

## Planning Committee

Report of Head of Planning and Building Control on 02 December 2021

Plans List Item Number: 6

### Reason for bringing to committee

### Significant Community Interest

#### Application Details

**Location:** 17, NORMAN ROAD, WALSALL, WS5 3QJ

**Proposal:** 2 STOREY FRONT GABLE EXTENSION, FIRST FLOOR SIDE EXTENSION AND 2 STOREY REAR EXTENSIONS

**Application Number:** 21/0465

**Case Officer:** Rebecca Rowley

**Applicant:** Mr Azid Ullah

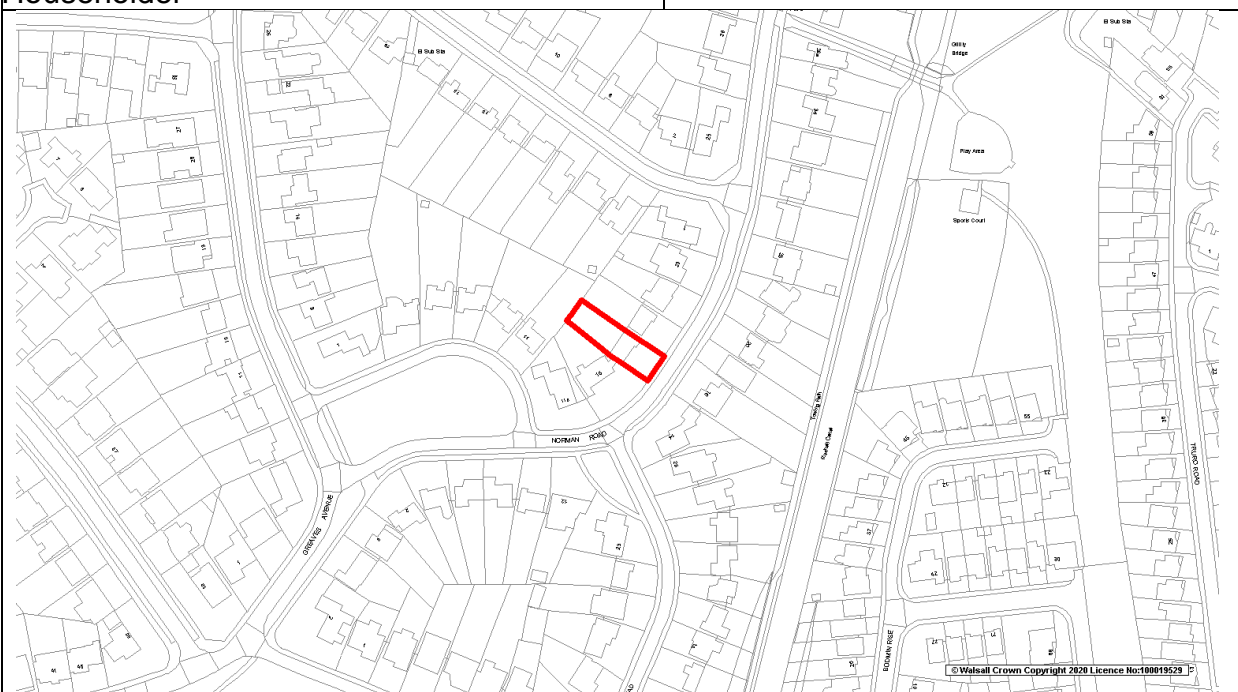
**Ward:** Paddock

**Agent:** BSP Design

**Expired Date:** 17-Sep-2021

**Application Type:** Full Application:  
Householder

**Time Extension Expiry:**



Crown Copyright and database rights 2021 Ordnance Survey 100019529

## Recommendation:

1. 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 permission for the following extensions to a detached house:

### Two Storey Front Gable Extension

To create and extended lounge on the ground floor and extended bedroom on the first floor

- Depth: 1.3m
- Width: 5.5m
- Height to Eaves: 5m (as existing)
- Height: 7.9m (as existing)

Proposed Openings: One ground floor front lounge window and a first floor front bedroom window

### First Floor Side Extension with side Gable Roof

To create a bathroom and an extended bedroom

- Depth: 6.9m
- Width: 2.7m
- Height to Eaves: 5m (as existing)
- Height: 7.9m (as existing)

Proposed Openings: One front bedroom window and one side facing bathroom window facing towards no. 19.

### Two Storey Rear Extension with 3no. rear gables

To create a kitchen/diner and extended lounge on the ground floor and new 4th and 5th bedroom and an extended existing bedroom on the first floor.

- Depth: 3.8m adjacent to no. 15;
- Width: 10.8m
- Height to Eaves: 5m (as existing)
- Height: 7m

Proposed Openings: rear bifolding doors and a rear kitchen window on the ground floor and 3no. rear Juliet balconies to serve the first floor rear bedrooms.

