



Planning Committee

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

Plans List Item Number: 7

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 75, LINCOLN ROAD, WALSALL, WS1 2DW

Proposal: FIRST FLOOR SIDE EXTENSION WITH FRONT DORMER AND ADDITION OF NEW PITCHED CANOPY OVER GROUND FLOOR BAY WINDOW

Application Number: 20/1541

Case Officer: Rebecca Rowley

Applicant: N Iqbal

Ward: Paddock

Agent: PAUL CLIFTON ASSOCIATES

Expired Date: 29-Jan-2021

Application Type: Full Application:
Householder

Time Extension Expiry: 11-Mar-2021

Recommendation

Grant Planning Permission Subject to Conditions



Officers Report

This application requests permission for the following extensions:

First Floor Side Extension with front gable dormer

The side facing gable roof would extend upwards following the slope of the existing front roof above the single storey part of the house. A new first floor bedroom would be created in the extended roof space.

- Depth: 4.6m
- Width: 3.6m
- Height to Eaves at rear: 2.7m
- Height: 6.6m

A dormer window is proposed on the front and 2 roof lights on the rear

- Dormer Height: 2.5m
- Dormer Width: 2m
- Dormer Depth: 2.3m

There are no changes proposed to the ground floor plan but a new hipped roof would be added above the existing ground floor bay window on the single storey side of the building.

- Height to eaves: 2.7m (to match existing eaves)
- Height from ground level at centre point: 3.5m

Site and Surroundings

The application property is a semi-detached house with a two storey front gable feature with an original cat-slide roof to the side. A dormer window has been added to the original catslide along with a single storey side and rear extension with an asymmetric side gable has been added onto the eastern side of the building. Facing materials are off-white rendering and dark grey roof tiles.

The street has a residential character consisting of pairs of similar semi-detached properties a number of which have two storey side extensions. The street level rises in a westerly direction and houses along Lincoln Road and Princes Avenue converge towards the corner house, no 83 Princes Avenue where the depth of residents' rear gardens reduce. The rear gardens of 73 and 75 Lincoln Road and 83 and 85 Princes Avenue are angled and short in length.

The rear garden of 75 Lincoln Road is between 1m (when measured from the existing single storey side extension) at its shallowest point and 10.5 metres deep. The rear garden of 85 Princes Avenue is between 4 and 11 metres deep. No 83 Princes Avenue has a rear garden depth of 6.4 metres. The garden of the application house reduces in ground level to the east.

The neighbouring properties include;

73 Lincoln Road

This adjoining property is a two-storey house located to the left-hand side of no. 75 Lincoln Road. There are habitable windows located to the ground and first floor of the rear elevation. There were four previous planning applications which includes:

proposed two and single storey side extensions and two storey rear extension refused in 2016 (16/0410), proposed two storey side and rear extensions and 2m high wall to side of house refused in 2016 (16/1708), proposed two storey side & rear extension refused in 2018 (17/1502) and two storey side extension, single storey rear extension and front porch granted in 2018 (18/1077). Facing materials of 73 are identical to the application dwelling and the boundary between these two attached houses is not explicitly clear from the highway without closer inspection

83 Princes Avenue

This neighbouring two-storey house is situated in a corner position between Lincoln Road and Princes Avenue. It is located to the right-hand side of the application property facing towards Lincoln Road. There are habitable windows located to the ground and first floor of the rear elevation of the property. The separation distance from the first floor gable side elevation of the application dwelling to the rear of no. 83 Princes Avenue is 15 metres.

85 Princes Avenue

This two-storey house is located to the rear of no. 75 Lincoln Road. There are habitable windows located to the ground and first floor of the rear elevation. The separation distance from the first floor side gable of the application dwelling to the ground floor rear of no 85 is 8m (although there are no habitable windows in this part of the rear elevation) and to the first floor is 12.5m and from the roof ridge of the single storey side extension to the nearest ground floor habitable rear room window is a minimum of 11m.

87 Princes Avenue

This neighbouring two-storey house is located to the rear of no. 75 Lincoln Road. There are habitable windows located to the ground and first floor of the rear elevation. The separation distance from the front of the application dwelling to the rear of no. 85 Princes Avenue is 13 metres.

56 and 58 Lincoln Road

These neighbouring two-storey properties are located directly opposite no. 75 Lincoln Road. There are habitable windows located to the ground and first floor of the front elevations. The separation distance is 27 metres from the front of the application property to the front elevations of 56 and 58 Lincoln Road.

60 Lincoln Road

This two-storey house is located to the south east of no. 75 Lincoln Road. There are habitable windows located to the ground and first floor of the front elevations. The separation distance is 35 metres from the front of the application property to the front elevations of no. 60 Lincoln Road.

