



Planning Committee

Report of Head of Planning and Building Control on 20 July 2023

Plans List Item Number: 5

Reason for bringing to committee

Resubmission of previous application that was called into committee by Head Of Planning Department.

Application Details

Location: 58, REEDSWOOD LANE, WALSALL, WS2 8QP

Proposal: RESUBMISSION OF APPLICATION 22/1376: PROPOSED GROUND FLOOR EXTENSION TO REAR OF EXISTING DWELLING.

Application Number: 23/0393

Case Officer: Claire Woodcock

Applicant: Aamer Waheed

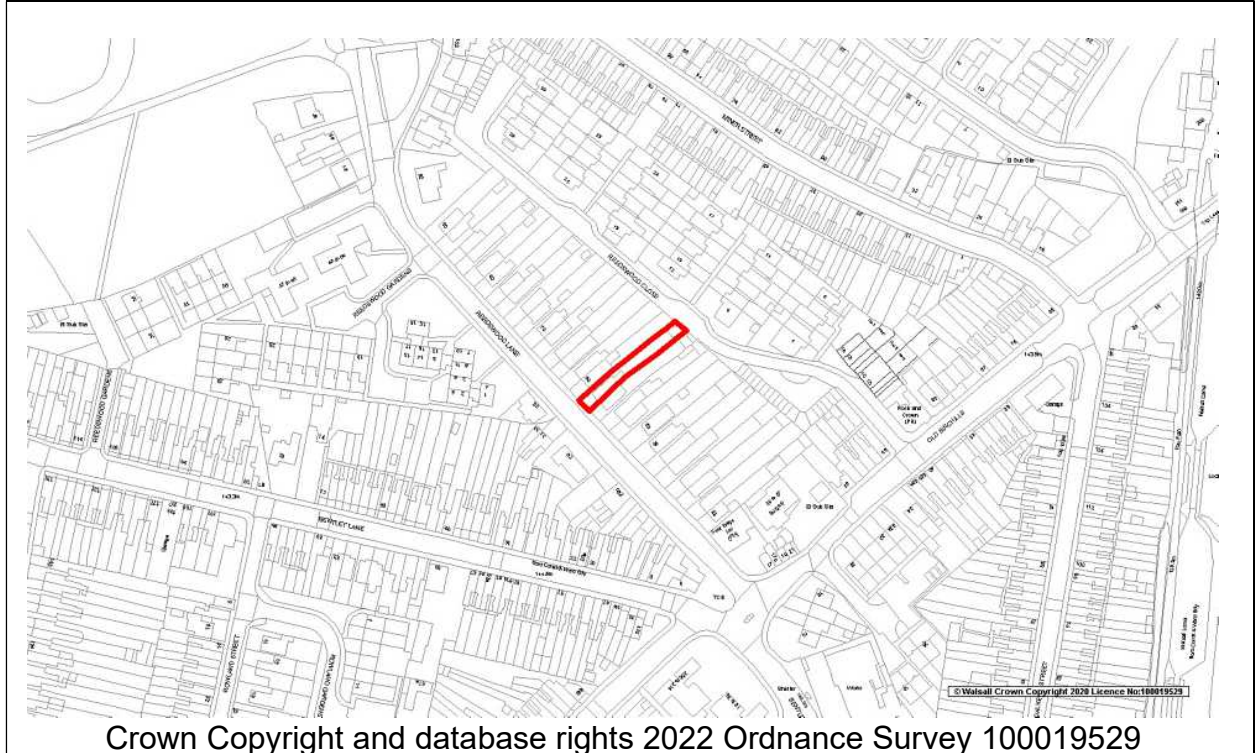
Ward: Birchills Leamore

Agent:

Expired Date: 20-Jun-2023

Application Type: Full Application:
Householder

Time Extension Expiry:



Recommendation

Grant Planning Permission Subject to Conditions

Proposal

The proposal is for a single storey rear extension. The proposed development will provide a larger rear kitchen and store.

The proposal includes two windows on the side elevation facing towards number 60 and patio doors with windows either side on the rear elevation facing towards the applicant rear garden.

