



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 27 April 2023

Plans List Item Number: 5

Reason for bringing to committee

Called in by Councillor Pedley on the grounds that the redevelopment offers an improvement to the character/amenities of the surrounding area to outweigh any potential harm and expedite a decision.

Application Details

Location: 68 , Thornhill Road, Streetly, B74 3EW

Proposal: ERECTION OF FAMILY ANNEX AT LAND ADJACENT 68 THORNHILL ROAD

Application Number: 20/1606

Case Officer: Thomas Morris

Applicant: Mr Adam Pearson

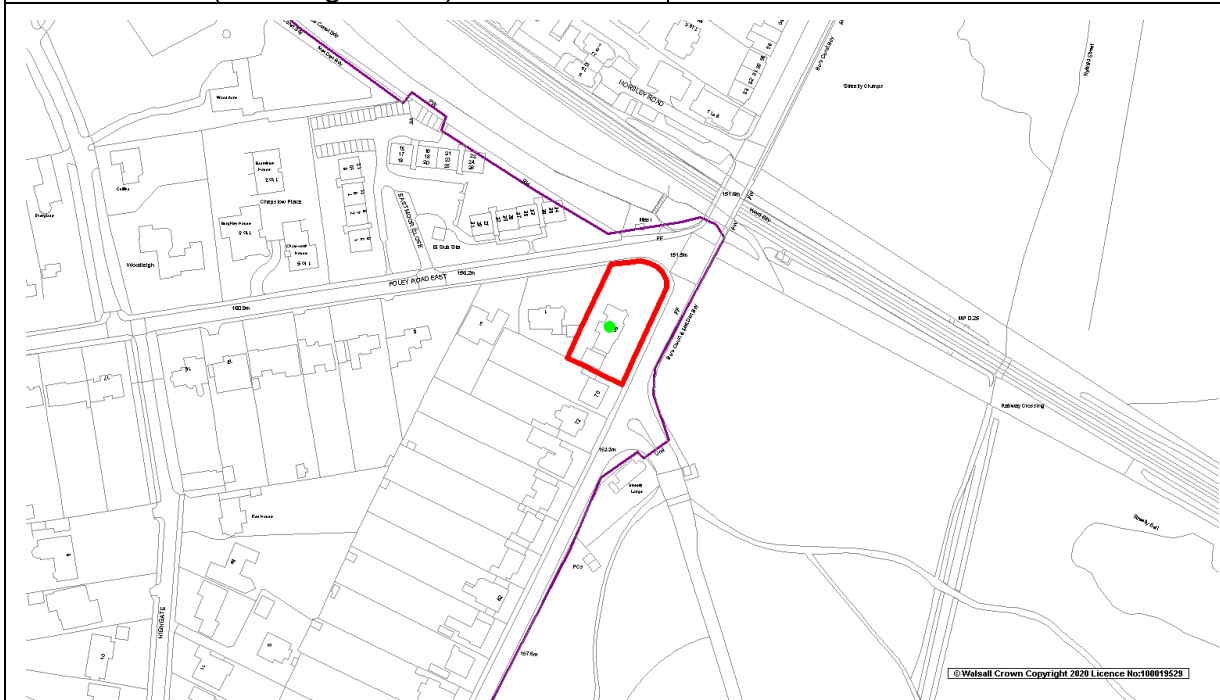
Ward: Streetly

Agent: Spooner Architects

Expired Date: 18-Mar-2021

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

Time Extension Expiry: 28-Oct-2021



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Recommendation

Refuse Permission.

Proposal

This application seeks full planning permission for the erection of a 'self-contained family annex' at land adjacent 68 Thornhill Road, Streetly. The applicant has indicated that the development will be in order to cater for their elderly parents.

The proposed annex will measure 7m (height) x 11.5m (length) x 10.2m (width) and is designed with a gable roof, facing brickwork and clay roof tiles, with the proposed materials to match the existing dwellinghouse at the site. The proposed annex will have an overall gross internal floor area of approximately 120sqm, with the internal layout including a living/dining room, kitchen, bedroom and a bathroom on the ground floor and two bedrooms on the first floor.

The existing gated access to 68 Thornhill Road will be retained and a new access will be provided, located closer to the junction with Foley Road East, creating an in/out drive for use by both dwellings. No specific quantity of parking spaces is proposed; however, the site features a front drive with parking space for several vehicles.

