



Planning Committee

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

Plans List Item Number: 9

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 57 , Dickinson Drive, Walsall, WS2 9DL

Proposal: TWO STOREY AND SINGLE STOREY REAR EXTENSIONS

Application Number: 20/1294

Case Officer: Rebecca Rowley

Applicant: Jaz Kang

Ward: Pleck

Agent: David Gavril

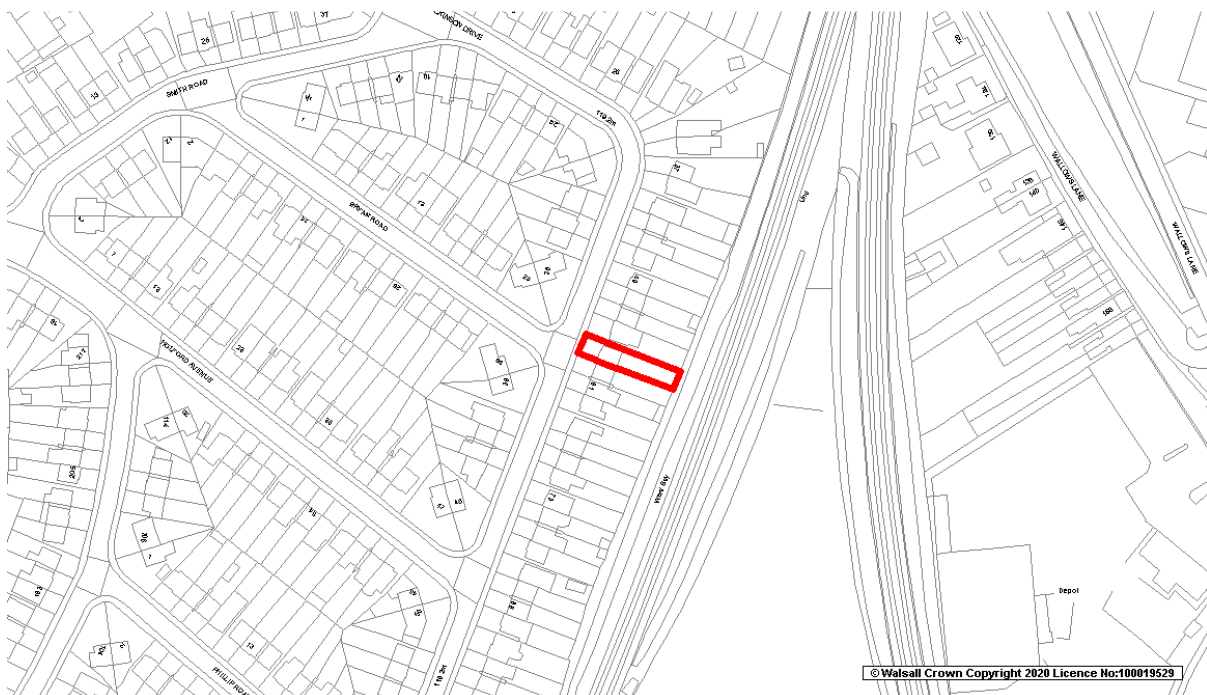
Expired Date: 21-Dec-2020

Application Type: Full Application:
Householder

Time Extension Expiry: 10-Mar-2021

Recommendation

Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to finalising conditions



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Officers Report

This application requests permission for the following extensions to a 3 bedroom house:

Two storey rear gable extension

To create dining room on ground floor and 4th bedroom at the first floor.

- Depth: 3m
- Width: 3.3m
- Height to eaves: 4.9m
- Height: 5.9m

One first floor rear bedroom window is proposed

Rear patio doors are proposed in the centre of the ground floor spanning part of the adjoining single storey extension.

Single Storey Rear Extension with Flat Roof

To create dining room

- Depth: 3m
- Width: 2.2m
- Height: 2.8m

Site and Surroundings

The application dwelling is a 3 bedroom house on the left hand end of a 4 terraced house block. It has a hipped roof with front gable feature. Facing materials are red brown brickwork and grey slate effect roof tiles. There is a driveway in front of the dwelling with sufficient space to park 1 vehicle on the hard surfaced area adjacent to the front lawn.

Houses in the street are terraced houses of similar original design. Single storey rear extensions are a common feature and some two storey rear extensions, or side extensions where space allows, have been permitted as outlined in the planning history.