## Site and Surroundings

The application dwelling is a 3 bedroom detached house of simple design with a main side gable roof, a gable roof porch and attached side garage. Facing materials are brickwork and interlocking roof tiles with white rendering on the front elevation. There is a driveway in front of the dwelling with sufficient space to park 3 vehicles and a separation distance of 13m from the principal elevation to the front boundary with the public footpath.

Houses in the street are detached two storey houses and bungalows of similar simple original design. One front gable feature is characteristic of the bungalows and a few of the two storey houses have extended to include a front gable elevation. Rear extensions are a common feature and the addition of pitched or gable porches and garage roofs is an evolving characteristic. The street scene is open plan with long lines of sight along the highway.

The adjacent dwelling to the south western side is no. 15 Norman Road. This dwelling is a bungalow that is angled away from the application dwelling slightly at the front so there is a separation distance of 5.5m between the front elevations and 2.7m between the rear elevations. The front elevation is in approximate alignment with the application dwelling. The rear elevation is around 1.5m deeper.

The adjacent dwelling to the north eastern side is no. 19 Norman Road with a separation distance of 2.4m between the buildings. The principal and rear elevations are in alignment with the application dwelling.

Opposite the dwelling is no 16 Norman Road with a separation distance of 34m across the highway.

To the rear of the dwelling is a 22.5m long garden which borders the central section of the rear garden at no. 11 Norman Road, which lies perpendicular to the application site garden. There are no houses immediately behind the application site.

## Relevant Planning History

21/0464 – Prior Approval for a 6m deep single storey rear extension – refused – 17/05/2021 on the following grounds:

- Breach of the 45-degree code in respect to the neighbour at No.15 Norman Road.
- Overbearing impact on outlook
- Harm to visual amenity.

21/0789 – Prior Approval for a single storey rear extension 4.3m – 6m deep – prior approval granted subject to conditions – 08/07/2021

06/1742/FL/H5	18, Norman Rd	Two storey side extension	GSTC	29/11/2006
06/1675/FL/H4	24, Norman Rd	Two storey rear and side extension, single storey front garage extension	GSTC	16/11/2006

## Relevant Policies

### National Planning Policy Framework (NPPF)

[www.gov.uk/guidance/national-planning-policy-framework](http://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**
- **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](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- GP2: Environmental Protection
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

### **Black Country Core Strategy**

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- 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

The natural environment and new development

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

#### **Designing Walsall**

- DW3 Character

## **Consultation Replies**

### **Canal and River Trust**

No comments to make

### **Park Hall Residents Association**

No response received

## Representations

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

- The size and scale of the proposal is not in keeping with surrounding properties
- It would exceed the designed footprint and leave less frontage
- Ill-fitting with the aesthetic of the road.
- Diminish the conformity of design and appeal of the estate
- Impact on outlook
- Terracing effect
- The additional larger and higher front window would result in a greater infringement of privacy and is unsympathetic in style to both the existing house and neighbouring properties.
- Impact on light
- Overlooking/infringes neighbours' privacy
- Concerns about the access for the works. No access would be permitted from neighbouring property for any purposes (*This is not a material planning consideration and a civil matter between landowners*)
- There is a shared lawn at the front of the property that would be impacted (*This is a civil matter between landowners to discuss*)

## 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

First floor side extensions and front gable extensions reflect the evolving character of the locality with similar schemes approved and constructed at both 18 and 24 Norman Road. The proposed first floor front gable would reflect the single front gables that can be observed on a number of the extended houses and original bungalows in the locality and is considered would not cause sufficient harm in this instance to warrant refusal. The proposed first floor side extension would maintain the existing separation distance of 1.1m to the shared side boundary with no. 19 Norman Road and therefore, the existing separation distance between the dwellings would also be retained. This distance is greater than the 0.9m separation distance that is specified in the SPD Designing Walsall Appendix D and is considered sufficient to limit the potential for terracing effect between these detached properties which addresses one concern that was raised by a neighbouring occupant. It is acknowledged that the first floor side extension does not have a subservient design but the appearance would be



consistent with the design of other nearby houses with a projecting front gable elevation and is considered would integrate with the street scene.

The extension at the rear of the property, despite its multi-gable design would be of limited visibility from the public vantage point and is considered would not significantly alter the appearance or character of the application dwelling or the street scene.

Proposed facing materials would match those used in the existing building and this will be secured by a planning 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

The front gable extension would project just 1.3m in front of the existing front elevation and is considered would have limited impact on the amenity of any neighbouring occupant in terms of outlook. A concern was raised regarding the proposed large full height first floor gable window being unsympathetic to the style of the locality and creating potential for infringement of privacy. Whilst it is considered that the siting of the proposed window in relation to the highway and given the separation distance to opposite dwellings would have not impacted significantly on the privacy of neighbouring occupants, the applicant has amended the window to maintain a modern design but smaller window that is considered would be more sympathetic to the character of the locality.

