



Planning Committee

Report of Head of Planning and Building Control on 07 April 2022

Plans List Item Number: 4

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 24, GWENDOLINE WAY, WALSALL, WS9 9RG

Proposal: DOUBLE STOREY SIDE EXTENSION TO CREATE UTILITY AND KITCHEN AT GROUND FLOOR AND ENSUITE, DRESSING ROOM AND LARGER FOURTH BEDROOM AT FIRST FLOOR. SINGLE STOREY FRONT AND SIDE WRAP AROUND EXTENSION.

Application Number: 21/0795

Case Officer: Claire Woodcock

Applicant: Mr Erica Scheck

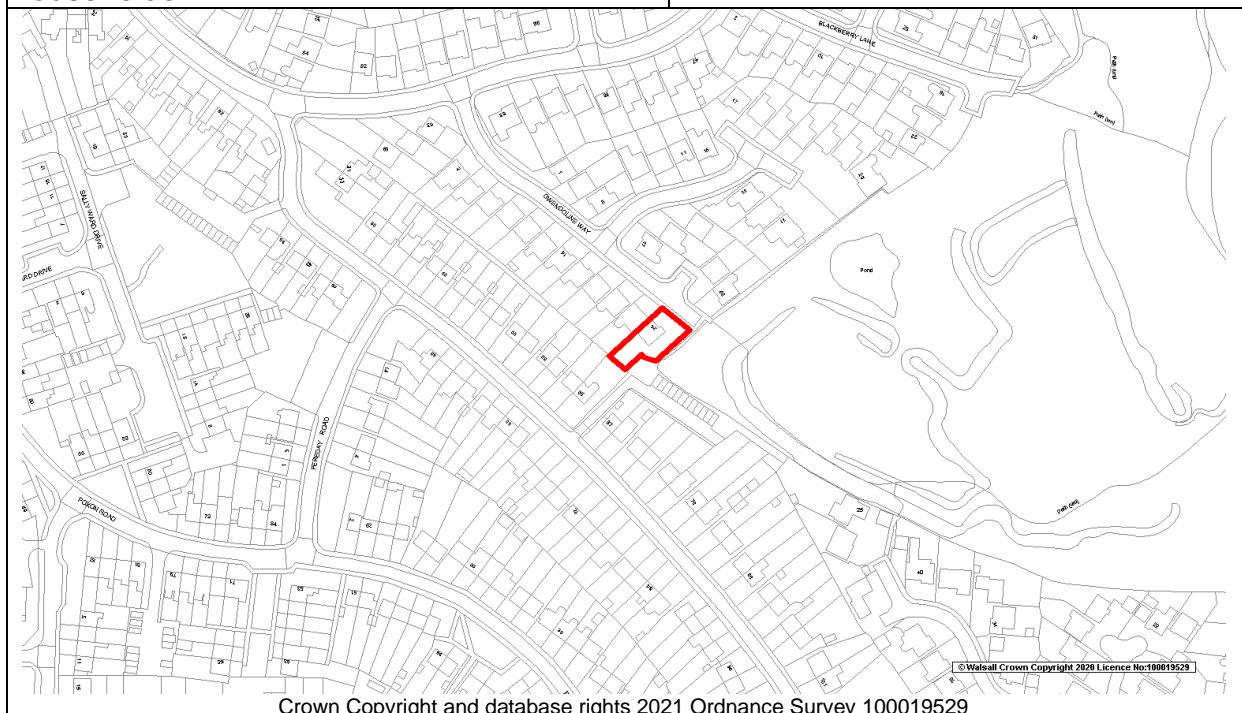
Ward: Aldridge North And Walsall Wood

Agent: BSP Design

Expired Date: 21-Jul-2021

Application Type: Full Application: Householder

Time Extension Expiry:



Recommendation:

1. Grant Planning Permission Subject to Conditions

Proposal

The proposal is for a two storey side extension and single storey front and side wrap around extension. The development would create a utility, W.C, bathroom and kitchen at ground floor and larger fourth bedroom with ensuite and dressing room at first floor. The proposed extensions will be to the south west elevation of the site.

