

Planning Committee

Report of Head of Planning and Building Control on 10 February 2022

Plans List Item Number: 10

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 123, LEIGHWOOD AVENUE, ALDRIDGE, WALSALL, WS9 8BB

Proposal: PROPOSED FIRST FLOOR SIDE EXTENSION, LOFT CONVERSION AND ROOF REPLACEMENT AND GARAGE ALTERATIONS

Application Number: 21/1458

Case Officer: Sheila Denison

Applicant: Whyman

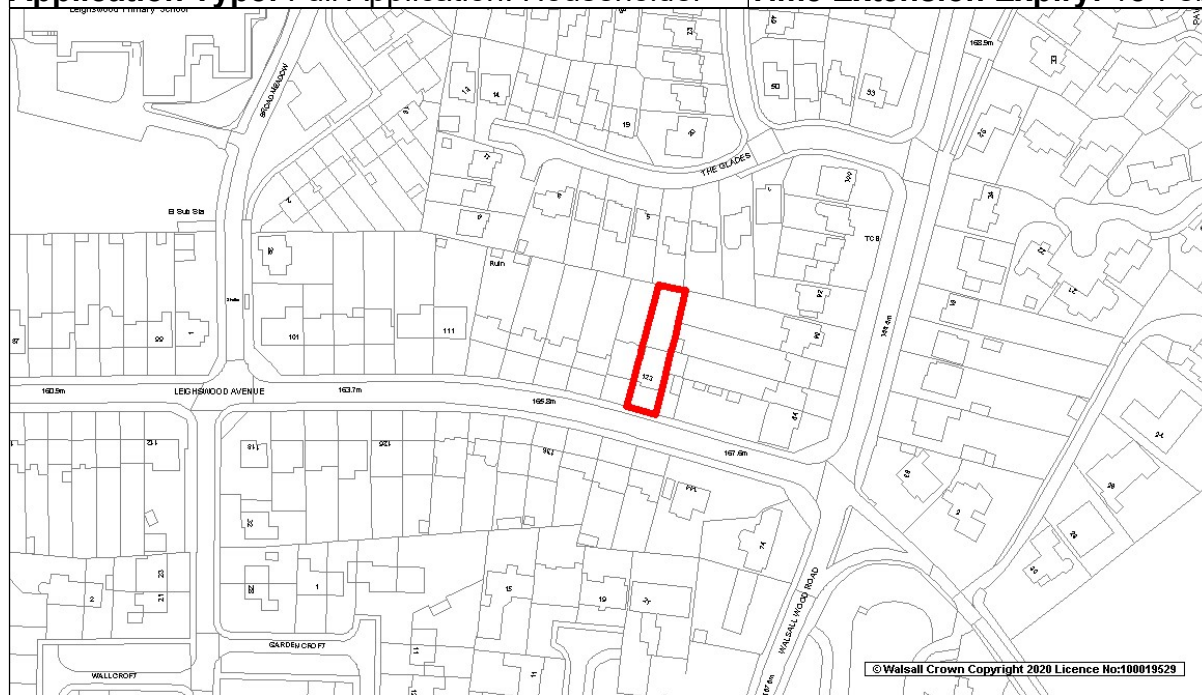
Ward: Aldridge Central And South

Agent: Alexander James Associates Limited

Expired Date: 26-Nov-2021

Application Type: Full Application: Householder

Time Extension Expiry: 18-Feb-2022



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Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of conditions.

Proposal

This application seeks approval for a proposed first floor side extension, loft conversion and roof replacement and alterations to the existing garage.

Proposed first floor side extension and garage alterations

Set in 0.2m

Set down 0.2m

Set back from front elevation 0.9m

2m wide

7m deep

5.1m to the eaves

Render and brick

Loft conversion and roof replacement

Having two gable roof rear facing dormer windows 1.3m wide and 1.9m high overall.

A 0.7m wide east facing Velux bedroom window set 0.5m down from the original roof ridge.

A 0.2m wide west facing Velux bathroom window set 0.3m down from the proposed roof ridge.

Site and Surroundings

The application dwelling is a 3 bedroomed detached house. It has ground and first floor front bay windows with a gable above and a tiled hipped roof. A single storey side garage is present along with a single storey rear extension. The site includes a large rear garden and the front is paved for parking with a dwarf wall.

The street scene is a mix of styles and types of houses. A garage and converted single storey building exists to the right of the application house.

To the left is a detached house with front bay windows with a first floor extension over the garage that is built to the boundary and has a tiled hipped roof; at the rear is a large conservatory and rear extension.

Opposite are double fronted semi-detached houses with hipped roofs and a detached house with a hipped roof. A number of nearby properties have extended to the side with varying styles and gaps to the boundary.

