and adhered to throughout the construction phase from start to completion.

Severn Trent- As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied. Notes to applicant provided.

West Midlands Fire Service- No objection. Notes to applicant regarding approved Document B, Volume 1, Dwelling-houses, 2019, Requirement B5: Access and facilities for the fire service.

Representations

None received

Determining Issues

- Principle of Development and Green Belt
- Design, Layout and Character
- Amenity of Neighbours
- Amenity of Future Occupiers
- Highways
- Trees and Ecology
- Ground Conditions and Environment
- Flood Risk and Drainage
- Local Finance Considerations

Assessment of the Proposal

Principle of Development and Green Belt

The proposal would add to the supply of housing so could potentially be supported by paragraph 60 of the National Planning Policy Framework subject to the scheme representing appropriate development in the Green Belt and other material planning considerations.

The site is within the West Midlands Green Belt.

NPPF paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One exception to this is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. As such, the current proposal should be assessed against the existing dwelling based on its size at present.

The replacement dwelling is a C3 use, the same use as the existing dwelling and therefore would be acceptable in terms of the use.

It is considered that the replacement dwelling is located on the same footprint as the existing dwelling. The below table summarises the key parameter differences between the two dwellings. It should be noted that footprint and volume calculations were supplied in an email dated 26th November by the agent to support this application.

Parameter	Existing Dwelling (m)	Proposed Dwelling (m/sqm)	Difference (m/sqm)	Percentage difference (%)
Height	5.76m	6.92m	+1.16m	+20.14%
Width	21.67m	21.56m	-0.11m	-0.50%
Depth	11.33m	19.34m	+8.01m	+70.7%
Footprint	148sqm	428sqm	+280sqm	+189.19%
Volume	454sqm	1430sqm	+976sqm	+214.98%

As above, the replacement dwelling is materially larger than the dwelling it is to replace, being 189.19% larger in footprint and 214.98% larger in volume.

By reason of design, the dwelling would be larger in height and depth and would raise the ridge of the dwelling. The existing vehicular access would not be enlarged and the curtilage would remain the same.

Further, it is considered that the dwelling would be considerably larger in bulk and extends further in depth than the existing dwelling where there is currently no built form, thus impacting on visual amenity, the character of the existing area and the Green Belt.

It is therefore considered that the replacement dwelling is materially larger than the one it is to replace and would have a significant detrimental impact on the openness of the Green Belt.

The bin stores have been indicated to the side of the dwelling, however no boundary treatments have been proposed for the replacement dwelling. It should be noted that these too could have an impact on the openness on the Green Belt, however if this was proposed to be hedges, these could be planted without the need for planning permission and as such, the impact of proposed boundary treatments cannot be ascertained. A condition to secure the details of the above would be implemented on any approval. Further, if the application were to be approved permitted development rights would be removed which would be particularly significant regarding outbuildings which would further exacerbate built form within the Green Belt, particularly given there is open fields surrounding the dwelling.

Summary of Green Belt assessment

Where a proposal is considered to have a greater impact on the openness of the Green Belt it would represent “inappropriate” development in the Green Belt and will only be supported where there are ‘very special circumstances’ which outweigh the harm to the Green Belt, however in this instance this would not be necessary.

It is considered that the proposed dwelling replacement dwelling would fail to preserve the openness of the Green Belt. The proposal does not meet the exceptions test of the NPPF and would be inappropriate development in the Green Belt. For all of these reasons, the proposal would be significantly harmful to this part of the Green Belt. In this instance the delivery of an additional house would not overcome the harm it would bring and should not be approved except in very special circumstances, which for this application there is none including when considering the delivery a further house of this scale to meet national targets.

Design, Layout and Character

The existing dwelling comprises a detached dwelling with a hipped roof with multiple pitches, a gable to the front elevation and a flat roof and lean to elements to the side elevations. There is a bay window to the front elevation and a single garage door. As set out in the above sections of this report, the dwelling is constructed from a variety of materials. It should be noted that the surrounding area does not have a distinct style and there are dwellings of multiple styles, sizes and constructed of various materials.

The proposed dwelling is a detached dual pitch dwelling with dormers to the front and rear elevation, a Juliet balcony and extensive glazing. The dwelling would be approximately 1.16m taller in maximum height than it currently stands. In terms of width and depth, the increase in depth is considerable, adding approximately 8m in depth. There is a reduction in width by 0.11m.

It is considered that raising the ridge of the dwelling, in addition to adding to the bulk and mass of the dwelling considerably is unacceptable. Whilst it has been indicated that the dwelling would be constructed of materials to match the existing dwelling it is considered that the replacement dwelling does not reflect the design cues of the existing dwelling it is to replace, nor does it respect the character of the surrounding area which is also defined as greenbelt. The dwelling is considered to be incongruous in appearance being a modern and overly stretched house which would appear at odds to in the street scene. It is considered that the glazed dormers to the front and rear elevation is not typical of the housing in this area and views would be allowed from the wider Green Belt that are not reflective of the local character.

As such, overall the dwelling is unacceptable in design and appearance.

Amenity of Neighbours

There are no neighbours sited immediately to the north of the site, however there are neighbouring properties to the south-east of the site and opposite the site. The nearest residential property is 1a Barr Common Road sited at a distance of 2.6m.