The combined dimensions of the double storey and single storey at ground floor are:
5.5 metres wide on the front elevation
5.7 metres wide on the rear
9.1 metres deep

The first floor is stepped back 0.5 metres from the existing dwelling on the front elevation
7.6 metres wide
7.8 metres deep

On the front elevation having a window with gable projection to match that on the opposite side at first floor and a window on the ground floor. On the rear elevation a window and patio doors at ground floor and two windows on the first floor. On the south west side elevation two windows and a door.

Having a tiled gable end roof stepped down from the roof ridge by 0.2 metres, the front gable set down by 0.7 metres.

The dimensions of the roof of two storey are:
4.8 metres high to the eaves
7.2 metres high overall

The dimensions of the single storey roof are:
2.3 metres high to the eaves
3 metres high overall.

Site and Surroundings

The applicant property is a two-storey detached dwelling. Which is set at the end of a cul-de-sac on a residential estate where the surrounding properties are detached dwellings many of which have first floor and side extensions, some of which are stepped down from the existing dwelling and others in line with the roof ridge.

Relevant Planning History

BB16759P Land off Chester Rd, Holly Lane, Castle Hill Road &, Lichfield Road, Walsall Wood, Walsall. Original planning permission for estate removed PD Rights for gates, fences and extensions. GSC 25-Sep-1986

Applicant property:

05/1032/FL/H2 Move a garden fence withdrawn 12-Jul-2005

05/1447/FL/H2 Move a garden fence GSC 07-Sep-2005

22 Gwendoline Way:

None

29 Gwendoline Way:

04/2209/FL/H2 Side Two-Storey Extension to Existing Dwelling GSC 30-Nov-2004

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**
- **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

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
- ENV1: Nature Conservation
- 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
- Appendix D

Consultation Replies

Local Highways Authority

Support

Representations

There have been 8 objections have been received from 3 adjoining neighbours.

- Privacy
- The Public Alleyway will be made darker

- Effect on Trees
- Out of keeping with the area
- Parking issues
- Loss of light
- Anti-social behaviour from the neighbours (*This is a police matter and not a material planning consideration*).
- Additional rooms and family size will increase (*This is not a material planning consideration*).

Determining Issues

- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Bats
- Trees
- Highways
- Conclusion

Assessment of the Proposal

Design of Extension and Character of Area

Comments have been received that the proposal is out of keeping with the surrounding area. A number of the surrounding properties have the benefit of first floor and two storey side extensions some of which have a step down and some in line with the roof ridge.

The proposed extensions are considered to be in keeping with the design of the original dwelling, providing the facing materials will be consistent with those used for the existing house.

Whilst the proposed extensions will be visible from public vantage points, on balance, providing the facing materials will be consistent with those used for the existing house, it is considered to be to be in keeping with the design of the original dwelling, and 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 Nearby Residents

The proposed two-storey side extension would not project forward of the existing dwelling, so will be hidden from the view of the habitable windows of number 22 so causes no harm to amenities.

Comments have been received by the neighbouring properties that are set facing towards number 24. A distance of over 26 metres between number 24 and the front facing properties of Gwendoline Way will be retained which is above that required by

policy, furthermore these properties are set across the public Highway while the public realm intervenes.

Comments have been received by 65 Holly Lane which is set at the rear of the applicant property. Number 65 is set to the south-west and at a distance of over 26 metres which is above the distance required by policy, and there is an existing boundary treatment, outbuildings and planting set between number 65 and number 24.

The proposal is considered would have little impact on the light, outlook or privacy of the neighbouring properties and would comply with saved policy ENV32 of Walsall's UDP and Designing Walsall SPD, Appendix D.