Relevant Planning History

03/0795/FL/H1 121, LEIGHSWOOD AVENUE, WALSALL, WS9 8BB - Side extension over garage and dormer to rear - Grant Permission Subject to Conditions 2003-06-11

BC64727P 121 Leighswood Avenue, Aldridge WS9 8BB First floor side extension above garage, and dormer window to rear - Refuse Permission 2001-11-21

BC51179P - 121 Leighswood Road, Aldridge, Walsall.- Rear extension and Conservatory Grant Permission Subject to Conditions 1997-11-17

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 11 – Making effective use of land**
- **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
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Supplementary Planning Document

Designing Walsall

- DW3 Character

Consultation Replies

Local Highway Authority: No objection. The proposed garage and 2 car parking spaces on the front drive meets the Council’s parking standards for a five-bedroomed house.

Representations

There have been several representations from neighbours and interested parties further afield:

Material Planning Considerations

- The raised roof height will cause light and aesthetic issues to rear gardens.
- It is out of character in size and shape and over imposing.
- The extension of the bedroom and oversized roof will cause a constant shadow to be cast over the conservatory, patio, plants and garden.
- Overlooking the neighbouring property.
- Terracing effect.
- Traffic Obstructions to Street, the construction of this proposed build will cause considerable parking and exacerbate an already over congested Avenue.
- Leighswood Avenue is a School Road, and traffic is chaotic at school times without the danger and obstruction caused by building work vehicles
- Additional bedroom being added could cause noise problems, which at the moment do not exist because of the current upper space between the 2 houses.

Non- Material planning matters *(officer comments in italics)*

- Would restrict ability to maintain or repair side walls, gutters and roof.
- The rear dining room of 121 still retains an open fire and chimney, we had the top of the chimney closed when a new roof was replaced with a view to open the chimney to have a real fire.
- The proposal builds the extension on top of this and has to step in the brick work to avoid hitting the roof eaves of 121 Leighswood Avenue. This step in would cause the planned rooms to be even smaller and as such completely impractical to be used as a bedroom, how will a bed and wardrobes fit in there? *(room sizes and internal arrangements are the owner/ occupiers choice - national space standards is not a statutory regulation neither has it been adopted by the local planning authority)*.
- the current garage at 123 Leighswood Avenue is very small
- Building on this, the angle of the roof looks like it will cause rain water to pass onto the neighbouring house during heavy rain. This will lead to roof and property damage *(this is a matter for Building Regulations and would be a private matter)*.
- Damp may become a problem in both properties as there will be blocked sunlight and little to no airflow in the gap between the buildings. Twigs, leaves and other debris could get stuck in the inaccessible gap and will end up rotting.
- There are two chimney breasts in 121 Leighswood Avenue that are currently closed.
- The roof contains a small window above the loft bathroom. There could be health and safety concerns with smoke from these chimneys if they are ever opened for use in the future.
- Additional bedroom being added and this could cause noise problems, which at the moment do not exist because of the current upper space between the 2 houses.
- Given the proposed size of the bedroom/bathroom it seems like this extension is only to give the opportunity to label the property as a “5 bedroom” to help with selling and maximising returns
- The planning proposal shows that the extension will be built on a garage which is already touching the two chimney breasts at the side of our house, which needs to be moved away as our deeds state it is detached. *(covenants on deeds are a private matter)*
- The plans show the existing garage wall is being used as part of the extension. This garage wall is actually touching our house side wall and is also positioned directly underneath our roof eaves, so is already encroaching on our property. *(this is a private matter)*

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

The design of the proposed side extension is considered to be in keeping with the design of the original dwelling and reflects the mixed character of the area. Given the application is for extensions, and due to the mixed character of the area, the proposals are considered acceptable there is a set back at the front elevation and the roof has been amended to give the appearance of a subservient extension reflecting similar nearby extensions. It retains a hipped roof of a similar design to number 144 which is considered acceptable.

The proposed external materials, including external render, is considered reflects the mixed character of the area and the existing house.

The proposal is considered appropriate within the street scene and does not harm the visual amenities of the area and accords with the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32 and DW3 and Appendix D of the Designing Walsall SPD.

Amenity of Nearby Residents

The proposed two storey side extension is set back from the front elevation. The plans have also been amended so that it is set in from the shared boundary at first floor with number 121.

An objection has been raised on the impacts on privacy from the loft conversion. The neighbour's property is located at the rear, at an angle, and some 34m away. The house directly opposite at the rear is some 33.5m away. No significant impacts are therefore considered would arise to these neighbours and a refusal on these grounds would not be warranted.