62 Lincoln Road

This neighbouring two-storey house is situated in a corner position between Lincoln Road and Princes Avenue. There are habitable windows located to the ground and first floor elevation. The separation distance from the front of the application dwelling to the front of no. 62 Lincoln Road is 45 metres.

Relevant Planning History

BC60063P - New double garage, laundry and bedroom with en-suite and installation of dormer window to front elevation of existing dwelling. Refused 30/11/1999 on the following grounds:

1. The development proposed, if approved, would have an overbearing effect on No.s 83 and 85 Princes Avenue and would give rise to a loss of privacy by reason of:
 - a) Its size
 - b) Its proximity to the site boundary and adjacent dwellings
 - c) The difference in levels between the properties
 - d) The orientation of the dwellings

The proposal would have an adverse impact on amenities currently enjoyed by these properties and the approval of this application would therefore be contrary to policy H4 of the Development Plan.

2. The development proposed would constitute a disproportionately wide extension to the dwelling which would adversely affect its appearance in the street scene and that of the adjoining dwelling. The proposal would constitute an overdevelopment of the site which would be out of character with the surrounding area. The approval of this application would therefore be contrary to policy H4 of the Development Plan.

17/0024 - Proposed two storey side extension and single storey rear extension
Refused 16/06/2017 on the following grounds:

1. The proposed one and a half storey side extension would constitute a disproportionately wide extension in relation to both the host dwelling and the pair of semis, being almost as wide as the existing house, which is considered would adversely and detrimentally affect its appearance within the street scene, would be out of character with the surrounding area and adjoining dwelling. The proposal would be contrary to the National Planning Policy Framework including paragraph no.s 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 plus Appendix D of Designing Walsall SPD.
2. The design of the proposed one and a half storey side extension relates poorly to the design of the host dwelling appearing contrived by introducing a hipped roof without limiting the impacts of this development on neighbouring properties at lower ground levels in close proximity to the application house. The appearance of the proposed one and a half storey side extension is considered fails to integrate with the design and form of the existing house, creating an incongruous addition to the property, detrimental to the neighbours' amenity, the street scene and the character of the area. The proposal would be contrary to the National Planning Policy Framework including paragraph no.s 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development plan, particularly policies GP2 and ENV32 plus Appendix D of the Designing Walsall SPD.

3. The proposed one and a half storey side extension at 75 Lincoln Road is considered would have an overbearing, overshadowing and unacceptable detrimental impact on occupiers of no. 85's existing privacy. Light, amenity and their enjoyment of their private amenity space, due to the proposed scale, close proximity, proposed rear facing roof lights and limited 6m separation distance between the proposed extension and 85 Princes Avenue, compounded by no. 85s lower ground levels compared to no. 75. The proposal would be contrary to the National Planning Policy Framework including paragraph no.s 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development plan, particularly policies GP2 and ENV32 and Designing Walsall SPD.
4. The proposed one and a half storey side extension at 75 Lincoln Road is considered would have an overbearing and unacceptable impact on occupiers' amenity at 83 Princes Avenue because of the close proximity of the extension to habitable room windows in no. 83, exacerbated by the difference in ground levels, to the detriment of their outlook and enjoyment of their private amenity space. The proposal would be contrary to the National Planning Policy Framework including paragraph no.s 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development plan, particularly policies GP2 and ENV32 and Designing Walsall SPD.

17/1200 - Single storey side and rear extensions – permission granted – 21/12/2017

18/1124 - Non-Material Amendment replacing patio door with single door and window to kitchen and internal layout amendment. Permission granted – 20/09/2018

19/0413 – front dormer extension – permission granted – 17/05/2019

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF 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.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

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

Saved Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

Consultation Replies

Pollution Control

The property is located in an area previously utilised for the manufacture of clay, brick and tiles with subsequent infilling. This may have resulted in hotspots of contaminated soils that could present Health and Safety implications for persons undertaking ground works. An advisory note has been included.

