



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 16

Reason for bringing to committee

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

Application Details

Location: 33, LITTLE ASTON ROAD, ALDRIDGE, WALSALL, WS9 0NP

Proposal: PROPOSED DETACHED GARAGE.

Application Number: 21/0686

Case Officer: Rebecca Rowley

Applicant: Mr Martin Collins

Ward: Aldridge Central And South

Agent: Mr Paul Spooner

Expired Date: 13-Jul-2021

Application Type: Full Application:
Householder

Time Extension Expiry: 30-Jul-2021



Recommendation

Refuse

Proposal

This application seeks permission to erect a detached garage on the frontage of the site at 33 Little Aston Road in the street scene. The garage would provide floor space to park 3 vehicles. The applicant's agent has confirmed that at the moment the applicant has no intention of a first floor being installed in these proposals but should that change in the future, then a planning application will be submitted to show this and its proposed use.

- Depth: 6m
- Width: 10m
- Height to eaves: 2.5m
- Height: 5.8m

The garage would be inset a minimum of 4.7m from the boundary with the highway on Little Aston Road and a minimum of 5.6m from the boundary with the highway on Branton Hill Lane. The front elevation would face towards the application site dwelling. There would be 3 garage doors, 2 small hooded dormers in the front roof slope and a small front gable feature in the centre of the front roof slope.

Proposed facing materials would be a smooth render finish and roof tiles to match the site dwelling.

Site and Surroundings

The application site is a large triangular plot prominently located on the corner of the junction with Little Aston Road and Branton Hill Lane. It comprises a large detached two storey dwelling which is set back 22m from the boundary with the highway on Little Aston Road and 15m back from the boundary with the highway on Branton Hill Lane.

The area to the rear and side of the dwelling is grassed and is separated from the remainder of the site with a garden wall. The area in front of the dwelling is hard surfaced with sufficient space to park multiple vehicles. 7 vehicles can be seen parked on aerial images from Google maps, with space available to park more. In front of the hard surfaced area up to the boundary with the highway on Little Aston Road is another grassed area.

The entire boundary with the highway has a 2m high wall which is smooth rendered in white, matching the white rendering of the site dwelling. Behind the wall within the site, the boundary is lined with bushes, which at the time of the site visit in January 2022 rise between 0.5m and 1m above the top of the wall. Historic street view images show these bushes have previously been higher.

The street scene on Little Aston Road, from where the proposed garage would be most visible comprises large detached dwellings which are also set back from the highway by a significant distance with low boundary walls, trees and foliage defining the front boundaries with the highway.

Opposite the dwelling on the Little Aston Road frontage is the grounds of Aldridge Court nursing home which forms part of the Aldridge Conservation Area.

Planning History

06/1371/FL/H1	Variation of condition 1 of planning permission 02/0894/FL/H1 to extend period of time for a further 5 years	Grant Permission Subject to Conditions	2006-09-13
02/0894/FL/H1	Detached 3 car garage	Grant Permission Subject to Conditions	2002-07-05
BC62075P	Erection of brick wall up to 2.6 metres high in front garden between No.s 31 and 33	Refuse Permission	2000-10-31
BC57567P	Outline erection of detached bungalow.	Refuse Permission	1999-02-04

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**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF 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.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

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

- DW3 Character
- Appendix D

It is considered in this case that the relevant provisions of the BCCS, Walsall's saved UDP policies and Designing Walsall and Conserving Walsall's Natural Environment SPD's are consistent with the NPPF.

Consultee Comments

Conservation Officer

No objections

Environmental Protection

No comments to make

Local Highway Authority

Support

Neighbour and Interested Parties Comments

A site notice was displayed for 21 days.
No comments have been received from interested parties.

Determining Issues

- Impact on the Aldridge Conservation Area
- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Parking

Assessment of the Proposal

Impact on the Aldridge Conservation Area

Whilst the Conservation Officer has raised concerns regarding the height and design of the garage being a visually obtrusive feature in the street scene. It is considered the proposed garage would cause less than substantial harm to the significance of the Aldridge Conservation Area which has a boundary on the opposite side of the highway and therefore there are no objections from a conservation point of view.

Design of Extension and Character of Area

The single storey garage structure would have a 5.8m high roof ridge that is considered excessive for its siting within the plot as it would be clearly visible rising significantly above the boundary wall in an undeveloped area of the site, which forms part of the wider street scene.