All trees and landscape features will be retained where possible. The soft landscaping to the site's frontage will remain. A new pedestrian access to the site will be provided off Foley Road East and close board fencing will be installed to the front of the proposed building. No specific private amenity space has been specified.

Please note that the original development description was described as the 'erection of a three-bedroom dormer bungalow'. However, the proposal has been amended due to officer concerns and the agent has suggested that the new development description is a more accurate reflection of the proposed development.

The application is supported by the following documents:

- Arboricultural Impact Assessment
- Design and Access Statement

Site and Surroundings

The application site comprises a large dormer bungalow with projecting rear wings and is designed with a half hipped roof and forward gable sections with timbering. The site is located at the corner of Thornhill Road and Foley Road East. The site comprises a narrow rear garden area measuring 6m from the rear elevation to the boundary with 1 Foley Road to the west, as well as a larger grassed garden to the side adjacent to the corner of Thornhill Road and Foley Road East. The site is located opposite Sutton Park which is designated Green Belt and a local nature reserve and adds to the green characteristics of the area.

The existing boundary treatment to the site at Thornhill Road and Foley Road East is formed of 1.8m wooden panel fence with hedgerow. There are some trees to the boundary to Foley Road East and the boundary to 1 Foley Road East to the west. The site is subject of a Tree Preservation Order (two of the trees are protected).

The surrounding area is primarily residential in nature and comprises dwellings of varying age and character. The character of the area is open and green which is formed of the open corner of the site, soft boundary treatments, trees, street trees and Sutton

Park opposite, all of which adds to the green characteristics of the area. The site is also located within the designated Streetly Area of Special Townscape Character.

The site is located outside of the Coal Development High Risk Area and outside of the Cannock Chase Special Area of Conservation (SAC). The site is not in a Conservation Area and is outside of a flood risk zone.

Relevant Planning History

14/0101/FL - New dwelling unit on the corner of Thornhill Road and Foley Road West. Bungalow unit – Refused permission 18/03/2014 and appeal dismissed.

04/1286/FL/E4 – Erection of a detached one bedroom bungalow – Permission Refused 06/08/2004.

03/1851/FL/H4 - Two storey side extension and internal alterations - Permission Granted Subject to Conditions – 10/11/2003.

Relevant Policies

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 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 56) 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.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

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
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV16: Black Country Urban Forest
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T1: Helping People to Get Around
- T7: Car Parking
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- EN1: Natural Environment Protection, Management and Enhancement
- EN3: Flood Risk
- T5: Highway Improvements

Supplementary Planning Document

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

Local Highway Authority – No objections, subject to the following conditions:

- Submission of a plan to show pedestrian visibility splays at the new access of Thornhill Road.
- For the access and parking areas to be fully implemented prior to occupation.
- Installation of a new footway crossing at the new access prior to occupation.
- For the two access points to remain in place at the site and at no point the new access to be used as the sole access to the new dwelling.

Severn Trent Water – No objections and no conditions recommended.

Tree Preservation Officer – Objection, recommend refusal due to the proposed site layout which shows the proposed annex is located close to protected trees and will result in the loss of protected trees at the site.

West Midlands Fire Service – No objections and advise that the proposal should be implemented in accordance with the requirements of Approved Document B, Volume 1, Dwellings, 2019.

Representations

One letter of objection was received (in relation to the original proposals), based on the following grounds:

- The proposal will appear shoehorned onto the site and the site is not large enough to accommodate the proposal.
- The proposal is not in keeping with surrounding properties.
- The proposal will result in safety issues for pedestrians and traffic.

Determining Issues

- Principle of Development
- Impact on the Character and Appearance of the Area
- Amenity of Future Occupiers
- Amenity of Neighbours
- Highways Safety & Parking
- Flood Risk & Drainage
- Trees & Protected Trees
- Other Matters (Applicant's Personal Circumstances)

Assessment of the Proposal

Principle of Development

This application seeks full planning permission for the erection of a detached, three-bedroom 'family annex' at land adjacent to 68 Thornhill Road. It is acknowledged that the application has been amended since it was originally submitted, with the proposed development changed from a 'three-bedroom dormer bungalow' (defined as market housing on the original application form, so for a new dwelling for rent or sale), to a 'family annex', for use by the relatives of the applicant. The updated Design and Access Statement also states that the proposal is for a family annex and is not for a separate dwellinghouse. The development description has therefore been updated to reflect these changes.