The first floor side extension would not project beyond the front elevation of the dwelling. One side facing window is proposed to serve a bathroom and a condition will be included to ensure that this window is obscurely glazed to protect the privacy of occupants and thus is considered would not create any potential for harm to the privacy of neighbouring occupants. The same applies for the en-suite bathroom window on the opposite side elevation of the dwelling facing towards the bungalow at no. 15 Norman Road.

The two storey rear extension would project 3.8m beyond the original rear elevation of the dwelling. The applicant has indicated on the plans that his extension would not breach the Council's adopted 45 degree code as outlined in the SPD Designing Walsall Appendix D for any neighbouring first floor or ground floor rear windows. The 45-degree line has been drawn from the mid-point for the ground floor windows and the quarter point for first floor windows. In the case of a two storey extension, the 45-degree line should also be measured from the quarter point from ground floor windows. Notwithstanding this, when the line is considered from the quarter point, there would still be no breach of the 45-degree line of view. It is considered therefore that the depth of the rear extension would sufficiently protect the outlook of the neighbouring occupants from their rear windows.



The rear gardens of this row of houses have a north westerly orientation. In respect of no 15 which is sited to the southern side of the application site, it is considered therefore that the proposed rear extension would not impact on the availability of sunlight to the rear of the bungalow above and beyond the existing situation as the sun would never have the potential to be obscured by the rear extension at any time throughout the day. In respect of no. 19 which is sited to the northern side of the application site, there would be limited potential for the proposed rear extension to have any significant impact on sunlight availability as the sun would be directed towards the opposite elevations of the house for the majority of the day. In the late afternoon, there is some potential for additional shading created by the proposed rear extension, more pronounced during the winter months but given the compliance with the 45-degree code is considered would not create significant further harm above and beyond the existing situation to warrant refusal in this instance.

The separation distance of 24m between first floor habitable room windows as outlined in the SPD Designing Walsall Appendix D is respected for front and rear windows and the relationship of proposed new windows to neighbouring gardens is considered would reflect that which could be expected in such residential areas and not create the potential for any significant harm to neighbouring amenity by way of a loss of privacy which was a concern raised by neighbouring occupants.

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

### Protected Species

The site falls within an area of known bat activity and there are neighbouring lines of mature gardens, 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.

Consequently, in accordance with NPPF 15 and Conserving Walsall's Natural Environment SPD, NE1 and Annex 1A, a bat survey report in support of this proposal was provided, which identified no presence of bat and a negligible potential for the roof space to support a bat roost. No further surveys were recommended but a 'soft demolition' approach is recommended for any works to the roof. A planning condition will be included to secure this provision.

### 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 would be sufficient space from the retained garage space and on the hard surfaced front drive way to meet 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 harm to the character of the house or the local area and would not harm the amenity of neighbouring occupants nor cause 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.

An ecological survey submitted has concluded that there is negligible potential for the roof to be used as a bat roost.

The use of safeguarding conditions in respect of the materials and plans to maintain its appearance, obscured glazing to maintain privacy and for the protection of bat 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 spoken with the applicant's agent and in response to concerns raised regarding the original proposed design of the front elevation, amended plans have been submitted which enable full support to be given to the scheme.

## Recommendation

1. 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:

- Existing Plans and Elevations and Location and Block Plan, drawing no. 2021-018-01, submitted 23/07/2021
- Proposed Ground Floor Plans, drawing no. 2021\_018\_02 Rev A, submitted 02/11/2021
- Proposed First Floor Plans, drawing no., 2021\_018\_03 Rev A, submitted 02/11/2021
- Proposed Elevations, drawing no. 2021\_018\_04 Rev A, submitted 02/11/2021
- Daytime Bat Assessment, carried out by Andrew Tilson-Willis, dated September 2021, submitted 04/10/2021

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 first floor side facing bathroom window facing towards no. 19 Norman Road and the first floor side facing en-suite bathroom window, facing towards no. 15 Norman Road 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.

6. The development hereby permitted shall not be carried out otherwise than in accordance with the approved recommendations of the Daytime Bat Assessment, carried out by Andrew Tilson-Willis, dated September 2021 and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

#### **Notes for Applicant**

1. Prior Approval was granted at 17 Norman Road for a single storey rear extension by application 21/0789 on 08/07/2021. Please note that this single storey rear extension would not meet the requirements of permitted development if it were to be constructed in conjunction with the extensions hereby approved. Any combination of the extension that is permitted by Prior Approval and the scheme permitted by this application would require consideration in their entirety by a new planning application.

**END OF OFFICERS REPORT**