The proposed dwelling would not extend any deeper than 1a Barr Common Road, thus meeting the 45 degree rule to the rear and would therefore not have a detrimental impact upon light to the neighbouring property, nor would it be considered to be overbearing.

In terms of separation distances, Appendix D of the Designing Walsall SPD states that there should be 24m separation between habitable windows in two storeys (and above) developments and 13m separation between habitable windows and blank walls exceeding 3m in height. There are no neighbours sited to the rear of the property so the distances would not apply in this direction. There is approximately 43m from the front windows of the replacement dwelling to the residential apartments sited on Winchester Mews which would meet the separation distances, however it should be noted that the windows to the front of the replacement dwelling would not serve habitable rooms and as such the separation distances would not apply.

In terms of overlooking there is a bathroom sited to the south-east elevation, this will be conditioned to be obscure glazed and non-opening above 1.7m. To the north elevation there is an en-suite and a bathroom proposed; as there are no neighbouring

properties sited adjacent to this elevation it is considered that these windows are acceptable and would not result in any detriment

It is considered that the proposal would not be overbearing, nor would it result in overlooking to neighbours. As such, the proposal is acceptable in terms of protecting neighbouring amenity.

Amenity of Future Occupiers

Appendix D of the Designing Walsall SPD states that garden dimensions should be 12m in length or a minimum area of 68sqm for dwellings. The proposed dwelling would be served by ample amenity space meeting the Designing Walsall SPD standards.

The bedrooms would all be single aspect and whilst it would be preferred for them to be dual aspect it is considered that they would still allow for an adequate amount of daylight into the bedrooms. Further, all habitable rooms of the development would have a large window allowing for daylight.

In terms of outlook, the bedrooms would have unobstructed views. The National Space Standards state that for a two storey, four bedroom, 8 person dwelling (taking into account that all bedrooms are served by a double bed) the minimum GIA should be 124sqm and therefore at 428 sqm the dwelling overachieves on internal space. The bedrooms are all of an adequate size and it is considered a good internal amenity could be achieved.

Highways

The site benefits from a double In/Out access and parking for multiple cars is provided at site.

The Local Highways Authority support the proposal subject to a condition regarding that prior to any future changes to the frontage boundary treatment being implemented, full details are submitted to be approved by the LPA to ensure adequate visibility is retained at the access/egress points in the interests of highway safety.

It is considered that the application would not impact on the highway network and would be in accordance with policies T7 and T13 of the Saved Unitary Development Plan and T4 of the Site Allocation Document.

Trees and Ecology

3 Leyland Cypress trees will need to be removed to accommodate the development, however, they are of low Arboricultural value and their loss will have little or no impact outside of the site. Additionally, the BS 5837: 2012 tree report by Apex Environmental submitted with the application recommends the removal of 7 other Leyland Cypress trees, not to accommodate the development but due to their poor condition, these 7 trees are also of low Arboricultural value. The remaining trees on site are to be retained and as demonstrated in the BS 5837:2012 tree report and can be adequately protected throughout the construction phase and will not be detrimentally affected. It should be noted that none of the trees on site are protected by a TPO.

Consequently, there are no Arboricultural objections to the application as long as the

recommendations and guidelines as detailed in the BS 5837: 2021 tree report by Apex Environmental dated 28/06/2021 (and the Protection Plan drawing no. AEL-18384-TTP) are implemented and adhered to throughout the construction phase from start to completion.

In terms of ecology, the site is not within a bat buffer zone and the building is not known to have bats present.

Ground Conditions and Environment

The applicant would be required to agree an Air Quality Low Emission Scheme in writing and a Construction Management Plan, both of which would be secured by planning condition.

Flood Risk and Drainage

The site, which is in Flood Zone 1, is not in an area known for flooding and there are no watercourses nearby. It is therefore considered that the development would be acceptable in terms of flood risk if accompanied by an appropriate foul and surface water drainage scheme which would be secured by condition on any permission.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 1 new home.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

The proposal represents inappropriate development in the Green Belt, which there are no very special circumstances for including the delivery of a further house to meet national targets. Further, the dwelling fails to preserve the existing features of the dwelling and respect the character of the neighbouring dwellings and surrounding area.

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal

Positive and Proactive Working with the Applicant Refuse

Officers have spoken with the applicant's agent and in this instance are unable to

support the proposal.

Recommendation

Refuse Permission

Reasons for Refusal

1. The proposal for the erection of a replacement dwelling in the Green Belt would represent a 189% footprint increase and a 214% increase in volume and is therefore considered to be inappropriate development for which there are no very special circumstances to outweigh Green Belt Policy including the delivery of another house to meet national/local housing targets. The proposal is contrary to The National Planning Policy Framework, policy ENV1 of the Black Country Core Strategy, Saved Policies 3.2 to 3.5, GP2, and ENV7 of the Walsall UDP, Policies GB1 and EN1 of the Walsall Site Allocation Document.

2. The replacement dwelling introduces an incongruous form of built development, which does not follow the design cues of the existing dwelling and would be a modern and overly stretched dwelling with extensive glazing, appearing prominent within the Green Belt. The proposal would therefore result in significant detrimental harm to the character of the area and to visual amenity, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings and contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), DW3 (Character), DW4 (continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the National Planning Policy Framework (Achieving well-designed places).

END OF OFFICERS REPORT