

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 06 January 2022

Plans List Item Number: 6

Reason for bringing to committee

Councillor Application

Application Details

Location: 58, HIGHGATE ROAD, WALSALL, WS1 3JE

Proposal: ERECTION OF NEW DWELLING HOUSE ADJACENT TO 58 HIGHGATE ROAD WITH THE CREATION OF A NEW VEHICLE ACCESS FROM HIGHGATE DRIVE

Application Number: 21/0834

Case Officer: Helen Smith

Applicant: Mr M Nazir

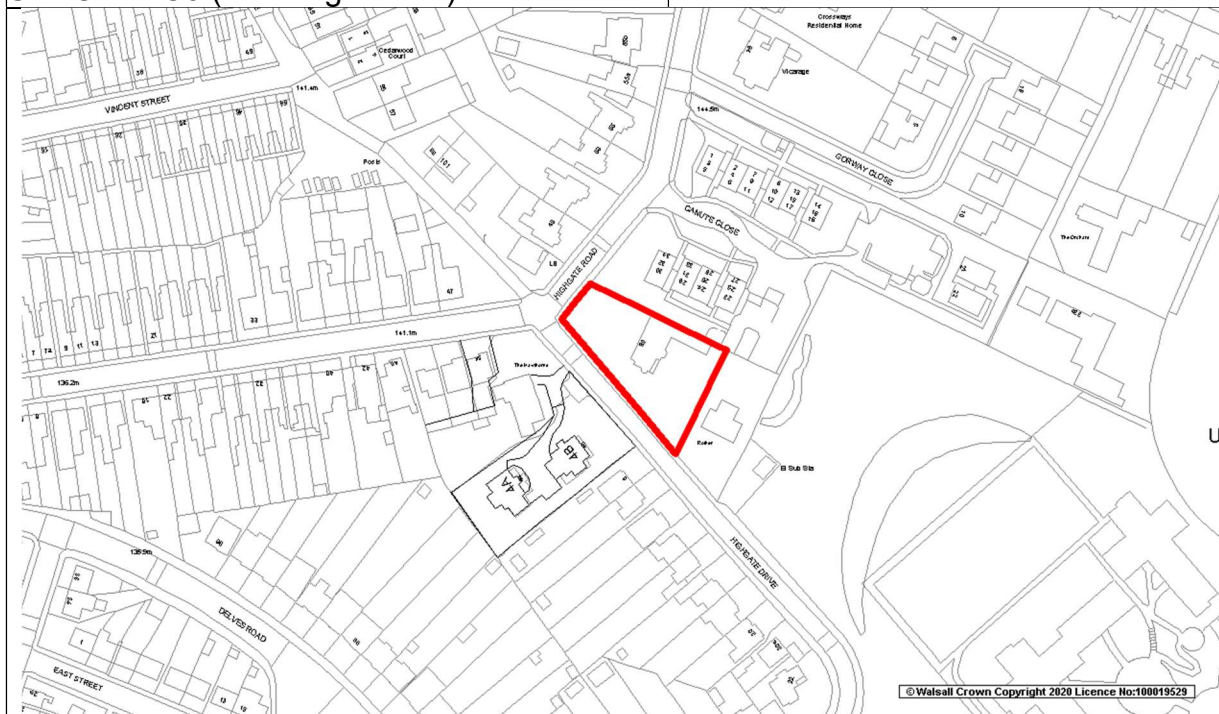
Ward: St Matthews

Agent: Mr Maurice Cotton

Expired Date: 20-Aug-2021

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

Time Extension Expiry:



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Recommendation:

1. Refuse

Proposal

This application seeks permission for the erection of a new two storey dwelling house adjacent to and within the rear garden of 58 Highgate Road creating a new separate planning unit. The existing plot would be sub-divided to provide an area measuring 390 sq. metres for the proposed new dwelling and associated private amenity areas. The proposal aims to provide semi-independent, supported living accommodation for a family member of the host dwelling for whole life occupancy.

The proposed new dwelling would be set back into the plot between 2.1 and 7.6 metres from Highgate Drive as the road has an angled relationship to the plot.

