



Planning Committee

Report of Head of Planning and Building Control on 09 February 2023

Plans List Item Number: 3

Reason for bringing to committee

Called in by Councillor Mazhar on the grounds that the design requires wider consideration.

Application Details

Location: 13, ALDRIDGE ROAD, WALSALL, WS4 2JN

Proposal: RESUBMISSION OF 22/0013: SINGLE STOREY REAR EXTENSION, TWO STOREY SIDE EXTENSION AND LOFT CONVERSION WITH TWO REAR FACING DORMERS

Application Number: 22/1232

Case Officer: Sean Hewitt

Applicant: Mr Maz

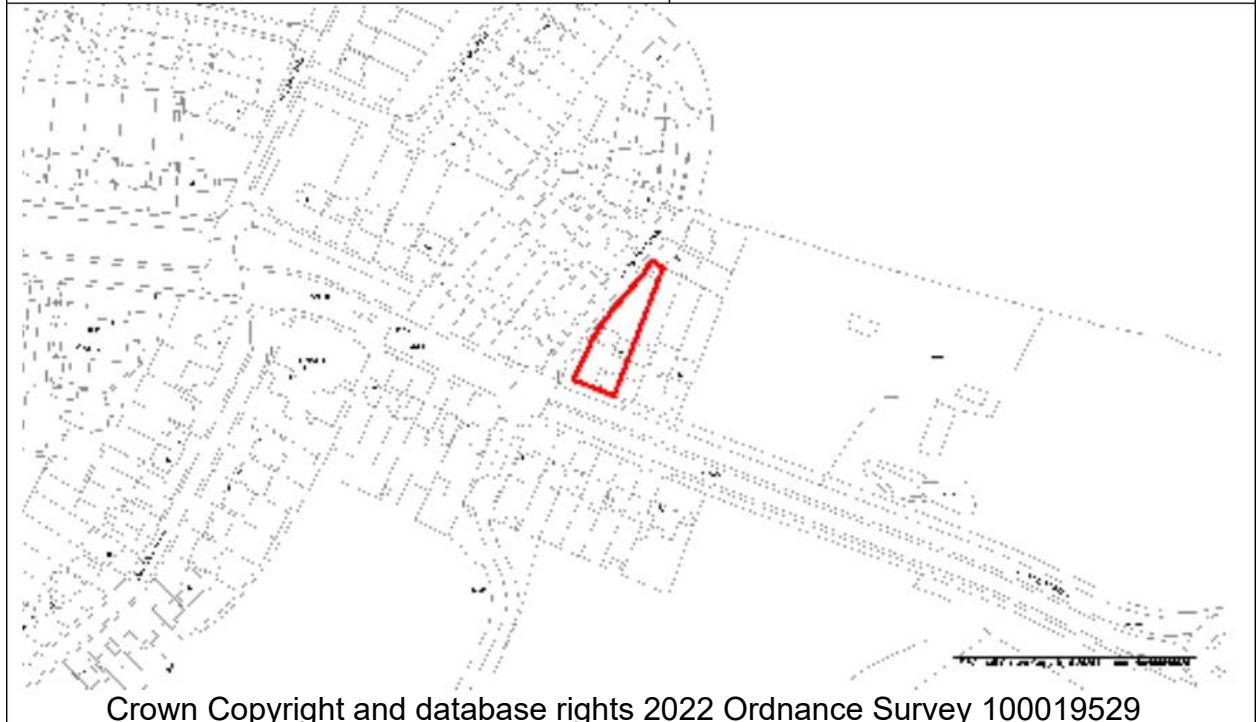
Ward: St Matthews

Agent:

Expired Date: 11-Jan-2023

Application Type: Full Application:
Householder

Time Extension Expiry: 28-Feb-2022



Recommendation:

Refuse

Proposal

The application proposal is a resubmission of an application following a refusal for a two storey side extension, single storey rear extension and two rear dormers to an existing traditional 1950's semi-detached house. The key dimensions of the current proposal are:

5.13m to eaves
7.5m to ridge height

Ground floor:
7.8m wide
7.85m deep to original rear elevation

First floor
7.5m depth
7.6m in width

Single storey rear extension:

3.5m depth on adjoining boundary and extending to 4m in depth 3.4m in from the boundary
2.8m to flat roof
3.6m to top of lantern

Two rear dormers:

Largest measuring 3.68m wide and 2.2m to flat top

Smallest measuring 2.72m and 2.2m to flat top

Site and Surroundings

The proposal site is situated at a prominent corner junction of Aldridge Road and Homestead Close. The site is currently comprised of a traditionally designed and proportioned 1950's semi-detached dwelling with a single storey flat roof garage to the side and previously added front porch. The immediate area is a mix of semi and detached traditionally designed and proportioned housing. The application house is set back 19 metres from the public highway which affords good views of the property from the street scene.