Considering the characteristics of the proposed development, the latest Proposed Site Plan (Drawing No. 2113:01) has been altered so that the proposed building no longer has a separate vehicular entrance off Foley Road East (though it retains a separate pedestrian access off Foley Road East), and it no longer has a separate garden. The proposed annex now appears to be located within the grounds of the existing dwellinghouse with a shared garden and does not appear to be separated through any proposed boundary treatment shown on the amended site plan, as was the intention of the original proposal (See the original Proposed Site Plan, Drawing No. 1000-167-01).

The function of an annex as opposed to a separate dwelling, is that an annex is required to be subservient and ancillary to the host dwelling, which is not considered to be the case for this proposal. While the proposed annex would be subservient in scale to the host dwelling, it would also contain all the residential facilities which would normally be expected at a dwellinghouse (living room, kitchen, bathroom and three bedrooms) and could therefore be used as a separate dwellinghouse. The proposed annex is also physically separated from the main dwelling with no internal access or link between the two buildings.

Furthermore, the proposed annex will provide three bedrooms and a gross internal floor area of approximately 120sqm, which is roughly equivalent to the internal floorspace standard of 124sqm (four-bedroom, eight-person dwellinghouse) set across two floors, as is set out within the Technical Housing Standards – Nationally Described Space Standards. The size of the proposed annex is well above that of the average three-bedroomed family home being built today, which is 88sqm (according to RIBA)

The proposed annex is orientated so that rather than addressing the front elevation to Thornhill Road (like the existing dwellinghouse), the front of the annex (as defined by its front door) faces Foley Road East in line with the new pedestrian access. For these reasons, due to the number of bedrooms, the provision of residential facilities, the internal floor area and the orientation of the building, the proposed annex could easily operate as a separate generous family sized dwelling. The proposed annex cannot therefore reasonably be accepted as a use which is ancillary to the main dwellinghouse and will in effect have the same impact on the area as a new dwelling application, especially if the intention is for the building to be occupied on a long term/permanent basis by relatives of the applicant.

For these reasons, notwithstanding the proposal is technically for the erection of a family annex, the application has been assessed as a dwellinghouse application given that it is separate from the host dwelling and provides all the facilities expected from a dwellinghouse and could therefore be used as a permanent and separate dwelling.

Impact on the Character and Appearance of the Area (Including on the Special Townscape Character and Setting of Foley Road East).

The site is located at the corner of Thornhill Road and Foley Road East and comprises a large, detached dormer bungalow set within a large but locally characteristic sized plot of approximately 1225sqm. This includes a fairly large side garden at the corner adjacent to the junction with Thornhill Road and Foley Road East (where the proposed annex would be sited). There is a detached bungalow to the rear of the site (1 Foley Road East), which is also large and set within a plot with a fairly large front garden. The existing dwellings on this part of Foley Road East are generally set back from the street with large front gardens and there is a general conformity between the application site at 68 Thornhill Road and a visible, albeit not uniform, building line of houses on Foley Road East. The boundaries along Foley Road East, as well as the application site, are well vegetated, including two trees subject to a Tree Preservation Order, on the boundary between the application site and 1 Foley Road East. When viewed in the context of Sutton Park opposite the site, as well as the overall layout and soft landscape features within the wider street scene, the application site and the surrounding area has a spacious and green character which are positive characteristics that should be retained through any new development proposals.

In contrast, while the proposed annex will conform to the building line when viewed in the context of Thornhill Road, the annex would sit significantly forward of the building

line when viewed in the context of Foley Road East, therefore failing to tie into the established pattern of development in the area. In addition, the proposed annex would significantly reduce the sense of openness and space at the corner plot, which currently contributes to the spacious and green character of the area. Whilst it is accepted that the proposed annex would be somewhat screened by the existing planting at the boundary, there would still be views through the vegetation into the site and therefore, the presence of screening would not completely mitigate the visual impacts of the proposal on the local character of the area.

In addition, whilst the proposal is technically for the erection of a family annex, as is discussed in the previous section of this report, the characteristics of the annex are such that it has the capacity to be used as a separate dwellinghouse. Consequently, although the dimensions of the proposed building (when considered as an annex) would be acceptable in that the annex would be subservient in scale to the host dwelling; when viewed as a separate dwellinghouse, the proposed building (as a dwellinghouse) is much smaller than the surrounding development, occupying a much smaller plot size on the corner and therefore appearing out of character with the existing built form and plot proportions in the area.

