



# Walsall Council

## Planning Committee

**Thursday 6 March 2025 at 5:30pm**

**Meeting Venue: Council Chamber at the Council House, Lichfield Street, Walsall**

[Livestream Link](#)

**Membership:**

Councillor M.A. Bird (Chair)  
Councillor J. Murray (Vice-Chair)  
Councillor B. Bains  
Councillor H. Bashir  
Councillor P. Bott  
Councillor S. Elson  
Councillor M. Follows  
Councillor P. Gill  
Councillor A. Hussain  
Councillor I. Hussain  
Councillor K. Hussain  
Councillor K. Margetts  
Councillor R. Martin  
Councillor L. Nahal  
Councillor A. Nawaz  
Councillor A. Parkes  
Councillor W. Rasab  
Councillor S. Samra  
Councillor M. Statham  
Councillor V. Waters

**Quorum:**

Seven Members

Democratic Services, The Council House, Walsall, WS1 1TW  
Contact name: Edward Cook Telephone: 01922 653204 Email: [edward.cook@walsall.gov.uk](mailto:edward.cook@walsall.gov.uk)  
[Walsall Council Website](#)

**If you are disabled and require help to and from the meeting room,  
please contact the person above**

## The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

**Schedule 12A to the Local Government Act, 1972 (as amended)**

**Access to information: Exempt information**

**Part 1**

**Descriptions of exempt information: England**

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
  - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
  - (a) Constitutes a trades secret;
  - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
  - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

## **Part 1 – Public Session**

**1. Apologies**

**2. Declarations of Interest**

**3. Deputations and Petitions**

**4. Minutes of the Previous Meeting**

To approve and sign the minutes of the meeting held on 6 February 2025.

Copy **enclosed** (pp.5-10)

**5. Local Government (Access to Information) Act, 1985 (as amended):**

To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.

**6. Application list for permission to develop:**

- a) Items subject to public speaking;
- b) Items 'called-in' by members
- c) Items not subject to 'call-in'

Copy **enclosed** (pp.11-57)

**7. Date of next meeting**

The next meeting will be held on Thursday 6 March 2025.

**Minutes of the Planning Committee held in The Council Chamber, Walsall  
Council House**

**Thursday 6 February 2025 at 5.30pm**

**Committee Members present:**

Councillor M.A. Bird (Chair)  
Councillor J. Murray  
Councillor B. Bains  
Councillor H. Bashir  
Councillor P. Bott  
Councillor S. Elson  
Councillor M. Follows  
Councillor P. Gill  
Councillor A. Hussain  
Councillor I. Hussain  
Councillor K. Hussain  
Councillor K. Margetts  
Councillor R. Martin  
Councillor A. Nawaz  
Councillor A. Parkes  
Councillor S. Samra  
Councillor M. Statham  
Councillor V. Waters

**Officers Present:**

D. Moore	Director – Special Projects
M. Brereton	Head of Planning and Building Control
M. Crowton	Group Manager – Transportation & Strategy
C. Dean	Senior Environmental Protection Officer
K. Gannon	Development Control and Public Rights of Way Manager
S. Hollands	Team Leader Development Management
D. Holloway	Planning Policy Manager
N. Howell	Principal Planning Officer
S. James	Locum Planning Lawyer
K. Knight	Senior Transport Planner
G. Meaton	Group Manager – Planning
S. Wagstaff	Team Leader Development Management
E. Cook	Democratic Services Officer
L. Cook	Democratic Services Officer

**Other Attendees:**

Mr M. Martin - ONE Creative environments Ltd.

190 **Apologies**

Apologies were received from Councillors Nahal and Rasab.

191 **Declarations of Interest**

No declarations of interest were received.

192 **Deputations and Petitions**

There were no deputation or petitions.

193 **Minutes**

A copy of the minutes of the meeting held on 16 January 2025 was submitted.

[annexed]

**Resolved**

**That the minutes of the meeting held on 16 January 2025, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.**

194 **Local Government (Access to Information) Act 1985 (as amended)**

**Exclusion of the Public**

**Resolved**

There were no items for consideration in the private session.

195 **Application List for Permission to Develop**

The application list for permission to develop (the plans list) was submitted, together with a supplementary report which provided additional information on items already on the plans list.

[annexed]

The Committee agreed to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee first. The Chair, at the beginning of each item for which there were speakers, confirmed they had been advised of the procedure whereby each speaker would have two minutes to speak.

196 **Plans List Item 2 – 24/0361 – Land at Barr Lakes Lane**

The Chair advised that a request had been received from the applicant for the item to be deferred to allow for further information to be submitted.

It was **moved** by Councillor Bird and **seconded** by Councillor Nawaz and upon being put to the vote, it was;

**Resolved**

**That application 24/0361 be deferred to a future meeting to allow for further information to be submitted.**

197 **Plans List Item 1 – 24/1535 – Walsall Connected Gateway**

*During consideration of Plans List item 1, the Director (Special Projects) addressed the Committee as a member of the public and not as a Council officer in attendance to support the meeting. He is henceforth referred to as Mr Moore for the duration of this minute.*

The Principal Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper.

[annexed]

There were two speakers against the application, Mr Singh and Ms Kadam who are attending remotely and two speakers in support of the application, Mr Sanderson and Mr Moore, attending in person.

Mr Singh and Ms Kadam stated that they had opened their business in one of the affected buildings in January 2024 and had not been aware of the proposed development at that time. They stated that it was unclear what support would be provided to affected businesses.

Mr Moore stated that the proposal had been included in the 2019 Town centre Masterplan and that the developments would improve safety in the town centre. He asserted that the loss of Butlers Passage had been met with positive feedback, including from young residents, and that the loss of a locally listed building had been carefully considered. Mr Sanderson stated that the development would provide improved access to the railways station and shopping area, including new lift and stair access. He added that it was acknowledged that there would be a moderately negative overall heritage impact however this had been balanced against significant other improvements to the public space and public safety.

Responding to questions, Mr Moore advised that it was envisaged works would progress quickly and it was hoped they would be completed by September 2026, subject to negotiations with contractors. Regarding questions concerning safety Mr Moore stated that Butlers Passage had been identified as an area of particular concern and the development would provide a lighter space with improved visibility. Regarding questions concerning environmental impact, Mr Moore stated that some trees would be situated on park street and low maintenance shrubs which would reduce the island-heat effect were included in designs. Mr Sanderson added that solar panels would be installed on the roof of the Saddlers centre.

Responding to questions, Ms Kadam and Mr Singh confirmed that their objections were principally commercial due to the loss of a prime location and reasserted that they had not been aware of the proposed development when taking on their business.

There followed a period of questions to officers, who confirmed that external consultation had been received regarding the loss of heritage assets and that the benefits of the development were considered to outweigh the loss of the heritage building.

Debating the application, several members expressed a hope that the development would encourage people into the town centre and contribute to a safer environment.

It was **moved** by Councillor Samra and **seconded** by Councillor Statham and upon being put to the vote it was;

**Resolved** (unanimously)

**That Planning Committee resolve to delegate to the Head of Planning & Building Control to grant planning permission for application 24/1535 subject to conditions and subject to:**

- 1. No new material considerations being received within the consultation period;**
- 2. The amendment and finalising of conditions;**
- 3. No further comments from a statutory consultee raising material planning considerations not previously addressed;**
- 4. Overcoming the comments raised by the Archaeology Officer, the Lead Local Flood Authority, and the Local Highway Authority.**

*During consideration of Plans List Item 1, Councillor Bains left the meeting. He returned later during the item. As he was not present for the whole duration that Plans List Item 1 was being considered, Councillor Bains did not vote on the item.*

198 **Gallery Square Public Space Improvements**

The Director (Special Projects) presented a report which informed Planning Committee of public realm improvements planned for Gallery Square and the top of Park Street in Walsall Town Centre, as part of the Active Public Spaces programme.

[annexed]

The Committee were addressed by Mr Martin, an external consultant supporting the project, who provided an overview of the proposed development.

Responding to questions, the Director (Special Projects) advised that negotiations were underway to work with the Canal and River trust to further enhance the area and additional schemes were envisaged through the Community Regeneration Partnership which could offer enhanced facilities for children. The Head of Planning and Building Control added that the ongoing development of the Walsall Borough Local Plan would provide an opportunity to consider appropriate policies to further support regeneration in the Town Centre, including connectivity. Several members identified a need for parking provision in the town and discussed the importance of maintenance, whilst welcoming regeneration opportunities.

**Resolved**

**That the report be noted.**

199 **Date of next meeting**

The date of the next meeting was 6 March 2025.