The key features of the proposed new dwelling are;

- 121 m² footprint
- 8.2 metres high to the ridge
- 4.9 metres high to the eaves
- 10.1 metres deep
- 12 metres wide
- Gable roof design with 4 roof lights (2 per slope)
- No side facing doors or windows
- Front entrance canopy and false timbered gable feature to the front
- Ground floor includes a living area/bedroom, bathroom, kitchen, WC, dining room and lift space
- First floor would provide a combined bedroom and living room, bathroom and lift space
- The loft space would be used for storage
- A lift would be provided within the dwelling to serve the first floor
- Private amenity area to the rear of the new dwelling of 43 m²
- Off-street parking is available for two cars
- Brick construction with a pitched plain tile roof
- Separate pedestrian gated entrance to be added to the existing high boundary wall fronting Highgate Drive
- 7.5 metres separation distance to the existing dormer bungalow known as Rother
- Retaining wall proposed between the new dwelling and Rother

A new vehicle access and driveway from Highgate Drive would be created. The new dwelling would sit forward of Rother, a neighbouring bungalow by 3.1 metres and would be entirely forward of the side elevation of 58 Highgate Road when viewed in the street scene.

This application is supported by a Planning Statement dated May 2021. A tree impact assessment has not been provided in support of the proposal and a street scene drawing has been provided in support. This drawing demonstrates that the ridgelines

of 58 Highgate Road, the proposed new dwelling house and Rother step down in height in a south easterly direction as the ground levels fall.

Site and Surroundings

The application site is a spacious corner plot at the junction of Highgate Road and Highgate Drive. The plot accommodates a large detached dwelling house which has previously been extended towards the centre of the plot. This plot has a 2.2 metres high retaining brick boundary wall fronting Highgate Drive.

The existing application plot widens towards the rear of the site and measures 15.2 metres fronting Highgate Road and 39 metres wide next to the neighbouring bungalow Rother. The existing plot is between 52 and 61 metres in length.

The surrounding area is residential in character with mature trees and gardens giving the area a verdant character. Housing is a mix of large detached properties, 3 storey flats and semi-detached houses.

The existing house is a 1930's style property with large garden areas to the front side and rear. There are protected trees on the plot fronting Highgate Road and unprotected conifer trees and hedges in the rear garden adjacent to the proposed new dwelling.

The application site is located 180 metres to the South of Highgate Conservation Area and The Hawthorns, opposite this site are Locally Listed and is defined as a non-designated heritage asset.

The site does not fall within a Bat Buffer Zone.

The application site has a brick retaining wall along the Highgate Drive frontage and a concrete retaining wall topped with fencing adjacent to the boundary with Rother.

Rother sits to the south of the application site and has a lower ground level than the application site.

This side of Highgate Drive has double yellow lines and this street has traffic calming measures.

No 58 Highgate Road has side and rear facing habitable room windows and a single storey rear extension with habitable room windows that would face the rear elevation of the proposed new dwelling across a separation distance of 16.8 metres.

Rother is a detached bungalow with front and side facing habitable room windows separated from the application site boundary by a vehicle access. There is a current planning application for a 3 bedroom new dwelling house at the rear of Rother (on this agenda).

No. 6 Highgate Drive sits on the opposite side of the road to the proposed new dwelling and has front facing habitable room windows across a separation distance of 17 metres.

Relevant Planning History

58 Highgate Road

11/1341/FL - Replace boundary fence with wall to match existing – GSC 9/12/11

BC21963P - Extension to Garage with Bedroom & Toilet Over – GSC 14/04/88

BC16857P - Change of Use to Rest Home for the Elderly to accommodate Eight Residents – GSC 5/8/86

BC08925P – Covered Yard Extension – GSC 27/09/83

BC02548P – Erection of rear single storey rear extension - GSC 28/1/82

Rother

20/0309 – Construction of a new 3 bedroom house and associated engineering works to the rear of Rother, Highgate Drive – under assessment and on this agenda

Relevant Policies and Legislation

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 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic 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. 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
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- 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
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- EN1: Natural Environment Protection, Management and Enhancement
- T4: The Highway Network

Supplementary Planning Documents

Conserving Walsall's Natural Environment

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character

- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings

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

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 72 (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Consultation Replies

Conservation Officer – Objection

Fire Officer – No objections subject to compliance with Approved Document B, Volume 1, Dwelling-houses, 2019. This can be included as an informative if approved.

