



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 29 April 2021

Plans List Item Number: 6

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 26, GILLITY AVENUE, WALSALL, WS5 3PJ

Proposal: FIRST FLOOR FRONT, SIDE AND REAR EXTENSION, PLUS 2 STOREY REAR EXTENSION

Application Number: 21/0076

Case Officer: Rebecca Rowley

Applicant: Jaz Phal

Ward: Paddock

Agent: Pritpal Chana Architects Ltd

Expired Date: 07-Apr-2021

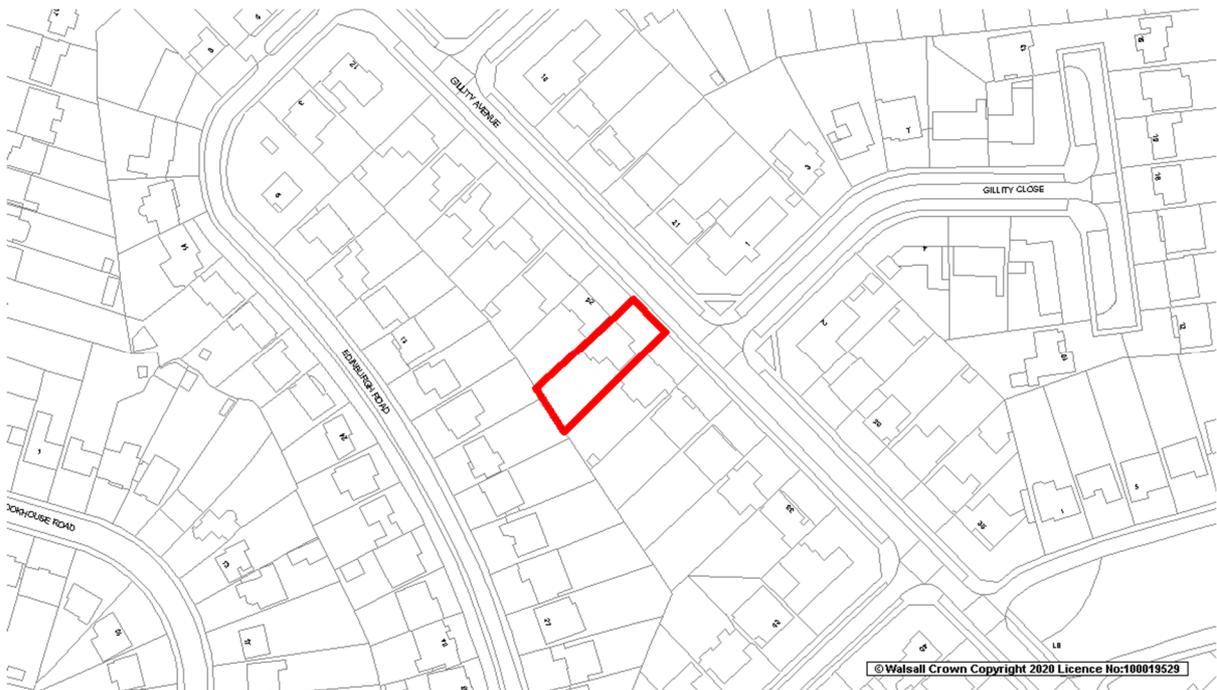
Application Type: Full Application: Householder

Time Extension Expiry:

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions subject to:

- No new material considerations being received within the re-consultation period; and
- Amendment and finalising of conditions.



Proposal

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

Two Storey Rear Gable Extension and stepped back two storey extension with Hipped Roof

To create an extended open plan living, dining and kitchen area on the ground floor and allow internal rearrangements for the creation of 2 new bedrooms on the first floor.

- Max Depth: 5.1m
- Width: 8.5m across the full depth gable elevation plus an additional 1.5m width stepped back by 1.2m behind the gable elevation with a lower hipped roof over
- Height to eaves: 5.7m
- Gable Height: 7.5m
- Hipped roof height: 6.8m

A 0.4m deep bay is proposed on the ground floor rear elevation as well as a 0.4m deep decorative parapet surrounding the ground floor of the gable elevation.

Ground floor windows are proposed to serve the kitchen and dining areas plus 2 first floor bedroom windows.

Two Storey Side and Front Extension with main gable roof, rear hipped roof and central front gable feature

To create a new front gallery porch and landing area, an entertainment room and shower room on the ground floor and extend bedrooms and create en-suite bathrooms on the first floor

- Width from side elevation: 3.5m
- Width across principal elevation: 8.5m
- Depth from front elevation: 3m
- Depth along the side elevation: 11.2m
- Height to eaves: 5.2m (as existing)
- Main roof height: 7.1m (as existing)
- Front gable height: 6.8m

Front windows are proposed to serve a new bedroom and gallery landing on the first floor and a new entertainment room on the ground floor. One new side facing window is proposed to serve the ground floor shower room and one side facing first floor en-suite bathroom window.