The site also falls within the designated Streetly Area of Special Townscape Character and the proposed development is considered to be contrary to the positive characteristics of this area. As is previously noted, the annex would sit much further forward than the adjacent property at 1 Foley Road East and would therefore detract from the special townscape character and setting of Foley Road East, where the existing dwellings are generally set well back from the street behind generous front gardens and soft boundaries.

Planning history for the site reveals that a similar proposal was refused with the appeal dismissed. Application reference 14/0101/FL was for 'a new dwelling unit (bungalow) on the corner of Thornhill Road and Foley Road West'. The application was refused by the local planning authority in March 2014 with an appeal dismissed by the Planning Inspectorate in December 2014. The new proposal is very similar to the previously refused scheme in that the new building is of a similar scale and siting as was previously refused (and dismissed at appeal). Reasons for refusal were cited as eroding the sense of openness and space at this corner plot location and therefore being contrary to the positive characteristics of the area, in conflict with planning policy. The circumstances of the site have not changed since the previous refusal in 2014 and the appeal decision adds additional weight to resist this new application.

Whilst not located in the Green Belt, it is also noted that the site is located opposite Sutton Park which falls within the Green Belt. The application site is viewed within the context as the Green Belt in that the corner of the site is currently open and free of development (the essential characteristics of the Green Belt) and in its current form the site is complimentary to the setting of the Green Belt. Therefore, whilst the site does not fall within the Green Belt itself, the proposal will result in some minor harm to the setting of the Green Belt by virtue of the addition of new buildings in proximity to the Green Belt and eroding the current openness of the corner plot.

In summary, due to these circumstances, the proposed development is considered to have a harmful impact on the character and appearance of the area and some minor harm to the setting of the Green Belt, by virtue of the loss of openness and space at this corner plot location. The application is therefore considered to be unacceptable with regards to the character and appearance of the area.

Amenity of Future Occupiers

Notwithstanding the above concerns, the internal layout of the proposed annex will comprise a living/dining room, kitchen, bathroom and bedroom on the ground floor and two bedrooms on the second floor. The proposed annex will provide an overall gross internal floor area of approximately 120sqm and bedroom sizes of approximately 19sqm, 16.3sqm and 12.5sqm (all double bedrooms). The overall internal floor area of 120sqm is in excess of the minimum requirement of 102sqm for a three-bedroom, six-person dwellinghouse set across two floors, as set out within the Technical Housing Standards – Nationally Described Space Standards. While it is accepted that the proposal is technically for a family annex, the standard of accommodation is such that it is comparable and would be acceptable as a three-bedroom dwellinghouse. The internal layout of the proposed annex is therefore considered to be acceptable and will provide a good standard of accommodation (albeit excessive for an annex).

Externally, the application site will provide a front, side and rear garden area, although it appears that the garden will be shared between the existing dwellinghouse and proposed annex. Assuming a shared garden, the total retained garden size for the existing dwelling and proposed annex will be approximately 540sqm. If separate gardens are provided, these would be approximately 198sqm for the existing dwelling and approximately 200sqm for the proposed annex. The gardens sizes are in excess of the 68sqm minimum standard for gardens at houses as stated within the Designing Walsall SPD and are therefore acceptable.

In summary, the application is considered to be acceptable with regards to the amenity of future occupiers and would provide a standard of accommodation comparable with that which would normally be provided for a three-bedroom dwellinghouse.

Amenity of Neighbours

With regards to the impact of the proposal on the amenity of neighbours (including on the amenities of the occupiers of the host dwelling at 68 Thornhill Road), the site occupies a corner plot and none of the proposed habitable windows will therefore overlook any existing private amenity spaces. The proposed rear elevation will contain a bedroom window at approximately 6m from the boundary with 1 Foley Road East, however, the bedroom window will face towards the front driveway of the neighbouring property and will therefore result in no loss of privacy at any private amenity spaces. The proposal also complies with the 45 Degree Code in relation to the existing dwellinghouse at the site and will therefore cause no loss of outlook and light in this regard.

