



Planning Committee

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

Plans List Item Number: 8

Reason for bringing to committee

Called in by a Councillor Stacie Elson

Application Details

Location: 117, Sandringham Avenue, Willenhall, WV12 5TG

Proposal: PART RETROSPECTIVE APPLICATION UNDER S73A FOR A PROPOSED 4 BEDROOM DWELLING WITH ASSOCIATED PARKING AND PRIVATE AMENITY SPACE.

Application Number: 21/1540

Case Officer: Fiona Fuller

Applicant: Gurwinder Singh

Ward: Willenhall North

Agent: Architecture & Interior Design Ltd

Expired Date: 27-Dec-2021

Application Type: Full Application: Minor Use Class C3 (Dwellinghouses)

Time Extension Expiry:



Recommendation

Refuse

Proposal

The applicant seeks part retrospective planning permission under S73A of the planning legislation for the retention of a 4 bedroom dwelling with associated parking, private amenity space and outbuilding at 117 Sandringham Road.

The proposal will consist of a utility room, kitchen, bath and 2 living rooms on the ground floor. On the first floor would be four bedrooms, lobby and bathroom. On the second floor there will be store room.

There will be a flat roof outbuilding in the rear garden space.

The house design will include a pitched roof, a central two storey flat roofed projection, with the addition of a ground floor hipped porch with main access and main habitable room windows to the front and rear elevations. A flat roof outbuilding to the rear which was added to the amended plans.

The key measurements are:

Replacement Dwelling

- 7.7 metres height to the roof ridge
- 5.4 metres height to the eaves
- 8.2 metres length
- 12.3 metres wide

Outbuilding

- 2.5 metres height to the roof ridge
- 3.3 metres length
- 2.7 metres wide

Boundary Treatment remains the same.

Site and Surroundings

The applicant's property is a two-storey semi-detached property, set on a corner plot of Sandringham Avenue and Arundel Road. The site is in a residential area comprising mainly semi-detached houses that vary in design, some with gable and

others with hipped roofs, several of which have side extensions, which front porch extensions similar to that of the proposed.

The building is not listed, located within a conservation area and there are no protected species in the site surrounding.

The following document was submitted to support the application:

- Design and access Statement

Relevant Planning History

BC15837 - Garage GSC 02-07-1980

20/1629 - Two storey side extension and single storey front extension for front porch and bay window – GSC - 17-May-2021

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 5 – Delivering a sufficient supply of homes
- NPPF 9 – Promoting sustainable transport
- NPPF 11 – Making effective use of land
- NPPF 12 – Achieving well-designed places

On planning conditions the NPPF (para 55) 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.

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
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Supplementary Planning Documents

- . Designing Walsall
- . Design Principle – Homes:
- . DW3 – Character
- . DW4 – Continuity
- . DW6 – Legibility
- . DW10 – Well Designed Sustainable Buildings

Appendix D

Conserving Walsall's Natural Environment

Air Quality SPD

- Section 5 – Mitigation and Compensation:
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 – Viability

Consultation Replies

Coal Authority

Objection – a Coal Mining Risk Assessment Report is required

Transportation (Local Highways Authority)

Supports and offered an informative

Pollution Control

Concerns that there is the possibility that some form of solid fuel appliance may be installed. Conditions to prevent installation of a solid fuel appliance, Air Quality Low Emission Scheme in writing and a Construction Management Plan.

Severn Trent Water

No objections and no drainage condition required.

Strategic Planning Policy

No strategic planning policy issues

Western Power

No response

Waste Management (Clean and Green)

No response

West Midlands Fire Service

No adverse comments

West Midlands Police Service

No response

Natural England

No objection

Representations

15 Neighbours were notified via letter about the proposed development. Objections received from occupiers of neighbouring properties on the following grounds (Officers comments are in italics):

- Removal of a party wall (*Noted. This is not a material planning matter in the determination of the planning application and a civil matter between neighbouring properties. The Local Planning Authority confirms the applicant did not seek prior approval to demolish their semi – detached dwelling*)
- Damage to the adjoining property (*Noted. This point will be covered in the report*)
- Cause of distress and worry (*Noted. This is not a material planning consideration in the determination of the planning application and a civil matter between neighbouring properties*)