Representations

3 representations were received from 3 separate neighbouring occupants raising the following concerns (*case officer's comments in italics*):

- 2no. references to previously refused planning applications at this site (*reasons for refusal of previous applications have been considered in weighing the planning balance of this assessment. Each application is judged on its own merits*)
- As long as the building is still single storey and no plans to make it a duplex - it should be ok.
- The proposed extension would be a disproportionate and excessive further addition to a modest sized property
- Overlooking and detriment to privacy and enjoyment of private amenity space
- Reduced outlook
- Enclosing/dominating neighbouring gardens
- The existing single story side extension leaves a gap of less than 1.0m between the side wall and the boundary and so effectively fills the space between the existing property and the boundary. The plans for the first floor

extension would reduce the upper space by more than 3.0m, but the differences in level and the angle of the Lincoln Road property would dominate my rear garden

- The plans fail to show the significant level differences between the properties. The property in Lincoln Road is elevated about 1.5m above our property in Princes Avenue and is set at an angle (*the case officer has observed the differences in land level during the site visit*)

Determining Issues

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

Assessment of the Proposal

Design of Extension and Character of Area

Concerns have been raised regarding the disproportionate and excessive nature of this proposed addition to the dwelling. There would be no increase in the footprint of the existing building. One neighbour expressed no concerns as long as the building is still single storey. The proposed first floor bedroom would be created in the extended roof space of the half storey extension above an existing single storey side extension at the application dwelling. Therefore this section of the house would become 1.5 storey. The increased roof height would be added as a continuation of the existing front roof slope above the single storey side extension, which has a steeper gradient than the rear roof slope. Therefore the highest point of the roof would be closer to the front elevation of the dwelling. Although the gable would be asymmetrical due to the difference in the gradient of the front and rear roof slopes, the design incorporates a side gable feature and a front cat slide which reflects the original design of this house. It also includes a dormer in the front catslide, which is considered would complement the dormer that has been added to the original front catslide. The extended roof height would be 2.2m higher than the roof of the single storey extension but 2.5m lower than the roof ridge of the main dwelling and the roof would be stepped back from the principal elevation and front catslide of the original dwelling, so this extension would clearly demonstrate subservience to the existing building.

The attached semi, no. 73 has a 2 storey side extension with 2 storey front gable feature, on the opposite side of the pair of buildings. Both houses have used the same facing materials when constructing their extensions, specifically off white rendering, dark grey roof tiles and black window and door frames which creates the appearance of one large detached dwelling. It is considered that the addition of the proposed half storey extension would help to provide a balance to the pair of semi-detached houses. It is not considered sufficient to warrant a refusal.

It is acknowledged that the existing single storey side extension at the application site was constructed following a refusal for a two storey side extension in the same location. One of the reasons for refusal was it being disproportionately wide in relation to both the host dwelling and to the pair of semis. Whilst this proposal does seek to add a first floor element to the side of the original house, this scheme is considerably reduced compared to the refused proposal, 1.5m lower in height and spanning only half the width of the previously refused 7m wide two storey side extension. Furthermore, a reason for refusal of the previous scheme was the inclusion of a

hipped roof which was considered would relate poorly to the design of the host dwelling and incongruous addition to the existing house; this proposal retains a side gable elevation which is consistent with the existing building.

The addition of a hipped roof over the existing front bay window is considered would be a modest addition to this elevation and would reflect the adjoining semi.

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

Amenity of Nearby Residents

The roof of the existing single storey side extension was intentionally designed to limit any impacts on neighbours at the rear and side of the application site. The proposed half storey side extension would follow this intentional design which increases the bulk and the height of the roof by a greater amount at the front of the building facing Lincoln Road than the rear of the roof which faces or is visible from the rear gardens of nos 83, 85 and 87 Princes Avenue. The front dormer extension would be obscured from the view of occupants of adjoining semi, no. 73 by the original front gable of the application dwelling and is considered has no potential to cause harm to the amenity occupants of this house. It would not be visible for neighbouring occupants at no. 83 Princes Avenue. The separation distance across the highway from the proposed dormer window to the nearest first floor habitable room windows would exceed the required separation distance set out in the SPD Designing Walsall Appendix D and the relationship is considered what could be expected for first floor windows facing opposite houses across a highway.

A number of neighbouring concerns have been raised from occupants to the rear of the application site regarding the impact of this proposal on their outlook, privacy and light availability as well as enjoyment of their private amenity space.

A previous reason for refusal of the 2017 two storey scheme was the proximity of the extension to habitable room windows at no. 83 causing detriment to their amenity. At neighbouring dwelling no. 83, there are no windows which directly face the proposed extension as all elevations at no. 83 are angled away from the application site. Furthermore, there are no windows in the section of the rear elevation that could have views towards the application site. Windows in the opposite side of this rear elevation would not have a natural line of view towards the proposed extension and it is considered that this proposal, at a lower height and half the width of a previously refused two storey scheme, would have limited impact on the outlook for occupants of no. 83 from within their house.