The single storey rear extension dimensions are:

5.8 metres deep, measured from an existing 4.2 metres deep two storey rear extension

4.6 metres wide

Having a flat roof with two roof lanterns

2.5 metres high to the eaves

3.2 metres high overall

Site and Surroundings

The applicant property is a two-storey semi-detached dwelling, with hipped roof and porch extension with canopy above the front bay window at ground floor and is located on a mainly residential area. The prevailing hipped roof design is a consistent character of the surrounding area, where the properties are of a variety of designs, although mainly hipped, and balanced semi-detached 1930's dwellings.

A number of the surrounding properties have rear extensions, with some being large, although to the only changes to the front elevations are modest front extensions.

Number 58 has an existing two storey rear extension plus a single storey rear conservatory, to which the proposed single storey extension will replace and extend the area of the present conservatory.

Relevant Planning History

BC58658P 2-storey rear extension. GSC 25-Feb-2002

16/0711 Part double, part single storey rear extension. Refuse 26-Oct-2016

Refused for the following reasons:

1. The proposed two and single storey extensions would have an overbearing and unacceptable impact upon the adjacent property, in particular to the habitable room windows on the rear elevation and the garden area of number 56 Reedswood Lane and would result in unacceptable shading and overshadowing of the principal amenity area outside the main rear habitable room windows of number 56. Furthermore, the proposal fails to meet the Council's 45 degree code guidance from the midpoint of the nearest habitable room window at first floor and the quarter point of the nearest habitable room window on the ground floor at number 56 Reedswood Lane. For these reasons the proposals are contrary to Black Country Core Strategy policy ENV3, Walsall Unitary Development Plan saved policies GP2 and ENV32 and to Supplementary Planning Guidance: Designing Walsall.

2. The proposed side facing first floor windows of the proposed extension would have their outlook towards the blank rear wall of the neighbouring dwelling at 60 Reedswood Lane, but would be unduly close to this, so that the outlook would have an oppressive quality and the occupiers of the house as extended would experience a low level of amenity. The extension would therefore conflict with policy ENV3 the Black Country Core Strategy; 'saved' policies GP2 and ENV32 in the Walsall Unitary Development Plan; and policy DW3, together with guidance on separation distances in Appendix D, of the supplementary planning guidance, Designing Walsall.

3. The proposal to increase the number of bedrooms whilst only having two parking spaces would not comply with policy as three parking spaces are required for a house with four or more bedrooms. The proposed development is considered contrary to the aims and objectives of the National Planning Policy Framework including paragraphs 56, 57, 58, and 64, Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV32, T7 and T13, and the Supplementary Planning Document "Designing Walsall".

22/1388 Proposed loft conversion with rear dormer and hip to gable roof change.
Refused 17-Feb-2023

Reasons for refusal:

1. The proposed design would not integrate with the original house and would unbalance the pair of semi-detached houses, creating an overbearing, bulky, incongruous feature within the street scene which is particularly prominent at first floor level and would be harmful to visual amenity and overall character of the area. The proposal is therefore contrary to policies ENV32 in Walsall's Unitary Development Plan and DW3 of the Designing Walsall SPD.

2. The application has failed to include conclusive evidence about the possible presence of bats, which are a protected species, or the impact on their roosts or habitats. The application is therefore contrary to Black Country Core Strategy Policy ENV1: Nature Conservation, Paragraphs 179-182 of the NPPF and the Supplementary Planning Document "Conserving Walsall's Natural Environment".

3. The proposed loft conversion with rear dormer and hip to gable roof alteration would have an overbearing and unacceptable impact on the light and outlook to the ground floor windows of number 60 Reedswood Lane due to its excessive height in relation to this neighbouring property and it is contrary to NPPF12 Para. 127, BCCS Policies CSP4, ENV2 & ENV3, Saved UDP Policy ENV32, and Appendix D of the Designing Walsall SPD.

22/1376 Proposed single storey rear extension. Refused 29-Mar-2023.

