



Planning Committee

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

Plans List Item Number: 7

Reason for bringing to committee

Called in by Councillor Martin on the grounds of impact on the amenity of neighbours and a considered severe breach of 45 degree code.

Application Details

Location: 27, LODGE ROAD, PELSALL, WALSALL, WS4 1DE

Proposal: TWO STOREY AND SINGLE STOREY REAR EXTENSION PLUS NEW HIPPED ROOF OVER EXISTING FLAT ROOF SIDE EXTENSION

Application Number: 22/0641

Case Officer: Rebecca Rowley

Applicant: Mr Carl Forrester

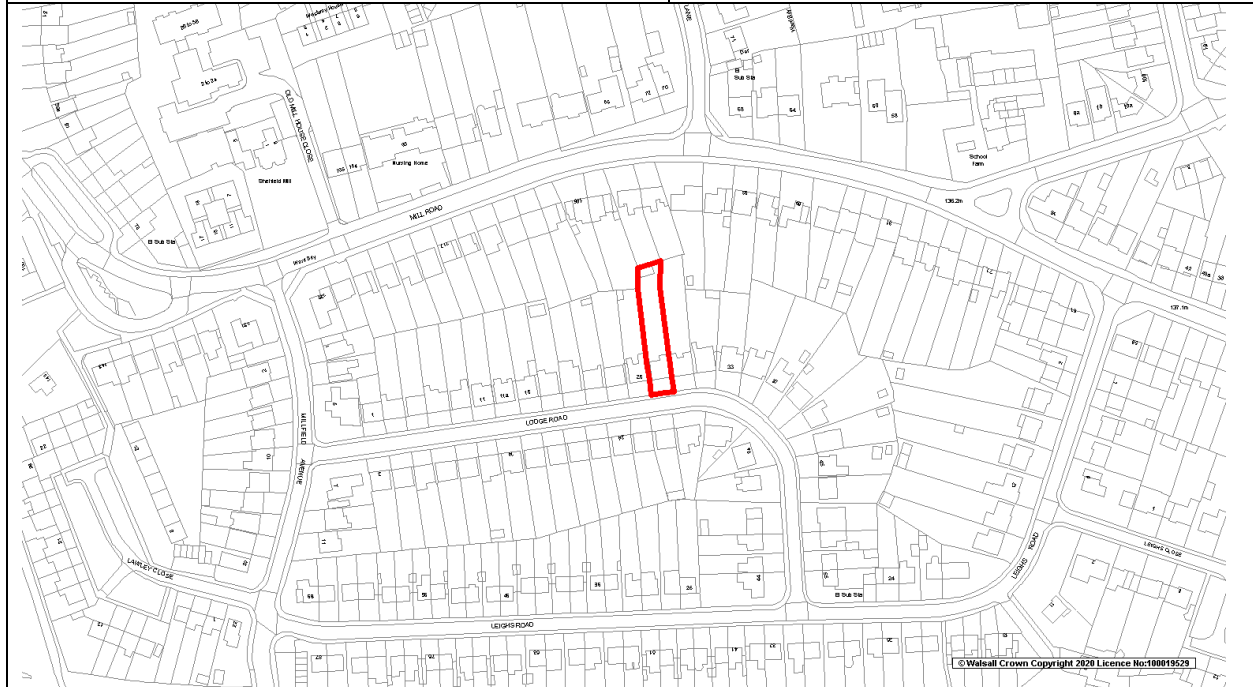
Ward: Rushall-Shelfield

Agent: PALMER DESIGN

Expired Date: 06-Jul-2022

Application Type: Full Application:
Householder

Time Extension Expiry: 16-Sep-2022



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Recommendation

Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of conditions.

Proposal

This application seeks permission for the following extensions to a detached house:

Ground Floor Rear Extension with Flat Roof

To create an open plan kitchen dining area

Depth: 4m from original rear elevation

Width: 8.4m

Height: 3m

Proposed Openings: rear bifolding doors

First Floor Rear Extension with Hipped Roof

To create bedrooms

Depth: 2.4m

Width: 5.5m

Height to Eaves: 4.8m (as existing)

Height: 7.3m

Proposed Openings: 2no. rear bedroom windows

Roof Extension

A hipped roof would be added above the existing flat roof over the two storey side extension. The new ridge would be 0.2m lower than the existing main roof ridge.

