

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 09 September 2021

Plans List Item Number: 6

Reason for bringing to committee

Called in by Councillor Sohal

Application Details

Location: 185, SUTTON ROAD, WALSALL, WS5 3AW

Proposal: PROPOSED SINGLE STOREY FRONT EXTENSION, WITH FIRST FLOOR FRONT BEDROOM BAY WINDOW EXTENSION. FIRST FLOOR SIDE EXTENSION AND PART SINGLE, PART DOUBLE STOREY REAR EXTENSION. WITH PITCHED ROOF EXTENSION AT REAR TO ACCOMMODATE LARGER HABITABLE SPACE AT SECOND FLOOR LEVEL.

Application Number: 21/0246

Case Officer: Rebecca Rowley

Applicant: Thakor and Virang Patel

Ward: Paddock

Agent: PAUL CLIFTON

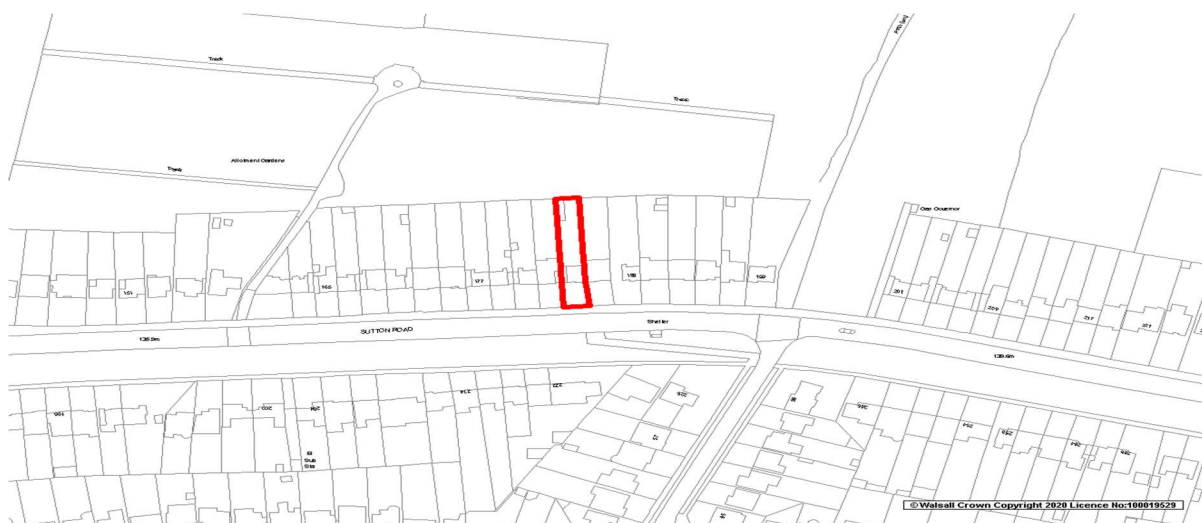
Expired Date: 20-Apr-2021

Application Type: Full Application: Householder

Time Extension Expiry: 21-Jun-2021

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.



Current Status

At the Planning Committee meeting of 15th July 2021 Members resolved to defer this item for one cycle to enable the applicant and agent to negotiate with officers to consider a compromise for a suitable design acceptable to planning officers.

The following section of this update report will set out any changes since the original report (which follows), including matters to be addressed which were contained within the previous supplementary paper.

Supplementary Paper

There were no matters contained within the previous supplementary paper relating to this item.

Any Other Updates

Site and Surroundings

Many properties along this section of Sutton Road have been extended and a variety of roof shapes have been created by hip to gable extensions and the addition of dormers. Clear gaps between the roofs of pairs of semi-detached houses are characteristic of the street scene on this part of Sutton Road.

Positive and Proactive Working with the Applicant

The applicant's agent has provided amended plans which show an increased set back of 2m from the front elevation instead of the 0.9m originally proposed and a reduced height of the ridge height from 8.9m to 7.3m to match the adjacent extension to No.183.

Assessment of the Amendments

The amended proposed first floor side extension would be visible from public vantage points along Sutton Road. The original design included a set-back of approximately 0.9m from the principle elevation and a step down of 0.4m from the main roof ridge, which was considered satisfactory to provide a subservient appearance in relation to the original dwelling but would create a significant and unacceptable terracing effect with the neighbouring property at no 183, which also features a side extension that is similarly constructed up to the boundary.

Amendments have since been made to the design of the first floor side extension to reduce the height of the roof ridge by a further 1.6m which would bring it into alignment with the height of the neighbouring first floor side extension at no. 183. The front elevation of the first floor side extension has also been stepped back by a further 1m to give a total set back distance of 2m from the front elevation of the house. These amendments are considered would reduce the impact of the terracing effect than would have been created by the original proposal, especially as a result of the gap that would now be retained between no. 185 and no. 183 above the roofs of the first floor side extensions.