Replacement Roof at the Rear

The flat roof of an existing section of single storey rear extension will be replaced with a hipped roof. There would be no increase in the depth of this section.

- Height to eaves: 2.8m
- Height: 3.4m

Site and Surroundings

The application dwelling is a 3 bedroom detached house of overall simple design with side gables to the main part of the building with an attached flat roof single side garage. At the ground floor, the garage and porch project 3m in front of the remainder of the principal elevation. A rear extension has been added to the back of the garage, projecting 4m beyond

the remainder of the rear elevation. Facing materials are light brickwork, cream rendering on the first floor of the principal elevation and plain clay roof tiles. There is a driveway and grassed area in front of the house with sufficient space on the hard surfaced section to park 2 vehicles.

The adjacent dwelling to the south east side is detached two storey house no. 28 Gillity Avenue. There is a separation distance of 1.6m between the buildings. The principal elevation is in approximate alignment with the application dwelling. The rear elevation is 1.8m deeper adjacent to the shared boundary with a further 1.8m deep single storey extension in the centre of the rear elevation.

The adjacent dwelling to the north west side is detached two storey house no. 24 Gillity Avenue. There is a separation distance of 2.2m between the buildings. The principle elevation is aligned with the application dwelling. The two storey rear elevation is 3m shallower than the two storey rear elevation of the application dwelling. It also has a rear conservatory which is sited 4m shallower than the ground floor of the application dwelling adjacent the shared boundary.

Opposite the application dwelling is the side elevation of no. 1 Gillity Close with a separation distance of 35m across the highway.

The rear boundary of the application site borders the rear garden of no. 19 Edinburgh Rd with a separation distance of 36.5 m to the nearest dwelling.

Houses along Gillity Avenue are detached houses of varying size and design including front projecting gable features. The area has an evolving character with a number of replacement dwellings having been approved in the locality.

Relevant Planning History

At Application Site

- 37106 – extension [unspecified] – granted permission 20/12/1972
- BC12189 – erection of kitchen and utility room [single storey rear side extension] – granted permission – 21/06/1979

At 28 Gillity Avenue (adjacent neighbour)

13/1609/FL - 2 storey side, rear, single front, side and rear extension (amendments to previously approved application 13/0968/FL). – granted permission – 16/01/2014

At no. 21 Gillity Avenue (opposite the application site)

- 18/0604 - Two storey front, side and rear extensions. – granted permission – 04/07/2018
- 19/0365 - Two storey front, side and rear extensions, amending 18/0604 to replace roof 0.5 metres higher than approved, making changes to the roof shape – granted permission – 14/05/2019
- 20/0586 - Non material amendment to 19/0356 for removal of first floor square bay windows to be replaced with standard windows. – approved 13/07/2020

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 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

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

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

Consultation Replies (*Officer comments in italics*)

Local Highway Authority

Supports the application, subject to a condition to secure three off road parking spaces on the front driveway. A note for the applicant has also been included.

Pollution Control

Pollution Control requires the applicant to address installation of any solid fuel appliance (*the applicant has confirmed that there is no intention to install any type of solid fuel burner*).

Representations

5 representations were received from 5 separate addresses raising the following concerns:

- The large glazed panel on the front is too big
- People will be able to look through
- It does not match the houses in the Park Hall community
- Blocking sunlight
- They already have loads of cars
- They will be able to look into gardens behind
- Please minimise this house to a smaller extension

Concerns were also raised regarding the construction process including noise, pollution, lorries, tractors, damage to grass verges and general concerns regarding construction taking place for a long period of time in the area. Will the Council clean the roads and fix the lawns? There should be limits on the length of time of construction.

Following a second consultation for the amended proposal one further representation was received expressing support for modernisation of the local area with a lovely designed house.

The neighbour re-consultation period expires on 22nd April 2021. Any additional new representations will be covered in the supplementary paper.

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

Many houses in the locality have been extended significantly, both in terms of size and design, including some replacement dwellings. At no 21, Gillity Avenue, opposite the application site, construction is currently underway for a similar design of extension to the front elevation with a more prominent central gable feature than this proposal and a larger first floor gallery landing window. Therefore the principal of this proposal is consistent with the evolving character of the locality.

The extended front building line would not project beyond the limit of the existing front building line, so would retain the prevailing building line of the row of houses.