A positive character of the street scene in this location, is the wide and spacious street scene with the dwellings along this section of Little Aston Road being set back from the front boundary with the public footpath by a significant distance without any buildings or structures other than boundary treatments. The trees and bushes within the street scene add to the positive and spacious nature of the street scene. This distance is at least 20m for no.s 31 and 29 Little Aston Road adjacent to the application site and reduces slightly but to no less than 17m when moving from the application site along the road towards no 21. The proposed siting of the detached garage would be visible in the street scene, rising some 2.5m to 3m above the current boundary treatment would represent a significant disruption in the street scene of this part of Little Aston Road that would be considered an incongruous feature at this location.

The dwelling at no. 2 Branton Hill Lane on the opposite corner of the junction of Little Aston Road with Branton Hill Lane is set back some 13m from the boundary with the highway on Little Aston Road. There are mature trees surrounding the boundary of this site but when travelling along Little Aston Road from the application site towards no. 2 Branton Hill Lane there are open views into the frontage of the site. It is considered that the proposed garage would also disrupt the appearance of balance across this junction.

Whilst the proposed facing materials reflect the existing application site dwelling, this does not overcome the harm of a building being include in the street scene. Should the application be approved, a materials condition should be included.

It is considered that this proposal would cause significant harm to the existing open views along this section of Little Aston Road, that benefit from trees and hedges, plus the only structure is front boundary treatments. The inclusion of a large one and half storey building at this location would alter the character of this street scene to the detrimental harm of the visual amenity of the locality contrary to the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall DW3.

Amenity of Nearby Residents

It is considered that the proposed detached garage would not cause shading to neighbouring sites nor pose the potential for loss of privacy, as long as the structure is not used for habitable purposes. However, it is considered to be detrimental harm to the visual amenity of nearby residents in the context of the character of the street scene, outlook from the nearest neighbouring windows and obscuring of the existing lines of sight across and along Little Aston Road, which is, contrary to the requirements of saved UDP policy GP2. It was suggested to the applicant's agent that relocation of the proposed garage to the rear of the existing dwelling would allow the applicant to secure the garage space they require, without the level of harm that has been assessed. The agent has confirmed that the applicant wishes for the application to be decided based on the current plans.

The floor area of the proposed garage is 60m² and there is sufficient headroom to include a small first floor. The applicant has confirmed that there is no intention to include a first floor at this time. If committee are minded to approve this application, a condition should be included to restrict the use of the detached garage from being converted to residential use in order to assess any additional impacts of that use and impose any conditions that may be relevant if necessary, plus a condition ensuring the building is not sub divided from the existing house or that an internal first floor is added.

Parking

This proposal would not alter the number of bedrooms in the dwelling house so no additional off-road parking spaces would be required and in any case the site can far exceed the required 3 parking spaces in accordance with the requirement of saved UDP policy T13. The Local Highways Authority have no objections for this proposal.

Conclusions and Reasons for Decision

When assessing the material planning considerations and taking into account the local and national planning guidance, it is considered that whilst the proposal, according to the plans submitted, would not harm the amenity of neighbouring occupants from within their houses, nor cause harm to highway safety it would cause harm to the visual amenity of the area by disrupting the front building line and obstructing the long lines of view along this section of the street which is considered would be significantly detrimental to the character of the locality.

Taking into account the above factors it is considered that the application should be refused.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the scale of the original design, amended plans have been submitted however, on account of the siting within the plot, in this instance are unable to support the proposal.

Recommendation

Refuse

Reasons for Refusal

1. The inclusion of dormers in the roof slope of the proposed detached garage creates the resemblance of a small bungalow rather than a garage. Due to its height and footprint, sitting forward of the application site dwelling and visible rising above the site boundary wall, the garage would be an incongruous feature of this section of Little Aston Road which is characterised by a significant separation distance between the front boundary with the highway and the building line. The garage would present an obtrusive feature that would block clear views to the west along Little Aston Road and would impact on the openness of the street scene to the detriment of the visual amenity of the locality. The proposal would therefore be contrary to the requirements of the NPPF, Black Country Core Strategy policies CSP4 and ENV2 and saved policies of Walsall's Unitary Development Plan GP2 and ENV32.

Notes for Applicant

None

END OF OFFICERS REPORT