On balance, these changes are considered would reduce the level of harm caused by the proposed extensions and would minimise the terracing effect. A refusal would not be warranted in this instance given the improvements made to the proposal.

For clarification purposes, this application has been called in by Councillor Sohal on the basis that it is sensitive planning.

Conclusion

As set out above the proposal is considered to have overcome the LPAs concerns and is considered would not warrant a refusal in this instance.

The recommendation is therefore updated to:

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.

Recommended 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, drawing no. 2131.1, submitted 22/02/2021
- Proposed Plans and Elevations I, drawing no. 2131.2 Rev A, submitted 17/08/2021
- Proposed Plans and Elevations II including Location and Block Plan, drawing no. 2131.3, submitted 17/08/2021
- Internal/External Bat Survey, carried out by Dr Stefan Bodnar, dated 25/03/2021

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. The development hereby permitted shall not be carried out otherwise than in accordance with the approved recommendations of the Preliminary Bat Roost Assessment, carried out by Dr. Stefan Bodnar dated 25th March 2021, specifically including the provision of a bat box and recommendations relating to external lighting 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.

6a. Notwithstanding the bat survey carried out by Dr Stefan Bodnar dated 25th March 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 that 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.

6b. 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.

THE ORIGINAL REPORT FOLLOWS

Proposal

Proposed single storey front extension, with first floor front bedroom bay window extension. First floor side extension and part single, part double storey rear extension. With pitched roof extension at rear to accommodate larger habitable space at second floor level.

Proposed Dimensions

Single storey front extension

8.5m wide

1.2m deep

2.7m high to eaves

3.8m high to ridge

First floor side extension

2.1m wide

10.5m deep (including rear projection)

5.4m high to eaves

8.9m high to ridge

Rear extension

8.5m wide (ground floor, including side projection), 6.5m wide (first floor, including side projection)

5.1m deep (ground floor), 3.9m deep (first floor)

2.8m high to eaves (ground floor), 5.5m high to eaves (first floor)

3.6m high to ridge (ground floor), 8.8m high to ridge (first floor)

Site and Surroundings

The application site is a left hand side semi-detached dwelling with attached side garage, situated within a street scene comprising semi-detached houses of similar size, mixed design and differing facing materials.

Planning History

None for application site. However, a hip to gable roof extension and rear facing dormer extension has already been completed, this is believed to have been carried out under permitted development rights.

183 Sutton Road

16/0776 - Single storey rear extension with pitched gable roof 4.5metres deep x 4metres high x 2.5metres high to eaves – Prior Approval Not Required on 14/07/2016

16/1115 - Single storey side and rear extension – GSC on 24/10/2016

16/1930 - Two storey side & single storey rear & side extension – Returned Non-Valid Application on 03/01/2017

17/0536 - Part double, part single storey side extension, single storey rear extension, single storey front extension and front porch with canopy – GSC on 31/08/2017

187 Sutton Road

BC39879P - Extension to Lounge and Kitchen – GSC on 02/12/1993

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 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.

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.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV3: Design Quality

Saved 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

Site Allocation Document

- EN1: Natural Environment Protection, Management and Enhancement

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

Designing Walsall

- DW3 Character
- Appendix D

It is considered in this case that the relevant provisions of the BCCS, Walsall's saved UDP policies and Designing Walsall and Conserving Walsall's Natural Environment SPD's are consistent with the NPPF.

Consultee Comments

Local Highway Authority – Support proposal.

Neighbour and Interested Parties Comments

(Planning Officer comments in brackets and italics)

One representation received from a local address, objecting to the proposal based on the following points:

- The development would not be in-keeping with the scale of the surrounding properties, which would harm the character of the street scene
- It would create overshadowing to a neighbouring property
- The development breaches the 45-degree code
- The development would negatively impact neighbouring privacy
- The development would adversely affect neighbouring property value *(Not a material planning consideration)*

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Parking
- Protected Species

Assessment of the Proposal

Design of Extension and Character of Area

The proposed single storey front extension is considered to integrate appropriately with the design of the existing dwelling. This would be reflective of similar designs along Sutton Road and thus is considered to not adversely affect the character of the street scene.

The proposed part single, part double storey rear extension is considered to be a particularly large addition to the property which includes a roof form that is not reflective of the existing property. Whilst this would be visible from the allotments at the rear of the property, this is considered to not result in a detrimental harm to the overall character of the area.

The proposed first floor side extension would be visible from public vantage points along Sutton Road. This includes a set-back of approximately 0.9m from the principle elevation and a step down of 0.4m from the main roof ridge, which is considered satisfactory to provide a subservient appearance in relation to the original dwelling. However, the proposed extension would be constructed right up to the boundary with No.183, which also features a side extension that is similarly constructed up to the boundary, although this is set considerably further back. Consequently, the proposed extension that would appear to join to the neighbouring extension, is considered to create a terracing effect. As both properties have also carried out hip-to-gable extensions, this also obscures some of the light that penetrates between the dwellings, the further extensions viewed together would, in effect, create one continuous 4-dwelling row. The street scene currently benefits from clear visible gaps between neighbouring first floors which is considered to be a positive feature of the area. The proposed in-filling extension would appear cramped and over-developed, which would not sit harmoniously within the street scene, adversely affecting the continuity, rhythm and openness of this area of Sutton Road.

