



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 22 June 2023

Plans List Item Number: 4

Reason for bringing to committee

Councillor application

Application Details

Location: 77, SKIP LANE, WALSALL, WS5 3LP

Proposal: SINGLE STOREY FRONT EXTENSION TO FORM GARAGE, SINGLE STOREY FRONT PORCH EXTENSION, NEW BRICKWORK TO GABLE AND ADDITIONAL FRONT GABLE ROOF ABOVE REPLACEMENT WINDOW . TWO STOREY, FIRST FLOOR AND SINGLE STOREY REAR EXTENSIONS.

Application Number: 22/0124

Case Officer: Claire Woodcock

Applicant: Gurmeet Singh Sohal

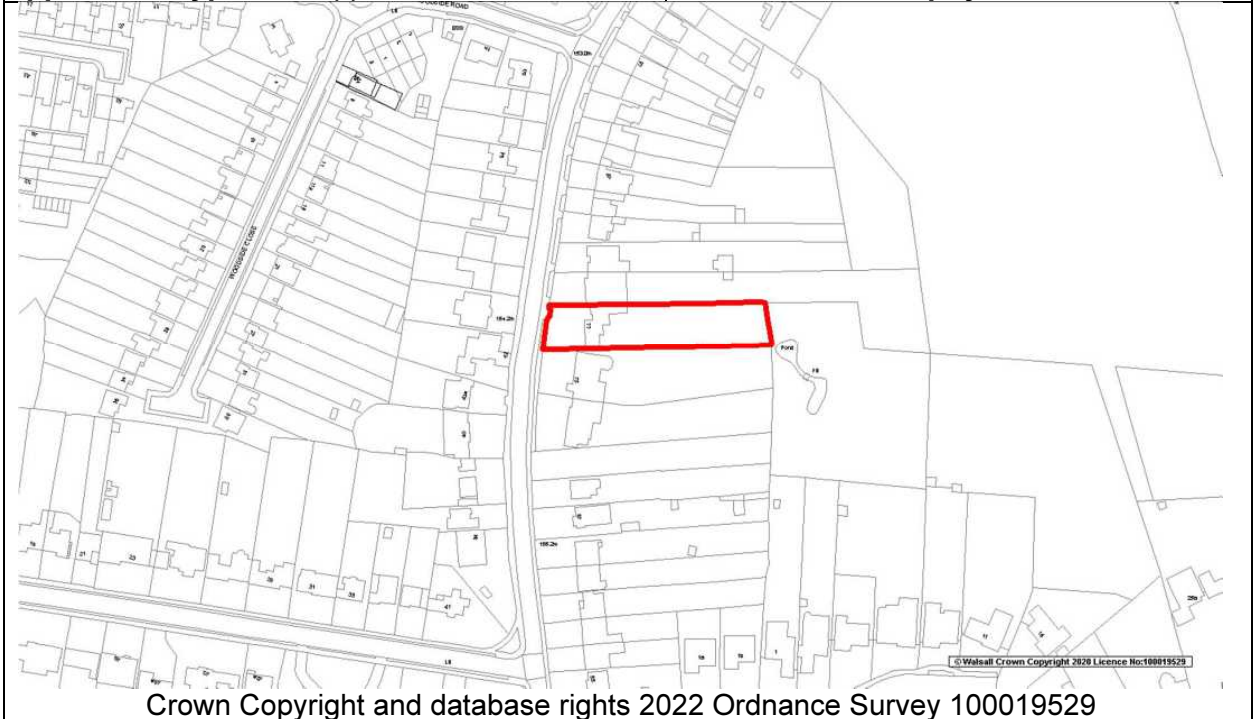
Ward: Paddock

Agent: Mr Robert Smith

Expired Date: 09-May-2022

Application Type: Full Application: Householder

Time Extension Expiry:



Recommendation

Grant Planning Permission Subject to Conditions

Proposal

The proposal is for single storey front extension, single storey front porch extension, new brickwork to gable, and additional front gable roof above replacement window, two storey, first floor and single storey rear extensions.

The single storey front extension will provide a double garage and single storey front porch and hallway and include new brickwork to the main front gable. The two storey, first floor and single storey rear extensions, will create a lounge and larger kitchen area at ground floor, and at first floor will enlarge the four bedrooms one of which having an en-suite.

Having garage doors and porch door with glazing around at ground floor and replacement window with gable roof above at first floor, on the front elevations. Two sets of bi-folding doors and a window at ground floor, four windows on the first floor on the rear elevation. There will be no additional windows on the side elevations.

The single storey front garage extension dimensions are:

5.8 metres wide
2.1 metres deep

Having a mono tiled roof
2.3 metres high to the eaves
3.8 metres high overall

The single storey front porch extension dimensions are:

0.9 metres deep on the elevation towards number 79, and 1 metre deep on the elevation nearest to number 75.
3 metres wide

Having an pitched tiled roof
2.3 metres high to the eaves
3.4 metres high overall

Additional gable roof above replacement window on front elevation.