Relevant Planning History

22/0013 – 13 Aldridge Road - Two storey side extension, single storey rear extension and loft conversion with two front dormer windows and two rear dormers – refused 04/07/22:

1. The proposed changes would more than double the width of the original dwelling at first floor level and by way of its scale would introduce an incongruous addition that would significantly unbalance this pair of semi-detached dwellings. In addition, the introduction of the side facing dormer window is considered to be a bulky addition when viewed head on and would further exacerbate the conspicuous nature of this proposal. Overall, the proposal brings detrimental harm to the amenities of the street scene, neighbours and users Aldridge Road. The proposal would thus fail to comply with saved UDP policies ENV32 (Design and Development Principles), GP2 (Environmental Protection) and Designing Walsall SPD policy DW3 (Character).
2. The proposed single storey rear extension, which would measure 4m deep, would breach the 45-degree code for the nearest habitable window of the adjoining dwelling. The proposal is therefore considered to have a detrimental impact on the rear habitable window of no.15 that would lead to an unacceptable loss of outlook from this window. The proposal is therefore contrary to Appendix D of the Designing Walsall SPD.

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**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 56) 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 in the process and can speed up decision making. 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
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP3: Environmental Infrastructure
- CSP4: Place Making
- ENV1: Nature Conservation
- ENV3: Design Quality

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

Designing Walsall

- DW3 Character

Consultation Replies

Highways – support

Ecology – No permission should be granted before a bat survey is received. Following reconsultation after receiving the bat report, there are no objections to the proposals from ecology. Should permission be granted mitigation quoted in the bat survey should be conditioned.

Representations

Councillor Mazhar – called the application into planning committee on grounds that the design requires wider consideration, no significant harm to amenities and no detrimental impact to listed building or conservation area. Specific comments on the application are:

- Acknowledges that the applicant has overcome previous reasons for refusal aside from character and scale of the proposal but believes these are subjective
- The plot is large enough to accommodate the proposal and would not be no detrimental impact to character

Determining Issues

- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology

Assessment of the Proposal

Design, layout and character

The planning authority and planning committee in assessing the applicants proposal, must consider whether this amended application has fully overcome the previous reasons for refusal of the previous planning application 22/0013. The first reason for refusal was:

'The proposed changes would more than double the width of the original dwelling at first floor level and by way of its scale would introduce an incongruous addition that would significantly unbalance this pair of semi-detached dwellings. In addition, the introduction of the side facing dormer window is considered to be a bulky addition when viewed head on and would further exacerbate the conspicuous nature of this proposal. Overall, the proposal brings detrimental harm to the amenities of the street scene, neighbours and users Aldridge Road. The proposal would thus fail to comply with saved UDP policies ENV32 (Design and Development Principles), GP2 (Environmental Protection) and Designing Walsall SPD policy DW3 (Character).'

The key points of this reason are the 'scale' and how the previous proposal was seen to be an incongruous addition that would unbalance the pair of traditionally designed and proportioned semi-detached dwellings. This amended application has been submitted with the removal of the side dormer but has failed to address the scale of the proposal. The loss of the dormer, while welcomed, is considered to be a very limited change to address the overall reasons for refusal, make no difference to the overall scale and detrimental visual amenity harm the proposal will bring to the

character of the area. The applicant has therefore failed to fully overcome the reason for refusal, retaining the same scale and width as submitted for planning application 22/0013.

First-floor side extensions submitted to the LPA should be subservient to the original dwelling, which in this instance is a traditionally designed and proportioned 1950s semi detached house. As it is part of a semi detached house, in assessing the proposal, consideration must be undertaken to the unbalancing of the pair of houses. Whilst the applicant has amended the extension with a set back from the principle elevation of 0.4 metres and reduced the ridge height of the extension by 0.25 metres, being insufficient change to overcome the reason for refusal. Notwithstanding the set back and set down mentioned above, the extension would still represent a 123.4% increase to the width of the original semi detached house, unbalancing the pair of houses being detrimental to amenity of the location. A proposal to this degree is considered to increase the footprint of the house to an extent, the scale cannot be regarded as subservient to the original dwelling, creating an incongruous addition to the detriment of the appearance of the streetscene. May I refer the committee to appeal decision APP/V4630/D/17/3181865 paragraph 5 which deals with a side addition that more than doubles the width of the original house. The appeal states '*the proportions of the side extension would not be subordinate to the host property, as notwithstanding its reduced ridge height, it would almost double the width of the property at first floor level*'. This assessment from the inspector confirms that proposals which are greater in proportions than the original dwelling cannot be regarded as subservient, irrelevant of setbacks.

The design of the proposal is further compounded by the location of the proposal on a visually sensitive corner location and the adjoining dwelling. It is considered that the scale is considered to be inappropriate as it will be seen joined to the other semi-detached property. The dwellings would therefore be seen as one elongated structure that would result in an incompatible addition to the host property that would significantly unbalance the appearance of the pair of semi-detached dwellings.