Local Highway Authority – No objections subject to the inclusion of planning conditions in respect of pedestrian visibility splay, parking, manoeuvring, gates and vehicle footway crossing, if approved.

Natural England – No objections

Pollution Control – No objections subject to the inclusion of planning conditions in respect of the provision of an Air Quality Low Emission Scheme and Construction Management Plan, the installation of no solid fuel stove or fire and informative notes if approved.

Severn Trent Water – No objections and do not require a drainage condition to be included but require an informative note to be included in respect of a public sewer that may be located within the application site, if approved.

Tree Officer – Objects

Wildlife Trust – No adverse comments received

Representations

None

Determining Issues

- Principle of Development
- Heritage Assessment
- Design and Character of the Area
- Neighbours Amenity and Future Occupiers Amenity
- Trees
- Air Quality
- Parking and Access
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The application plot is situated in a well-established residential area. Regular bus services are situated within walking distance of the site and the site is considered to be a sustainable location.

The principle of the provision for a new dwelling house is considered acceptable in principle and accords with the aims of both national and local policies, subject to all other aspects being acceptable. However, the applicant has not demonstrated why the annex could not be attached to the original house and has not explained why it is needed to be a separate dwelling in their planning statement.

The proposed new dwelling includes all of the primary rooms required for a new residential dwelling with an enclosed and private rear garden area which would create a new planning unit. Whilst the applicant's personal circumstances are noted the planning advice is that personal circumstances will seldom outweigh more general planning considerations including any harm and the house would remain long after the current personal circumstances cease to be material. Therefore, the planning application is assessed as a new planning unit and dwelling house.

Heritage Assessment

The Council's Conservation Officer has objected to the proposal and considers that the proposal represents over development of the plot, fails to reflect the existing pattern of development along Highgate Drive, and fails to reflect the architectural design features of the existing dwelling and the existing dwellings along Highgate Drive. The Hawthorns, opposite the application site is a non-designated heritage asset and is on the Local List. The Conservation Officer has is concerned that the Planning Statement makes no reference to this locally listed building.

Planning permission was granted under planning reference 21/0919 for five dwellings to be constructed within the grounds of The Hawthorns. Numbers 4a and 4b to sit to the south of The Hawthorns, altering the setting of this locally listed building. The proposed application site is opposite these modern dwellings.

However, the proposal should still address The Hawthorns, locally listed building and reference the significance of this locally listed building. A Statement of Heritage Significance would need to be submitted in accordance with para. 194 of the NPPF.

58 Highgate Road is a two storey dwelling. It is classed as a non-designated heritage asset. The existing building is part multi toned bricks of deep red and purple/blue. Part of the dwelling is rendered in a blue/green colour finish at the front and rear. The roof includes both pitched and a cat-slide pitched roof with a flat roof dormer window. The first floor windows on the rear elevation have window shutters. The ground floor consists of segmental bay windows with flat roofs. The dwellings has chimneys. The front elevation has gable features and together with the mixture of roof heights and other design features, the building provides an interesting architecturally design dwelling. In all, the building has architectural merit.

The existing dwelling, a non-designated heritage asset, will also need to be addressed in the Statement of Heritage Significance. The Statement of Heritage Significance will need to be produced in line with the above Historic England Advice Note.

Furthermore, the setting of the dwelling in close proximity to the street frontage, would result in the dwelling being visually prominent and visually detrimental in the street scene. The proposal would have a harmful visual impact upon the amenities of neighbouring occupiers and result in overlooking and loss of privacy for existing occupiers. The proposed side facing garden would fail to provide an adequate level of amenity for proposed occupiers and would fail to reflect the existing pattern of development.

The proposed development would be contrary to para's 130 and 194 of the NPPF, policy GP2, ENV32 of the UDP, ENV2, ENV3 of the BCCS, DW1 to DW10 of Designing Walsall SPD, in that it fails to provide visually attractive good architecture that is reflective and sympathetic to local character and history and fails to create an attractive building type to create an attractive and welcoming development in the street scene. Furthermore, the proposal fails to provide effective landscaping that would enhance the proposed development.