Set down 0.6 metres from the main roof ridge
4.9 metres high to the eaves
6.4 metres high overall

The two storey and first floor extension will run across the rear elevation 18.1 metres wide.

1.4 metres deep on the north elevation nearest to number 79
Stepped back 3.1 metres above single storey rear extension and 2.4 metres deep on south elevation nearest to number 75.

Having a tiled hipped roof set down from the existing roof ridge by 0.3 metres
6.7 metres high overall
4.9 metres high to the eaves in line with the existing

The single storey rear extension dimensions are:

5.4 metres deep
6.7 metre wide

Having a flat roof the dimensions are:
3 metres high to the eaves
3.1 metres high overall

Site and Surroundings

The application dwelling is a 5-bedroom extended detached house with front gable features. Facing materials are white render and tiles to front gable and pitch roof above existing windows and wood cladding above front bay window. There is a driveway in with brick boundary wall in the front of the dwelling with sufficient space to park at least 3 vehicles and a separation distance of 15 metres from the principal elevation to the front boundary with the public footpath. To the rear of the dwelling is a long garden of a length of over 63 metres which borders open fields that form part of the Great Barr Conservation Area and Green Belt land. There are no dwellings to the rear in the visible vicinity. Mature trees surround much of the rear garden boundaries.

Houses in the street are large, detached properties of varying designs, the majority of which have been extended, some quite significantly.

Number 79 is adjacent to the north boundary of number 77. Number 79 has the benefit of several extensions both at ground and first floor level. Whilst there is a negligible separation distance between the houses when viewed from the street, the proposal will not change the existing gap between the two properties.

Number 75 is set at the southern boundary of number 77. Number 75 also has the benefit of several extensions, the existing separation distance of 2.7 metres on the front elevation rising to 3.9 metres at the rear will remain unchanged.

Opposite the dwelling is no 44 Skip Lane with a separation distance of 39 metres across the highway.

Relevant Planning History

Applicant property:

BC33378P SECTION 63 RETROSPECTIVE: Pool House, Conservatory & Alterations to Elevations. Refuse 05-Nov-1991

BC35222P Lounge & Alterations to Elevations. GSC 31-Mar-1992

75 Skip Lane

BC24640P Erection of Porch & Construction of Canopy to Front Bay Window. GSC 06-Dec-1988

BC26302P Construction of Conservatory GSC 10-May-1989

BC28441P Two Storey Side Extension & Conservatory at Rear GSC 10-Jan-1990

21/0525 T1- Beech - Reduce the tree by approx 1-2m to clear the BT lines. T2- Maple - Remove approx 6-7 lower branches. No TPO Permission not required 27-Apr-2021

79 Skip Lane:

21/0660 Ground Floor and First Floor Rear Extensions, Two Storey Front Gable Extension and Front Elevation Alterations, Hip to Gable Roof Extension including Increased Roof Ridge Height and Rear Dormer GSC 08-Jul-2021

BC02137P – erection of lounge extension – granted permission – 14/01/1982

BC17119P – extension over existing dining room, garage and lobby to form 3.no new bedrooms and 2no. bathrooms. Installation of dormer window and construction of new roof – granted permission – 08/07/1986

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 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural 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 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
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

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

Walsall Site Allocation Document 2019

- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN5: Development in Conservation Areas
- EN7: Great Barr Hall and Estate and St Margaret's Hospital

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

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.

Consultation Replies

None received.

Representations

None received.

Determining Issues

- Impact on the Green Belt and Great Barr Conservation Area
- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Protected Species
- Parking

Impact on the Green Belt and Great Barr Conservation Area

Whilst the applicant dwelling does not fall within Green Belt the rear end of the garden of the application site borders the Green Belt, with a separation distance of around 60m from the rear elevation to the Green Belt boundary. It is considered the proposed extensions to the existing house would not harm the openness and character of the Green Belt.

Maintaining the character of the Great Barr Conservation Area also holds significant weight when considering the design of the proposal. In accordance with saved UDP paragraph 3.14 to 3.15 and Walsall SAD policies EN5 and EN7, the Council will preserve or enhance the character of each Conservation Area and will not permit demolition, inappropriate alteration or insensitive redevelopment which will harm the individual or group value of buildings, spaces, or townscape.

There would be a separation distance of around 120m from the boundary of the Great Barr Conservation Area to the rear of the extended dwelling. This distance and the number of mature trees, obscures the view of the house from the Conservation Area. In this instance it is considered that the separation distance and obscuring tree coverage, in conjunction with the fact that this part of the Conservation Area this proposed extension would not add further impact above and beyond the existing situation.