Whilst recognising no.11, the adjacent corner, has undergone significant extensions on the side and rear of no. 11, these additions were approved prior to 2004 to a different house design than the current application site. They were also based on earlier policies rather than today's policies, thus cannot be used to justify the approving of the current proposal. Its presence on the prominent corner location, simply confirms that such additions are incongruous to the character of the built environment and are of poor design. In addition, the dwelling is detached and the additions would not unbalance an equally proportioned dwelling as identified at no.13.

Councillor Mazhar considers that the application would not be detrimental to the character of the area and believes that the design requires wider consideration. The Councillor's comments, confirms the applicant has only partly overcome the first reason for refusal and that the applicant has failed to address comments relating to character and scale. The Councillor believes that such matters are subjective.

Character and scale are material planning considerations set out in the planning legislation, so cannot be considered to be subjective. Should planning committee choose to approve the current extension they will need to provide a clear land use planning judgement to demonstrate how the applicant has overcome impacts to the material planning considerations of character and scale, including any relevant planning policies to justify their position. The percentage calculations of scale quoted earlier in the report gives tangible material evidence, the current proposal would introduce a scale over and above the equally proportioned pair of semi-detached dwellings which translates into a dwelling out of character to its original form creating a material and detrimental impact to the amenities of the locality.

Taking into account the above assessment, the proposal before committee has not overcome the following part of the 22/0013 reason for refusal;

The proposed changes would more than double the width of the original dwelling at first floor level and by way of its scale would introduce an incongruous addition that would significantly unbalance this pair of semi-detached dwellings.

The second part of the reason for refusal relates for the addition of the side facing dormer and its impact on the streetscene. The reason for refusal stated;

The introduction of the side facing dormer window is considered to be a bulky addition when viewed head on and would further exacerbate the conspicuous nature of this proposal

This dormer has now been removed from the plans addressing the second part of reason for refusal.

To conclude, the applicant has made very limited changes to satisfy the requirements of the previous reasons for refusal regarding the scale of the design. The first reason for refusal is therefore a material consideration which has not been fully overcome and the application is therefore recommended for refusal on the following grounds;

'The proposed changes would more than double the width of the original dwelling at first floor level and by way of its scale would introduce an incongruous addition that would significantly unbalance this pair of semi-detached dwellings. The proposal brings detrimental harm to the amenities of the street scene, neighbours and users Aldridge Road. The proposal would thus fail to comply with saved UDP policies ENV32 (Design and Development Principles), GP2 (Environmental Protection) and Designing Walsall SPD policy DW3 (Character).'

Should planning committee decide to approve the application, they would need to provide planning land use reasons for approving, plus planning land use reasons for setting aside the reasons for refusal and relevant planning policies to justify their decision. Any reference to personal or family need to justify a planning decision is not a material planning land use reason for approving any planning application. Personal need or family need are private matters that cannot be used to overcome planning

land use concerns or the harm the proposal may be judged to have to the locality or the environment.

Amenity of neighbours

The second reason for refusal on this application refers to the depth of the single storey rear extension reaching 4m and breaching the 45 degree code to the adjoining dwelling. The plans have now been amended so the rear extension on the boundary line now extends 3.5m. This change would now comply with the Council's 45 degree code and is seen to protect the outlook of the adjoining neighbour to an acceptable level.

The proposal also includes two rear facing box dormers. While these would afford the owners with a higher outlook over the rear, this would be proportionate to the views afforded through similar additions which could be done through permitted development to the original house. The dormers are therefore considered not to offer views above and beyond what is visible from first floor and is deemed to protect neighbour amenity to an acceptable level.

Highways

The additional bedrooms of this proposal would require the dwelling to have 3 on site parking spaces. It is considered that this can be met within the curtilage and the application does not pose a risk to highway safety.

Protected Species

Due to the location of the proposal and the proposed works to the dwelling, a bat survey was requested. This has outlined the application site is conclusively not being used as a bat roost with no further surveys required. The survey has recommended the installation of a single bat and bird box to the main dwelling should permission be granted. The Ecology officer has confirmed that they would have no objection to the bat survey subject to the bat survey recommendations being conditioned should the application be approved.

Conclusions and Reasons for Decision

While the applicant has made some effort to overcome the reasons for refusal, the main reason has not been addressed in any way. The dwelling remains at proportions greater in size than the original dwelling and by way of this scale, the dwelling is considered to be visually detrimental to the street scene and would significantly unbalance the pair of semi-detached dwellings. The proposal thus fails to comply with saved UDP policies GP2, ENV32; BCCS policies ENV3; and Designing Walsall policy DW3.

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal.

Recommendation

Refuse

Reasons for Refusal

1. The proposed changes would more than double the width of the original dwelling at first floor level and by way of its scale would introduce an incongruous addition that would significantly unbalance this pair of semi-detached dwellings. The proposal brings detrimental harm to the amenities of the street scene, neighbours and users of Aldridge Road. The proposal would thus fail to comply with saved UDP policies ENV32 (Design and Development Principles), GP2 (Environmental Protection) and Designing Walsall SPD policy DW3 (Character).

END OF OFFICERS REPORT