Reasons:

1. The proposed single storey extensions would have an overbearing and unacceptable impact upon the adjacent properties, in particular to the habitable room windows on the rear elevation and the garden area of number 56 and 60 Reedswood Lane and would result in unacceptable shading and overshadowing of the principal amenity area outside the main rear habitable room windows of number 56 and 60. Furthermore, the proposal fails to meet the Council's 45 degree code guidance from the midpoint of the nearest habitable room window on the ground floor at number 56

and 60 Reedswood Lane. The proposal would therefore be contrary to the Black Country Core Strategy policies CSP4: Place Making and ENV3: Design Quality and Walsall's Unitary Development Plan, in particular policies GP2: Environmental Protection, ENV32: Design and Development Proposals and Appendix D of Designing Walsall SPD

2. The proposed single storey rear extension would give a separation distance of 3.5 metres to the side facing habitable windows of number 58 and number 60. It is considered that this proposal would lead to an increased level of overlooking between the two dwellings, which would be detrimental to the existing amenity enjoyed at number 60. This application is thus contrary to the Black Country Core Strategy policies CSP4: Place Making and ENV3: Design Quality and Walsall's Unitary Development Plan, in particular policies GP2: Environmental Protection, ENV32: Design and Development Proposals and Appendix D of 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 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**

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
- 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

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

Consultation Replies

Environmental Protection – Concerns Raised

The property is located in an area previously identified on historic mapping as a “heap of unknown constituent”. This may have resulted in hotspots of contaminated soils that could present Health and Safety implications for persons undertaking ground works. Therefore, a note can be attached to any planning approval issued.

Concerns were also raised that the application does not state whether a solid fuel heating application (e.g. stove, open grate, multi-fuel burner) will be installed within the proposed development, and a request for a condition to be added should any planning be approved, however this is subject to separate legislation.

Representations

None received.

Determining Issues

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

Assessment of the Proposal

Design, Layout and Character

A number of the surrounding properties have larger extensions at the rear, although to the only changes to the front elevations are modest front extensions. Whilst number 54 has a large single storey rear extension, there does not appear to have been a planning application for this development. However, from the LPA's historical maps, appears to have been present since 2013 and therefore is considered lawful with the passage of time, but does not create a precedent in this location. The design of the rear extension will not be prominent from the street scene of Reedswood Lane due to the narrow separation distances between adjoining properties. Although the extension would be visible from public vantage points of Reedswood Close.

On balance, it is considered that the amended proposed single storey rear extension will be proportional to the host house, and neighbouring houses within the area and surrounding character.

Amenity of Neighbours and Amenity of Future Occupiers

58 Reedswood Lane is a semi-detached dwelling paired with number 56, which has the benefit of a two-storey flat roof extension at the rear, which is in line with the applicant's existing two storey extension at number 58.

Previous applications 16/0711, as detailed in the planning history was submitted, which included a single storey rear extension that measured 8.1 metres. This was refused for the following reason:

'The proposed two and single storey extensions would have an overbearing and unacceptable impact upon the adjacent property, in particular to the habitable room windows on the rear elevation and the garden area of number 56 Reedswood Lane and would result in unacceptable shading and overshadowing of the principal amenity area outside the main rear habitable room windows of number 56. Furthermore, the proposal fails to meet the Council's 45 degree code guidance from the midpoint of the nearest habitable room window at first floor and the quarter point of the nearest habitable room window on the ground floor at number 56 Reedswood Lane.'

Previous application 22/1376 (as detailed in the planning history above), was deferred from committee to enable the applicant to negotiate an acceptable amended proposal. However, no amendments were received by the Local Planning Authority and therefore the proposal was assessed using the existing detail received.

The proposal was refused for the following reasons:

1: The proposed single storey extensions would have an overbearing and unacceptable impact upon the adjacent properties, in particular to the habitable room windows on the rear elevation and the garden area of number 56 and 60 Reedswood Lane and would result in unacceptable shading and overshadowing of the principal amenity area outside the main rear habitable room windows of number 56 and 60. Furthermore, the proposal fails to meet the Council's 45 degree code guidance from the midpoint of the nearest habitable room window on the ground floor at number 56 and Reedswood Lane. The proposal would therefore be contrary to the Black Country Core Strategy policies CSP4: Place Making and ENV3: Design Quality and Walsall's Unitary Development Plan, in particular policies GP2: Environmental Protection, ENV32: Design and Development Proposals and Appendix D of Designing Walsall SPD

