



Planning Committee

Report of Head of Planning and Building Control on 08 September 2022

Plans List Item Number: 6

Reason for bringing to committee

Called in by a Councillor Elson on the grounds no.6 'impact on amenity of neighbours'

Application Details

Location: 90, SANDRINGHAM AVENUE, WILLENHALL, WV12 5SX

Proposal: SINGLE STOREY FRONT EXTENSION AND CONVERSION OF THE EXISTING GARAGE WITH NEW DUAL PITCHED ROOF. (AFFECTS SETTING PUBLIC FOOTPATH WILL31).

Application Number: 22/0652

Case Officer: Sean Hewitt

Applicant: Paul Robinson

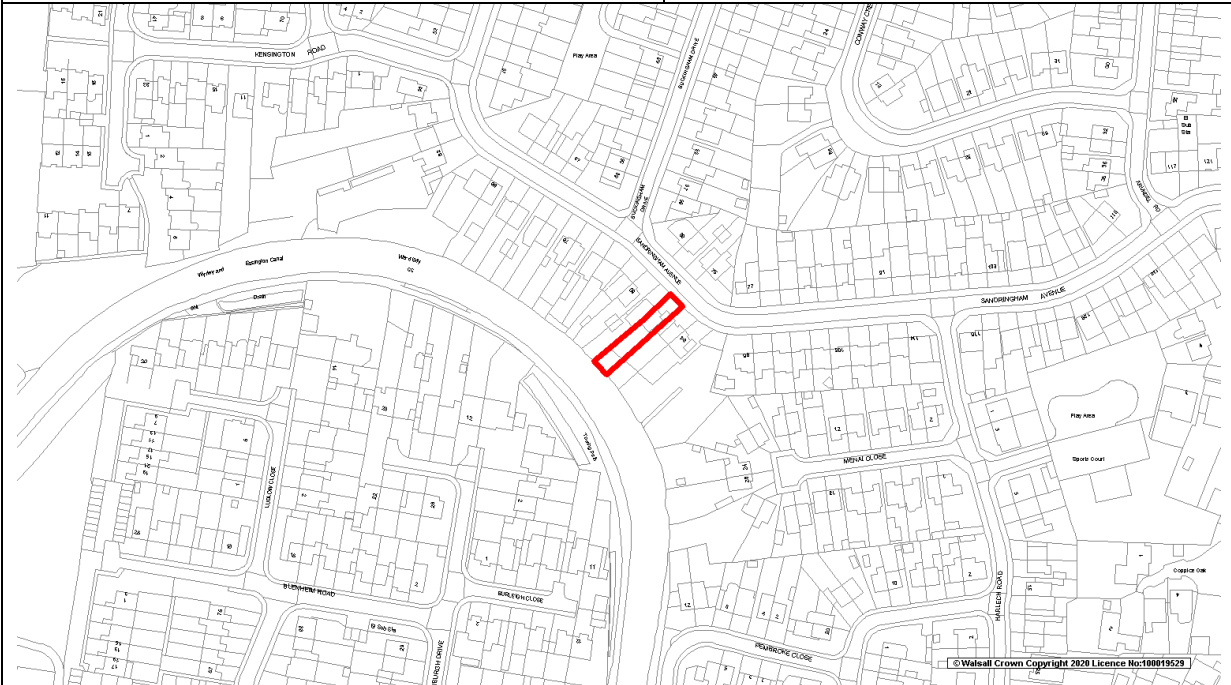
Ward: Willenhall North

Agent: Kelsall Architectural Design Ltd

Expired Date: 15-Aug-2022

Application Type: Full Application:
Householder

Time Extension Expiry:



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Recommendation:

1. Grant Planning Permission Subject to Conditions

Proposal

Single storey front extension and conversion of the existing garage with new dual pitched roof. (Affects setting public footpath Will31).

Site and Surroundings

This section of Sandringham Avenue is comprised of semi detached dwellings of a similar style and character. The application site has an existing single storey side garage which is currently linked to the neighbours with other dwellings on this road also converting their garage in a similar nature.

Relevant Planning History

none

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**

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
- GP6: Disabled People
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Designing Walsall

- DW3 Character

Consultation Replies

Canal and River Trust - Concerns as the location plan has included land within the Canal and Rivers Ownership with an informative note attached. *(A request was made to the agent for this to be updated but this has not been forthcoming, these amendments will be sought prior to issuing the committee decision.)*

Local Access Forum – Support

Environmental Protection – Concerns to the installation of a solid fuel appliance. Condition and note attached to address this.

