



## Planning Committee

Report of Head of Planning and Building Control on 21 June 2021

Plans List Item Number: 13

### Reason for bringing to committee

Called in by a Councillor

### Application Details

**Location:** 344, SKIP LANE, WALSALL, WS5 3RA

**Proposal:** FIRST FLOOR SIDE EXTENSION PLUS ALTERATION OF FRONT ROUNDED BAY WINDOWS TO SQUARE BAYS WITH GABLE ABOVE AND ERECTION OF PITCHED CANOPY OVER PORCH AND GARAGE

**Application Number:** 21/0175

**Case Officer:** Rebecca Rowley

**Applicant:** Mr Jagdip Singh

**Ward:** Pheasey Park Farm

**Agent:** PAUL CLIFTON

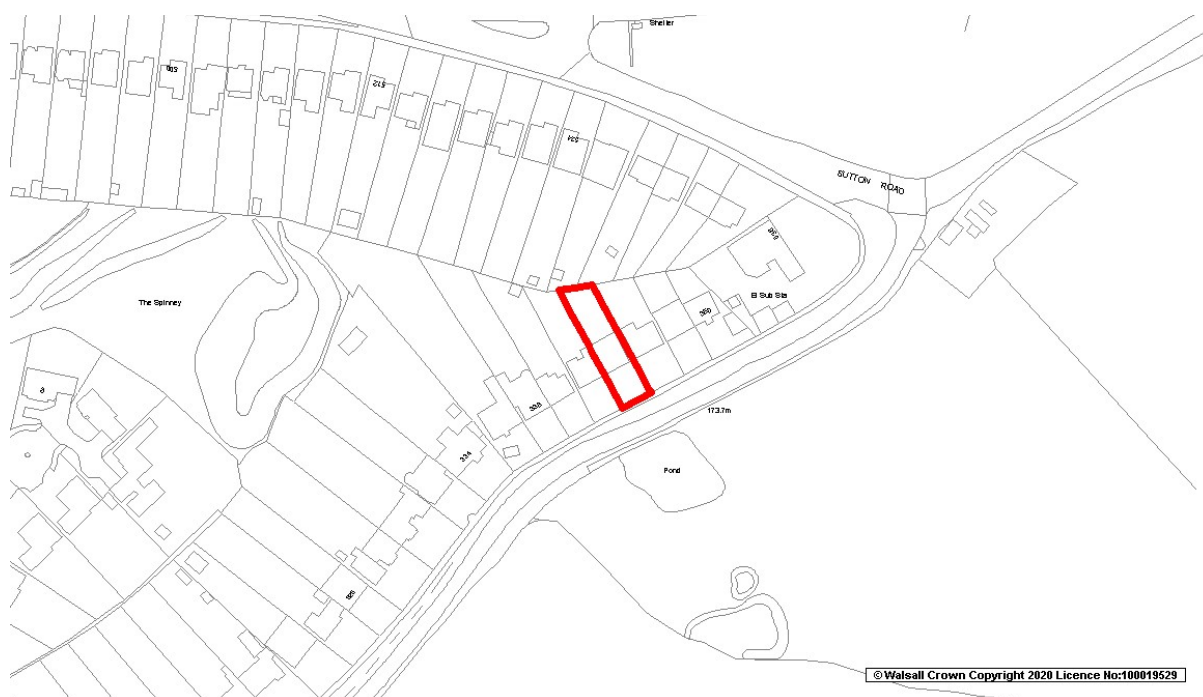
**Expired Date:** 05-Apr-2021

**Application Type:** Full Application:  
Householder

**Time Extension Expiry:** 30-Jun-2021

### Recommendation

Refuse Planning Permission



## Proposal

This application requests permission for the following extensions to a 3 bedroom house:

### First Floor Side Extension with Hipped Roof

To allow internal rearrangements and create a new 4<sup>th</sup> bedroom.

Depth: 8m

Width: 2.7m

Height to eaves: 5.4m (as existing)

Height: 8.4m (as existing)

Bedroom windows are proposed in the front and rear elevations.