There being no further business, the meeting terminated at 6:58pm.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_





## Development Management Planning Committee

Report of Head of Planning and Building Control on 06/03/2025

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2	24/1607	65 MELLISH ROAD <b>Ward:</b> St Matthews	REPLACEMENT 6 BED DWELLING	REFUSE PERMISSION	35-46
3	24/1027	127 WALHOUSE ROAD <b>Ward:</b> Paddock	RETROSPECTIVE PLANNING APPLICATION FOR TWO STOREY SIDE EXTENSION, SINGLE STOREY FRONT EXTENSION, FIRST FLOOR REAR EXTENSION AND LOFT EXTENSION TO FACILITATE LOFT CONVERSION.	REFUSE PERMISSION	47-57





## Planning Committee 06 March 2025

### Report of Head of Planning and Building Control

#### Plans list item number

Item number: 1

#### Reason for reporting to the planning committee.

Presented to this planning committee due to the applicant's direct relationship with Councillor Bobby Bains.

#### Application details

**Application reference:** 24/0411

**Site location:** LAND REAR OF 127, LONGWOOD ROAD, ALDRIDGE, WALSALL

**Application proposal:** Outline planning application for the demolition of existing dwelling and equestrian centre with erection of 4 detached 4 bedroom dwellings. All matters are reserved.

**Application type:** Outline Permission: Minor Application

**Link to application documents:** <https://go.walsall.gov.uk/planningapps?id=24/0411>

**Applicant:** Mrs J Kaur 127, LONGWOOD ROAD, ALDRIDGE, WALSALL, WS9 0TB

**Planning agent:** Mr J Mason, J Mason Associates Ltd, St Thomas House, 83, Wolverhampton Road, Cannock, Staffs, WS11 1AR

**Ward:** Aldridge Central And South

## Red line location



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## Recommendation

Refuse permission

## Site and surroundings

A site visit was carried out on 9<sup>th</sup> July 2024.

The application site is located on the western side of Longwood Road, to the frontage of the site is 127 Longwood Road, a large, detached dwelling sitting in a row of houses in a uniform pattern along Longwood Road.

Number 127 Longwood Road is a side gable property with a double bay fronted property, tiled canopy across and a double garage. The house is set back within the site to provide a front hard surfaced garden/driveway.

Towards the northern side of the property is a driveway which provides rear access to the outbuildings, stables and offices and electrical substation at the rear of the site.

Number 127 sits at a higher level than the land towards the rear. The land slopes east to west from Longwood Road to the outbuildings. The existing outbuildings on site are a mixture of

pitched, mono pitched and flat rooves. Within the rear part of the site are two raised planted beds/swimming pools.

The neighbouring property, number 123 Longwood Road is a large two storey gable roof property set off the boundary. The property has a long rear garden that sits parallel to the rear garden of 127.

Number 129 Longwood Road is a large two-storey gable ended detached house. The rear garden measures 36.5m in length. The outbuildings within the application site are located parallel to the rear of this garden.

The houses along this section of Longwood Road vary in style and design from bungalows to two storey houses. To the south of 129 Longwood Road are a row of bungalows.

There are a number of trees within the application site, along the existing driveway to the rear of the site and on the land adjacent the very bottom part of the site. There is a group TPO which covers 125 Longwood Road.

The site is located within the Green Belt. It is not within a Conservation Area nor is a designated/non designated heritage asset. Birchwood, an ancient woodland is located 137m beyond the western boundary of the site. Cuckoo's Nest and the Dingle Local Nature Reserve is located 294m to the northwest of the application site.

This application is an outline application with all matters reserved. However an indicative site layout plan and elevations plans have been submitted. These show a new, smaller dwelling fronting Longwood Road, a general access arrangement indicating wider access to the side of the new dwelling and the neighbouring property 123 Longwood Road and three detached dwellings to the rear of proposed new 127 Longwood Road dwelling. The proposed indicative layout shows hardstanding frontages and rear gardens for each dwelling.

The indicative elevation plans show two house types, both two storey with 4 bedrooms. The design is traditional in character.

The following documents have been submitted to support the application:

- Planning and Design Statement
- Arboricultural Implication Survey (Amended May 2024)
- Bat Activity Survey Report

- Copy of an email from Weston Power confirming no objection in principle to the development

### **Relevant planning history**

EA588 – An application was made in 1951 for an extension to 125 Longwood Road. The application was for a two-storey extension with a garage and bedroom above. At some point 125 Longwood Road was included in the curtilage of 127 Longwood Road. Therefore the application EA588 and subsequent extensions that were built relate to what is currently known and 127 Longwood Road.

BC35 – An application in 1974 for the rear of 127 Longwood Road to rebuild stables and ancillary rooms for private use. The application was approved subject to the approval of drainage proposals and that the development was used for private use only. The proposal was within the curtilage of 127 Longwood Road

Tree preservation order 28 of 1978. Trees in and along the boundary to the site are protected by a group tree preservation order. The purpose of a group tree preservation order was to protect the amenity of trees within the green belt.

16/1888- Redevelopment of redundant equestrian centre (D2) to residential development of 5 dwellings use C3. Refused for the following reasons on 05-Dec-2018:

1. The proposed development is inappropriate within the Green Belt and would have an adverse impact on the character and openness of the green belt due to the excessive footprint which significantly exceeds the existing development to be removed which combined with the need for amenity space and parking would result in encroachment into the countryside and urban sprawl within the green belt.
2. The distance between the Longwood Road and the proposed houses is excessive of the access standards required by the Fire Service and as such fire appliances will have to access the site. The application has failed to demonstrate that there is sufficient turning space for Fire Service appliances and does not provide a minimum width required of 5.5 metres and a minimum carrying capacity of 15 tonnes.
3. The proposed development fails to meet the requirements of the NPPF 2018 para 110 to 'give priority to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility, create safe, secure and attractive places which minimise the scope of

conflicts between pedestrian, cyclists and vehicles and allows efficient delivery of goods and access by service and emergency vehicles'. The access is considered unsuitable to serve as access to a modern residential development and would have a unacceptable impact on highway safety, to the safe and satisfactory operation and amenity of the development and to the detriment of the free flow of traffic on the busy classified road.

4. The application proposes work to protected trees outside of the applicant's ownership boundary, the works in any case would be insufficient to ensure an acceptable level of separation to the proposed houses so that future residents would not be compelled to seek permission to prune or remove these trees. The likely loss of these protected trees.

19/1162 - Demolition of existing dwelling and outline planning application for the erection of a replacement dwelling fronting Longwood Road and 3 no detached dwellings and garages at rear with access and layout to be determined at this stage - Refuse: Planning Permission - 27-May-2020 for the following reasons:

1.The proposal for the erection of four dwellings represents inappropriate development within the Green Belt, which by definition is harmful to the Greenbelt and as such, there are no very special circumstances to outweigh Green Belt Policy. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

2.The proposal for the erection of four dwellings would have a greater impact upon the visual dimension of openness and the spatial dimension eroding the openness and as a result having a greater impact upon openness of the Green Belt and as such, failing to preserve the openness of the Green Belt and conflicts with the purposes of including land within it, in particular safeguarding the countryside from encroachment and urban sprawl in the Green Belt. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

3.The proposal to extend the driveway further into the site, as well as creating a turning facility and the hardstanding towards the front of the proposed dwellings would unduly harm the open character and visual amenities of the Green Belt as well as further eroding the open character of the Green Belt. Furthermore, the proposed development would generate more traffic than the existing use and as such would inevitably have a greater impact upon openness of the Green Belt. The National Planning Policy Framework, policies ENV2 and

CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

4. The proposed layout in respect of the three detached dwellings towards the rear of the site and proposed garages would dominate the site and as such would be visually prominent and visually intrusive when viewed from the adjacent Green Belt and open countryside. Furthermore, the footprint of the proposed dwellings represents overdevelopment of the site eroding the open character of the Green Belt. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

5. The proposed development fails to meet the requirements of paragraph 110 of the NPPF 2019 to give priority to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility, create safe, secure and attractive places which minimise the scope of conflicts between pedestrian, cyclists and vehicles and allows efficient delivery of goods and access by service and emergency vehicles. The proposal is contrary to the paragraph 110 of the NPPF UDP, Policy GP2 and the Equalities Act 2010.

6. The proposed three new dwellings in the rear of the application site are in close proximity to protected trees in third party ownership and as such, the proposal fails to demonstrate that an acceptable level of separation can be achieved to protect the trees so that future residents would not be compelled to seek permission to prune or remove these trees. The majority of the trees adjacent the access road would need to have pruning works undertaken to allow any development to take place. Furthermore, the loss of potential protected and unprotected trees would potentially affect foraging bats in the area in close proximity to bat buffer zones, ancient woodland and Cuckoo's Nest and the Dingle local nature reserve. The proposal is contrary to the National Planning Policy Framework in particular paragraph 118, policies ENV1 and ENV2 of the BCCS, Saved Policies GP2, ENV18, ENV23 and ENV32 of the UDP, Policy EN1 of the SAD, Policies NE1, NE2, NE3, NE8, NE7 and NE10 of Conserving Walsall's Natural Environment SPD.