Ecology – Support subject to note

Representations

No.92 – clarified no objection but concerns to the boundary wall and drainage from the roof *(The boundary/party wall is not a material planning consideration and a private matter between the landowners. Drainage in this instance is not a material planning consideration, however, can be dealt with via the building regulations legislation.)*

Determining Issues

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

Assessment of the Proposal

Design, layout and Character

The proposed garage conversion would be visible from the public highway, however, this would be a modest change and similar to other conversions on this section of Sandringham Avenue. While the new single storey front extension would reposition the front door from the front of the dwelling to the side, the LPA does acknowledge a small degree of harm to the street scene. Having said this, the area does not fall within a visually sensitive location and in this instance is seen to be a minimal reason insufficient reason in this instance to warrant a refusal. It is considered that the additions would reflect the evolving character of the area.

Amenity of Nearby Residents

Cllr Elson has called this application in on the following concerns:

- *'Drainage – it currently runs off number 90's side extension across 92's side wall, flooding their house. Number 90 is covering the drainage up on the roof with a house brick and covering (which I know isn't a planning issue but is a concern moving forward).*
- *The side wall indicated on the application, is actually situated on the deeds of number 92, begging the question of is the existing structure actually legally built.'*

Regarding drainage, there is no requirement to consider drainage for this type of planning application on the basis that extensions to existing dwellings would tie into existing drainage infrastructure and would be a matter for building regulations. On these grounds, this is a non-material matter which cannot be dealt with under the planning process.

Regarding the second point, while the structure may not have permission, historic satellite images confirm this has been in situ since 2000. No enforcement cases have been made against this structure and it would therefore would now be lawful with time. While the LPA is sympathetic to no.92's concerns, boundary disputes, water ingress and party wall issues are private civil matters between the land owners that fall outside the scope of the planning legislation.

A condition will be imposed to obscurely glaze the front facing WC window to protect owner and neighbour privacy.

Keeping the above in mind and as there would be no additional footprint to the rear of the dwelling, this proposal is considered to protect neighbouring amenity to an acceptable level and thus complies with the Designing Walsall SPD, it is recommended approval.

Highways

The proposal converts the garage and includes the addition of a ground floor bedroom and bathroom which takes the overall bedrooms to 4. In line with policy T13 3 onsite parking spaces would be required. It is considered, there would be sufficient space following the proposals to add at least 2 cars on the front drive. While this leaves one space short of complying with this policy, consideration must be given to the provision of the ground floor bedroom and bathroom which is anticipated to provide an improvement to the quality of life to the applicant or applicants family. The benefit to the quality of life in this instance would outweigh the requirement for a third parking space and should one be required, there is on street parking on this relatively quiet residential street which is unlikely to prejudice highway or pedestrian safety.

Conclusions and Reasons for Decision

When assessing the material planning considerations and taking into account the local and national planning guidance, 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.

The use of safeguarding conditions in respect of the materials and plans to maintain its appearance and obscured glazing to maintain privacy 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

Approve

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 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:

Proposed Plans and Elevations 272 -03e -20-06-22

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 details as submitted, the development hereby permitted shall not be carried out otherwise than in accordance with the proposed front facing windows serving the WC, illustrated on the following plans: Drawing No: Proposed Plans and Elevations 272 -03e -20-06-22, shall be obscure glazed to Pilkington (or equivalent) privacy level 4 and there shall be no opening parts lower than 1.7metres from the floor level of the rooms they serve and the windows shall thereafter be retained for the lifetime of the 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, no solid fuel stove, fire or heating appliance or associated chimney or flue shall be installed in the development hereby permitted for the lifetime of the development.

Reason: To safeguard residential amenity and air quality in line with saved UDP policy GP2.

Notes for Applicant

Canal and River Trust

1. The applicant is advised that no construction materials, waste, plant or machinery are to be placed in proximity to the boundary with the canal. This is to ensure that no additional loading is placed on the canal bank which could have an adverse impact on its structural integrity. For further advice please contact Shomsur Khan, Senior Works Engineer in the first instance on

Shomsur.Khan@canalrivertrust.org.uk or by telephone 0303 040 4040.

2. The applicant is advised to ensure that measures are put in place to prevent any material from entering the canal, including wind-blown debris and materials washed into the canal via surface water. This is to ensure that the development does not have an adverse impact on water quality and biodiversity within the canal.

Ecology

Although the application does not require a formal bat survey, there is still a risk that bats may be using the building for roosting. It is therefore important that you are satisfied that there are no bats using the building 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 the soffit boxes should be carried out 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

Environmental Protection

The area of this proposed development has been utilised for the mining of coal and lignite with subsequent infilling, which may have resulted in contaminated soil which could present Health and Safety implications. No specific details of ground conditions in the area are available other than those obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder(s) or contractor(s) undertaking the development in order that they may implement any Health and Safety at Work precautions appropriate when undertaking work at the site of the proposed development.

END OF OFFICERS REPORT