



## Economy, Environment and Communities, Development Management

### Planning Committee

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

Plans List Item Number: 5

#### Reason for bringing to committee

Called in by Councillor Wilson due to significant community interest.

#### Application Details

**Location:** 99, BIRMINGHAM ROAD, ALDRIDGE, WALSALL, WS9 0AJ

**Proposal:** FULL APPLICATION FOR PROPOSED CONSTRUCTION OF ADDITIONAL 3 BEDROOM BUNGALOW WITH ASSOCIATED PARKING AND LANDSCAPING

**Application Number:** 21/0189

**Case Officer:** Leah Wright

**Applicant:** Dave Conroy

**Ward:** Aldridge Central And South

**Agent:** Midlands Building Consultancy

**Expired Date:** 08-Apr-2021

**Application Type:** Full Application: Minor Use Class C3 (Dwellings)

**Time Extension Expiry:**

#### Recommendation

Refuse



## Proposal

This application proposes the construction of a three bedroom single storey bungalow (use class c3) with associated parking and landscaping.

The bungalow will be sited to the western side of Birmingham Road, adjacent to 99 Birmingham Road and will be used as a single dwelling, separate to 99 Birmingham Road.

The proposed bungalow would match the existing building line of the bungalows along Birmingham Road.

The bungalow would have an external footprint measuring 90.4sqm. The ground floor as proposed would consist of a lounge, kitchen, 3 bedrooms, bathroom and storage. It would measure 13.4m in depth and 7.25m in width. The ridge height of the new bungalow is approximately 4.8m with eaves of 2.5m.

To the front elevation, there would be 2no windows proposed and a front door, 1no window is proposed to both side elevations which breaks up an otherwise blank façade and to the rear elevation 1no windows and a set of bi-fold doors are proposed.

The proposed bungalow will provide private amenity space of 89.55sqm with an approximate length of 11.5m from the rear of the property to the rear fence.

The bungalow would provide 2no car parking spaces and access to the site, from the public highway would consist of a new driveway to the front of the property off Birmingham Road.

The bungalow has been designed in a similar fashion to the existing bungalows along Birmingham Road and is to be constructed from facing brickwork with part cladding to the front elevation.

## Site and Surroundings

The subject site is to the western side of Birmingham Road, Aldridge. The property is within the Aldridge East Character area.

The street scene is characterised by bungalows which are similar in style and size, however the wider surrounding area has a mixed style and size.

The site is not within a Conservation Area, nor is it a listed building.

## Relevant Planning History

No relevant history

## Relevant Policies

### **National Planning Policy Framework (NPPF)**

[www.gov.uk/guidance/national-planning-policy-framework](https://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 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 55) 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.

## **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- GP2: Environmental Protection
- ENV10: Pollution
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T9 – Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxi
- 8.3 Urban Open Space

### **Black Country Core Strategy**

- CSP3: Environmental Infrastructure
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

## **Walsall Site Allocation Document 2019**

HC2: Development of Other Land for Housing

T2: Bus Services

T4: The Highway Network

T5: Highway Improvements

### **Supplementary Planning Document**

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW8 Adaptability

Air Quality SPD

- Section 5 – Mitigation and Compensation:
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- 5.13 – Use of Conditions, Obligations and CIL

Consultation Replies

### **Local Highways Authority**

- Concern in regard to potential conflict between vehicle and pedestrian movement due to proximity of new access to the junction and significant detrimental impacts on forward visibility around the junction arising from the position of the proposed dwelling immediately adjacent the public highway.

### **Pollution Control**

- No objection. Applicant to address any installation of a solid fuel appliance, agree an air quality low emission scheme in writing and agree a construction management plan. Conditions to address the above have been provided.

### **Severn Trent Water**

- No objections. Note to applicant regarding potential presence of a public sewer.

### **Strategic Planning Policy**

- The proposal would add to the supply of housing and can be supported on strategic planning policy grounds under the NPPF paragraph 59.

## West Midlands Fire Service

- No objection, note to applicant regarding Requirement B5: Access and facilities for the fire service.

**West Midlands Police (Designing Out Crime)** – No comments received.

## Representations

5 representations were received from 5 separate households adjacent to the site, they are summarised as follows (*Officer's comments are in italics*):

- Highway safety and increase in accidents.
- Property would block views from Gaydon Road of traffic coming along slip of Birmingham Road.
- Vision restricted.
- Only 2 parking spaces proposed, would cause traffic issues.
- Increase in traffic.
- Slip road is narrow and leads to bottlenecks.
- Footpath access would be reduced during construction.
- Construction will cause distress due to traffic, noise, dust and disturbance.
- How will builders safely contain the building work as it's being built alongside a pavement?
- Increase in noise from use, vehicles and small garden.
- If a property was intended here it would have been built.
- No consideration given to local residents (*19 adjacent and neighbouring properties were notified in accordance with the statutory requirement*).
- Property will look out of place even if same materials are used.
- Overlooking/loss of privacy and loss of light.
- Development will look squashed.
- Precedent will be set where extra properties will be squeezed onto land (*each application is judged on its own merits*).
- Standard space between bungalows is a driveway plus a side passage- side passage proposed is only 1-2metres.
- Property suffered major flooding, grass and gardens replaced with tiles will lead to run off to drains that can't cope.
- Water pressure on estate is low, another property will add to burden (*this is not a material planning matter*).

## Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Trees
- Pollution Control and environment
- Flood Risk and Drainage
- Local Finance Considerations

## Assessment of the Proposal

### Principle of Development

The proposed bungalow is to be sited in a predominantly residential location and would add to the supply of housing and therefore can be supported on strategic planning policy grounds under the NPPF paragraph 59. The principle of the dwelling is acceptable in principle, subject to other material considerations set out below in this report.

### **Design, Layout and Character**

This application proposes the construction of a single storey detached, three bedroom bungalow (use class c3) with associated parking and landscaping. The bungalow will be sited to the western side of Birmingham Road, adjacent to 99 Birmingham Road and will be used as a single independent dwelling, separate to 99 Birmingham Road. The bungalow is positioned approximately 0.9m from the shared boundary.

The new bungalow will be of a similar height to the adjacent bungalow, 99 Birmingham Road, and would match the existing building line of the bungalows along Birmingham Road. Birmingham Road is characterised by bungalows of a similar style and size, however the wider surrounding area has a mixed style and size.

Whilst the proposal would be of a similar scale to No.99 and has been designed to try and reflect the local vernacular, the overall layout is unacceptable. The bungalow would be sited on the corner of Birmingham Road in a prominent position on an existing open verge. A representation was received which commented upon the fact that a standard space between bungalows is a driveway plus a side passage; the distance between the bungalows on Birmingham Road is approximately 4m and the proposed bungalow would only have a 2.6m distance between the new build and 99 Birmingham Road. As such, the proposed bungalow would not follow the pattern of development in terms of the existing space between dwellings. The introduction of built form directly abutting the public highway would fail to reflect the local character and pattern of development and would therefore result in significant detrimental harm to the character of the area and to visual amenity. Furthermore, the proposed bin storage at the front of the bungalow, directly adjacent to a public highway and on a prominent corner would be a detriment to the visual amenity of the surrounding area.

Taking into account the above, it is considered that the proposed siting of the bungalow is not acceptable as it would be in a prominent position introducing an incongruous form of built development directly abutting the public highway and giving an appearance of a cramped development, exacerbated by the corner plot position which would fail to retain the character of the open verges which are noted throughout the neighbourhood, nor would it follow the pattern of development of the existing bungalows, therefore resulting in significant detrimental harm to the character of the area and to visual amenity.

Whilst conditions could be attached to any permission to secure the use of appropriate external materials and to remove certain permitted development rights, it is considered that these conditions would not make the development acceptable, and for the reasons set out above should therefore be refused.

### **Amenity of Neighbours**

The proposed bungalow has a side window at the northern elevation which would look onto 99 Birmingham Road at a distance of 2.67m. However, this window would serve a bathroom which is not a habitable room window and the usual minimum separation distances outlined in Appendix D of the designing Walsall SPD would not apply in this instance. Any approval would however include a condition to ensure this window is obscure glazed and non-opening below 1.7m above finished floor level to minimise any potential additional / perceived overlooking to this neighbour.

There is approximately 18m from the proposed bedroom window sited to the south elevation of the proposed dwelling, to 32 Meadow Road across the road. On balance this is considered acceptable and would not result in significant impacts to neighbours amenity.



There is approximately 12m from the rear of the dwelling to the west, which is served by bi-fold doors and a single window, to the private amenity space of 55 Meadow Road. It is considered that this is an adequate separation distance to protect the private amenity space and as such there would be no detriment through overlooking and reflects the existing relationship between this neighbour and No.99.

In summary it is considered there would be no detriment through overlooking, nor would the proposed bungalow would not be overbearing on amenity of neighbours.

Comments have been made regarding the potential for neighbouring residents to suffer from noise and disturbance. Whilst some noise and disturbance would be likely, this would not be dissimilar to that already experienced by existing residential occupiers in the locality and would not warrant a refusal on this matter in this instance.

### **Amenity of Future Occupiers**

Appendix D of the Designing Walsall SPD states that garden dimensions should be 12m in length or a minimum area of 68sqm for dwellings. The proposed garden would be 11.85m in length and 90sqm in area; as such it would comply with policy standards in regard to private amenity space. An area of 113m<sup>2</sup> would also remain to serve No.99 which meets the SPD requirements. These gardens are considered would reflect the mixed size of gardens in the locality.

