



Walsall Council

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 04 March 2021

Plans List Item Number: 10

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 5, YARE GROVE, WILLENHALL, WV13 2SH

Proposal: SINGLE STOREY REAR EXTENSION.

Application Number: 20/0767

Case Officer: Claire Woodcock

Applicant: Mr Joga S. Gill

Ward: Willenhall South

Agent: Building Designs & Technical Services

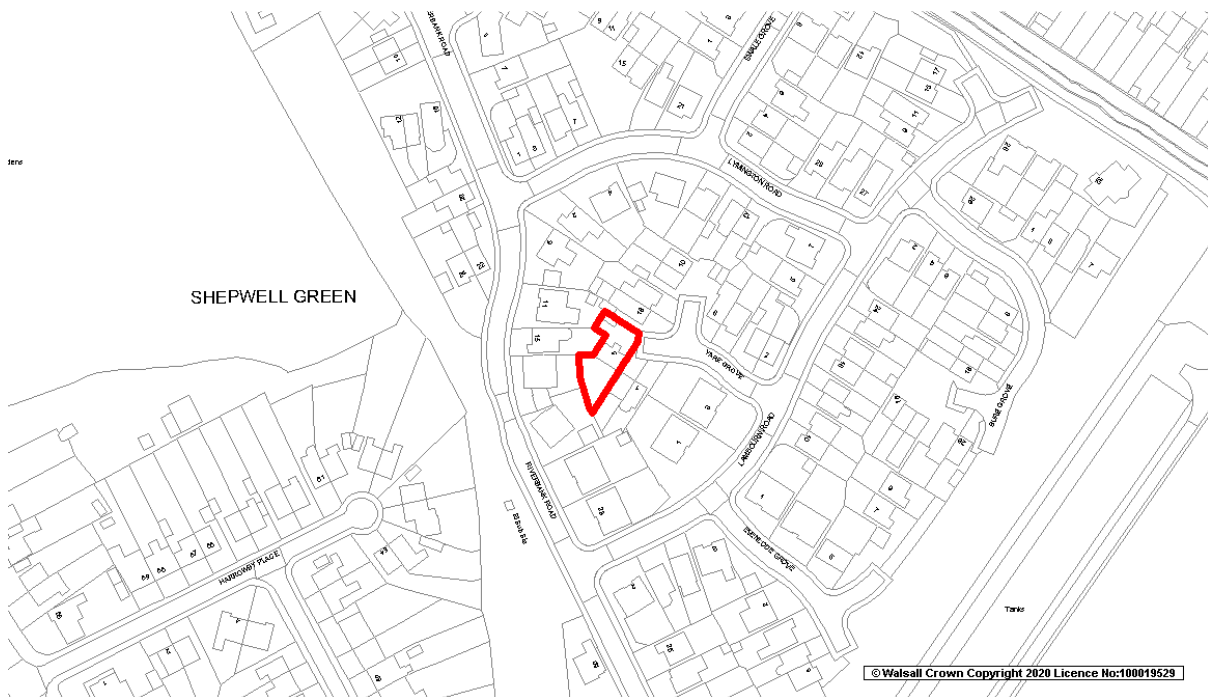
Expired Date: 04-Sep-2020

Application Type: Full Application: Householder

Time Extension Expiry: 10-Mar-2021

Recommendation

Grant Planning Permission Subject to Conditions



Officers Report

Proposal

The proposal is for a rear single storey extension, which would provide a kitchen and dining area.

The dimensions are:

4 metres deep

8 metres wide

Having patio doors and window leading into the applicant rear garden.

Having a tiled mono roof the dimensions are:

2.4 metres to the eaves

3.6 metres overall

The plans have been amended since submission to omit a shower room and utility at the side.

Site and Surroundings

The property is a two storey detached dwelling, set on a residential estate, where there are mainly semi-detached and detached properties of varying styles and sizes, a number of which have side, rear and front extensions.

Relevant Planning History

BCW533- Original estate planning permission removed permitted development rights-no development contained within Part 1, Class A, B, C, D, E, F. or G, or within Part 2, Class A or of Schedule 2.

3 Yare Grove:

12/0240/FL Retrospective application to retain boundary fence (0.95m) in front garden
GSC 17-May-2012

16 Yare Grove:

04/0741/FL/H1 Conservatory GSC 24-May-2004

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF (para 55) says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

In addition, the 2010 Act imposes a Public Sector Equality Duty "PSED" on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon

those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- ENV3: Design Quality

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

Consultation Replies

Pollution control: Concerns raised initially as the site is located on a former sewage works that has elevated levels of ground gas and will require the measures within the existing property to be carried through to the extension. Design and specification of such measures have been received and a condition recommended in regard to this.

Representations

A collective 8 objections have been received from 4 adjoining neighbours to the rear relating to both the original plans and the revised plans which have removed the shower room and utility. (Officers comments in italics).

- The close proximity of the proposed extension to the neighbours at the rear
- Views will be impeded by the proposed extensions due to close proximity
- Loss of privacy
- Smell and pollution from bathroom and kitchen
- Increased noise pollution
- Loss of impermeable land and no run off for surface water, which could lead to flooding to the surrounding properties
- Changes the configuration and landscape of the original build
- Part of the extension would be built up to boundary fence and lead to devaluing

of surrounding properties. *(Not a material planning matter).*

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Parking
- Conclusion

Assessment of the Proposal

Design of Extension and Character of Area

The proposed single storey rear extension would provide a kitchen and dining area. A side extension for shower room and utility has been removed which improves the design. The amended design is considered to reflect the character of the original dwelling, providing the facing materials will be consistent with those used for the existing house.

It is considered that as it is a rear extension and is not visible within the street scene so causes no harm to the character of the dwelling nor the street scene.