Height to eaves: 4.8m

Height: 7.3m

Site and Surroundings

The application dwelling is a traditional inter-war 3 bedroom detached house constructed from brick with a tiled hipped roof. It has a two storey flat roof side extension including integral garage and two separate single storey rear extensions, one adjacent to either side boundary. The extension nearest the boundary with no. 25 is 2m deep and the extension of the opposite side of the rear elevation is 2.5m deep. There is a driveway in front of the dwelling with sufficient space to park 2 vehicles and a separation distance of 6m from the principal elevation to the front boundary with the public footpath.

Houses in the street are of a similar original design, many of which have been extended to the side in a similar design to the application site. Two storey rear extensions are an emerging characteristic.

The adjacent dwelling to the western side is no. 25 Lodge Road with a separation distance of approximately 1.2m between the buildings. This property has a two storey side and single storey rear extension as well as a 4m deep rear conservatory adjacent to the boundary with the application dwelling. The first floor rear elevation is in alignment with the first floor of the application site.

The adjacent dwelling to the eastern side is no. 29 with a separation distance of 0.9m between the buildings. The rear elevation is approximately 0.5m shallower than the rear elevation of the application site at the ground floor adjacent to the shared boundary. The first floor rear elevation is in alignment with the first floor of the application site.

To the rear of the dwelling is a 40m long garden with a separation distance of around 60m to the nearest dwelling to the rear at 101 Mill Road.

Relevant Planning History

At application site

BC3212 – extension to kitchen – granted permission – 15/10/1975

BC10833 – erection of garage and kitchen extension and two bedrooms over – granted permission – 21/12/1978

At 25 Lodge Road (neighbour to western side)

BC14065P – erection of bedroom over existing garage – granted permission – 16/07/1985

At 29 Lodge Road (neighbour to eastern side)

EAB/3871 – garage extension, bedroom over and front porch – granted permission – 08/03/1972

At 9 Lodge Road (similar original design and similar design of extension)

22/0759 - Two storey side and rear extension and single storey rear extension plus front porch – granted permission – 25/07/2022

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
- 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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

Consultation Replies

No consultees

Representations

The following concerns have been raised by one neighbouring occupant (*case officer's comments in italics*):

- Impact on sunlight to the neighbouring conservatory
- Potential noise to the neighbouring lounge/dining room from use of the side entry passage which would remain the only access to the rear of the property (*This is not a material planning consideration in the determination of the current application as the side entry passage is an existing feature*)
- Construction noise (*This is not a material planning consideration*)

Determining Issues

- Design of Extension and Character of Area
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways

Assessment of the Proposal

Design of Extension and Character of Area

The proposed rear extensions would be of limited visibility from the public vantage point and is considered would not significantly alter the appearance or character of the application dwelling or the street scene. The extensions reflect the evolving character of this street where first floor rear extensions have recently been approved at no. 9 and no. 39 Lodge Road and approved at no 17 in 2014.

The proposed hipped roof extension is considered an improvement on the existing flat roof design above the two storey side extension. It would reflect the appearance of the original roof with a level of subservience being created by a step down from the main roof ridge. The design would reflect the roof at neighbouring no. 29 Lodge Road.

Proposed facing materials would match those used in the existing building and this will be secured by a planning condition.

It is considered that this proposal would not cause significant harm to the character of the application dwelling or the locality in accordance with the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall policy DW3.

Amenity of Nearby Residents

Following amendments submitted in response to concerns raised by the Local Planning Authority, the proposed first floor extensions have been reduced in depth and are now compliant with the Council's adopted 45 degree code as outlined in the SPD Designing Walsall Appendix D in respect of all ground floor and first floor habitable room windows at both adjacent neighbouring dwellings.