### Front Bay Window Extension

The front ground and first floor bay would be extended forward by a further 0.4m. The rounded design would be retained.

### Front Pitched Canopy over Garage and Entrance Door

Depth from principle elevation: 0.8m

Height to Eaves: 2.9m

Height: 3.5m

Proposed bifolding doors across the rear elevation (these could however be lawfully added using permitted development rights and do not require planning permission on their own).

## Site and Surroundings

The application dwelling is a traditional 3 bedroom right hand side semi-detached house with a hipped roof, rounded front bay windows and attached side garage. Facing materials are brickwork and clay roof tiles. There is a driveway in front of the dwelling with sufficient space to park 2 vehicles on the hard surfaced area adjacent to the front lawn and a separation distance of 11.18m from the principal elevation to the front boundary with the public footpath.

Houses in this part of the street are pairs of semi-detached houses of similar original design to the application dwelling with one detached house in between at no. 346. These houses have retained the characteristic hipped roofs and rounded bay windows on their frontage although no.s 348 and 350 have been extended at the first floor side and rear. Further along Skip Lane to the south west side, from no. 334 the houses are detached and more heavily extended.

The adjacent dwelling to the south west side is attached semi no. 342 with a. The principal and rear elevations are in approximate alignment with the application dwelling.

The adjacent dwelling to the north east side is detached house no. 346 with a separation distance of 2m at the ground floor and 5m at the first floor above the side garage of the application dwelling. The principal and rear elevation is in alignment with the application dwelling adjacent to the shared boundary.

To the rear of the dwelling is an 18m long garden which border the rear boundary of gardens of houses on Sutton Road with an angled separation distance of around 49m to the nearest dwelling to the rear. Mature trees which obscure mutual views line the rear boundary.

Opposite the dwelling are open fields which fall within the Green Belt and Great Barr Conservation Area.

## Planning History

### At Application Site

BC39339P – Retrospective single storey side and rear extension – granted permission – 15/03/1994

### At 350 Skip Lane

14/0435/FL – two storey extension to side, single storey extension to rear, garage and porch to front – granted permission – 03/12/2014

### At 348 Skip Lane

P15816 – extensions– granted permission – 01/03/1951

## Relevant Policies

### National Planning Policy Framework (NPPF)

[www.gov.uk/guidance/national-planning-policy-framework](http://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 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 55) 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. 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](http://www.go.walsall.gov.uk/planning_policy)

### **Local Policy**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Black Country Core Strategy**

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

### **Saved Unitary Development Plan**

- GP2: Environmental Protection
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

### **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

### **Designing Walsall**

- DW3 Character
- Appendix D

It is considered in this case that the relevant provisions of the BCCS, Walsall's saved UDP policies and Designing Walsall and Conserving Walsall's Natural Environment SPD's are consistent with the NPPF.

## Consultation Replies

### No Consultees

## Representations

None received

## Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Protected Species
- Parking

## Assessment of the Proposal

### Design of Extension and Character of Area

Skip Lane has an evolving character with significant extensions and replacement dwellings permitted a little further along the street to the south west side of the application site. The application dwelling however is situated amongst a row of houses near the entrance to Skip Lane from the Sutton Road than have not been heavily extended and have largely retained their original character. First floor side extensions have been added above the garages of semi-detached pair, no.s 348 and 350 Skip Lane.

Whilst it is acknowledged that the proposed first floor side extension at the application site reflects the design of these houses, it does not meet the requirements of the SPD Designing Walsall Appendix D. Specifically there is no subservience of the extension to the original dwelling, which could be created by the inclusion of a step back of the extension at the principal elevation and a step down of the extended roof ridge. Both of these amendments were requested but to date, no amendments have been submitted. The extension at no. 348 was permitted prior to the adoption of the SPD Designing Walsall in 2013 and the extension at no. 350. Skip Lane, whilst lacking subservience, was considered acceptable in this instance as it restored balance to the pair of semi-detached properties. Furthermore, no.s 348 and 350 are the last pair of semi-detached houses in the row before turning the corner onto Sutton Road and it is considered that the application site has a different impact on the street scene in its specific position. In the case of the application site, the extension would create an imbalance to the pair of semi-detached properties and a subservient extension is required.