Objections have been raised:

Regarding the proposed side extension creating terracing it is considered that the proposed extension is set in from the shared boundary at first floor the existing garage is built to the boundary. The first-floor plans have been amended to reduce the first floor side extension in 0.2m from the boundary to allow for a traditional gutter. The reduced set in reflects the mixed gaps in the street scene and due to the single storey garage to the right it is considered that the reduced gap does not cause terracing and a refusal on these grounds would not be warranted.

Maintenance of the side elevations etc. is not a material planning matter and so is not a consideration in determining this application.

Loss of light to the rear conservatory and the rear garden of number 121. Number 121 is east of the application house and it is considered that the application house as existing may already compromise light to this conservatory in the morning however the dwelling house 121 compromises the conservatory and garden in the afternoon and early evening. The rear elevation of the side extension is level with the existing rear elevation and there is no breach of the 45-degree code to this neighbour so causes no additional harm to the neighbour's rear windows. Taking into consideration the rear gardens of the application

house and number 121 are both north facing the conservatory and rear garden is already compromised by the application house and the neighbours own house and a refusal on these grounds would not be warranted.

An objection raised that an additional bedroom would cause noise problems. Any additional noise from residential occupation would not be harmful over and above what is expected in this residential location. Noise nuisance is covered by separate legislation.

The chimneys on the side elevation have been taken down to eaves level this can be seen as far back as 2004 on the LPA's historic mapping photos and any future use is not material to this application.

Objections have been raised regarding traffic obstructions in the street during construction by delivery wagons and construction workers especially during school times although this would not be conditioned a note can be added for the applicant that delivery of materials should take place outside school drop off and pick up times where possible as it is acknowledged the road can get congested and is also a bus route. Whilst the neighbours have these concerns obstructions in the street are matters for the police and the Highway Authority to deal with and outside the scope of the planning legislation to deal with in this instance.

The proposal has been assessed in relation to material planning considerations to the neighbours' amenity, and is considered would not result in any significant additional impacts on neighbours amenity and meets the guidelines of national and local planning policy specifically Appendix D of the Designing Walsall SPD and saved UDP Policy GP2 and the NPPF.

Highways and Parking

The site is located on an unclassified road and the proposal is for extensions and internal alterations to convert an existing 3-bedroomed house to a five-bedroomed house.

Under the terms of saved UDP policy T13 a total of 3 off-street parking spaces. There is space within the front curtilage to accommodate three vehicles.

The proposals comply with Saved UDP Policies T7 and T13 and the NPPF.

Conclusions and Reasons for Decision

The key material planning considerations and neighbour comments have been weighed in the assessment of this planning application and it is considered that the proposed development accords with the aims and objectives of the National Planning Policy Framework, BCCS policies CSP4, ENV2, and ENV3, Saved Unitary Development Plan policies GP2, ENV32, ENV33, T7 and T13 and the Designing Walsall SPD and on balance is considered to be acceptable.

The design is acceptable in relation to the original dwelling and is considered appropriate within the street scene and does not harm the visual amenities of the area and accords with saved UDP policies GP2 and ENV32 and Designing Walsall SPD.

The proposals comply with 45 degree code guidelines in respect of both neighbours and will therefore not significantly harm the outlook, daylight or privacy to habitable rooms of these neighbours and protects residential amenities in accordance with saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

There is adequate off-street parking to accommodate 3 vehicles on the frontage in compliance with saved UDP policies T7 and T13.

Taking into account the above factors it is considered that the application should be

recommended for approval.

Positive and Proactive Working with the Applicant

Following discussions with the applicant's agent which resulted in plans being amended, the submitted details are now considered to be acceptable and no further changes have been requested.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of 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 3D Views (Drawing No P331 Rev B) submitted 22/12/21
- Proposed Elevations (Drawing No P330 Rev B) submitted 22/12/21
- Proposed Floor Plans (Drawing No P230 Rev B) submitted 22/12/21
- Proposed Roof Plans (Drawing No P231 Rev B) submitted 22/12/21
- Proposed Street Scene (Drawing No P332 Rev B) submitted 22/12/21
- Site Location and Existing Block Plan (Drawing No P02) submitted 01/10/21
- Site Location and Proposed Block Plan (Drawing No P01) submitted 01/10/21
- Existing 3D Views (Drawing No P031) submitted 22/12/21
- Existing Elevations (Drawing No P030) submitted 22/12/21
- Existing Floor Plans (Drawing No P020) submitted 22/12/21
- Existing Street Scene (Drawing No P032) submitted 22/12/21

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.

Notes for Applicant

The Local Planning Authority recommends that the delivery of construction materials is outside of normal school drop off and collection times where possible.

END OF OFFICERS REPORT