The existing main roof with side gables would be extended across and the height retained. The addition of a front gable feature would reflect the design of the principal elevations of a number of local dwellings, some of which are original features and some added following extensions. The gable feature would be subservient and incorporated into a two storey front extension, rather than a stand-alone protruding gable feature, so as not to detract too far from the relatively simple character of the original dwelling. Concerns have been raised regarding the design of this proposal being incongruous with other houses on the Park Hall estate. The original proposal has been significantly reduced from what could have been considered a replacement dwelling on account of how little of the original dwelling would have been retained.

Further amendments have been made to this proposal to reduce the size of the first floor gallery landing window and to remove a decorative projecting parapet from the ground floor of the principal elevation which was considered would have been an incongruous addition that would cause harm to the character of the dwelling.

The width at ground level would not exceed the existing width and the separation distance from the side elevations to the side boundaries would exceed 0.9m on both sides, which exceeds the requirements set out in the SPD Designing Walsall Appendix D. This is considered would limit the potential for terracing effect.

Proposed roof tiles would match the existing roof. Facing materials would be a mix of light bricks to match the colour of the original rendering and white rendering in locations specified on the submitted plans. As facing materials could have been altered without the requirement for planning permission and the proposed colours would reflect the colours of the existing dwelling, it is considered that these materials will be acceptable.

Whilst the rear extensions present more of a modern overall appearance and include timber panelling and a projecting parapet feature to the rear gable elevation, this will not be visible from main public vantage points and is considered would not cause harm to the character of the locality, and would not warrant a refusal in this instance.

It is considered that this amended proposal would not cause significant harm to the character of the application dwelling or the locality in accordance with the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall policy DW3 and Appendix D.

Amenity of Nearby Residents

Concerns have been raised regarding the impact of the proposed extensions on sunlight availability to neighbouring sites. The front and rear extensions would not breach the Council's adopted 45 degree code as outlined in the SPD Designing Walsall Appendix D for any front windows, for any rear windows at neighbouring no. 28 or for first floor windows at no. 24. The 45 degree code is already breached for ground floor windows at neighbouring no. 24 by the existing application property and there would be no further increase to the depth of this elevation, so this neighbour's outlook would be retained as existing.

It is considered that the impact on neighbouring amenity in terms of outlook and sunlight availability would be acceptable. The rear gardens of this row of houses have a south westerly orientation. Therefore, sunlight is directed towards the opposite elevations of the houses throughout the morning and the middle of the day. In the afternoon, when the sun moves round to face the rear gardens of these houses it is considered that the impact on sunlight availability to neighbouring occupants would not cause sufficient harm to warrant refusal of this proposal.

A concern was raised regarding the potential for overlooking rear gardens. The separation distance from proposed new habitable room windows on the front and rear elevations exceeds the required separation distance of 24m to any opposite neighbouring habitable room windows as outlined in the SPD Designing Walsall Appendix D. The relationship of rear windows to adjacent neighbouring gardens would be consistent with rear window to garden relationships that could be expected in such residential areas.

Concerns were raised regarding the potential for looking into the landing window on the first floor front elevation of the dwelling. From an amenity point of view, this window would serve a non-habitable room so is considered would not cause significant harm to privacy by way of overlooking. Furthermore, it exceeds the required separation distance for habitable room windows from opposite houses. Proposed rooflights in the roof slopes above the front gable feature would serve the purpose of allowing additional light into this area and would be above the line of sight to be affected by overlooking or create overlooking.

Internal re-arrangements at the ground and first floors would create a number of new bathroom/en-suite bathroom windows. A condition will be included to ensure that these windows are obscurely glazed to protect the amenity of occupants. One side facing external door is proposed in the elevation looking towards no. 24. This door would be in a similar location to an existing door and is considered would cause no further harm to the amenity of neighbouring occupants.

A side facing window is proposed looking towards the blank two storey side elevation of no. 28 to serve a bedroom. The outlook from this window and light availability for the occupants of the application dwelling is considered poor but as this would be a secondary window to the main front window is considered acceptable. There are no habitable room side facing windows in this elevation at no. 28 so no potential for loss of privacy to the occupants of no. 28 by way of over-looking.

Pollution Control Officers requested the provision of a condition in the event of installation of any type of solid fuel burner in the extended dwelling to protect the environment and the amenity of nearby occupants. The applicant has confirmed that there is no intention to install any type of solid fuel burner in the extended dwelling.

A number of concerns that have been raised regarding the harm caused by construction are not material planning considerations in the balance of this assessment.