The adjacent dwelling to the north side is no. 55, with a separation distance of 2.6m between the buildings. The original two storey rear elevation of no. 55 is 1m deeper than the rear of the application dwelling and it has a 3m deep ground floor rear conservatory extension.

The adjacent dwelling to the south side is attached terraced house no. 61. The rear elevation is aligned with the existing rear elevation of the application dwelling.

To the rear of the dwelling is a 19m long garden which borders the railway line to the east. Existing mature trees obscure any view of the railway. Beyond the railway line is the Bescot Triangle SLINC, which is a site comprising a matrix of grassland, tall herb, scrub and woodland that have developed upon a disused sewage works located between railway lines and is considered a valuable invertebrate site.

Relevant Planning History

None at application site

At 37 Dickinson Drive

BC49198P – two storey rear extension – granted permission – 28/07/1997

At 97 Dickinson Drive

08/1180/FL – two storey rear lounge and bedroom extension – granted permission – 05/09/2008

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

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

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

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

Local Highway Authority

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2018 paragraph 109.

No objections, subject to conditions to secure a secondary parking space on the front driveway, widening of the existing vehicle footway crossing and repositioning of the existing street nameplate.

Representations

Three representations were received from 3 separate neighbouring addresses raising the following concerns (*Case Officer's comments in italics*):

- Living next door the property it is already on raised ground by approx. 20cm. A two story extension it will stop natural light getting into our house on that side. (*Considered in this assessment*)
- The planned extension is out of character with the houses in the area (*Considered in this assessment*)
- Being a 4 bed property will increase the numbers of occupants and increasing the amount of possible cars to the house (*Considered in this assessment*)
- Parking issues and congestion (*Considered in this assessment*)
- Concerns that the owner will turn the property into flats (*There is no indication from this proposal that the property would be converted into flats. If the owner wishes to do this in the future it would require consideration by a separate planning application*)

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Protected Species

- Parking

Assessment of the Proposal

Design of Extension and Character of Area

A concern was raised regarding the proposed extensions being out of character with the area. Single storey rear extensions and conservatories are common in the locality, some constructed using permitted development rights and other larger extensions following previous planning permissions. Some two storey developments have also been constructed at the rear and sides of these properties of similar original design. Therefore this proposal is considered to be consistent with the evolving character of the area. Being sited at the rear of the dwelling the extensions are considered would have limited impact on the appearance of the application dwelling from the public vantage point. Facing materials would match the existing dwelling and would be secured by condition.

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

A neighbouring concern has been raised regarding the impact of this development on light availability to the rear of their house.

The proposed two storey rear extension would be 1m shallower than the ground floor rear elevation at neighbouring no. 55 and 2m deeper than the first floor rear elevation at no. 55. It is considered it would not impact on the ground floor at the rear of this neighbouring dwelling and given the separation distance between the buildings, would have limited impact on visual amenity or light availability for the first floor of the rear of this house. The 45 degree code, which is a tool for assessing the impact of development on neighbouring amenity, as outlined in the SPD Designing Walsall Appendix D, would not be breached by the two storey extension in respect of rear windows at no. 55.

There is one side facing window in the original dwelling at no. 55 which faces towards the side elevation of the proposed two storey extension. However, this is an obscurely glazed window to a non-habitable room, so does not hold the same weight in consideration of the impact on amenity for the purpose of this assessment. There are also side facing windows in the conservatory extension at no. 55 which would look towards the two storey extension. The extension would project across approximately half of this glazed elevation of the conservatory. The existing view from these windows is onto a boundary fence with a separation distance of 1.8m. As these windows are considered secondary to the main outlook from this room, which is onto the neighbours' rear garden, it is considered that this proposal would not cause significant harm to visual amenity from this room to warrant refusal. The slight south eastern orientation of the rear gardens of this row of dwellings, with the application site located to the south of no. 55 would ensure that the proposed extensions would have limited impact on sunlight availability to the rear windows of this house and when the sun moves round to the south of the house, would not cause sufficient further loss of sunlight, above and beyond what would be obscured by the existing boundary fence to warrant refusal.