Another reason for refusal of the 2017 two storey scheme was an overbearing, overshadowing and unacceptable detrimental impact on occupiers of no. 85's existing privacy, light, amenity and their enjoyment of their private amenity space, due to the proposed scale, close proximity, proposed rear facing roof lights and limited 6 metre separation distance, between the proposed extension and 85 Princes Avenue, compounded by no. 85's lower ground levels compared to no. 75. The separation distance from the nearest first floor habitable room window at no. 85 to the extended roof ridge would be 13.7m and from the ground floor would be approximately 11m. Whilst it is acknowledged that the extended roof above the single storey side

extension at the application site would be visible from rear windows at no. 85, it would not be in the direct line of sight, it would be viewed at an angle of approximately 30 degrees to the left from the forward view from the nearest windows. It was clear during the officers' site visit that the existing eaves and roof ridge are of limited visibility from the ground floor of No.85.

There would be no increase in the height of the existing eaves and the slope of the roof ridge, which would only be extended across half of the roof that can be observed in the photograph, would not project outside of the area of the two storey side gable wall which is already visible from these windows. In terms of outlook, it is considered that there would be no significant further impact above and beyond the existing view sufficient to warrant refusal.

For occupants of no 87. Which is further away from the application site, it is considered that any impact on their visual amenity would be significantly less than that for occupants of no. 85 which would be acceptable.

Considering light availability, the garden of no. 83 is triangular shaped, narrowing to the rear end. It is flanked on all sides by the dwelling at no. 83 and the elevations of both the application site and no. 85 Princes Avenue. It is considered that the addition of the proposed first floor side extension would have no further impact on light availability to the rear or side of no. 83 than the existing building at the application site, as the extended roof would not project beyond the area of the existing two storey side elevations. The rear gardens of no.s 85 and 87 are westerly facing. Light to the relatively shallow 9m deep garden at no. 85 is partially obscured by the dwelling at no. 85 during the morning and the application dwelling which is sited on higher ground than the garden of no. 85, during the late afternoon, as well as the presence of mature trees in the surrounding gardens. It is considered that due to existing site constraints, this garden does not benefit from the level of light amenity that would be expected for a modern constructed dwelling and that the addition of the proposed extension would not cause significant further obscuring of sunlight above and beyond that which may be caused by the existing dwelling, as an area to the side and above the proposal would be retained which sunlight from the south could pass towards the rear gardens of no.s 85 and 87. In any case, no. 87 has a much larger rear garden and any limited impact from the proposed extension would be across a relatively small section of the garden which is not immediately behind the rear elevation on their patio area.

Considering privacy and overlooking; there are two rooflights proposed in the rear roof slope facing towards the gardens of no.s 85 and 87. There would be minimal potential for views towards no. 83 from these windows. The presence of rear facing rooflights was a reason for refusal of the previous 2 storey scheme, although those rooflights would have had a smaller separation distance to the rear of no.s 85 and 87. The applicant confirmed that they would remove these rooflights if it would affect the outcome of this assessment, although to limit any potential for overlooking towards no.s 85 and 87 whilst still allowing the applicant the benefit of additional natural light to this room, it is considered sufficient as a compromise to request obscured glazing for these rooflights to protect the privacy of neighbouring occupants

It is considered that this proposal would not cause sufficient harm to the amenity of neighbouring occupants to warrant refusal and on balance, objections received would not outweigh the material planning considerations in support of this proposal. In accordance with the amenity requirements of saved UDP policy GP2.

Parking

In accordance with the requirements of saved UDP policy T13, a 5 bedroom dwelling requires a minimum of 3 off road vehicular parking spaces. There is sufficient space on the hard surfaced front driveway to park 3 vehicles which meets this requirement.

Conclusions and Reasons for Decision

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

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

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

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested. Officers have advised the applicant that a condition would be required to secure the use of obscured glazing in the proposed rear rooflights.

Recommendation

Grant Planning Permission subject to conditions

Conditions

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

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

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

Existing and Proposed First Floor Plan and Roof Plan, drawing no 1786.3, submitted 04/12/2020

- Proposed Ground Floor Plan and Proposed Elevations, drawing no. 1786.2A, submitted 12/04/2020

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.

4: 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.

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

- east side facing ground floor wet room window
- 2no. rooflights in the north facing roof slope of the proposed first floor side extension

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

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

Notes for Applicant

The area of this proposed development has been utilised for the manufacture of clay, brick and tiles with subsequent infilling, which may have resulted in contaminated soil which could present Health and Safety implications. No specific details of ground conditions in the area are available other than those obtained from previous land use data and historic mapping. This information shall be brought to the attention of the builder(s) or contractor(s) undertaking the development in order that they may implement any Health and Safety at Work precautions appropriate when undertaking work at the site of the proposed development.

END OF OFFICERS REPORT