In discussions with the applicant's agent it was mentioned that there are two first floor side extensions are close to one another at No.s 166 & 168 Sutton Road. Firstly it is important to note that this is a significant distance away on the opposite side of the road, thus this is not included within the same street scene. Secondly, both roofs remain hipped, which substantially aids in retaining the appearance of separate dwellings by keeping more light in between the properties. Furthermore, No.166 also includes a set in from the boundary at the side, in addition to a set back and step down. Subsequently, these extensions result in a materially different appearance than the one that would be created between No.183 & 185. Each application is judged on its own merits.

Consequently, the proposed development is considered to create a terracing effect that is incongruous to the local area that would result in a detrimental harm to the character of the street scene.

Amenity of Nearby Residents

As demonstrated on the proposed plans, the proposed single storey front extension and single storey rear extension complies with the 45-degree code in respect to the nearest habitable room windows of both neighbours and thus is considered to not have a detrimental impact on outlook to neighbouring windows.

The proposed first floor side extension and first floor rear extension also complies with the 45-degree code in relation to both neighbouring windows. The front and rear facing window in the neighbouring side extension at No.183 serves a bathroom and hallway which are considered to be non-habitable. These rooms do not receive the same protection under the Council's policies as habitable rooms do, as it is expected that not a significant amount of time would typically be spent in these, therefore the impact to these windows is considered acceptable in this instance.

There would be a separation distance of approximately 49.4m from the first floor windows of the side extension and the first floor windows of the opposite neighbour at No.222. This is above the minimum 24m requirement stated in the Designing Walsall SPD, therefore this is considered acceptable to not pose a harm to their visual amenities.

Whilst acknowledging the objection received, the proposed extension may create some additional shading of No.183's rear patio throughout the early to mid-morning. However, the majority of the patio area would remain in sunlight and this is considered to not be detrimental to their overall amenities significantly beyond the existing shading created by the existing circumstances.

The proposal does not include any side facing windows. Whilst there is a proposed rear facing window at second floor level in the rear extension, this is considered to not result in a detrimental harm to neighbouring privacy.

Parking

The proposal adds a sixth and seventh bedroom, therefore under the terms of the saved UDP Policy T13, 3 off-street parking spaces are required. There is adequate parking space for 3 cars within the curtilage of the dwellinghouse, which complies with T13.

Protected Species

A Bat Survey was requested as the works include alterations to the roof which could disturb roosting spots for bats, and as the site is situated within 50m from established woodland or open water sources, this was a necessary request. The findings from the Preliminary Roost Assessment conclude 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. A planning condition can be attached to any approval which specifies what actions are to be taken in the event that bats are found at the property.

Conclusions and Reasons for Decision

The design is considered to create a terracing effect with the neighbouring side extension at No.183 which would contrast with the prevailing character of the local area. The terracing effect would be incongruous to the surroundings and would detrimentally harm the character of the street scene. Therefore, the application is contrary to saved UDP policies: ENV32 and SPD Designing Walsall.

The proposed development is considered to not have a detrimental effect on the outlook, daylight or privacy to neighbouring habitable rooms or the rear garden amenity area. Therefore, the residential amenities will remain protected and the proposed development is in accordance with saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

There is adequate space for three parking spaces within the curtilage of the dwellinghouse. Therefore the proposal is in accordance with saved UDP policy T13.

The proposal is found to present a low risk to bat populations in the local area, and is unlikely to result in any harm coming to the protected species. Therefore the proposal complies with NE1, NE2 & NE3 of the Conserving Walsall's Natural Environment SPD.

On balance, it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Refuse

Officers have spoken with the applicant's agent and amendments to include a set in from the boundary or remove the first floor side extension element. But the applicant was unwilling to make such amendments, a further set back was suggested however this would not have overcome the creation of a terracing effect. Therefore, this application has been assessed in its current position and in this instance the Council are unable to support the proposal.

Decision Recommendation

Refuse Permission

Reasons for Refusal

1. The proposed first floor side extension would create a terracing effect with the neighbouring property No.183 that would be incongruous to the local area. The street scene currently benefits from clear visible gaps between neighbouring first floors which is considered to be a positive feature of the area. The proposed in-filling of this extension would appear cramped and over-developed, which would not sit harmoniously within the street scene, adversely affecting the continuity, rhythm and openness of this area of Sutton Road. Therefore, the application is contrary to saved UDP policies GP2 and ENV32, Appendix D of the Designing Walsall SPD and the National Planning Policy Framework.