The proposal would be contrary to para. 203 of the NPPF, in that it would have a level of harm to the significance of this non-designated heritage asset.

Design and Character of the Area

The proposed scale of the new dwelling, its position forward of 58 Highgate Road and its location on higher ground next to Rother is considered would result in this proposal having an overly prominent and discordant appearance in the street scene and an overbearing impact on the bungalow. The proposal is considered would appear as an incongruous addition to the street and would be out of keeping with the established pattern of development.

The proposed new vehicle entrance would require a pedestrian visibility splay for highway and pedestrian safety. The width of the proposed vehicle access has not demonstrated or the pedestrian visibility splay and to address this would result in the

removal of more boundary wall, trees and planting which is considered would have a detrimental impact on the verdant character of the area.

The provision of useable private amenity space of 43m² to the rear of the new dwelling is considered to be inadequate and fails to meet the recommended minimum provision of 68m² or being 12 metres in length referred to by Appendix D of Designing Walsall SPD. Whilst there would be an area of walled garden to the side of the dwelling this would not be considered to be private amenity space given its closeness to the street.

The remaining private amenity space for 58 Highgate Road would be 296m² which would exceed policy requirements.

No details of the proposed retaining wall between the proposed new dwelling and the lower ground level with the neighbouring property Rother have been provided nor any details of impact on trees.

If Planning Committee were minded to approve the planning conditions would be required in respect of materials, floor levels, boundary treatments including retaining walls, pedestrian visibility splays and impacts on trees.

Neighbours Amenity and Future Occupiers Amenity

Given this is being promoted as a separate planning unit, the LPA has to assess it as such. The limited separation distance of 16.5 metres between first floor rear facing habitable room windows in the proposed new dwelling and habitable room windows in the single storey rear extension to 58 Highgate Road is considered would have an unacceptable and detrimental impact on residents privacy at no. 58. The separation distance of 16.5 metres would be 7.5 metres less than the recommended minimum separation distance of 24 metres as referred to in Appendix D of Designing Walsall SPD.

The shallow rear garden and close proximity of first floor rear habitable room windows in the proposed new dwelling to the proposed private rear garden of 58 Highgate Road is considered would result in unacceptable overlooking and loss of privacy for neighbouring residents. Whilst both houses may be intended to be in the same family ownership, the ownership may change in the future and it is considered that the overlooking and loss of privacy impacts would be unacceptable and represent poor design.

Rother sits to the south east of the proposed new dwelling and this neighbouring bungalow has a lower ground level of approximately 1 metre. The combined higher ground level, excessive height and positioning 3.1 metres forward of the front elevation of Rother is considered would have an overbearing impact on neighbours existing amenity.

The proposed new dwelling house would face 6 Highgate Drive across a separation distance of 17 metres which is 7 metres less than the recommended minimum distance of 24 metres referred to by Appendix D, Designing Walsall. However, as this standard

is applied less robustly to public areas rather than across private gardens this separation distance is considered acceptable in this instance.

If Planning Committee were minded to approve the planning application planning conditions would be required in respect of permitted development removal for additional side facing doors and windows, extensions including additional storeys and garden buildings because of the limited available private amenity space and to retain the loft area for storage only.

The planning application for the proposed new chalet bungalow at Rother is currently under assessment. This would be located in the rear garden of the existing dwelling and would have front facing habitable room windows close to the shared boundary with 58 Highgate Road. It is considered that if trees and planting are lost along the shared boundary between Rother and no. 58 then there would be unacceptable overlooking and a loss of privacy between the proposed new house at no. 58 and the proposed new chalet bungalow at Rother.

Trees

The Council's Tree Officer has commented that the proposed dwelling is located just over 2m from the boundary with the adjacent property Rother. The existing boundary is well furnished with substantially sized evergreen trees that provide substantial screening between the properties and contribute significantly to the verdant character of the area. These trees are shown as being retained on the submitted Site Plan. The construction of the dwelling and proposed retaining wall is likely to sever a significant amount of root material likely to be detrimental to the health, condition and stability of the trees with the potential for failure and future damage to persons or property.