7. The proposed layout represents back land development, which fails to reflect and integrate the existing pattern of development along Longwood Road as well as failing to provide an active street frontage to Longwood Road. The proposal fails to integrate with the existing pattern of development. The proposed narrow replacement dwelling would look out of character on a small plot width in comparison to the existing properties along Longwood

Road. The proposal would be contrary to the NPPF, Policies GP2 and ENV32 of the UDP, policies ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

8. The intensified use of the existing access way in close proximity to neighbouring occupiers would unduly harm the amenities of existing and proposed neighbouring amenities by way of noise and general disturbance by way of the use of the driveway with comings and goings, car headlights, car radios. The proposal would be contrary to the NPPF, Policies GP2 and ENV32 of the UDP, policies ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

9. The application fails to demonstrate how whether the substation towards the rear of the site will be maintained and accessed. The proposal is contrary to Saved Policies GP2 and ENV23 of the UDP.

## **Relevant policies**

### **National Planning Policy Framework (NPPF)**

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". The NPPF is a material consideration in the determination of a planning application.

### **Human rights and reducing inequalities**

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector

Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

## **Walsall Council Development Plan**

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocation Document (SAD)
- Saved policies of Walsall Unitary Development Plan (UDP)
- Walsall Town Centre Area Action Plan (AAP)

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

## **Consultee comments (planning officer's summary)**

### **Ecology Officer**

Objection – An Ecological Assessment has not been submitted. Conditions related to the protected species are recommended.

### **Environmental Protection**

No objection subject to conditions in relation to a Contaminated Land Investigation and Construction Management Plan to be approved in writing prior to commencement of development.

### **Local Highways Authority**

Objection in relation to insufficient information provided to adequately address highway visibility concerns. Concerns raised regarding the distance to the bin collection point as shown on the indicative layout.

## **Natural England**

No objection, the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

## **Severn Trent Water**

No objection, subject to a condition recommending a drainage scheme for foul and surface water disposal to be submitted and agreed prior to commencement of development

## **Strategic Planning Policy**

The current application could be supported by policy changes within NPPF (revised December 2024) subject to assessment of other considerations within the development plan.

## **Tree Preservation Officer**

Objection, the proposal would be detrimental to the trees both on and adjacent to the application site (many of which are protected by TPO 26/2005).

## **West Midlands Fire Service**

No adverse comments, the proposal will need to meet all the functional requirements stated within B5: Access and facilities for the fire service of Approved Document B, 2019 edition incorporating 2020 and 2022 amendments – for use in England.

## **West Midlands Police – Designing Out Crime Officer**

No objection, recommended the proposal is built in accordance with secured by design principles.

## **Neighbour and interested parties' comments (planning officer's summary)**

## **Objection(s)**

43 neighbours were notified via letter.

There were 28 letters of the objection from occupiers of neighbouring properties. Some households have objected more than once. All objections were on the following grounds:

- The application site is within the Green Belt, proposal will impact upon the Green Belt
- Previous reasons for refusal not addressed by the agent
- Equestrian centre has not been in use for significant period of time
- Proposal would result in additional traffic impacts caused by traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians/cyclists
- The proposal is out of character and layout of development with the area, backland development
- Proposal would impact the value of properties in the area
- Loss of privacy due to overlooking, loss of light and outlook
- Excessive noise/ pollution during construction and subsequently after due to access at the side of the property
- Impact on protected trees and ecology on site
- Potential environmental, flooding and drainage concerns
- Within the Longwood Gap Countryside Area Profile

A letter of objection has been received from an interested party CPRE (The Countryside Charity) on the grounds of the proposals impact on the Green Belt, protected trees, and concerns regarding transport access.

## **Determining issues**

1. Principle of development
2. Green belt assessment
3. Design, layout, and character
4. Amenity of neighbours and future occupiers

5. Highways
6. Ecology and Biodiversity Net Gain
7. Flood risk / Drainage
8. Trees / Protected trees
9. Ground conditions and environment

## **Assessment of the proposal**

### **Principle of development**

The application is an outline application for 4 dwellings, all matters reserved however the applicant has submitted an indicative site layout and elevations plans.

The layout shows 3 dwellings would sit to the rear of a replacement dwelling - 127 Longwood Road. Access to the 3 dwellings would be to the side of 127 Longwood Road. Whilst the layout would be considered at a reserved matters stage, the proposal is would result in backland development due to the dwellings being set at the rear of 127 Longwood Road. This would not be reflective of the existing character of the area and as such, fails to integrate with the existing pattern of development. The proposal is considered would have a negative visual impact when viewed from adjacent neighbouring properties.

Previously refused application 19/1162, also proposed residential development to the rear of 127 Longwood Road, albeit the layout of the development has now changed. The applicant has failed to demonstrate how refusal reason 7 of 19/1162 has not been overcome within this application. As such, the principle of backland development would not be acceptable and would be contrary to the NPPF 2024, Policies GP2 and ENV32 of the UDP and Policy DW3 of Designing Walsall SPD.

### **Green belt assessment**

The site lies within the Green Belt as defined by SAD policy GB1 and the Policies Map. Policy GB1 states, "In the Green Belt, UDP saved policies will apply as well as the relevant provisions within the NPPF, BCCS and policies contained within this document".

There were four reasons for refusal of application 19/ 1162 in relation the Green Belt when assessed against the requirements of the previous revision of the National Planning Policy Framework (June 2019).

1. The proposal for the erection of four dwellings represents inappropriate development within the Green Belt, which by definition is harmful to the Greenbelt and as such, there are no very special circumstances to outweigh Green Belt Policy. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

2. The proposal for the erection of four dwellings would have a greater impact upon the visual dimension of openness and the spatial dimension eroding the openness and as a result having a greater impact upon openness of the Green Belt and as such, failing to preserve the openness of the Green Belt and conflicts with the purposes of including land within it, in particular safeguarding the countryside from encroachment and urban sprawl in the Green Belt. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

3. The proposal to extend the driveway further into the site, as well as creating a turning facility and the hardstanding towards the front of the proposed dwellings would unduly harm the open character and visual amenities of the Green Belt as well as further eroding the open character of the Green Belt. Furthermore, the proposed development would generate more traffic than the existing use and as such would inevitably have a greater impact upon openness of the Green Belt. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

4. The proposed layout in respect of the three detached dwellings towards the rear of the site and proposed garages would dominate the site and as such would be visually prominent and visually intrusive when viewed from the adjacent Green Belt and open countryside. Furthermore, the footprint of the proposed dwellings represents overdevelopment of the site eroding the open character of the Green Belt. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

The NPPF was revised in December 2024 (amended February 2024). Paragraph 153 was revised as follows:

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness<sup>55</sup>.*

*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘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.”*

Note <sup>55</sup> clarifies that this requirement applies, *“Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.”*

Note <sup>55</sup> also raises a new consideration for assessing the application on the basis of the revised NPPF (December, 2024); that being whether the application site would be considered to be ‘grey belt land’.

The proposed development is previously developed land in equestrian use and currently has buildings on it.

The NPPF requires all four clauses of new paragraph 155 to be satisfied for the development to not be inappropriate.

*155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework<sup>57</sup>; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.*

Note <sup>56</sup> *“which, in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years; and in the case of traveller sites means the lack of a five year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites.”*

In considering whether the proposal meets the requirements for paragraph 155, in order for clause a to be satisfied, the site would need to meet the definition of Grey Belt. The NPPF defines Grey belt as, *“land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”*

*Paragraph 143. States that, “Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.*

*Footnote 7 states, “The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change”.*

None of these areas apply to the application site and so the site would not be excluded from the remaining considerations of the definition of ‘Grey belt’.

The Green Belt assessment that was carried out for the draft Black Country Plan (now withdrawn) assessed the existing line of houses along Longwood Road as parcel B94. This parcel excluded the western (lower) half of the current site. The assessment considered that the existing line of buildings made a weak or no contribution to the Green Belt purposes.

It should be noted that this assessment, as part of the evidence to support the Black Country Plan, has not been the subject of examination so has only limited weight. However, we would

agree with its conclusions in respect of Longwood Road. The lower part of the current site would be viewed against the backdrop of the existing adjacent buildings so is likely to score in a similar way if it is assessed against the Green Belt purposes. This therefore means that the site is considered 'grey belt' land.

With respect to whether the proposal is inappropriate development in relation to paragraph 155 and remainder of clause a of this paragraph, the minor nature of the current proposal means that it would be difficult to argue that it would, "*fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.*"

Clause b of 155, "*there is a demonstrable unmet need for the type of development proposed*". The council has less than a 5-year housing land supply and has failed the housing delivery test in recent years in accordance with the requirement of footnote 56. The presumption in favour of sustainable development therefore applies.

