

Planning Committee

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

Plans List Item Number: 7

Reason for bringing to committee

Called in by Councillor Wilson on the grounds that the proposal requires delicate judgement

Application Details

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

Proposal: PROPOSED NEW 3 BEDROOM BUNGALOW WITH ASSOCIATED PARKING, FENCING AND LANDSCAPING ON LAND ADJACENT TO 99 BIRMINGHAM ROAD.

Application Number: 21/1447

Case Officer: Helen Smith

Applicant: Mrs Teresa Gray

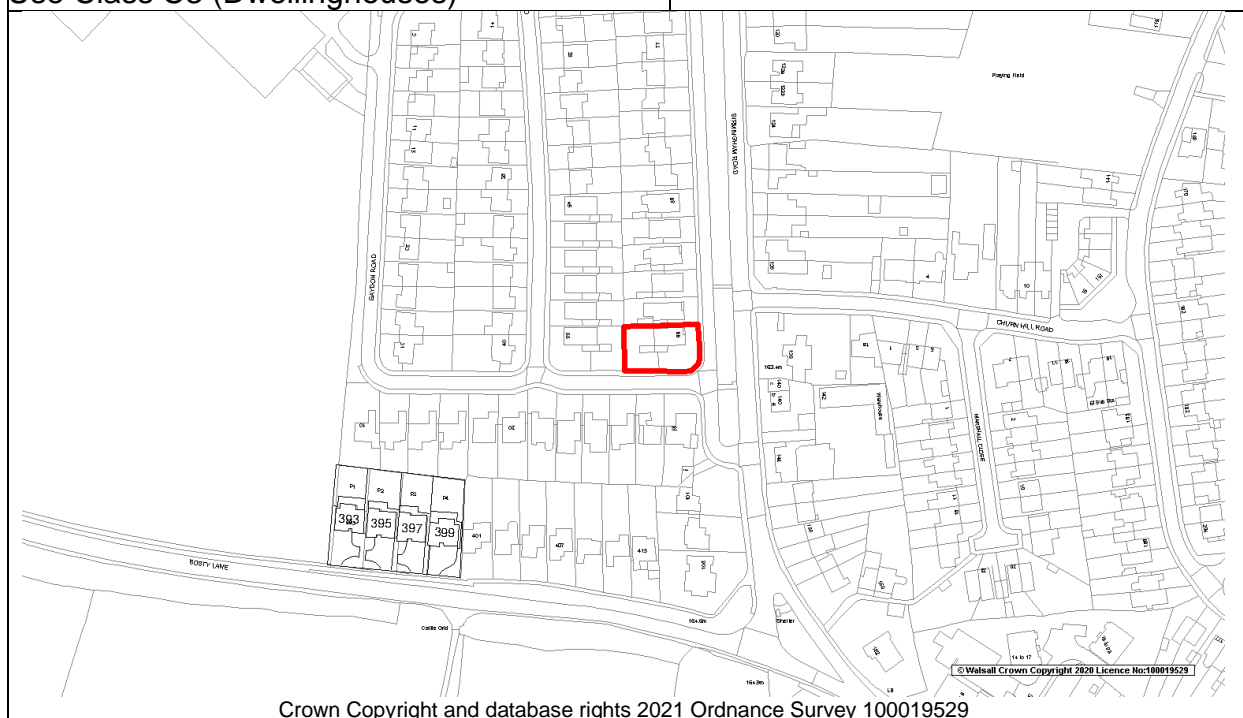
Ward: Aldridge Central And South

Agent: Mr Jonathan Zabawa

Expired Date: 03-Jan-2022

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

Time Extension Expiry:



Recommendation:

1. 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 101.7sqm. The ground floor as proposed would consist of a living room, kitchen/diner, 3 bedrooms, bathroom, and storage. It would measure 13.5m in depth and 7.8m in width. The ridge height of the new bungalow is approximately 5m with an eave's height of 2.4m.

To the front elevation, there would be 2no windows proposed and a front door, to the elevation facing 99 Birmingham Road there is 1no window and a single door proposed, the elevation fronting onto Meadow Road is a blank façade however there are 2no roof lights. To the rear elevation 1no window and a set of bi-fold doors are proposed.

The proposed bungalow will provide private amenity space of 110sqm with an approximate length of 12.5m from the rear of the property to the rear fence. No 99 Birmingham Road would retain a garden of similar proportions at 118sqm.

The bungalow would provide 2no car parking spaces and access to the site, from the public highway would be via the existing access to the front of 99 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.

This application is supported by a Design and Access Statement deposited on 30/9/21.

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.

55 Meadow Road is a bungalow that sits to the rear and west of 99 Birmingham Road. This neighbouring property has rear facing habitable room window and a rear private amenity space. The rear garden of no. 99 is enclosed by a 1.8 brick wall abutting the footpath with timber panel inserts.

No. 55 is positioned in line with 99 Birmingham Road in the street scene and both properties are similar 1960's bungalows.

No's 31 Gaydon Road and 40 Meadow Road have been built nearer to the highway than the application plot and no. 55 Meadow Road, however these two properties are houses with a less spacious character than the bungalow development to the east.

The site is not within a Conservation Area and is within a Coal Mining Low Risk Area.

Relevant Planning History

21/0189 - Full application for proposed construction of additional 3 bedroom bungalow with associated parking and landscaping – refused permission 15/10/21 on the following grounds;

- 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.*
- 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.*
- 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

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.