Amenity of Nearby Residents

The application property is positioned in front of no 3 Yare Grove resulting in the rear elevation of no 5 drawing level with the front elevation of no 3 which lies to the south. As such the proposed extension at no 5 will project at the rear parallel to the gable wall of no 3 thereby creating no breach of the 45-degree code in relation to this property. Whilst there is a window on the side gable elevation of no 3 facing no 5, this serves a non-habitable room and there is a tall boundary fence between the two therefore ensuring privacy for the neighbour is protected.

No 16 Yare Grove is a semi-detached property which is set in front of and at right angles to no 5 with garages of each property in between. As the proposed extension is at the rear this will not be visible from no 16 so no impact to the privacy or amenity of this neighbouring property from the proposed extensions.

The side and rear boundary of no 5 adjoins the boundaries of no's 11, 15, 17 and 19 Riverbank Road which are set to the west. These neighbours are concerned about the proximity of the proposed extension and potential loss of privacy and outlook from their rear facing windows.

No's 11 and 15 Riverbank Road are almost at right angles to no 5 and face the existing gable wall of this property. It is considered that as there is only a kitchen door in the side elevation facing these properties the proposals would have limited impact on the outlook and privacy of these neighbours.

No's 17 and 19 Riverbank Road have shorter rear gardens and it is apparent that they have both benefitted from single storey rear extensions. Whilst the proposed single storey extension draws the buildings closer, the proposed facing elevation of the extension is not directly facing that of the extension at no 17. In effect the extension at no 17 will be looking at an angled view of the proposed extension at no 5 Yare Grove with the boundary fencing interrupting views. In regard to the relationship to no 19 Riverbank Road the ground floor extension is more directly facing the proposed

extension at no 5 and reduces the current separation distance from 22m to 18m. Again, this is interrupted by boundary fencing and ancillary garden buildings. Given that the pattern of surrounding housing already has shorter distances between dwellings, this shortfall is considered to be appropriate and in keeping with the character of the area and given the presence of boundary treatment will have no significant adverse impact on outlook or privacy for these neighbours.

As the proposed extension would be set against the back drop of the existing property, it is considered that the proposal would not significantly worsen the existing situation with regards to view, overlooking, loss of daylight and sunlight, to these rear facing neighbouring properties.

Also of note is that ordinarily an extension of this depth would not require planning permission, but permitted development has been removed from the application site which allows the LPA to make this assessment in respect of the neighbouring properties. In terms of the orientation between dwellings the proposal will cause no significant impact on daylight as it is located to the north of no 19.

Further concerns have also been raised by these rear neighbouring properties, in regard to increased noise, pollution and flooding. It is considered that the noise impact of the proposed extensions would not go beyond that of a normal residential setting sufficient to warrant refusal of the application.

Concerns raised with regard to surface flooding, the area does not fall within a flood zone, however any building work conducted would be subject to building regulations.

Further concerns have been raised by these rear neighbouring properties due to the size of the extension. The remaining rear garden space will be approximately 72m², which is above the 68m² minimum requirements set out in the Designing Walsall SPD.

Pollution Control have advised that this development is located upon a site known to be producing elevated levels of ground gas. The property is located on a former sewage works that has elevated levels of ground gas and will require the measures within the existing property to be carried through the extension. Details have now been received regarding this concern and a condition will be added regarding this.

Parking

The proposals would not alter the number of bedrooms to the dwelling, so under the terms of the saved UDP policy T13 require 3 off-street parking spaces. The front curtilage has ample parking to accommodate three vehicles. Therefore, the proposals comply with parking policy T13.

Conclusions

The proposal when weighing the concerns of the neighbours, against the national/local policies and guidance, is considered accords with the aims and objectives of relevant Council policy and guidance, and on balance is considered to be acceptable for the reasons specified above. There are no objections from significant consultees and the community interest that has been expressed is considered to not outweigh the recommendation to approve.

Conclusions and Reasons for Decision

The proposed single storey rear extension is considered in keeping with the design of the original dwelling. The design is acceptable in relation to the original dwelling and is considered appropriate within the street scene and does not harm the visual amenities of the area and accords with saved policies BCCS ENV2, Walsall SAD EN5, UDP Policies GP2, ENV3 and ENV32 and Designing Walsall SPD DW3 Character.

The proposed extension does not have any significant adverse impact on neighbour's amenity and complies with saved UDP policies GP2 and ENV32 and SPD Designing in Walsall.

There are no changes in the number of bedrooms and there is adequate off-street parking to accommodate at least 3 vehicles in compliance with saved UDP policy T13.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding size of the proposed side and rear extension, amended plans have been submitted which enable the recommendation to support to the scheme.

Recommendation

Grant Planning Permission Subject to Conditions

Conditions and Reasons

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

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

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

- Existing plans and elevations received 04-01-2021
- Methane Protection detail drawing number: 34/20-3 received 09-12-2020
- Proposed elevations received drawing number: 34/20 04-01-2021
- Proposed plan sheet 2 received 04-01-2021

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

require).

3: The walls and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing building and the facing materials shall thereafter be retained for the lifetime of the development.

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

4a: Prior to the commencement of development hereby permitted, the extensions shall be constructed as per the "Methane Protection Detail" submitted 9th December 2020.

4b: A validation report confirming the details of the ground gas ingress protection measures approved under part (a) of this condition have been implemented in accordance with the agreed measures shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being brought into use.

4c: The development hereby permitted shall not be occupied otherwise than in accordance with the ground gas ingress protection measures approved under parts (a) and (b) of this condition.

Reason: In the interest of the safety of current and future occupants in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

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

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

Notes for Applicant

None

END OF OFFICERS REPORT