



## Planning Committee

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

Plans List Item Number: 14

### Reason for bringing to committee

Called in by Councillor Elson

### Application Details

**Location:** 16, BRAMBLE CLOSE, WILLENHALL, WV12 5AH

**Proposal:** TWO STOREY SIDE AND REAR EXTENSION, SINGLE STOREY FRONT AND SINGLE STOREY REAR EXTENSIONS.

**Application Number:** 21/1606

**Case Officer:** Claire Woodcock

**Applicant:** MR L SANGHERA

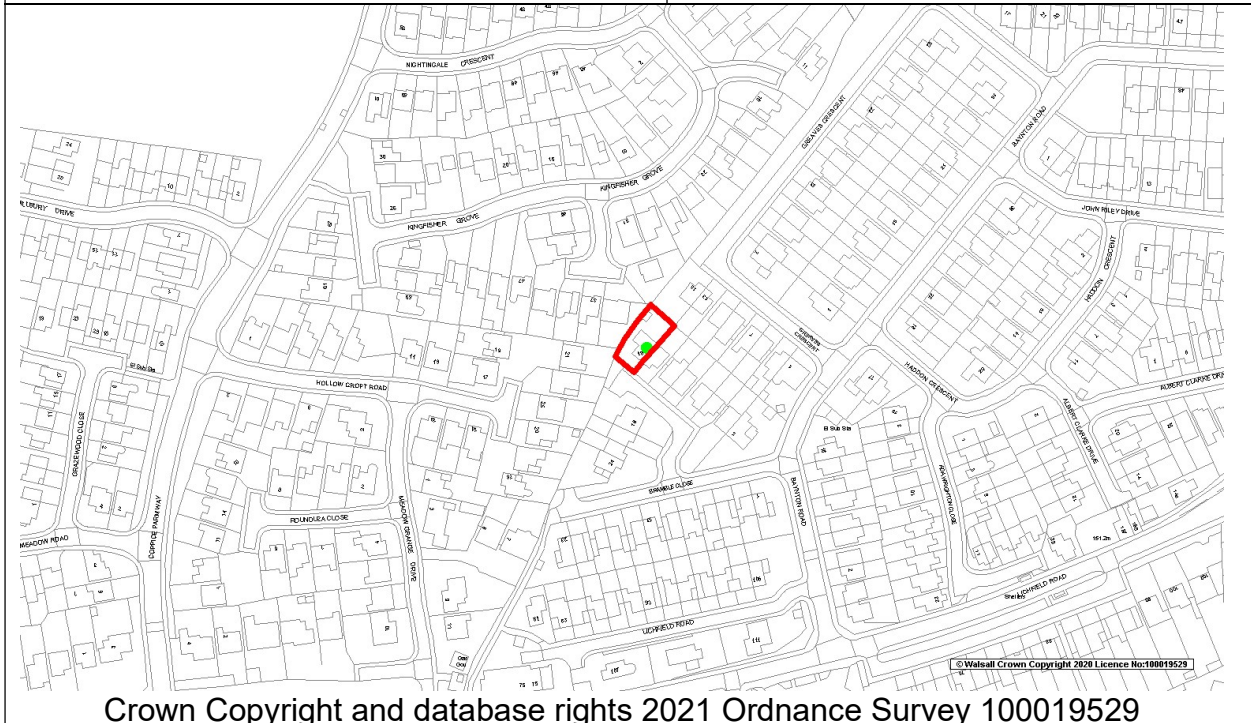
**Ward:** Willenhall North

**Agent:** Mr Roger Palmer

**Expired Date:** 31-Dec-2021

**Application Type:** Full Application:  
Householder

**Time Extension Expiry:** 18-Mar-2022



### Recommendation

Grant Planning Permission Subject to Conditions

## Proposal

The proposal is for two storey side, two storey rear and single storey front and rear extensions wrapping around the dwelling on three sides. The two storey extensions will provide a larger living room, shower room, utility and larger kitchen on the ground floor and larger bedrooms and additional bedroom with dressing area at first floor. The single storey extensions will provide a larger living room, hallway and family room to the front and a larger family room at the rear.

Having two windows and entrance door at ground floor and first floor window on the front elevation, a window at ground floor and bi-folding doors plus a window on the first floor on the rear elevation. A window to the shower room and an entrance door on the ground floor side elevation facing towards number 35 Kingfisher Grove are also proposed.