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 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**

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. Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

Development Plan

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
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

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
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- T2: Bus Services
- T4: The Highway Network

Supplementary Planning Document

Designing Walsall

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

- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- 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

Consultation Replies

Environmental Protection – No objections subject to planning conditions in respect of air quality, smoke control, construction management plan and asbestos identification and removal

Fire Officer – No objections subject to compliance with Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England. This can be included as an informative.

Local Highways Authority – No objections subject to the inclusion of planning conditions in respect of a construction management plan, parking spaces, surfacing and frontage boundary treatment. An informative would be included in respect of keeping the highway free from mud and debris from the construction site, if approved.

Severn Trent Water – No objections

Strategic Planning Policy – No objections

Representations

(Officers' comments in brackets and italics and other items are discussed in the report)

Objections have been received from 11 residents on the following grounds;

- Not materially different to the previous proposal
- Highway visibility and safety- Maybe worth noting that the comments are discussed within the main report?
- Visual amenity
- Cramped development

- Out of character
- Gap to highway insufficient and less than others in the area
- Insufficient parking provision
- Misleading as the area to be turfed is already laid to gravel
- Loss of light and overshadowing
- Loss of privacy
- Disturbance during construction (*not a material planning consideration in this instance*)

Determining Issues

Whether the application has addressed the reasons for refusal of the previous application or raises any new issues in respect of;

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Parking and Access
- Pollution Control and environment
- Additional Neighbour Comments
- Local Finance Considerations

Assessment of the Proposal

Reasons for refusal of the previous application

Refusal Reason 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.

The revised scheme has amended the proposed vehicle access to the front by utilising the existing vehicular access to the site in a shared arrangement. The previous separate access has been removed from the proposal. The Local Highway Authority have confirmed that they are satisfied with the proposed revised arrangement and consider that the development would not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network. This proposal is considered to be acceptable in accordance with NPPF 2021 para. 111. It is considered that refusal reason no. 1 has been satisfactorily addressed by the revised scheme.

Refusal Reason 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.

The amended scheme has repositioned the proposed new bungalows flank wall to provide a gap of between 1 metre (to the front) and 0.5 metres (to the rear) with the public highway boundary to the south of the application site. The Local Highway Authority are satisfied with the proposed revised arrangement and consider that the development would not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network.

To maintain adequate highway visibility at the adjacent road junction the Local Highway Authority would require the inclusion of a planning condition to ensure that frontage boundary treatment shall not at any time exceed 600mm in height above highway levels, if approved.

This proposal is considered to be acceptable in accordance with NPPF 2021 para. 111. It is considered that refusal reason no. 2 has been satisfactorily addressed by the revised scheme.

Refusal Reason 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

Whilst it is considered that helpful changes have been made to the proposed scheme by the planning agent, it is considered that the proposed new dwelling would continue to fail to reflect the character of the surrounding area by only leaving a narrow verge to the side of the property adjacent to Meadow Road. The proposed development is considered would fail to retain the character of the open verges which are noted throughout the neighbourhood. Neither 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. Consequently, it is considered that refusal reason no. 3 has not been fully addressed.

Refusal Reason 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.

The revised scheme has re-arranged the room layout and the bedroom window facing onto the street has been relocated. There would now be a bathroom in this position and two roof lights would be installed to serve this room. It is considered that refusal reason no. 4 has been satisfactorily addressed.

Principle of Development

The proposed bungalow is to be sited in a well-established existing residential location with access to local services. The proposal 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

No new issues raised in respect of the proposed amendments in this respect.

Amenity of Neighbours and Amenity of Future Occupiers

The re-configuration of the proposed layout would reposition a bedroom window in the proposed north facing elevation of the new bungalow. This would face the existing front door of no. 99 Birmingham Road across a separation distance of 2.9 metres. Whilst this separation distance is minimal it is considered that screen fencing would protect privacy for any new occupiers and this window arrangement is considered often to be a characteristic design of bungalows. In this instance it is considered that this proposed revision is acceptable in this instance and no further new material considerations have arisen.

Parking and Access

The proposal provides two parking spaces per dwelling which is considered meets the requirements of saved UDP Policy T13. The Local Highway Authority has no objections to the revised proposal as outlined above as the previous highway objections have been satisfactorily addressed. This proposal is considered to be acceptable in accordance with NPPF 2021 para. 111

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.

Additional Neighbour Comments

The proposed new dwelling would sit to the south east of 55 Meadow Road and as this development would be a bungalow with similar rear facing habitable room windows as those in 99 Birmingham Road to the rear of no. 55 it is considered that the additional impacts of this development on neighbours light, shadowing and privacy would not significantly worsen.

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 one new home.

The Government has indicated that, for 2021-22, it will award £350 for each affordable dwelling, but the payment for all new homes (including both affordable and others) varies. There is no fixed payment of £1,000 per home: the sum will vary from £0 to an undisclosed figure. Essentially there is a fixed pot of money each year that is divided between all authorities depending on how many homes in total have been completed across the country.

The money is worked out based on performance in previous years (18 months in arrears), so the payment in 2022-23 will be based on the number of homes completed between October 2020 and October 2021.

Conclusions and Reasons for Decision

The proposed siting of the bungalow in a prominent corner location is considered and would fail to reflect the local character and pattern of development and would result in significant detrimental harm to the character of the area and to visual amenity. 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

This is a resubmission of a planning proposal following a previous refusal reason. Whilst the planning agent has made positive changes it is considered that the previous refusal reasons have not been fully overcome.

Recommendation

Refuse

Reasons for Refusal

1. The proposed siting of the bungalow is not acceptable as it would be in a prominent corner position by failing to retain the character of wide open verges which are noted throughout the neighbourhood, nor would it follow the surrounding pattern of development. 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).

END OF OFFICERS REPORT