Clause c of 155, "*the development would be in a sustainable location ...*" The site is on a regular bus route linking Birmingham, Aldridge and Walsall which includes services in the evenings and on Sundays. It is therefore not an isolated location and can be considered to be sustainable in accordance with NPPF paragraphs 110 and 115.

Clause d of 155, "where applicable the development proposed meets the golden rules requirements...". The 'golden rules' only apply to major developments of 10 or more dwellings so are not relevant to the current application.

On the basis of this assessment, the application site is considered to be consistent with the definition of 'grey belt' in the revised NPPF (December, 2024) and the requirement of paragraph 155 and is therefore not considered inappropriate development.

It is considered that the previous reasons for refusal 1-4 of have 19/1162 have been overcome due to the change in Green Belt policy as set out in the revised NPPF.

## **Design, layout, and character**

The submitted indicative elevation plans show the proposed dwellings to be two storey and traditional in appearance however, the overall design would be considered at reserved matters stage, if the proposal were to be supported. It is noted that the house types shown on the elevations appear to have been wrongly labelled when compared with the layout.

Whilst the layout of the site would be considered at a reserved matters stage, the applicant has submitted an indicative site plan which shows a layout for the 3 properties to the rear of 127 Longwood Road and the replacement dwelling fronting Longwood Road, sitting within a narrower plot than the neighbouring two storey dwellings. The existing houses along Longwood Road are set in a linear layout with houses sitting in wide plots, with long private secure gardens. The proposal therefore would not be in keeping with the existing established character of the streetscene contrary to the aims and objective of the National Planning Policy Framework policies, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan Policy and the Supplementary Planning Document Designing Walsall SPD.

Nevertheless, the impact the design would have upon the character of the area would be considered at reserved matters stage, should the principle of development be considered acceptable.

### **Amenity of neighbours and amenity of future occupiers**

Whilst the plans submitted do show the proposed houses and layouts, this is indicative therefore the impact upon neighbouring amenity in relation to overlooking, light and privacy would be assessed at a reserved matters stage, should the outline application be supported.

The existing driveway was previously used for vehicular traffic to access the stables, and outbuildings, for use by the occupiers of 127 Longwood Road, as the planning permission in 1974 for the rebuilding of the stables restricted the use of them to the occupiers of 127 Longwood Road. The proposal would introduce 3 new dwellings into the rear of the site. Each dwelling would have 4 bedrooms, housing a family. The proposal would intensify the use of the driveway with activity at all times of the day and night.

Furthermore, the driveway would be located adjacent residential properties. The use of the driveway, car headlights, car radios and general noise and disturbance would unduly harm the amenities of existing and proposed neighbouring amenities.

It is considered that the applicant has not demonstrated refusal reason 8 of 19/1162, has not been overcome within this application therefore the proposal is contrary to the aims and objective of the National Planning Policy Framework policies, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan Policy and the Supplementary Planning Document Designing Walsall SPD.

Neighbouring occupiers have also raised concerns regarding inconvenience during infrastructure works and construction noise. Should planning permission be granted then

any noise issues regarding construction can be dealt with by a condition to require a Construction Environmental Management Plan.

Local residents have also raised concerns the proposals would result in the lowering of property value. This is not a material consideration in the determination of this application.

There is an electrical substation to the rear of 127 Longwood Road. The proposed dwellings towards the rear of the site are in close proximity to the substation. Policy ENV13 of UDP states, *“in order to protect the general amenity of occupiers development for uses other than industry and warehousing would not be supported near substations”*.

Environmental Protection previously commented for application 19/1162 there were no concerns regarding the proximity of dwellings to the substation as they were not within 5 metres of the substation. The indicative layout shows the dwellings to be in excess of 5 metres however the layout would be assessed at reserved matters stage. Weston Power have confirmed in writing to the applicant they have no objection in principle to the proposed development, subject to the relevant permissions regarding access being in place with prior to any work commencing.

## **Highways**

The indicative layout shows the access to the side of 127 Longwood Road to have been widened to accommodate proposed vehicles, a turning head to the rear of 127 Longwood Road, 2 car parking spaces for 2 of the dwelling and garages for the 3 dwellings to the rear of Longwood Road. The property directly behind 127 Longwood Road is proposed to have 1 car parking space and a garage. A driveway is proposed for 127 Longwood Road for parking off road.

The Local Highway Authority advised in their comments of July 2024, visibility splays have been demonstrated for a 30mph road as per Manual for Street standard, however it was requested visibility splays to be demonstrated in accordance with the 85<sup>th</sup> percentile speeds on Longwood Road, which are 40mph. No further information has been submitted to satisfy these concerns, therefore in principle, it is not considered safe access can be achieved.

In addition, the layout indicated shows the bin collection point distances does not accord with those provided within Manual for Streets. The Local Highway comments advise, *“A Refuse/Recycling collection point shall be provided as close as possible to the main highway*

*for use by residents on collection days and must accord with distances set out in Manual for Streets”.*

Paragraph 116 of NPPF states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

In light of the comments above, the Local Highway Authority cannot support the proposal in its current form due to insufficient information being provided to demonstrate the access is achievable. It is acknowledged that the outline application does not include consideration of the access, nevertheless it is reasonable to expect that the principle of safe access can be achievable, and the application does not demonstrate this.

## **Ecology and Biodiversity Net Gain**

The application site comprises a significant amount of semi-natural habitat, including grassland, scrub, trees and hedgerows. Adjacent are open fields and Birchwood, a wooded area to the western part of the site, to the northwest, Cuckoo’s Nest and the Dingle Local Nature Reserve.

The applicant has provided a bat activity survey which reviewed the structures on site for suitability to contain bat roosts, however a full ecological appraisal of the site was not carried out to assess how the semi – natural habitat on site would be impacted by the development.

A Preliminary Ecological Assessment would determine whether there are habitats present and assess the risk and potential impact to protected species and sites and ecologically valuable habitat and other possible issues associated with the proposal.

Whilst no concerns have been raised by the Council’s Ecologist in relation to the findings of the Bat Survey Report and appropriate conditions are recommended for protected species safeguarding, it is considered a Preliminary Ecological Appraisal should have been submitted with the application as set out in the local validation requirements. It is therefore considered the proposal is contrary to the aims and objectives of the saved policy ENV23 of the Walsall Unitary Development Plan, policy ENV1 of the Black Country Core Strategy and NPPF 15.Conserving and enhancing the natural environment.

In relation to Biodiversity Net Gain, this application was submitted prior to 2<sup>nd</sup> April 2024 and is therefore exempt.

## **Flood Risk / Drainage**

The site is not located within a Flood Zone therefore as it is a minor application, a Flood Risk Assessment is not required.

No objections have been raised by Severn Trent Water subject to a drainage condition and informative to be attached to the decision notice should permission be granted. It is considered, the proposed development complies with Walsall's Unitary Development Plan saved policies GP2 and ENV40.

## **Trees / Protected trees**

There are trees protected by an area classification TPO (title no. 26/2005) situated immediately outside of and adjacent to the north boundary of the site and there are large mature trees outside of and adjacent to the south boundary.

The amended Arboricultural Implication Study (AIS) submitted with the application was originally undertaken in October 2017 and parts of it have been revised significantly later in May 2024 for this new application. This revised AIS concludes that tree removal and tree pruning both on and off site would ideally need to be undertaken to accommodate the proposals but concludes that many of the trees are in third party ownership and this may not be possible without the consent of the tree owner.

The retention of off-site trees will likely result in trees encroaching closely to at least one of the proposed dwellings and the trees outside of the south boundary will cause significant shading. Following the previous 2 refusals to develop the site (app. 16/1888 and 19/1162) it is noted that the proposed site layout appears to have been amended to attempt to remove any development that may detrimentally affect the root protection areas (RPAs) of the retained trees as defined in BS 5837: 2012. However, this is not clearly demonstrated in the AIS and its appendices. Whilst this would appear to be an improvement on previous site layout proposals, it is considered that the close proximity and orientation of the trees (mostly in third party ownership) to the houses and over the access road will quickly become an issue for future residents who may perceive their close proximity as a danger (whether real or imagined) which along with other inconveniences of living in close proximity to large trees (e.g. leaf litter, lack of light, bird droppings etc.) will compel any new residents to seek their removal or inappropriate pruning.