Whilst it is acknowledged that the 45 degree line of sight would be breached by the proposed single storey extension when measured from the midpoint of the nearest rear ground floor habitable room window at neighbouring no. 59, and this part of the proposal would impact on the view from this rear window, a 3m deep extension could have been lawfully been constructed in this location using permitted development rights, and rear extensions up to 3.5m deep are also supported as set out in the Designing Walsall SPD. The two storey element of the proposal would be inset from the shared boundary with no. 59 by 2.2m and the 45 degree code would not be breached by the two storey extension when measured from the nearest rear first floor habitable room window at no. 59. It is considered that the two storey extension would have limited impact on visual amenity from first floor rear windows at no. 59, and limited impact on sunlight availability when considered in conjunction with the slight south eastern orientation of the rear of the house.

There are no neighbouring occupants to the rear of the application dwelling that could be impacted by this proposal and mature trees would protect the occupants of the application site from overlooking from users of the railway at the rear.

Internal rearrangements would create a shower room on the ground floor and a relocated bathroom on the first floor that would introduce new north east side facing windows. A condition will be included to secure obscured glazing in these windows to protect the amenity of occupants. The existing front bathroom window would be replaced with a front facing bedroom window. The separation distance of this window to opposite habitable room windows would exceed the required 24m separation distance outlined in the SPD Designing Walsall in respect of first floor habitable room windows and reflects the situation for the existing first floor bedroom window. It is considered that this first floor bedroom window would have no greater impact on the privacy of opposite neighbours than the existing situation.

It is considered that this proposal meets the amenity requirements of saved UDP policy GP2.

Protected Species

The site falls within the Bescot Triangle SLINC 50m bat buffer and there are lines of mature trees along the rear boundary and neighbouring rear boundaries, which raises the risk of bat presence. In this case, as the application proposes alterations to the roof, if bats are present in the house disturbance and destruction to their roost would occur.

The roof of the application dwelling appears to have been recently replaced with no apparent cracks / holes that would allow access for bats. Consequently, on this occasion it is considered that it will not be necessary to request a bat survey report in support of this proposal in accordance with NPPF 15 and Conserving Walsall's Natural Environment SPD.

Parking

Concerns have been raised by neighbouring occupants regarding the potential increase in occupancy of the application dwelling and the potential for an increase in cars visiting the property or parking at the site. In accordance with the requirements of saved UDP policy T13, a 4 bedroom dwelling requires a minimum of 3 off road

vehicular parking spaces. The existing 3 bedroom dwelling has 1 off-street parking space which is one less than the 2 spaces which would be required in accordance with policy T13. The local highway authority support this proposal subject to the creation of 1 additional parking space on the frontage of the dwelling which would reflect the existing shortfall of 1 vehicle parking space. The additional parking space would require widening of the existing vehicle entrance and relocation of a street name sign. Conditions will be included to secure these requirements.

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 harm to the character of the house or the local area and would not cause sufficient harm the amenity of neighbouring occupants or 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 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.

Recommendation

Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to finalising 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:

- Proposed Floor Plans, drawing no. N3 09/20 A200 rev. 1, submitted 19/10/2020
- Proposed Elevations, drawing no. N3 09/20 A201 rev 1, submitted 19/10/2020

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).

3a) Notwithstanding the details as submitted, no part of the development hereby permitted shall be carried out until two off road parking spaces each measuring 4.8m by 2.4m have been created to the front of the application property. The parking area shall be consolidated, hard surfaced and drained so that surface water run-off from the parking area does not discharge onto the highway or into any highway drain.

3b. The parking area shall thereafter be retained for the purposes of parking motor vehicles for the lifetime of the development hereby approved and shall thereafter be retained used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development with the increase from 3 to 4 bedrooms, in accordance with saved UDP policies GP2, T7 and T13.

4. Prior to the extended parking area first coming into use, the existing vehicle footway crossing shall be widened to align with the extended parking area, including the repositioning of the existing street nameplate. The works shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. The vehicle footway crossing shall not exceed five 900mm flat kerbs and two 900mm taper kerbs in total. All works within the public highway shall be in accordance with all statutory requirements.

Reason: To ensure the satisfactory completion and operation of the access, in accordance with UDP Policy GP2, the Council's footway crossing procedure and in the interests of highway safety.

5: 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.

6: 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.

7: Notwithstanding the details as submitted, the development shall not be carried out otherwise than in accordance with the north east side facing ground floor shower room windows and the north east side facing first floor bathroom window 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

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be required to obtain the necessary Road Opening Permit from the Highway Authority for the extension of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team at Traffic.Management@walsall.gov.uk or visit the Council's Webpage under Transport and Streets.

END OF OFFICERS REPORT