However, the side elevation of the proposed annex will be located at just 1m from a side facing ground floor window of a bedroom at the existing dwellinghouse. Whilst it is acknowledged that the bedroom has secondary rear facing windows, the secondary windows are very small in comparison to the main side facing window which is a large bay window and will provide the majority of light/outlook to the bedroom. The side elevation of the proposed annex building falls well short of the 13m distance separation requirement between habitable windows and blank walls exceeding 3m in height and is therefore contrary to the Designing Walsall SPD. The proposal will therefore result in a harm to the amenity of the occupiers at the existing dwellinghouse (68 Thornhill Road).

In summary, due to the shortfall in separation distances to an existing bedroom window, the application is considered to be unacceptable with regards to the impact on the amenities of neighbours.

Highways Safety and Parking

The Local Highway Authority have raised no objections to the proposed development in relation to highways safety and parking. The proposal includes the creation of a secondary access off Thornhill Road, to create an in/out driveway for shared use by both the existing dwellinghouse and the proposed family annex. Whilst it would be difficult for the operation of the proposed in/out driveway to be controlled by planning condition, there is no reason why this could not operate in practice at the site.

With regards to the provision of parking space, the specific quantity of parking spaces for the proposed annex has not been specified within the amended plans, however, it is noted there is an existing driveway/parking area to the front of dwellinghouse and this will be extended slightly for the annex. Whilst the proposal is technically for a family annex, the parking requirement of a three-bedroom house (which the annex is comparable too) is two spaces and based on the information available this is likely to be achieved at the site.

In summary, the proposal is considered to be acceptable with regards to the impact it will have on highways safety and parking at the site.

Trees and Protected Trees

The site is well vegetated at the boundaries and comprises several trees which add to the local character of the area and is complimentary to the wider street scene and the setting of Sutton Park (Green Belt) opposite the site. There are two sycamore trees (Identified as T2 and T3) which are located at the boundary to 1 Foley Road East, and these are subject of a Tree Preservation Order. The Council's Tree Officer has recommended refusal of the application due to the proximity of the proposed annex to these trees.

The submitted Arboricultural Impact Assessment (AIA) suggests that Tree T3 (in the northwest corner) should be removed *'due to the risk from instability and reduced remaining contribution'*. This is supported by further comments in the AIA which states that *"T3 sycamore (TPO tree T2) was found to be unbalanced due to uneven root growth and leaning towards the road with some lifting of roots within the lawn area. It is recommended that this is removed as it is vulnerable to failure particularly during high winds when in foliage"*. However, the Site Location Plan indicates the tree is to be retained.

The Council's Tree Officer has inspected the site and noted that T3 appeared in good condition with no visible faults or defects. T2 was in a similar condition. However, significant roots were noted in the lawned area to at least 10m from the base of the tree. The amount of lawnmower damage, and subsequent wound wood growth, to the roots indicates they have been protruding from the ground for many years and this is not considered to be a fault.

In addition, T3 tree is positioned in close proximity to the public footpath and highway on Foley Road East, as well as a significant block paved driveway to the front of the property to the west on Foley Road East. These form a constraint to rooting activity resulting in an off-set root protection area (RPA) for both trees.

The proposed annex is located approximately 5m from the base of T2 Sycamore, and approximately 5.3m from the base of T3. The RPA's for these trees extends to approximately 9m from both trees.

The amount of intrusion into the RPA of T3 would result in an estimated loss of 10% of rooting material. The amount of intrusion into the RPA of T2 would result in an estimated loss of 17% of rooting material. This is considered excessive and likely result in their removal of the trees through instability.

Furthermore, there are no details of proposed services (electricity, gas, water, foul and surface water disposal etc) and given the proximity of existing trees to the proposed houses, this information is considered essential in order to determine the impact of the proposal on trees at the site.

Due to these reasons, the proposed site layout is unacceptable as it will result in the removal of protected trees at the site which contribute to the character and appearance of the area. The application is therefore considered to be unacceptable with regards to the impact on trees and protected trees.

Flood-risk and Drainage

The site is located in flood zone 1 and within an established residential area generally at a low risk of flooding. The proposal will continue the existing residential use of the site and is not likely to result in an increase in flood-risk or additional pressures on the drainage system in the area. Severn Trent Water have raised no objections to the proposal and do not require any drainage conditions to be attached to the approval. The application is therefore considered to be acceptable with regards to flood-risk and drainage matters.