- Carried out works without planning permission/ building control (*Noted. This point would be covered in the report*)
- Quality of the work is poor (*Noted. This is not a material planning matter in the determination of the planning application and a matter between the land owner and their builder*)
- Building should be re-instated by a qualified builder not cowboys (*Noted. Who the applicant employs to carry out the construction is a matter for the applicant*)
- House built without planning permission and the original planning permission was for an extension
- Is it safe? (*Noted. This matter is covered in the Building Control Legislation*)
- Who is responsible for the shoddy workmanship (*Noted. This is not a material planning matter in the determination of the planning application and a matter between the land owner and their builder*)
- How can planning condone this building
- Why do we need a planning department when the applicant doesn't take in account the planning permission
- The house has become a tourist attraction (*Noted. This not a material planning consideration*)
- The house looks nothing like the other
- Several DPD vans have caused traffic problems (This point will be covered in the report)
- Demolish the existing house and planning would give it the 'nob through.'
- Building is too big for the plot
- Building is condone by two structural engineers/ party wall surveyors. (*Noted. This issue is not a planning matter and a civil matter between the applicant and their builder*)
- The applicant has knocked through to the next door adjoining property. (*Noted. This point will be covered in the report*)
- Walsall Building Control hasn't done nothing to stop this development (*Noted. This is not a material planning matter in the determination of the planning application*)
- The structural integrity of the walls (*Noted. This issue is not a planning matter and covered by the Building Control legislation*)
- The objector wasn't consulted on the plans (*Neighbours were notified in line with the statutory obligation and available on Walsall Council's website*)
- Builders didn't adhere to health and safety requirements. (*Noted. This is not a material planning matter in the determination of the planning application*)
- Planning department are negligent
- Regular checks should have carried out and this point would have avoided this problem (*Noted. This is not a material planning consideration and covered by separate Building Control legislation*)
- Any damage to the objector's property – they will hold the council and applicant responsible (*Noted. This is not a material planning consideration in the determination of the planning application and covered by separate legislation*)
- Builders are rude (*Not a material planning consideration*)
- Objector threatens to call the police because of the builder's unprofessional behaviour. (*Not a material planning consideration*)
- Lack of privacy
- Not part retrospective when house was demolished
- The new house was built without planning permission

- Building is an 'eyesore'
- Objector may need to vacate their property due to safety reasons. (*Noted. This is not a material planning consideration in the determination of the planning application*)
- The development doesn't make a positive contribution to the local community
- If granted, the development will be detrimental to the community
- Design and Access Statement doesn't reflect the character and other design feature
- Development is incongruous
- Breach of the building line of Arundel Road
- Design and Access Statement doesn't comment on the sustainable buildings concept
- Failure to provide a street scene of the proposed massing of the building integrate in the street scene.
- The design is an over intensification of the site.
- The proposal is a low quality design
- If the LPA approve the proposed development without amendment, it will be sending a clear message
- Additional rooms could be created be in the 'void' roof space under permitted development rights.
- Proposed outbuilding exceeds the permitted developments right – which demonstrates total lack of respect for the planning legislation.

One petition was submitted on behalf the residents of Broadway Estate. There are 95 signatures. The objectors raised the following concerns:

- Disregards of the original application
- Untruths of the current application
- Asbestos in the property due to the time of the property was built and the DPD workers haven't dealt the property 'properly' (*Noted. This is not a material planning consideration and covered in the Building Control Legislation*)
- Structures stand out
- Lack of health and safety
- Damages caused by the owner and the DPD drivers. (*Noted. This is not a material planning consideration and to be dealt with via separate legislation*)

Councillor Stacie Elson

- Works for change of use – May 2020. It is untrue. The house was demolished in January 2020.
- Bricks and roof tiles will 'fit in with existing ones' previous property has been demolished.
- Applicant used DPD drivers to carry out works– no care for health and safety (i.e. Personal Protective Equipment - PPE) (*Not a material planning consideration in the assessment of the application*)
- Working early hours of the morning and late at night
- Bad working practice and endangering local residents (*Not a material planning consideration in the assessment of the application*)

- DPD disposal of rubbish on the street/ no skip/ concerned it will be tipped (*Not a material planning consideration in the assessment of the application. This is a matter for third party legislation*)
- Applicant causes distress in the community. (*Not a material planning consideration in the assessment of the application*)

Determining Issues

- Principle of Development
- Design and layout
- Impact on the Character and Appearance of the Area and the amenities of the surrounding residential occupiers
- Land conditions/coal legacy
- Air Quality
- Certificate of ownership
- Drainage
- Access and Parking
- Fire safety
- Enforcement

Assessment of the Proposal

Principle of Development

The site is situated within a predominantly residential area within walking distance to where to local shops, services and public transport and is therefore considered to be in a sustainable location and is consistent with guidance in the NPPF, BCCS and UDP.