The rear gardens of this row of houses have an orientation that is just slightly west of northerly. Natural sunlight is directed towards the front and side elevations of these dwellings throughout the majority of the day. Concerns have been raised regarding the impact on sunlight. There is a rear conservatory at no. 25 Lodge Road which is sited to the western side of the application site. It is acknowledged, there would be some impact on easterly outlook through the conservatory upper side windows and the roof although not sufficient to be able to sustain a reason for refusal as the proposed extension complies with the Council's 45 degree code. Neither the ground floor nor the first floor of the proposed rear extensions at no 27 would project beyond the rear elevation of this conservatory. It is considered that the impact on outlook would not cause significant harm to visual amenity sufficient to sustain a refusal. It is acknowledged that there would also be some obscuring of natural sunlight to the conservatory. Natural sunlight would only be obscured for a relatively small period of the day during the early morning before it is already obscured by the bulk of the existing dwelling. Given this limited period of reduced sunlight above and beyond the existing situation, plus compliance with the Council's 45 degree code, it is considered this would not cause significant harm to light amenity sufficient to sustain a refusal in this instance.

In respect of no. 29 Lodge Road, the proposed ground floor extension would project to a depth of 4m from the original rear elevation, 1.5m deeper than the existing rear extension in this position and 2m deeper than the rear elevation of the single storey rear extension at no. 29. It would have the same impact as a 4m deep rear extension that could have lawfully been constructed in this position using permitted development rights were it not attached to first floor extensions on the opposite side of the rear elevation. The first floor rear extension would be just 1m deeper than the ground floor of no. 29 and would be set in 3m from the side elevation of the application dwelling nearest to the boundary with no. 29. There is a first floor rear window in the side extension at no. 29. The 45 degree line of view from this window is already breached by the original dwelling at no 27 which would obscure any view and prevent additional impact to this window. It is considered the extensions would have limited impact on visual amenity from the rest of the ground floor or first floor rear windows at no 29. No. 29 is located to the eastern side of the application dwelling and any potential for obscuring of natural sunlight would be limited to a short period in the evening as the sun is setting. It is considered the proposals would have limited impact on the occupants of no. 29 above and beyond the existing situation.

The proposed extensions comply with the required separation distance of 24m between first floor habitable room windows as outlined in the SPD Designing Walsall Appendix D

There are no side facing windows in no. 25 Lodge Road that could be impacted by this proposal. Notwithstanding this, a condition would be included to ensure that the proposed side facing bathroom window is obscurely glazed to protect the privacy of occupants.

It is considered that this proposal meets the amenity requirements of saved UDP policy GP2.

Parking

In accordance with the requirements of saved UDP policy T13, a 5 bedroom dwelling requires a minimum of 2 off road vehicular parking spaces.

There is sufficient space on the hard surfaced drive way and retained garage to meet this requirement.

Conclusions and Reasons for Decision

When assessing the material planning considerations and taking into account the local and national planning guidance and representations received, this application has demonstrated that these proposals would not result in 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 and thus complies with the policies and guidance set out in this report.

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

Officers have spoken with the applicant's agent and in response to concerns raised regarding a breach of the 45 degree code for the first floor of the rear extension, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of conditions.

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:

- Existing Floor Plans and Elevations, including Site Plan, drawing no. PD730/01 Rev A, submitted 11/05/2022
- Proposed Floor Plans and Elevations, drawing no. PD730/02 Rev B, submitted 01/07/2022

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3: The walls and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing building and the facing materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no side facing windows, doors, or other openings other than those shown on the approved plans, shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policy GP2 of the Walsall's Unitary Development Plan.

5: Notwithstanding the details as submitted, the development shall not be carried out otherwise than in accordance with the first floor side facing bathroom window hereby permitted, shall be non-opening below 1.7m and obscurely glazed to meet Pilkington level 4 or equivalent and shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the occupiers of adjoining premises, and the privacy of occupiers of the application property, and to comply with policy GP2 of Walsall's Unitary Development Plan.

Notes for Applicant

None

END OF OFFICERS REPORT