The bedrooms would all be single aspect and whilst it would be preferred for them to be dual aspect it is considered that they would still allow for an adequate amount of daylight into the bedrooms. Further, all habitable rooms of the development would have a large window, with the lounge having bi-fold doors, allowing for daylight.

In terms of outlook, the bedrooms would have unobstructed views and are of an adequate size. However, the proximity of a sole habitable bedroom window directly abutting the public highway is considered would fail to provide future occupiers with a satisfactory level of privacy and amenity to this bedroom. A refusal reason would therefore be included on these grounds.

### **Highways**

The Local Highway authority has concerns with the application.

The proposal looks to create a vehicle access which is considered too close the road junction and will involve part of the dropped kerb extending onto the radius of the junction. This is not acceptable as such accesses actually on junction radii can cause confusion between drivers turning in and out of a junction and in and out of the access and is where pedestrians stand to cross the junction, contrary to highway safety.

The flank wall of the proposed bungalow being immediately adjacent to the public highway will have a significant impact on forward visibility around the junction for drivers approaching along Gaydon Road. At present, the corner is open with good inter-visibility across the corner well before the junction is reached. The introduction of the dwelling at its associated parking along the highway and at the junction will significantly impair such visibility, to the detriment of highway safety.

There were numerous representations received in regard to highways. In terms of parking, there are two spaces proposed and this would be in accordance with saved policy T13 for a three bedroom dwelling. However, as set out above the proposal would have an unacceptable impact on road safety and visibility which is contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan and policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and SAD Policy T4 (The Highway Network) and the NPPF.



## **Trees**

There are considered to be no trees in close proximity to the proposal which would be harmed by the proposal.

## **Pollution Control and environment**

The applicant would be required to agree measures to be implemented to comply with the Black Country Air Quality SPD. A construction management plan would also be required. Conditions to address the above points provided by Pollution Control would need to be included on any approval.

## **Flood Risk and Drainage**

A representation was received stating a neighbour property had suffered from major flooding and the replacement of grass and gardens with tiles would lead to run off to drains that would not be able to cope. The site, which is in Flood Zone 1, is not in an area known for flooding and there are no watercourses nearby. It is considered that the development would be acceptable in terms of flood risk. Severn Trent Water do not object to the proposal and do not require a drainage scheme to be submitted.

## **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 proposed siting of the bungalow is in a prominent location and does not follow the pattern of development in terms of the existing space between dwellings. The introduction of built form directly abutting the public highway would fail to reflect the local character and pattern of development and would therefore result in significant detrimental harm to the character of the area and to visual amenity. Furthermore, the proposed bin storage at the front of the bungalow, directly adjacent to a public highway and on a prominent corner would also be a detriment to the visual amenity of the surrounding area. The proposal would also have an unacceptable adverse impact on visibility, highway and pedestrian safety.

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**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal, and with previous similar

proposals, and discussing those with the applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the full details of the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

## Recommendation

## Refusal

## Reasons for Refusal

1. The proposal would create a vehicle access close to the road junction and would involve part of the dropped kerb extending onto the radius of the junction. This has the potential to give rise to confusion between drivers turning in and out of a junction and in and out of the access and conflict with pedestrian movement to the detriment of highway safety. This would be contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan and policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and SAD Policy T4 (The Highway Network) and the NPPF (Paragraphs 110 and 111).
2. The flank wall of the proposed dwelling immediately adjacent to the public highway would result in a significant impact on forward visibility around the junction for drivers approaching along Gaydon Road. The introduction of the dwelling and potential intensification of associated parking along the highway in close proximity to the junction would significantly impair highway visibility to the detriment of highway safety and contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan and policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and SAD Policy T4 (The Highway Network) and the NPPF (Paragraphs 110 and 111).
3. The proposed siting of the bungalow is not acceptable as it would be in a prominent position introducing an incongruous form of built development directly abutting the public highway and giving an appearance of a cramped development, exacerbated by the corner plot position which would fail to retain the character of the open verges which are noted throughout the neighbourhood, nor would it follow the surrounding pattern of development. Furthermore, the proposed bin storage at the front of the bungalow, directly adjacent to a public highway and on a prominent corner would also be unacceptable. The proposal would therefore result in significant detrimental harm to the character of the area and to visual amenity, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings in terms of layout and contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), DW3 (Character), DW4 (continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the National Planning Policy Framework (Achieving well-designed places).
4. The proximity of a sole habitable bedroom window in the proposed bungalow directly abutting the public highway is considered would fail to provide future occupiers with a

satisfactory level of privacy and amenity to this bedroom and is contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV3 (Design Quality) SAD Policy HC2 (Development of Other Land for Housing) and section 12 of the National Planning Policy Framework (Achieving well-designed places).