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

Protected Species

The site does not fall within any bat buffer zone and nearby surveys that have been completed either ruled out the presence of bats or did not require any further survey on the grounds of insufficient green infrastructure, including a survey at the next door but one neighbouring house, no 28 Gillity Avenue. Therefore on this occasion it is considered that the provision of a bat survey was not required. As there are some mature trees in neighbouring gardens nearby, a condition will be included to ensure that any works to the roof are carried out with precautions in case of the presence of bats in the roof space.

Parking

A concern was raised regarding the existing number of cars at this dwelling. In accordance with the requirements of saved UDP policy T13, a 5 bedroom dwelling requires a minimum of 3 off road vehicular parking spaces. The Local Highway Authority has expressed their support for this proposal subject to the inclusion of a condition to secure consolidation of the space available on the front driveway of the site for the provision of 3 off-road vehicle parking spaces on the driveway which would account for the loss of the single garage parking space. This condition would be included in line with this recommendation.

Conclusions and Reasons for Decision

When assessing the material planning considerations and taking into account the local and national planning guidance and representations received, it is considered that the proposal, according to the plans submitted, would not cause harm to the character of the house or the local area and would not harm the amenity of neighbouring occupants nor cause harm to highway safety in accordance with the requirements of the NPPF, policies CSP4 and ENV2 of the Black Country Core Strategy and saved policies GP2, ENV32 and T13 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall policy DW3 and Appendix D.

The use of safeguarding conditions in respect of the materials and plans to maintain its appearance and obscured glazing to maintain privacy will further ensure that the neighbours amenity is protected, safeguarding of local bat populations and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the incongruous nature of a proposed front parapet feature and the size of the proposed first floor front gallery landing window, as well as a breach of the 45-degree code at the rear, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions subject to:

- No new material considerations being received within the re-consultation period; and
- Amendment and finalising of conditions.

Conditions

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Location and Site Plan, drawing no. 276-00-099 REV E, submitted 16/04/2021
- Proposed Ground Floor Plan, drawing no. 276-00-104, REV E submitted 25/03/2021
- Proposed First Floor Plan, drawing no. 276-00-105, REV G submitted 16/04/2021
- Proposed East and West Elevation, drawing no. 276-00-106 REV F, submitted 16/04/2021
- Proposed North and South Elevations, drawing no. 276-00-107, REV F, submitted 16/04/2021

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3a. Notwithstanding the details as submitted, the development hereby permitted shall not be carried out otherwise than in accordance with providing a minimum of three off road parking spaces measuring 4.8m by 2.4m with the parking area being consolidated, hard surfaced and drained so that surface water run-off from the parking area does not discharge onto the highway or into any highway drain.

3b. This area shall thereafter be retained for the purposes of parking motor vehicles for the lifetime of the development hereby approved and shall thereafter be retained used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development and the loss of the garage space with the increase from 3 to 5 bedrooms, in accordance with UDP policy GP2, T7 and T13.

4: The walls and roofs of the development hereby permitted shall not be constructed other than in accordance with the following details:

- Facing brickwork and white painted render that match in size colour and texture, those which are used in the existing building as specified on Proposed Elevations Plans 267-00-106 and 267-00-107;
- Plain clay roof tiles that match, in size, colour and texture, those which are used in the existing building;

and the facing materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

5: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no side facing windows, doors, or other openings other than those shown on the approved plans, shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policy GP2 of the Walsall's Unitary Development Plan.

6: Notwithstanding the details as submitted, the development shall not be carried out otherwise than in accordance with:

The ground floor shower room window facing no. 24 Gillity avenue;

The first floor en-suite bathroom window facing no. 24 Gillity Avenue;

The first floor ensuite bathroom window facing no. 28 Gillity Avenue, and

The first floor bathroom window facing no 28 Gillity Avenue,

hereby permitted, shall be non-opening below 1.7m and obscurely glazed to meet Pilkington level 4 or equivalent and shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the occupiers of adjoining premises, and the privacy of occupiers of the application property, and to comply with policy GP2 of Walsall's Unitary Development Plan.

7a. All workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise than with the use of hand tools. All roof tiles, flashing and ridge tiles shall be listed carefully (and not dragged or slid) and the undersides examined for bats or bat droppings.

7b. If during the construction period bats or evidence of bats or their roosts are found:

i. bats shall not be handled or touched

ii. the vicinity of the roost shall be immediately reinstated.

iii. no further destructive works shall be carried out until the need for Natural England licence has been established.

iv. Within one week of finding bats or evidence of bats or their roosts, a written report by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy shall be submitted in writing to and approved in writing by the Local Planning

Authority. The report shall record what was found, and propose appropriate mitigation measures, including a timetable for their implementation

v. Work shall not continue otherwise than in accordance with the approved mitigation measures and the approved timetable

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

Notes for Applicant

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

END OF OFFICERS REPORT