2: The proposed single storey rear extension would give a separation distance of 3.5 metres to the side facing habitable windows of number 58 and number 60. It is considered that this proposal would lead to an increased level of overlooking between the two dwellings, which would be detrimental to the existing amenity enjoyed at number 60. This application is thus contrary to the Black Country Core Strategy policies CSP4: Place Making and ENV3: Design Quality and Walsall's Unitary Development Plan, in particular policies GP2: Environmental Protection, ENV32: Design and Development Proposals and Appendix D of Designing Walsall SPD

The existing conservatory of number 58 breaches the 45-degree guidelines by 2.9 metres in relation to number 56. The proposed extension will replace and extend the area of the existing conservatory the depth would be increased from 4.9 metres to 5.8 metres and joined onto the existing 4.2 metre two-storey extension. Whilst the current proposal does not include a two-storey rear extension, the proposed single storey extension would be joined onto an existing two storey extension.

Concerns were raised by the Local Planning Authority that the proposal would breach the 45-degree guidelines and with an apex roof, and was considered that the proposal would not have overcome the previous reasons for refusal in relation to having an

overbearing and unacceptable negative impact upon the amenities by way of shading, overshadowing and overbearing outlook of the habitable room windows on the rear elevation and the garden area of number 56.

Following these concerns amended plans have been received reducing the depth of the proposed extension to 5.8 metres deep and having a flat roof with two roof lanterns.

Number 60 Reedswood Lane has a single storey rear extension which is approximately 5.4 metres deep. The applicants existing conservatory complies with the 45-degree guidelines when measured against number 60's rear extension. The current proposed extension would appear to breach the 45-degree code, when measured from the rear patio doors of number 60. However, Patio / French doors are not usually considered as part of 45-degree code considerations, and this would be at a distance of 4.4 metres and would be set back from the rear elevation of the single storey extension of number 60. The proposal would adhere to the 45-degree guidelines in relation to the window set on the rear elevation of the single storey rear extension of number 60.

Number 56 Reedswood Lane is set to the east of number 58, whilst the proposed extension would appear to breach the 45-degree code, the existing conservatory also breaches this code. With the amended design of a flat roof and reduced depth of the proposed extension it is considered that the proposed extension would not significantly worsen the existing situation with regards to amenity to the neighbouring dwelling of number 56 Reedswood Lane, as this already exists from the present conservatory. It is therefore considered that the first reason for refusal has been overcome.

Reason for refusal number 2 relating to the previous application related to overlooking between number 58 and number 60. There are a number of side facing windows on the single storey extension of number 60, which would face towards the windows of the proposed extension, the gap between the windows would be 3.5 metres. However, it is considered that the amended design of a flat roof when coupled with the existing boundary treatment between the two properties would mitigate some of the harm that would be created. Furthermore, the proposed windows in the new extension will be conditioned to be high level obscure glazing, to protect the amenities of the neighbouring properties. It is therefore considered that the second reason for refusal has been overcome.

Therefore, in the circumstances it is considered the proposed extension has overcome previous reasons for refusal and is considered would have no greater impact on the outlook or to the privacy from the rear facing windows of number 56 and 60 Reedswood Lane above that of the present conservatory sufficient to warrant a refusal.

Highways

The proposals would increase the number of bedrooms to the property. Therefore, will not have a detrimental impact on highway safety.

Conclusions and Reasons for Decision

This application has demonstrated that these proposals would not result in detrimental harm to the neighbouring amenity thus complies with the policies and guidance set out in this report.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the depth and overall height of the proposed extension, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Grant 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 Plans and Elevations drawing number AW-02-01 received 30-03-2023
- Location Plan drawing number AW-02-09 received 30-03-2023
- Proposed Plans and Elevations drawing number AW-02-03 Rev C received 12-06-2023

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 details submitted of the development hereby permitted and 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, the proposed west facing windows serving the proposed kitchen room as shown on plan AW-02-03 Rev C submitted on

the 12-06-2023 shall be obscure glazed to Pilkington (or equivalent) privacy level 4 and there shall be no opening parts lower than 1.7metres from the floor level of the rooms they serve and the window[s] shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the neighbours and to comply with saved policy GP2 of the Walsall Unitary Development Plan

Notes for Applicant

The area of this proposed development has been identified on historic mapping as a 'heap of unknown constituent', 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 should 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