Comments have been received that the proposal will affect the light to the footpath that runs alongside the boundary of number 24. The footpath is not a definitive or no definitive public right of way and the footpath has no lighting. The proposal will be set within the curtilage of the applicant property and approximately 0.9 metres from the boundary with the footpath. The foot path is set to the south-east of the applicant property and to the north-west of Shire Oak Park, which is set at a higher level than the foot path and number 24, therefore, due to the orientation of the applicant property, it is considered that the proposal would not significantly worsen the existing situation as this already exists from the present dwelling and the higher level of Shire Oak Park.

Trees

Regarding comments raised in relation to the oak tree within Shire Oak Park the Tree officer has given verbal comments and has no objections to the proposal due to the lack of significant arboricultural implications, due to the site of the proposal and distance of the trees.

Protected Species

A Bat Survey was requested due to the works proposed and the location of the site. The findings from the Preliminary bat roost assessment conducted by Garry Smith dated 30-Jun-2021 concluded that there were very few roosting opportunities for bats at the property with no evidence that any have been residing at the property, resulting in a low level of risk that bats would be disturbed or harmed by the proposed development. This is considered acceptable evidence that the proposal does not present a harm to endangered species. Conditions would be included regarding the potential presence of bats, and to restrict the type and use of external lighting to safeguard local bat populations

Conclusions and Reasons for Decision

The design of the proposal 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 proposed extensions would not have any significant adverse impact on neighbour's amenity and complies with saved UDP policies GP2 and ENV32 and SPD Designing in Walsall.

The proposals would increase the bedrooms from 3 to 4, there is ample space to accommodate at least 3 vehicles along with the space provided by the garage and will be in compliance with saved UDP policy T13.

The proposal would not harm protected species.

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

Grant Planning Permission Subject to Condition

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 Roof Plan and Elevations drawing number 2021_41_03 received 26-05-2021
- Proposed Plans drawing number 2021_41_02 received 26-05-2021
- Existing Plans and Elevations, Location plan and Block Plan drawing number 2021_41_01 received 26-05-2021

- Bat survey report received 05-07-2021

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.

4a. Notwithstanding the bat survey carried out by Garry Smith of Chase Ecological Consultancy dated 30-Jun-2021, all workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise than with the use of hand tools. All roof tiles, flashing and ridge tiles shall be listed carefully (and not dragged or slid) and the undersides examined for bats or bat droppings.

4b. If during the construction period bats or evidence of bats or their roosts are found:

- i. bats shall not be handled or touched
- ii. the vicinity of the roost shall be immediately reinstated.
- iii. no further destructive works shall be carried out until the need for Natural England licence has been established.
- iv. Within one week of finding bats or evidence of bats or their roosts, a written report by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy shall be submitted in writing to and approved in writing by the Local Planning Authority. The report shall record what was found, and propose appropriate mitigation measures, including a timetable for their implementation
- v. Work shall not continue otherwise than in accordance with the approved mitigation measures and the approved timetable

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.

5a. No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

5b. No external lighting shall be installed on the site otherwise than in accordance with the approved details.

Reason: To safeguard local bat populations and in the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11, ENV23 and ENV32 of Walsall's Unitary Development Plan, BCCS Policy ENV1, SAD Policy EN1 and NE1 to NE6 of the Natural Environment SPD.

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.

Notes for Applicant

Note regarding Bats

It is therefore important that you are satisfied that there are no bats using the buildings affected by the development before work is carried out. Any damage, destruction or disturbance to bats roosts is a criminal offence. Care should be taken during building works. Stripping roof tiles should be carried out carefully by lifting rather than sliding tiles. Soffits should also be dismantled carefully by hand. If any bats or evidence of bats are discovered work should stop and advice should be sought from Natural England. They can be contacted on Tel: 0845 6014523 or e-mail: wildlife@naturalengland.org.uk

END OF OFFICERS REPORT