A separation distance of 1m would be retained to the side boundary with no. 346 which complies with the requirements of the SPD Designing Walsall Appendix D and there would be a separation distance of 2m between the two houses. This is considered sufficient to limit terracing effect between the two detached dwellings.

Ground floor front pitched roofs can be observed at no.s 336, 368, 342 and 350, so the addition of a pitched front canopy is considered would integrate with the street scene.

The original proposal included a squared bay on the front elevation and the addition of a front gable feature which was considered an incongruous feature that would not integrate with the character of this row of houses. The applicant submitted revisions to the proposal removing these additions to enable support of this proposal. The addition of a further 0.4m depth to the rounded bay from the principal elevation is considered would have limited impact on the overall character of the dwelling.

It is considered that this proposal, by way of a lack of subservience, would reflect an overbearing addition to the dwelling house that would alter the character of the existing building and create an imbalance to the pair of semi-detached houses to the detriment of the street scene, contrary to the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall policy DW3 and Appendix D. These planning policies are intended to safeguard the distinctive character of each part of the borough and should hold even higher weighting in areas where historic development, prior to their adoption, has not already significantly altered that original character.

#### Amenity of Nearby Residents

The first floor side extension would be in alignment with the existing front and rear first floor elevations of the dwelling. It would not extend beyond the rear elevation of neighbouring no. 346. The front bay would project a further 0.4m in front of the principal elevation. The extensions would comply with the Council's adopted 45 degree code as outlined in the SPD Designing Walsall Appendix D and are considered would have limited impact on the amenity of either adjacent neighbouring occupants.

There are no neighbouring dwellings to the front or rear of this proposal that could be impacted.

It is considered that this proposal meets the amenity requirements of saved UDP policy GP2.

#### Protected Species

The site is close to a SLINC known as The Spinney and there are neighbouring lines of mature gardens, which raises the risk of bat presence. In this case, as the application proposes alterations to the roof, if bats are present in the house disturbance and destruction to their roost would occur.

Consequently, in accordance with NPPF 15 and Conserving Walsall's Natural Environment SPD, a bat survey report in support of this proposal was requested and was provided, which conclusively ruled out the presence of bats in the roof space and no further surveys or mitigation measures were recommended. Conditions would be attached to any permission to ensure precautions are taken during construction to safeguard local bat populations which may be present at that time.

### Parking

In accordance with the requirements of saved UDP policy T13, a 4 bedroom dwelling requires a minimum of 3 off road vehicular parking spaces. After proposed extensions there would be one retained garage space and parking for a further 2 vehicles on the hard surfaced area of the driveway which meets this requirement.

## **Conclusions and Reasons for Decision**

When assessing the material planning considerations and taking into account the local and national planning guidance, whilst it is acknowledged that the proposal, according to the plans submitted, would not cause harm to the amenity of neighbouring occupants, nor cause harm to highway safety or protected species, it would significantly alter the character of the application dwelling to the detriment of the street scene, contrary to the requirements of the NPPF, policies CSP4 and ENV2 of the Black Country Core Strategy and saved policies GP2 and ENV32 of Walsall's Unitary Development Plan and Supplementary Planning Document Designing Walsall policy DW3 and Appendix D.

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**

Amendments to the principal elevation and roof height of the first floor side extension were requested but to date no amendments have been submitted and in this instance Officers are unable to support the proposal.

## **Recommendation**

Refuse Permission

## **Reasons for Refusal**

1. The first floor side extension is considered an overbearing addition to the dwelling house that would lack subservience by way of a set back at the principal elevation and a set down from the existing roof ridge. The impact of the first floor side extension would detract from the character of the existing dwellinghouse, and would create an imbalance to the pair of semi-detached houses to the detriment of the street scene. The proposal would therefore be contrary to the requirements of the National Planning Policy Framework, saved Unitary Development Plan Policies GP2 and ENV32 and DW3 and Appendix D of the Supplementary Planning Document Designing Walsall Policy.

## **END OF OFFICERS REPORT**