The proposed access will require significant ground level excavations in order to construct the drive and tie it in to the level of the public footpath and highway. The excavations are in very close proximity to a large evergreen tree located towards the frontage of Highgate Drive, which is shown on the submitted Site Plan for retention.

The construction of the access drive is likely to sever a significant amount of root material likely to be detrimental to the long-term health, condition and stability of the tree with the potential for failure and damage to persons or property. In view of these concerns the Council's Tree Officer objects to the proposal on the grounds that the proposal will have a detrimental impact on the health, condition and stability of the trees with the potential for failure and damage to persons or property.

It is noted there are significant ground level alterations between the site and Highgate Drive. Details of the land level differences have not been provided and this would be required to be able to understand the scale of the works. Once this information has been provided and assessed this will then form conditions should the application be considered acceptable.

Air Quality

Walsall Council has adopted the Black Country Air Quality Supplementary Planning Document (SPD).

Pollution Control Officers have advised that the Applicant needs to consider the requirements of the Air Quality SPD and develop a strategy to comply, with the strategy being implemented prior to occupation, if the proposal is approved by Planning Committee.

Having regard to the design of the development there are concerns that there is the possibility that some form of solid fuel appliance may be installed. Installations of this nature are problematic when located at the rear of dwellings due to the proximity of flue outlets to neighbouring properties. To avoid such issues Environmental Protection Officers have recommended a planning condition prohibiting such installation in the proposed dwelling house however such a condition is not enforceable.

If Planning Committee were minded to approve this application planning conditions in respect of the submission of a Low Emission Scheme to include electric vehicle charging points, low NOx boilers and a construction management plan would need to be included.

Parking and Access

The application looks to construct a new 3 bedroom dwelling in the grounds of the existing dwelling with a new access off Highgate Drive. Parking is provided for at least 2 cars which accords with T13 parking policy. Pedestrian inter-visibility needs to be improved at the new access and if Planning Committee were minded to approved this application planning conditions in respect of a pedestrian visibility splay, parking provision and surfacing of the drive, drainage, manoeuvring, gate design and vehicle footway crossing would need to be included. The inclusion of the pedestrian visibility splay may have impacts on trees too, so this information will need to be provided prior to issuing the decision.

The existing parking area to serve the host dwelling 58 Highgate Road would be unchanged as a result of this proposal and the front drive has sufficient space for at least 3 vehicles.

The Highway Authority considers the development will have an unacceptable impact on road safety because of the current lack of pedestrian visibility. However subject to the submission of satisfactory amended access details including a pedestrian visibility splay it is considered the proposal would not have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2021 paragraph 111.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 1 new home.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

The scale, height, positioning and discordant design of the proposed new dwelling house is considered would be an incongruous and detrimental addition to the existing street scene and have a harmful impact on neighbouring residents' privacy and amenity. The proposal fails to include details of the likely impact on trees, land levels and a statement of Heritage Significance. Whilst personal circumstances are noted the Local Planning Authority are unable to take them into consideration when determining planning applications. There is insufficient information to fully assess the impacts of the proposal on the adjacent trees and surrounding area. Consequently, the proposal is recommended for refusal.

This proposal is therefore considered to be unacceptable and contrary to the local and national planning policies and guidance set out in this report.

Given that there are no material 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 whilst helpful amendments have been made to the drawings in this instance the Local Planning Authority are unable to support the proposal.

Recommendation

Refuse

Reasons for Refusal

1. The proposed scale of the new dwelling, its position forward of 58 Highgate Road and its location on higher ground next to Rother is considered would result in this proposal having an overly prominent and discordant appearance in the street scene and an overbearing impact on the bungalow. The proposal is considered would appear as an incongruous addition to the street and would be out of keeping with the established pattern of development. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, and ENV32 of the Walsall Unitary Development Plan, Policy