Other Matters

The Applicant's Personal Circumstances

It is acknowledged that the proposal is technically for a family annex, with the intention for the annex to be used by relatives of the applicant (notwithstanding any concerns regarding the characteristics of the proposed annex being similar to a dwellinghouse). Regarding the intention for the annex to house relatives of the applicant, please note that the applicant's personal circumstances is not a material planning consideration unless these are exceptional and clearly relevant, for example, the provision of facilities for someone with a physical disability. In this case, there is no evidence that the applicant's personal circumstances are exceptional and clearly relevant and therefore, the applicant's circumstances are not a material planning consideration and have not been considered within the assessment of the application.

Conclusions and Reasons for Decision

The proposed family annex is considered to be of an excessive size in terms of its internal floor space and number of bedrooms and is more comparable to a family sized dwellinghouse. Furthermore, the proposed annex is separated from the host dwelling with no internal link to it and is also orientated to face towards Foley Road East featuring a new pedestrian access. For these reasons, the proposed annex is in effect more likely to have the impact of a separate dwellinghouse at the site rather than an ancillary annex accommodation.

The proposed annex will also result in harm to the character and appearance of the area, by developing a corner plot which is currently open, spacious and green and therefore makes a positive contribution to the character and appearance of the area. Conversely, the proposal will erode upon these positive characteristics and the sense of openness and space in the area, due to the siting of a proposed annex which is well forward of the established building line at Foley Road East and will fail to tie into the established pattern of development in the area. This conclusion is also consistent with the most recent appeal decision at the site whereby a similar proposal was refused in part due to the impact on the character of the area and this adds weight to the refusal of the application. The proposal will also result in harm to the amenities of the host dwelling at 68 Thornhill Road, due to the insufficient distance between a main bedroom window and the side elevation of the proposed annex (1m), therefore conflicting with the Designing Walsall SPD which requires a minimum distance of 13m between habitable windows and blank walls exceeding 3m in height.

In weighing the harm against the benefits, it is considered that there are no benefits of the scheme which would override the harm as is outlined above. The application's personal circumstances are not a material planning consideration as these are not exceptional and clearly relevant to the proposal. Therefore, 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

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 development does not satisfy the defining character of an annex, as opposed to a typical residential dwellinghouse, in being subservient and ancillary to the main host dwelling at 68 Thornhill Road. The proposed family annex will in effect be self-contained and will provide full residential facilities and no internal connections with the host dwelling and will comprise an overall internal floor area which is comparable with a three-bedroom family dwellinghouse. The application is therefore considered to be contrary with Saved Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, the Designing Walsall SPD and the National Planning Policy Framework.
2. The proposed family annex will be sited forward of the neighbouring property at 1 Foley Road and generally forward of the established building line of properties on Foley Road East, eroding the sense of openness and space at the corner plot which contributes to the character and appearance of the area. The proposal will therefore appear as an incongruous addition in this location and will be harmful to the spacious characteristics of the area. The application is therefore considered to be 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) and ENV3 (Design Quality) of the Black Country Core Strategy, the Designing Walsall SPD, Area of Special Townscape - Guidance for New Development at Thornhill Road/Middleton Road/Foley Road East, Streetly and the National Planning Policy Framework.

3. The proposed family annex will fail to meet the 13m separation distance between habitable windows and blank walls exceeding 3m in height and will result in a loss of light and outlook to the main bedroom window at 68 Thornhill Road. The application is therefore contrary to Saved Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, Policy HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, Policy HC2 (Development of Other Land for Housing) of the Walsall Site Allocation Document, the Designing Walsall SPD and the National Planning Policy Framework.
4. The proposed family annex would result in the loss of trees at the site which are protected by a Tree Preservation Order, due to proximity of the proposed annex to the trees and resulting intrusion to root protection areas. The trees make a positive contribution to the visual amenity and landscape character of the area. There is insufficient information submitted regarding the installation of services at the site to assess whether there would be additional harmful impacts to protected trees as a result of the application. The application is therefore contrary to Saved Policies GP2 (Environmental Protection), ENV18 (Existing Woodlands, Trees and Hedgerows) and ENV23 (Nature Conservation and New Development) of the Walsall Unitary Development Plan, Policies ENV1 (Nature Conservation) and ENV2 (Historic Character and Local Distinctives) of the Black Country Core Strategy, Policy EN1 (Natural Environment Protection, Management and Enhancement) of the Walsall Site Allocation Document, the Conserving Walsall's Natural Environment SPD and the National Planning Policy Framework.

END OF OFFICERS REPORT