In this case, whilst the principle of providing further residential properties on the site may be acceptable. However, the design and layout and whether it is characteristic of the surrounding pattern of development are the key considerations.

The principle of a replacement residential property fronting Sandringham Road is considered appropriate in this location and is supported by the Strategic Planning Policy Team.

Design and layout

The application property (117 Sandringham Road), the applicant has already demolished the semi- detached dwelling. The current proposal is to retain a four bedroom detached house in its place. The applicant did not implement planning application 20/1629 for the extension, instead demolished the house (without seeking permission) and has rebuilt it larger than the original, which is what they are seeking permission for now. The current application (21/1540) is to retain a detached two storey dwelling with an outbuilding to the rear.

The proposed design appears to have not taken into account the other half of the semi – detached dwelling. In this instance the projecting bay is considered to be too wide unbalancing the pair of semi-detached dwellings. The size of the porch by virtue of the depth and width is too large and combined with the wider front projecting feature only serves to further unbalance the pair of semi's. The two storey side part of the house near to Arundel Road boundary, only further unbalances the pair of semi-detached houses. All the elements combined give an unbalanced appearance which is considered to bring a detrimental impact on the amenities of the locality and surrounding residents. Furthermore, the proposed addition built form would bring the proposed house towards Arundel Road, which once again would further exacerbate the unbalancing of the pair of semis and a detrimental impact to the wider street scheme closing the openness of this part of Arundel Road, which is also detrimental to the local amenity.

On closer examination of the submitted plans, the applicant's drawings doesn't appear to match. The proposed chimney, as illustrated appears to be separate to the original shared chimney for the pair of semis. Furthermore, the floor plans don't show any chimney breast support in the rooms. Consequently, the Local Planning Authority has concerns that the existing shared chimney may not be fully supported and may be at risk of collapse. However, this will be a matter for the building control process to resolve.

Overall, the proposed design is considered incongruous in the street scene. Therefore, the proposal is unacceptable and contrary to the aims and objectives of the National Planning Policy Framework, policies CPS4, HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, 3.6 and ENV32 of the Walsall Unitary Development Plan and Supplementary Planning Document: Designing Walsall.

If the Planning Committee do consider the application can be supported, it is suggested before any decision can be issued, that the drawings would need to be updated, to include resolving the position of the chimney and showing it can be supported.

Whilst the proposed layout would meet the required 13m separation distance recommended by Appendix D of Designing Walsall between the replacement house at 117 Sandringham Road and 25 Arundel Road. The window to window distance separations are mainly across public highway and in this instance are considered on balance accord with Designing Walsall SPD Annex D.

Impact on the Character and Appearance of the Area and the amenities of the surrounding residential occupiers

The area is characterised by detached and semi-detached properties with street frontages and large private rear gardens. The proposal overall would create an incongruous development which would be at odds with the dwellings fronting Sandringham Road with the established pattern, layout and general character of the area.

The proposed layout would comply with the 13m separation distance required by Appendix D of Designing Walsall for windows to blank elevations. Front window to window separations are acceptable as they are across a public highway.

Land conditions/coal legacy

The application site is identified as being in a Development High Risk Area for Coal. The Coal Authority records indicate that the application site lies in an area of probable unrecorded shallow coal workings, which pose a potential risk to surface stability and public safety.

Given this application is for the retention of a new dwelling and not to build an extension to an existing house, given the application site is within a defined Development High Risk Area, the applicant must submit a Coal Mining Risk Assessment Report, to support this planning application. As no relevant information has been submitted at this time the Coal Authority objects to this planning application, this would warrant a reason for refusal.

Air Quality

The applicant has not provided any details regarding the installation of heating boilers, solid fuel heaters or electric charging points for vehicles in line with the council's development plan. Should the proposal be acceptable, these could be secured via planning conditions.

Certificate of ownership

Based on the documents provided by the enforcement team, building control and objectors are that applicant has carried out unauthorised works which affected the neighbouring property. It is noted, the legislation states that:

'A certificate which applicants must complete that provides certain details about the ownership of the application site and confirms that an appropriate notice has been served on any other owners (and agricultural tenants).'