The two storey side extension dimensions are:

4 metres wide

7.6 metres deep

Stepped in 0.4 metres at the first floor

Having a gable end tiled roof that is stepped down 0.2 metres from the roof ridge

4.7 metres high to the eaves

7.4 metres high overall

The two storey rear extension will adjoin the two storey side extension and the dimensions are:

4.4 metres wide

3 metres deep

Having a tiled hipped roof set down from the roof ridge by 1.1 metres

4.7 metres high to the eaves

6.4 metres high overall

The single storey rear extension dimensions are:

3 metres deep

5.9 metres wide

Having a tiled mono roof with three roof lights inset

2.2 metres high to the eaves

3.3 metres high overall

The single storey front extension dimensions are:

2.5 metres deep

4.1 metres wide

Having a tiled mono roof with velux window inset which will run across the front elevation and replace the present flat roof.

2.2 metres high to the eaves

3.3 metres high overall

## Site and Surroundings

The applicant property is a two-storey semi-detached dwelling, with an integral garage and bay window projection at ground floor and is located at the end of a residential cul-de-sac. The surrounding properties are mainly semi-detached dwellings of a similar design and terraced properties. Many of the surrounding dwellings have front, side and rear single storey extensions and also two storey side extensions.

A former conservatory extension on the side of the property has been removed.

Apart from the adjoining house and others in Bramble Close the nearest properties are Nos 33 and 35 Kingfisher Grove positioned to the north and west of the application property and No 21 Hollow Croft Road positioned to the south west of the application property.

## Relevant Planning History

Applicant property: None

35 Kingfisher Grove:

BC41162P Extension over Existing Garage refused 26-Jul-1994

BC42730P Extension over existing garage. (Resubmission of BC41162P). GSC 27-Feb-1995

## 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**

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.

## **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
- ENV32: Design and Development Proposals
- T7 - Car Parking NOTE for case officer: *(Also see AAP Policy AAPT5)*
- T13: Parking Provision for Cars, Cycles and Taxis

## **Black Country Core Strategy**

- CSP4: Place Making
- ENV3: Design Quality

## **Supplementary Planning Document**

### **Designing Walsall**

- DW3 Character
- Appendix D

## **Consultation Replies**

None received

## **Representations**

There have been the following objections from 2 neighbouring properties:  
*(Officers comments in italics).*

- Size of extension
- Overbearing
- Not in keeping with the surrounding area

- Overlooking
- Privacy
- Loss of sunlight
- Over shadowing
- Trees/shrubbery
- Traffic
- Potential for windows on the upper floor side elevation. *(There are no proposed windows on the side elevation and a condition is included to prevent any further side facing windows).*
- Satellite and internet signal may be affected. *(This is not a material planning consideration).*

It can be confirmed that additional imagery has been received from the Councillor, which appears to be based on google maps. The LPA creates a committee presentation based on its own documents and images and does not use third party imagery as part of the presentation, as the LPA cannot confirm its providence or that it is a true reflection of the situation, plus the imagery is based on google maps.

### **Determining Issues**

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

### **Assessment of the Proposal**

#### **Design of Extension and Character of Area**

The proposal is for two storey side rear extensions to provide a larger living room, shower room, utility and larger kitchen on the ground floor and larger bedrooms and additional bedroom with dressing area at first floor. A single storey front extension to the living room, hallway and family room and rear extension to create a larger family room are also proposed.

The proposal would be visible from within the street scene and is located at the end of a cul-de-sac. The proposed extensions are considered to reflect the scale of the dwelling, the character of the original dwelling and evolving character of the area. Whilst neighbours are concerned the proposed extensions are not in keeping with the surrounding area, and concerned they would be overbearing and excessive in overall size, there are several properties in the surrounding area that have similar extensions.

The proposal is considered to be proportional to the host house, and neighbouring houses within the area, reflecting the local varied housing designs, plus the evolving character of the area.

#### **Amenity of Neighbours and Amenity of Future Occupiers.**

No 14 Bramble Close is the adjoining property. The proposed two storey side extension will not be visible to the habitable windows of number 14, so causes no harm and the two-storey rear extension adheres to the 45-degree guidelines in relation to number 14. The single storey rear extension draws in line with the present

conservatory extension of number 14, and the single storey front extension will not project beyond the existing front projection of the garage and hallway of number 14. The proposals would not harm the amenities of this neighbour and no objections have been received from this neighbour.

Comments received from neighbouring properties to the north and west numbers 33 and 35 Kingfisher Grove, relating to potential for overlooking, loss of privacy, loss of sunlight and over shadowing.