It is acknowledged that layout would be fully assessed at a reserved matters stage however the AIS submitted recognises that the proposal would have an impact on trees within the site and adjacent. Consequently, the application would be detrimental to the trees both on the site and adjacent to the application site (many of which are protected by TPO 26/2005) contrary to the aims and objectives of Walsall's Unitary Development Plan saved policies ENV 18, Black Country Core Strategy policies ENV1, ENV2 and ENV3, Conserving Walsall's Natural Environment SPD and NPPF 15. Conserving and enhancing the natural environment. It is not considered the applicant has demonstrated the proposal overcomes refusal reason 6 of 19/1162.

## **Ground conditions and environment**

There is no any historical information in relation to potential pollutants on the site however within previous planning application, the applicant indicated, within the existing use section of the Application Form, that the historical use has included 'stables and part industrial/commercial'. On this basis, it is recommended that the Applicant undertake a contaminated land investigation, Phase 1 desktop to begin with followed by intrusive investigations if necessary.

Environmental Protection raise no objection to the proposal subject to a condition relating to the submission and approval of a land contamination investigation and a Construction Environmental Management Plan prior to the commencement of development given the proximity to existing residential development. It is considered, the proposal is in accordance with the requirements of UDP saved polices GP2 and ENV10.

## **Conclusion and reasons for decision**

On balance, this application is considered does not accord with local and national planning policies and guidance as set out in this report. The material planning considerations weigh against the proposal such that it is recommended for refusal.

## **Recommendation**

Refuse

## **Reasons for refusal**

1. The proposed layout represents back land development, which fails to reflect and integrate the existing pattern of development along Longwood Road which is unduly harmful to

character of the area. The proposal would be contrary to the NPPF, Policies GP2 and ENV32 of the UDP, policies ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

2. The intensified use of the existing access way in close proximity to neighbouring occupiers would unduly harm the amenities of existing and proposed neighbouring amenities by way of noise and general disturbance by way of the use of the driveway with car headlights, car radios. The proposal would be contrary to the NPPF, Policies GP2 and ENV32 of the UDP, policies ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

3. The development proposals would result in an intensification of vehicle trips at the site at all times of the day. The developer has failed to demonstrate achievable safe access at the site through adequate visibility in accordance with the 85th percentile speeds on Longwood Road. The proposal would be contrary to NPPF paragraph 116 and policy T4 of Walsall's SAD.

4. The application site comprises a significant amount of semi-natural habitat, including grassland, scrub, trees and hedgerows. The application has failed to include a Preliminary Ecological Appraisal to assess how the semi – natural habitat on site would be impacted by the development, as set out in Walsall Council's Local Validation Requirements. The proposal is contrary to the aims and objectives of the saved policy ENV23 of the Walsall Unitary Development Plan, policy ENV1 of the Black Country Core Strategy and NPPF 15.Conserving and enhancing the natural environment.

5. The proposed new dwellings to the rear of the application site are in close proximity to protected trees in third party ownership. The Arboricultural Implication Study fails to demonstrate that an acceptable level of separation can be achieved to protect the trees so that future residents would not be compelled to seek permission to prune or remove these trees. The proposal is contrary to NPPF, policies ENV1 and ENV2 of the BCCS, Saved Policies GP2, ENV18, ENV23 and ENV32 of the UDP, Policy EN1 of the SAD, Policies NE1, NE2, NE3, NE8, NE7 and NE10 of Conserving Walsall's Natural Environment SPD.

**End of report**





# Walsall Council

Planning and Building Control

## Planning Committee 06 March 2025

Report of Head of Planning and Building Control

### Plans list item number

Plans List Item number: 2

### Reason for reporting to the planning committee.

Called in by Councillor Hassan on the grounds that the proposed development would not cause significant harm to the amenities of the surrounding area from parking/ traffic/ noise/ disturbance/ odour or loss of TPO trees and that it will improve what is already there with a more quality and modern building. There will be no detrimental impact to neighbours or to the street scene. There are many different designs of buildings. The size of the building is not out of place in the street with some houses in close proximity either being the same size or much larger

### Application details.

**Application reference:** 24/1607

**Site location:** 65, MELLISH ROAD, WALSALL, WS4 2DG

**Application proposal:** Full planning application for a replacement 6 bedroom detached dwelling.

**Application type:** Full Application: Minor Use Class C3 (Dwellinghouses)

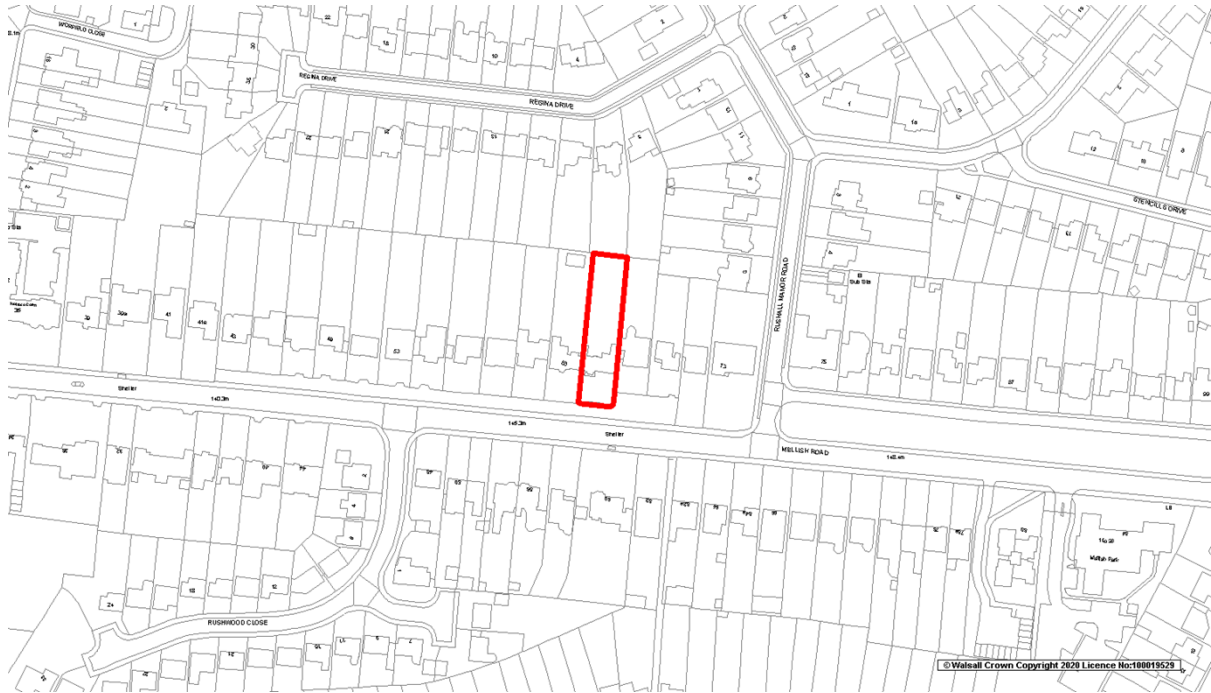
**Link to application documents:** <https://go.walsall.gov.uk/planningapps?id=24/1607>

**Applicant:** Rameez Ahmad 65, MELLISH ROAD, WALSALL, WS4 2DG

**Planning agent:** Pritpal Chana, Pritpal Chana Architects Ltd Pritpal Chana Architects Ltd, 216 Orphanage Road, Birmingham, B24 0AD

**Ward:** St Matthews

## Red line location



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## Recommendation

Refuse permission

## Site and surroundings

A site visit was carried out on 13<sup>th</sup> February 2025.

The application site comprises a large, detached dwelling set back from the highway. The prevailing character of this section of Mellish Road is one of detached dwellings of similar proportions. Recent years have shown modernisation to the dwellings in this area which has created an evolving character amidst the traditionally designed dwellings.

There are no Listed or Locally Listed Buildings or other Heritage Assets in the vicinity of the site. The area is a low risk of flooding and low risk for features of coal mining. The site falls within the Cannock Chase SAC. There are no protected trees within the application site or surrounding sites.

## Planning history

23/1183	Proposed 5 bedroom replacement dwelling with ancillary rear outbuilding to be used as a play room/Gym	Grant Permission Subject to Conditions	2024-01-22
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## Relevant policies

### National Planning Policy Framework (NPPF)

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”. The NPPF is a material consideration in the determination of a planning application.

### Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a

relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

## **Walsall Council Development Plan**

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocation Document (SAD)
- Saved policies of Walsall Unitary Development Plan (UDP)
- Walsall Town Centre Area Action Plan (AAP)

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

## **Consultee comments (officer summary)**

### **Environmental Protection**

No objections subject to condition to address the installation of any solid fuel burning appliance, approval of a construction management plan and a survey to identify and safely manage any potential asbestos containing materials.

### **Local Highway Authority**

No objection subject to conditions to secure implementation and drainage of the frontage parking area, maintenance of a pedestrian visibility splay. Advisory notes provided.

## **Severn Trent water**

No objections subject to a condition to secure approval of drainage plans for the disposal of foul and surface water flows.