Design of Extension and Character of the Area

Extensions to the rear of the property would not be visible from the public vantage point and are considered acceptable in terms of impact on the street scene. Whilst it is acknowledged that the character of the frontage of the house would be altered, the design is acceptable to the existing extended dwelling and incorporates a pitched roof above the replacement bedroom window which mirrors that on the opposite side of the property and is a characteristic feature of many nearby dwellings. It is considered that the design would integrate with the street scene.

The existing separation distances would be retained between adjacent neighbouring houses, so there would be no further impact on the terracing effect that is already in existence to a degree.

Proposed facing materials are a mixture of brickwork and white rendering, which would reflect the existing facing materials. Proposed roof tiles are to match existing.

It is considered that the extensions and alterations to this property would integrate with the street scene and 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 and Appendix D.

Amenity of Nearby Residents

The ground floor rear extension would not extend beyond the rear elevations of both adjacent neighbouring properties and the only increase in depth at the front adjacent to the side boundaries would be the single storey garage extension with the extension of a front catslide roof above the existing first floor front elevation. The single storey front porch extension would be located centrally across the front elevation and would have little further impact.

It is noted that there are a number of windows on the side elevation of number 75 that face towards number 77, however the view of these windows is already impeded by the existing dwelling of number 77. Furthermore, number 75 is set towards the south of number 77, as the sun rises in the east, facing the rear elevations of both number 75 and 77 and would move across the side elevation of the adjoining property of number 73. Therefore, it is considered that the proposal would have limited impact on sunlight availability or light availability in general for this neighbouring occupant.

The front and rear extensions would comply with the Council's adopted 45 degree code as outlined in the SPD Designing Walsall Appendix D and as such are considered would not cause any significant further harm to the visual amenity of neighbouring occupants.

The rear gardens of this row of houses have an easterly orientation. It is considered that this proposal would have limited impact on sunlight availability or light availability in general for any neighbouring occupant.

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

Protected Species

The site falls within an area of known bat activity and there are neighbouring lines of mature gardens, which raises the risk of bat presence. In this case, as the application proposes alterations to the roof and works to the frontage of the dwelling near to the existing hanging tiles, if bats are present in the house disturbance and destruction to them could occur.

Consequently, in accordance with NPPF section 15 and Conserving Walsall's Natural Environment SPD, and saved UDP policy ENV23, a bat survey report in support of this proposal was requested and was provided, whilst this concluded that the site is not a bat roost, and no further surveys or mitigation measures are required. The report raised concerns regarding the proposed works to the brick work on the front elevation above the existing front bay window and close to the existing hanging tiles. The report recommended that the proposal should be amended for the new brickwork to be limited to below the hanging tiles. Amended plans have been received to address this concern. The Council's Ecology Officer has been verbally consulted and is satisfied with this amendment along with the addition of a safeguarding condition and note to be included in case of bat presence during the works.

Conclusions and Reasons for Decision

This application has demonstrated that these proposals would not result in detrimental harm to the neighbouring amenity thus complies with the policies and guidance set out in this report.

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 the issues raised by the submitted bat report, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Grant Subject to 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:

- Location and Block Plan drawing number 4713/5b received 02-12-2022
- Existing Elevations drawing number 4713/2 received 26-01-2022
- Existing Plans drawing number 4713/1 received 26-01-2022
- Proposed Elevations drawing number 4713/4D received 08-06-2023
- Proposed Plans drawing number 4713/3d received 08-06-2023
- Bat and Bird Survey received 28-02-2023

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.

4a: Notwithstanding the bat survey carried out by S. Christopher Smith dated 22-02-2023 all workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise than with the use of hand tools. All roof tiles, flashing and ridge tiles shall be listed carefully (and not dragged or slid) and the undersides examined for bats or bat droppings.

4b: If during the construction period bats or evidence of bats or their roosts are found:

1. bats shall not be handled or touched
2. the vicinity of the roost shall be immediately reinstated
3. no further destructive works shall be carried out until the need for Natural England licence has been established
4. Within one week of finding bats or evidence of bats or their roosts, a written report by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy shall be submitted in writing to and approved in writing by the Local Planning Authority. The report shall record what was found, and propose

appropriate mitigation measures, including a timetable for their implementation

5. Work shall not continue otherwise than in accordance with the approved mitigation measures and the approved timetable

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

Notes for Applicant

It is therefore important that you are satisfied that there are no bats using the buildings affected by the development before work is carried out. Any damage, destruction or disturbance to bats roosts is a criminal offence. Care should be taken during building works. Stripping roof tiles should be carried out carefully by lifting rather than sliding tiles. Soffits should also be dismantled carefully by hand. If any bats or evidence of bats are discovered work should stop and advice should be sought from Natural England. They can be contacted on Tel: 0845 6014523 or e-mail: wildlife@naturalengland.org.uk

END OF OFFICERS REPORT