Number 33 Kingfisher Grove is set to the north of number 16 Bramble Close and at angle that results in the side elevation of number 33 facing towards number 16. Whilst the proposal will draw the two properties closer together, there are no habitable room windows on the side elevation of number 33 Kingfisher Grove that face towards number 16, which ensures that there will be no direct facing habitable windows. Furthermore, there is a tall boundary fence and outbuildings of both properties that partially screen the neighbouring properties. Whilst number 33 is set to the north of number 16, the habitable windows of this property at the front and rear, do not directly face number 16. There will be a remaining distance of 17 metres between the two properties and this distance, combined with the boundary treatment and lack of any directly facing habitable windows will protect the amenities of 33 Kingfisher Grove occupiers without significantly worsen the existing situation between the properties.

Number 35 Kingfisher Grove is set to the north-west of number 16 Bramble Close and the orientation of the two properties results in the two side elevations of the dwellings being at a slight angle from the boundaries. The garage of number 35 has a rear single storey extension attached, which is near the boundary with number 16. The proposed two storey side extension at 4.1 metres wide, will be 0.4m wider and also 5.1 metres taller than the former conservatory in this position, and whilst drawing the two properties closer together there will be a remaining gap of 5.5 metres. The rear habitable windows of number 35 Kingfisher Grove face the side of number 16, consequently, there is no direct habitable room windows interface between the properties, protecting the privacy of the adjacent neighbouring properties. This coupled with the boundary fence and planting between the two properties contributes to screening the proposal and protect the privacy of the neighbouring properties.

Number 35 is set back to the north-west from number 16. The direction of the sun travel from the east results in No 35 being overshadowed by the properties that are set to the east in the morning and as the sun moves towards the west during the midday will move across the rear of number 35 and the front of number 16. Whilst it is acknowledged, the proposal will create some additional shading of the rear of number 35 during the early morning, it is considered the proposal would have no greater sunlight impact to this adjacent neighbour sufficiently enough to sustain refusal of the application on this basis.

Regarding the 45-degree guidelines, when measuring the quarter point of the nearest rear facing habitable window of number 35, the proposal technically breaches these guidelines. However, this would be at a distance of 6.5 metres and the positioning between the two dwellings is already in breach. It is considered, the proposal would have no significant impact on outlook, sunlight or privacy to the occupiers of 35, sufficiently enough to sustain refusal of the application.

Number 15 Greaves Crescent is set to the rear of number 16, whilst the proposal at ground floor will reduce the current separation distance from 21m to 18m. This separation is interrupted by boundary fencing and ancillary garden buildings. Given



the pattern of surrounding housing already has shorter distances between dwellings, this proposed shortfall is considered to reflect the character of the area and given the presence of boundary treatment will have no significant adverse impact on outlook or privacy for these neighbours.

Comments have been made that trees and shrubbery will be affected by the proposal. Whilst it cannot be guaranteed the existing shrubbery within the curtilage of number 16 would be unaffected by the proposal, the planting is within the boundary of the applicants property, there are no formally protected trees or hedgerows within the boundary of number 16, consequently, the applicant may choose to remove them if they wished.

## **Highways**

The proposal increases the number of bedrooms from 3 to 4, so under the terms of the saved UDP policy T13 requires 3 off-street parking spaces. The existing garage has already been converted to a shower room and store; however, the front curtilage of the application site has ample parking to accommodate three parked vehicles. Notwithstanding residents' concerns regarding traffic, the proposals comply with parking policy T13 and will not have a detrimental impact on highway safety.

## **Conclusions**

The proposal when weighing the concerns of the neighbours, against the national/local policies and guidance and material planning considerations, it is considered the proposal accords with the aims and objectives of the national and local policies and guidance, and in this instance is considered to be acceptable in planning terms. There are no objections from significant consultees and the community interest that has been expressed is considered to not outweigh the recommendation to approve.

## **Conclusions and Reasons for Decision**

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 SPD Designing Walsall.

The proposal would have little impact on the light, outlook or privacy of the nearby residents and would comply with saved policy ENV32 of Walsall's UDP and Designing Walsall SPD.

The proposal would increase the number of bedrooms from 3 to 4 to the property. There is ample parking for three vehicles on the front curtilage of the applicant property. Therefore, the proposal is in accordance with the requirements of parking policy T13.

## **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**

Grant subject to conditions

## Conditions

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Existing plans and elevations, location and block plan drawing number PD708/01 Rev A received 05-11-2021
- Proposed plans and elevations drawing number PD708/02 Rev A received 05-11-2021

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.

**END OF OFFICERS REPORT**