## **West Midlands Fire Service**

No objections This proposal will need to meet all the functional requirements stated within B5: Access and facilities for the fire service of Approved Document B, 2019 edition incorporating 2020 and 2022 amendments – for use in England.

## **Public comments (officer summary)**

### **Support**

0 comments received in support of proposal

### **Objection(s)**

1 comment received objecting to proposal for the following reasons:

- Stress and anxiety created by building works
- Potential loss of access to neighbouring site during building works
- Do not consent to access to neighbouring land for construction activity/scaffolding

## **Determining issues**

1. Principle of development
2. Cannock chase SAC and HRA
3. Design, layout, and character
4. Amenity of neighbours and future occupiers
5. Highways
6. Ecology and Biodiversity Net Gain
7. Flood risk / Drainage

## 8. Ground conditions and environment

# Assessment of the proposal

## Principle of Development

The principle of development has already been established by application 23/1183 as detailed in the planning history, as this is a replacement dwelling in an established residential location and the proposal would be acceptable subject to the following matters being satisfactory.

Considering the reasons given for call-in of this application for consideration by the members of the Planning Committee, it is accepted that the proposed development would not cause significant harm to the amenities of the surrounding area from parking/ traffic/ noise/ disturbance/ odour or loss of TPO trees and the main considerations set out in this report relate to the proposed design and impact on neighbouring amenity.

## Cannock Chase SAC and HRA

This proposed application is located within the 15km zone of influence of the Cannock Chase SAC but does not result in a net increase in dwellings and therefore no mitigation measures would be required.

## Design, Layout and Character

The retention of a hipped roof design with a similar slope angle to the neighbouring dwellings would accord with the requirements of the SPD Designing Walsall Appendix D which requires the retention of hipped roofs where this is characteristic of the street scene.

Separation distances to either adjacent neighbouring dwelling are sufficient to limit the potential for terracing effect and to retain the clear gap between dwellings that is characteristic of the existing situation.

The increased roof height would not project above the height of neighbouring no. 67 Mellish Road and would sufficiently respect the prevailing roofline of the context row of houses on this side of Mellish Road.

Proposed facing materials are considered would integrate with the mixed and evolving street scene.

However, the forward projection of the proposed development in conjunction with the heavy glazing of the two-storey front gable elevation is considered would create an overly dominant and incongruous building amongst this row of dwellings. The applicant was advised of this at the pre-application stage. It is acknowledged that there is an existing central first floor portrait window and some feature first floor front gable glazing could be accepted at a reduced scale to the existing proposal. It was also advised at the pre-application stage that the apex glazing in the two front gable window features on either side of the main front gable would be an incongruous design, and that first-floor front windows should be of a height and design to match the neighbouring dwellings.

On balance, it is considered that the design of the proposed glazing in the front elevation would not integrate with the more traditional appearance of the row of dwellings that the site dwelling would be located amongst, and when seen in conjunction with the excessive forward projection of the replacement dwelling, the front elevation would have an overly dominant appearance in this street scene. This would be detrimental to the visual amenity of the street scene contrary to the requirements of the Black Country Core Strategy policies CSP4 and ENV2, saved policies of Walsall's Unitary Development Plan GP2 and ENV32 and the SPD Designing Walsall DW3.

## **Amenity of neighbours and future occupiers**

The front elevation of the development is compliant with the 45-degree code and the requirements of saved UDP policy GP2 and is considered would have limited impact on the amenity of neighbouring occupants.

The proposed development would not project significantly beyond the rear elevation of no. 67 Mellish Road and is considered would have limited impact on the amenity of these neighbouring occupants in terms of outlook or light availability.

The proposed first floor rear master bedroom balcony is centrally located across the rear elevation and inset so that it would not project beyond the first floor rear elevation. The inseting of the balcony area and separation distance of 4.1m to the boundary with no. 67 Mellish Road and 5.7m to the boundary with no. 63 Mellish Road would limit sideward views towards neighbouring sites, so the balcony would be unlikely to cause any significant additional levels of overlooking towards neighbouring rear gardens above and beyond that which would be created by a regular habitable room window opening in this position.

The proposed single storey rear elevation adjacent to the boundary with no. 63 Mellish Road would project 9.4m beyond their nearest neighbouring habitable room rear window. 7.4m of this total depth would be composed of solid brick elevation topped with metal capping with a total height of 3.4m measured from ground level at the application site, and the remaining 2m depth of a timber trellis roof above an open patio area. The 45-degree code as detailed in the SPD Designing Walsall Appendix D, would be breached by this part of the development, with an additional distance of 3.2m of solid brick elevation projecting past the 45-degree line of view from the neighbouring window. It is accepted that given the northerly orientation of this row of houses with the sun facing towards the front elevations of the dwelling throughout the majority of the day, that this breach would have limited impact on their light amenity, but the depth and height of the proposed rear side elevation would extend the existing view of brickwork from their rear window, and when using their rear patio area, it is considered would unduly impact on their outlook, contrary to the requirements of saved UDP policy GP2. The impact would be exacerbated by the decrease in land

levels at the rear of the dwellings from the application site, down to neighbouring no. 63 Mellish Road.

There is an existing outbuilding along the boundary with no. 63 Mellish Road which projects 3.9m beyond their rear window and there is a breach of the 45-degree code created by this existing structure. As this structure has been in situ for many years and reflects the regular outlook for the occupants of no. 63, a side elevation constructed up to this depth at the rear of the replacement dwelling would be acceptable. The applicant was advised at the pre-application stage that the breach of the 45-degree code in this position was unacceptable therefore they are aware of the Council's concerns regarding the impact of the extension on the neighbour's outlook.

Whilst the front of the replacement dwelling would not cause any significant harm to the amenity of neighbouring occupants and the two storey rear element including the inset balcony could be supported, the excessive depth of the single storey rear element of the replacement dwelling, which would create a breach of the 45 degree code contradicts the requirements of saved Unitary Development Plan policy GP2 (Environmental Protection) and the Supplementary Planning Document Designing Walsall Appendix D (Numerical Guidelines for Residential Development), both of which are intended to protect the amenity of neighbouring occupants and therefore on balance the proposed design cannot be supported.

Concerns have been raised by residents regarding the impacts of the development during the construction phase. Whilst impacts on mental health do not form a material planning consideration, and permission for access to neighbouring sites for construction purposes is a civil matter between neighbouring landowners, in the event of permission being granted for the development, approval of a construction management plan would be required that would ensure that neighbouring sites are not obstructed during construction.

## Highways

The site is located on Mellish Road which is an adopted classified road (A454) and a District Distributor. The site is set well back from the back of footway behind a wide highway verge

The site is currently accessed via Mellish Road, on the south boundary of the site, which provides access to a driveway located at the front of the dwelling. The access benefits from existing dropped kerbs. No changes to the access arrangements are proposed.

The development proposals include evidence of sufficient parking in line with Walsall UPD Policy T13 car parking standards. Four car parking spaces are located to the front of the dwelling.

The Local Highway Authority supports the proposal, subject to conditions to secure implementation and drainage of the frontage parking area and maintenance of a pedestrian visibility splay.

## **Ecology and Biodiversity Net Gain**

A bat survey has been submitted with this application which is still considered to be valid as it was conducted within the last two years. Conditions to secure precautionary working methods to protect bats that could be present at the time of development, and for the installation of two bat boxes would be required.

Whilst the development would increase the footprint of the dwelling by more than 25m<sup>2</sup> above the existing dwelling, this would occupy an area of the rear of the site that is currently occupied by a patio with no planting. It is therefore considered that this development would be exempt from the biodiversity net gain condition, meeting the de minimis threshold of impacting less than 25m<sup>2</sup> of existing habitat.

## **Flood risk / Drainage**

The site is in Flood Zone 1 and therefore not in an area at high risk of flooding. Severn Trent Water support the application subject to a condition to secure approval of drainage plans for the disposal of foul and surface water flows.

## **Ground conditions and environment**

There are no known concerns regarding contaminated land or air quality at this site. Environmental Protection have no objections to the proposal subject to conditions to address the installation of any solid fuel burning appliance, approval of a construction

management plan and a survey to identify and safely manage any potential asbestos containing materials.

It is outside of the planning remit to enforce smoke control and therefore it would be irrelevant, unreasonable and unnecessary for a condition relating to solid fuel burning appliances to be included in this application.

Identification and safe removal of asbestos and a construction management plan could be secured by a pre-commencement condition.

## **Conclusions and reasons for decision**

On balance, this application is considered does not accord with local and national planning policies and guidance as set out in this report. The proposed design of the front elevation would result in an overly dominant frontage, incongruous with this row of dwellings and the significant breach of the 45-degree code at the rear of the dwelling in respect of the neighbouring site at no. 63 Mellish Road, resulting in views of an excessive expanse of brickwork that would cause harm to the amenity of neighbouring occupants.