In this instance the applicant has completed Certificate A – which the local planning authority considers is incorrect. In this instance, the applicant should have completed Certificate of ownership (Certificate B), as some of the works have impacted on or directly affected the attached house, because the works both in demolition and reconstruction have encroached on to the neighbour's property. Consequently, the

application has invalid. The LPA has requested certificate B be completed, which includes serving notice on the neighbour.

Drainage

Severn Trent Water was raised no objection on the proposed development and no drainage condition is necessary. From this perspective, the proposal is considered acceptable.

Access and parking

Parking for 3 vehicles is provided at the replacement dwelling in the form of driveway parking. The proposal accords with the Councils parking standards. Highways considered 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. An informative would be imposed to planning permission.

Fire Safety

In the interests of fire safety as recommended by the West Midlands Fire Officer and in accordance with UDP policy ENV32 the development would have 'no adverse comments.'

Enforcement

Prior approval should have been sort before the demolition of the semi-detached dwelling. As the applicant didn't seek approval to demolish or rebuild, planning permission is required to retain the building. In addition, as the building was demolished and as part of the rebuilding they have added an outbuilding, this would also require permission as it would have fallen outside permitted development rights. In this instance, although the height of the outbuilding is a little higher than the LPA may normally accept, it has limited harm to neighbours.

The Enforcement Team will be monitoring the site and any future planning applications.

Conclusions and Reasons for Decision

The site of a recently demolished semi- detached dwelling that fronts Sandringham Road, whilst the NPPF recognises the importance of maintaining an areas prevailing character and setting and the importance of securing well designed, attractive and healthy places. In this case, whilst the principle of providing further residential properties on the site may be acceptable the design and layout and whether it is characteristic of the surrounding pattern of development are the key considerations.

Whilst the proposed layout would meet the required 13m separation distances recommended by Appendix D of Designing Walsall to the surrounding properties, the distance separations would be uncharacteristic of the surrounding pattern of development.

The area is characterised by detached and semi-detached properties with street frontages and large private rear gardens. The development would fail to integrate with the existing form of development and street frontage. As such the proposals would be at odds with the established pattern, layout and general character of the area, with the properties in the street scene thus in conflict with policies GP2 and ENV32 of the UDP and CPS4, HOU2, ENV2 and ENV3 of the BCCS

The development would result in plot size that would be out of character with the surrounding pattern of development at this far end of Sandringham Road, currently this is characterised by houses with large rear gardens. It is considered that this failure to respond to local character would cause harm to the local area and would set an unwanted precedent for future development which may spread ad-hoc along properties fronting Sandringham Road, in contrary to policies ENV2 and ENV3 of the BCCS and GP2 and ENV32 of the UDP.

Given that there are no materials 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. If this is a template, it would be advisable to put something in capitals next to this so that the case officer could amend accordingly.

Recommendation

Refuse

1. The proposed scale and design, including the overall width, width of the projecting bay and the size of the porch all serve to unbalance the pair of semi-detached houses to the detrimental impact of the street scene, character of the area and neighbours amenity. In addition, with the overall house closing the gap in Arundel Road by extending so close to the boundary of the property, it detrimentally harms the views along Arundel Road to the detrimental amenity of the local character of the area and neighbouring amenity. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies CPS4, HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, 3.6 and ENV32 of the Walsall Unitary Development Plan and Supplementary Planning Document: Designing Walsall.

2. In the absence of a Coal Mining Risk Assessment Report the Local Planning Authority is unable to assess whether the development will have an adverse effect on the safety and stability of the site. Therefore it is contrary to the aims and objective of the NPPF paragraph 109 and UDP Policy ENV14.

Broadway Estate,
New Invention,
Willenhall,
WV12

November 2021

To: Planning Department,

Re: 117 Sandringham Avenue

Please find attached a petition from the residents of the Broadway Estate, WV12.

We as resident of the estate, wish to object to planning permission being granted to the owner of 117 for the following reasons –

- Total disregard to the original planning permission granted
- The untruths in the current application –
 1. It was demolished in January 2021, not May as suggested in the application
 2. Its not a partial re-build it's a new build
 3. How can the existing bricks / roof tiles fit in with the existing area when it's a new build?
- We understand that asbestos may be live in the properties because of the era they were built in, as they were DPD drivers that conducted the demolition, we have no proof that that this was dealt with correctly and we may now all be susceptible to asbestosis.
- The current structure certainly does not fall into the local landscape, it stands out.
- The sheer lack of H&S whilst the DPD drivers were working on the site.
- Ultimately the damage the owner and his DPD drivers have caused to the neighbouring property is an outrage.

END OF OFFICERS REPORT