2. The proposal is considered would have a detrimental impact on the character and appearance of the Hawthorns which is a locally listed building and a non-designated heritage asset. The proposal fails to include a Statement of Heritage Significance. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, paragraph 194, policies HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, ENV27, ENV28 and ENV32 of the Walsall Unitary Development Plan, Policy HC2 of the SAD and Supplementary Planning Document: Designing Walsall, Policy DW3.
3. The higher ground level, excessive height and close proximity forward of the front elevation of Rother is considered would have an overbearing and detrimental impact on neighbours existing amenity. This would be contrary to the aims and objectives of the National Planning Policy Framework, policies ENV3 of the Black Country Core Strategy, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan, and Supplementary Planning Document Designing Walsall, Policy DW3.
4. The limited provision of useable private amenity space to the rear of the new dwelling is considered to be inadequate to serve the proposed new dwelling and is contrary to the aims and objectives of the National Planning Policy Framework, policies ENV3 of the Black Country Core Strategy, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan, and Supplementary Planning Document Designing Walsall, Policy DW3 and Appendix D
5. The proposed new vehicle entrance and its width have not demonstrated a satisfactory pedestrian visibility splay for highway and pedestrian safety. In demonstrating an appropriate pedestrian visibility splay would result in the removal of more boundary wall, trees and planting which is considered would have a detrimental impact on the verdant character of the area and the amenity of the locality. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies ENV2 and ENV3 of the Black Country Core Strategy, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan, Policy EN1 of the SAD and Supplementary Planning Documents: Designing Walsall, Policy DW3 and Conserving Walsall's Natural Environment.
6. The limited separation distance between first floor rear facing habitable room windows in the proposed new dwelling and habitable room windows in the existing single storey rear extension to 58 Highgate Road is considered would result in an unacceptable loss of privacy for the occupiers of no. 58, detrimental to their amenity. This would be contrary to the aims and objectives of the National Planning Policy Framework, policies ENV3 of the Black Country Core Strategy, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan, and Supplementary Planning Document, Designing Walsall, Policy DW3 and Appendix D
7. The shallow rear garden and close proximity of first floor rear habitable room windows in the proposed new dwelling to the proposed private rear garden of 58 Highgate Road is considered would result in unacceptable overlooking and loss of privacy for neighbouring residents, detrimental to their amenity. This would be

contrary to the aims and objectives of the National Planning Policy Framework, policies ENV3 of the Black Country Core Strategy, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan, and Supplementary Planning Document, Designing Walsall, Policy DW3 and Appendix D

8. No details of the proposed retaining walls between the proposed new dwelling and the lower ground level with Rother along with details of significant ground level alterations between the site and Highgate Drive have been provided and the planning application is lacking detail sufficient to determine the potential impacts of the development to neighbours and trees on and off the site. This would be contrary to the aims and objectives of the National Planning Policy Framework, policies ENV3 of the Black Country Core Strategy, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan, and Supplementary Planning Document, Designing Walsall, Policy DW3.
9. The siting of the proposed new dwelling would result in the removal and harm to existing evergreen trees which provide substantial screening between the application site and Rother, contributing to the verdant character of the area. Furthermore, the difference in levels with require significant ground level excavations to create a drive and tie this in with the level of the public footpath and driveway close to existing trees. The proposed development is likely to sever a significant amount of root material likely to be detrimental to the health, condition and stability of the trees with the potential for failure and damage to persons or property. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies ENV1 and ENV2 of the Black Country Core Strategy, saved policies GP2, ENV18 and ENV32 of the Walsall Unitary Development Plan, Policy EN1 of the SAD and Supplementary Planning Documents: Designing Walsall, Policy DW3 and Appendix D and Conserving Walsall's Natural Environment.
10. The limited separation distance between rear facing habitable room windows in the proposed new dwelling at no. 58 and habitable room windows in the proposed new dwelling at Rother is considered would result in unacceptable overlooking and a loss of privacy for future occupiers of the new chalet bungalow to the rear of Rother if approved, detrimental to their amenity. This would be contrary to the aims and objectives of the National Planning Policy Framework, policies ENV3 of the Black Country Core Strategy, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan, and Supplementary Planning Document, Designing Walsall, Policy DW3 and Appendix D
11. The planning application fails to demonstrate why an annexe could not be attached to the original house and has not explained why it is needed to be a separate dwelling and it is considered that insufficient supporting information has been provided. This would be contrary to the aims and objectives of the National Planning Policy Framework, policies ENV3 of the Black Country Core Strategy, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan, and Supplementary Planning Document, Designing Walsall.

END OF OFFICERS REPORT