The applicant has been advised of these concerns at the pre-application stage and whilst some amendments have been made that are an improvement on the pre-application proposal, the amendments have not gone far enough to achieve a supportable application.

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

## **Recommendation**

Refuse Permission

## Reasons for Refusal

1. The forward projection of the proposed development compared to the existing front elevation line, in conjunction with the excessive glazing of the two-storey front gable elevation and the apex glazing in the two front gable window features would create an overly dominant and incongruous front elevation amongst this row of dwellings of more traditional appearance. This would be detrimental to the visual amenity of the street scene contrary to the requirements of the Black Country Core Strategy policies CSP4 (Place Making) and ENV2 (Historic Character and Local Distinctiveness), saved policies of Walsall's Unitary Development Plan GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) and the Supplementary Planning Document Designing Walsall DW3 (Character).
2. The proposed single storey rear elevation would breach the 45-degree line of view from the nearest neighbouring ground floor habitable room rear window at no. 63 Mellish Road by a distance of 3.2m. This is contrary to the requirements of the Supplementary Planning Document Designing Walsall Appendix D (Numerical Guidelines for Residential Development ). The expanse of brickwork created by the excessive depth of the single storey rear part of the dwelling, in conjunction with the height of the elevation, that would appear higher from the neighbouring site due to the decrease in land level at the rear of the dwellings from the application site down to neighbouring no. 63 Mellish Road, would cause harm to the visual amenity of these neighbouring occupants, contrary to the requirements of saved policy of Walsall's Unitary Development Plan GP2 (Environmental Protection).

**End of report**



# Walsall Council

## Planning Committee 06 March 2025

Report of Head of Planning and Building Control

### Plans list item number

Item number: 3

### Reason for reporting to the planning committee.

Called in by a Councillor – Councillor Farhana Hassan – Councillor is in support of the proposal.

Reason 1: The design of the proposal requires wider consideration.

Reason 2: No Significant harm to the amenities of the surrounding area from parking/traffic/noise/disturbance/odour/loss of TPO trees

### Application details.

**Application reference:** 24/1027

**Site location:** 127, WALHOUSE ROAD, WALSALL, WS1 2BE

**Application proposal:** Retrospective planning application for two storey side extension, single storey front extension, first floor rear extension and loft extension to facilitate loft conversion.

**Application type:** Full Application: Householder

**Link to application documents:** <https://go.walsall.gov.uk/planningapps?id=24/1027>

**Applicant:** Faraaz Arshid, Mr Imran Bashir 127, WALHOUSE ROAD, WALSALL, WS1 2BE

**Planning agent:** Mr Faraaz Arshid Hayat Architects, 43, BORNEO STREET, WALSALL, WS4 2HZ

**Ward:** Paddock

## Red line location



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## Recommendation

Refuse permission

## Site and surroundings

A site visit was carried out on 03/10/2024.

The site is a semi-detached property which was originally rendered, with a small front gable which was consistent with the neighbours, the side elevation was of a hipped roof design and at the rear a pitched gable mirrored the attached property.

The site is partially within a pollution combined zone, it is near a corner and is visible from the rear off Charlotte Street and the front of the site is visible from Walhouse Road. The character of the street scene is a mixture of semi-detached and detached houses, gables and pitched roof designs are a prominent feature within the locality

A previous permission with reference 20/0844 was granted on the site, for a two-storey side extension including the change from a hipped roof to gable end, and a first-floor rear extension with a pitched roof. In granting the previous application the assessment did not account for the 45-degree code policy for the first-floor rear extension, which did breach the

45-degree code at no. 129 Walhouse Road by 1.8 metres. Since the development as approved has never been implemented in line with the plans provided, and other development has been undertaken in its place, it is no longer possible to implement the approved development, and the approval has fallen away.

Further, the 3-year permission under 20/0844 would have expired on the 05/11/2023. An enforcement investigation was opened in February 2024. The investigation revealed that works likely started in late December 2023 to early January 2024, meaning the original planning permission would have expired prior to the works starting, and remain incomplete to date. The investigation also found that the works conducted at site did not resemble the plans provided in permission 20/0844. The changes to the approved development include a single storey front extension, increased width of the front gable and inclusion of two windows instead of the conventional single window in the front gable. The first-floor rear extension included an additional floor and a flat roof instead of the pitched roof show on the plans.

Building control records also indicate that the works were unauthorised, and that planning permission was required before any building works could continue and a building control certificate can be provided following the site visit on the 13/05/2024.

Application 24/0354 was submitted in early 2024 for the 'as built' development, which was subsequently refused. The application under consideration here seeks approval for the retrospective works and proposes some alterations in an attempt to overcome the previous reasons for refusal.

Negotiations have taken place requesting the applicant amend width of the front gable, the window in the top of the pitch of the front gable, the roof design of the rear extension and a reduction in depth of the first-floor rear extension. The most recent submitted plans have addressed the front gable concerns the change in the roof design of the rear extension, however, the first-floor rear extension has not been reduced to meet the 45-degree code guidance. In addition, the existing plans provided for this application do not show the 'as built' structures at site and show the original elevations prior to the submission of the applications.

### **Relevant planning history**

**20/0844** – 127 Walhouse Road – Two storey side extension and bedrooms and rear extension bedroom and bathroom – Granted Subject to Conditions - 06/11/2020

**24/0354** – 127 Walhouse Road - retrospective full planning application for part retention and proposed two-storey side extension, double two-storey rear extension with change to roof

design, two-storey front extension with gable projection, single-storey front extension, change to rear and front fenestration, loft conversion with rear dormer and increased ridge height, skylight on front elevation. – Refuse Permission – 05/07/2024

Reasons for refusal:

1: The alterations carried out to the property include an increase to the ridge height above the adjoining property by 0.4m, which also results in the loss of the original clay tiles that are characteristic of the property would unbalance the pair of semi-detached dwellings. The development is visually incongruous and would bring visual harm to which is detrimental to the appearance of the street scene in this section of Walhouse Road, contrary the Unitary Development Plan, in particular policies GP2 (Environmental Protection), ENV32 (Design and Development Proposals) and NPPF 2023 Chapter 12 (Achieving Well Designed and Beautiful Places), p.135.

2: The 'as built' extensions and proposed front elevation changes increase the width and height of the original gable feature and would result in the loss of the characteristic eaves and detailing above the first-floor windows and would result in changes to the fenestration at ground- and first-floor level including the loss of the front elevation recess and bay window which would fail to reflect the original character of the dwelling. The combined loss of original architectural character, features, and increased width and height would result in a visually incongruous proposal that would significantly unbalance the pair of semi-detached dwellings and would bring detrimental visual harm to the appearance of the street scene in this section of Walhouse Road, contrary the Unitary Development Plan, in particular policies GP2 (Environmental Protection), ENV32 (Design and Development Proposals) and NPPF 2023 Chapter 12 (Achieving well Designed and beautiful places), p.135.

3: The 'as built' first floor extension results in a 1.8m breach of the 45 degree code when taken from the quarter point of no.129's nearest first floor habitable window and would therefore result in harm which would be detrimental to this property's outlook and amenity contrary to the NPPF, Black Country Core Strategy policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and Walsall's Unitary Development Plan saved policies GP2 (Environmental Protection), ENV32 (Design and Development Proposals) and Designing Walsall SPD and NPPF Chapter 12 (Achieving Well Designed and Beautiful Places), p.135.

4: The 'as built' second floor dormer by way of its excessive bulkiness, scale and projection is visually incongruous when viewed from properties along Charlotte Street and Walhouse

Road and fails to respect local character and distinctiveness. The dormer's excessive scale is particularly oppressive and overbearing for no.44-48 due to the limited separation, orientation and side facing windows that would look onto the development. The proposal represents overdevelopment of the site to the detriment of neighbouring amenity that results in significant harm above and beyond the original approval. The proposal is therefore contrary to NPPF and the Unitary Development Plan, in particular policies GP2 (Environmental Protection), ENV32 (Design and Development of Proposals) and NPPF Chapter 12 (Achieving well Designed and beautiful places), p.135.

5: The proposal's increased height and projections at first and second floor, result in overshadowing of the rear garden and rear conservatory of no.125 in the early morning to mid-morning and would result in harm and overshadowing to no.129's rear habitable windows and garden amenity area from mid to late afternoon. This would therefore result in significant harm to neighbouring amenity above and beyond the original approval that would fail to comply with the NPPF and saved Unitary Development Plan policy GP2 (Environmental Protection) and NPPF Chapter 12 (Achieving well Designed and beautiful places), p.135.

6: The application documents fail to demonstrate that the side facing windows in the 'as built' dormer will be removed. In addition, the submitted elevations fail to accurately show the appearance of the rear dormer as it does not include the step feature that has been built on site. The application does not include a set of original floor plans. The submitted plans and elevations are considered to be of poor quality and insufficient to make a full assessment of the proposal in accordance with the aims and objective of the National Planning Policy Framework.

**E24/0052** – proposed not built in accordance with approved plans – under investigation. No notice/s yet issued, pending application outcome.

## **Relevant policies**

### **National Planning Policy Framework (NPPF)**

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". The NPPF is a material consideration in the determination of a planning application.

## **Human rights and reducing inequalities**

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

## **Walsall Council Development Plan**

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocation Document (SAD)
- Saved policies of Walsall Unitary Development Plan (UDP)
- Walsall Town Centre Area Action Plan (AAP)

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

## **Consultee comments (planning officer's summary)**

### **Environmental Protection**

Environmental Protection – no objection

## **Local Highways Authority**

Support – no conditions necessary

## **Neighbour and interested parties' comments (planning officer's summary)**

### **Objection(s)**

8 comments received, objecting to the proposal for the following reason(s):

- Proposal impacts on 45-degree code which leads to Loss of light from neighbouring window
- Front gable out of character.
- Harm to amenity (Loss of light and sun to garden and rear elevation).
- Front gable window (not in keeping with the area).
- Trading business from the property.
- Ridge height. (Due to the height increase noticed upon visiting the site.)
- Side facing windows in the existing development.
- Inadequate car parking provision for number of bedrooms
- Extensions are excessively bulky due to the extensions in relation to the original property.
- Latest drawings are not to scale as stated by the architect, meaning it is not possible to know what the overall footprint will be.
- Loss of front bay window, loss of character.

### **Determining issues**

1. Design, layout, and character
2. Amenity of neighbours and future occupiers
3. Other key determining issues

## **Assessment of the proposal**

### **Design, layout, and character**

**Single-storey front extension:** The proposed single storey front extension is considered in keeping with the character of the street scene. The street scene has a mixture of single storey extensions which have flat and pitched roof designs, and a mixture of materials including render and facing bricks as such the single storey front extension proposed. Therefore, this aspect of the development meets the requirements of planning policy; Black Country Core Strategy ENV2: Historic Character and Local Distinctiveness and ENV3: Design Quality, Saved Unitary Development Plan, ENV32: Design and Development Proposals and the Supplementary Planning Document (SPD) Designing Walsall, Appendix D and the NPPF 2023 paragraph 135 (a-f).

**Two-storey front and side gable:** The proposed front and side gable extension is similar in design to the front gable which existed at the property prior to the works. Gables to the front elevation are a common feature within the street scene.

The proposed front and side gable end extension would, as amended, provide a more balanced design to the pair of semidetached properties at no.127 and 129 Walhouse Road. While the gable is to include two windows at first floor and this is not particularly a characteristic addition for semidetached properties within the street scene, harm to the street scene is considered limited and therefore acceptable in this case.

On balance, the amended front gable meets the requirements of planning policy; Black Country Core Strategy ENV2: Historic Character and Local Distinctiveness and ENV3: Design Quality, Saved Unitary Development Plan, ENV32: Design and Development Proposals and the Supplementary Planning Document (SPD) Designing Walsall, Appendix D and the NPPF 2023 paragraph 135 (a-f).

**Rear extensions:** The unauthorised alterations to the rear of the property, include removing the pitched roof to the original rear of the dwelling, increasing the ridge to include a flat roof element, construction of a first-floor rear extension and the addition of a dormer at third floor level. This design was not considered acceptable and refused under planning application 24/0354 for the retention of such.

The amended design with this application removes the dormer at third floor so that the roof is set back to above the original rear wall and while the side walls have been lifted there is slight pitch to either side proposed in this former rear gable. The first-floor rear extension has

been amended to a traditional pitched roof, albeit shallow, which is considered broadly in keeping with the character of the area.

The proposal looks to retain space in the roof with the inclusion of an unusual sloped and flat roof design. Whilst this is not a design feature seen within the street scene it would have limited visibility from Charlotte Street; therefore, it is considered this element of the proposal would have a limited impact upon the character of the area due to being at the rear.

On balance the design of the rear extensions are considered to meet the requirements in respect of design of planning policies; Black Country Core Strategy ENV2: Historic Character and Local Distinctiveness and ENV3: Design Quality, Saved Unitary Development Plan, ENV32: Design and Development Proposals and the Supplementary Planning Document (SPD) Designing Walsall, Appendix D and the NPPF 2023 paragraph 135 (a-f).

### **Amenity of neighbours and amenity of future occupiers**

The proposed front extensions do not breach the 45-degree line from neighbours at no. 125 and 129 Walhouse Road's nearest habitable room windows, meeting the requirements of planning policy; Black Country Core Strategy ENV2: Historic Character and Local Distinctiveness and ENV3: Design Quality, Saved Unitary Development Plan, ENV32: Design and Development Proposals and the Supplementary Planning Document (SPD) Designing Walsall, Appendix D and the NPPF 2023 paragraph 135 (a-f).

The first-floor rear extension was previously approved under planning application 20/0844. However, the assessment of the 45-degree code was not correctly applied at first floor. As a result, the first-floor extension breaches this code by 1.8 meters, which would likely have led to the refusal of the application had the issue been identified during the original review.

Since the original approval was not implemented in accordance with the plane and has now expired the original permission has fallen away, therefore limited weight is given to 20/0844 in the determination of the current proposal. The new application must therefore be assessed based on current planning policy, taking into account the 45-degree code and its impact on neighbouring amenity including light and outlook.

The assessment finds that the proposed as-built first-floor rear extension would cause a 1.8-metre breach of the 45-degree code when measured from the first quarter point of the habitable first-floor window of the adjacent property at 129 Walhouse Road. This breach is considered detrimental to the neighbouring amenity as it would result in a significant loss of

outlook for the occupants of that property. Such a loss would negatively affect the amenity for both current and future residents of 129 Walhouse Road.

The first-floor rear extension also causes significant over shadowing over the neighbour's rear elevation at 125 Walhouse Road and 42 Charlotte Street during the morning period when the sunlight is the most prevalent at the rear of these properties. Due to the height of the proposed addition, even after the removal of the rear dormer and replacement with a pitched roof of a similar height, it will continue to create harmful shadowing to the neighbours' rear gardens and elevations during the morning period. This was confirmed following the site visit on the 03/10/2024 on a sunny morning and between 09:15AM to 09:24AM where it was seen that the extensions as built, which included the rear dormer caused significant overshadowing to no. 125 Walhouse Road and 42 Charlotte Street, with the replacement of the rear dormer with a similar height pitched roof will have a similar impact due to the height and depth.

In summary, the proposed first floor rear extension breaches the 45-degree code, which is a critical consideration in protecting the amenity of neighbouring properties. The breach is considered significant and warrants a refusal under planning policy, namely Saved Unitary Development Plan, ENV32: Design and Development Proposals GP2: Environmental Protection and the Supplementary Planning Document (SPD) Designing Walsall, Appendix D and the NPPF 2024 paragraph 135 (a-f).

### **Other key determining issues**

The applicant asserts that the planning permission granted under 20/0844 is still valid and should be considered as significant weight in retaining the first-floor rear extension element. However, due to the development being undertaken contrary to the submitted plans the permission has fallen away due to breach of condition 2 (approved plans). Thus, there is no planning permission for the works any works on the site, and any application must be assessed as a new proposal against the policies of the development plan.

Requests have been made for the reduction of the depth of the first-floor rear extension however the applicant has clarified that no further amendments to this element will be provided.

### **Conclusion and reasons for decision**

This application has failed to demonstrate the proposed extensions will not affect neighbouring amenity due to the first-floor rear extension having a detrimental impact to loss of light, overshadowing and loss of outlook

This application does not accord with local and national planning policies and guidance as set out in this report.

The material planning considerations weigh against the proposal such that it is recommended for refusal.

## **Recommendation**

Refuse permission

## **Reasons for refusal**

1: The 'as built' first floor extension results in a 1.8m breach of the 45-degree code when taken from the quarter point of no.129's nearest first floor habitable window and would therefore result in harm being detrimental to no. 129 Walhouse Road's outlook, loss of light and neighbouring amenity contrary to the due to the close proximity. The proposal would therefore be contrary to NPPF 12 (Achieving well-designed and beautiful places) paragraph 135, the Black Country Core Strategy policies CSP4 Place-Making, ENV2 Historic Character and Local Distinctiveness and ENV3 Design Quality, Walsall's Unitary Development Plan, saved policies GP2 Environmental Protection and ENV32 Design and Development Proposals and Appendix D of Designing Walsall SPD.

**End of report**