



Planning Committee

Report of Head of Planning and Building Control on 07 October 2021

Plans List Item Number: 9

Reason for bringing to committee

Called in by Councillor Sohal on the grounds of the application being sensitive planning.

Application Details

Location: 31, SPRINGVALE AVENUE, WALSALL, WS5 3QB

Proposal: REPLACEMENT 6 BEDROOM DETACHED DORMER BUNGALOW

Application Number: 21/0416

Case Officer: Rebecca Rowley

Applicant: c/o Lapworth Architects Ltd

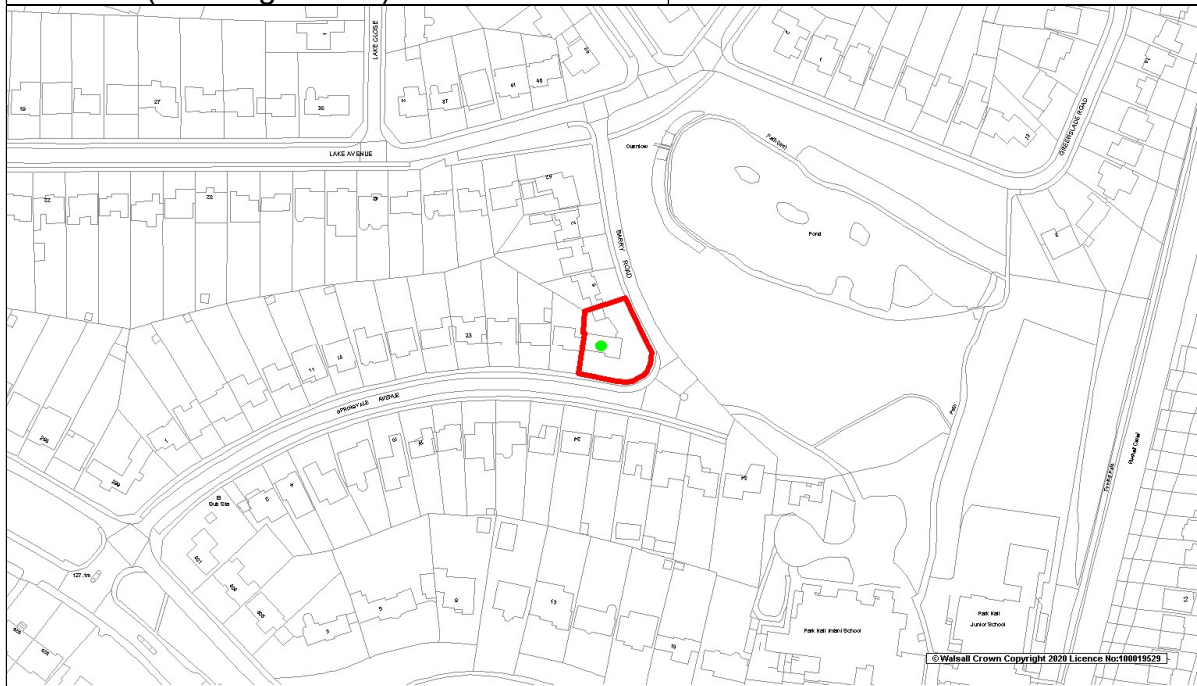
Ward: Paddock

Agent: Lapworth Architects Ltd

Expired Date: 30-Jun-2021

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

Time Extension Expiry:



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Recommendation

Recommendation:

Refuse Planning Permission

Proposal

This application seeks permission to replace the existing 2 bedroom detached bungalow at 31 Springvale Avenue with a 6 bedroom detached dormer bungalow. The replacement dormer bungalow would have a main side gable roof, 1 front gable elevation and two front dormers in the main roof slope. The rear elevation would have 1 gable elevation and flat roof dormer. The side elevation facing onto Barry Road would have 1 projecting gable elevation and 1 dormer. The existing detached rear garage would be demolished.

The proposed dwelling will provide; at ground floor a hallway, w.c and cloak room, living, dining and kitchen area, a utility room, a guest lounge and an en-suite bedroom. On the first floor there will be a landing, 2 en-suite bedrooms, 3 bedrooms and a family bathroom.

The proposed replacement dormer bungalow measurements are:

- 5.5m high to the main roof ridge
- 2.9m high to the eaves
- 6.4m to the roof ridge of the front gable elevation
- 17.2 m wide at the front
- 13.3m wide at the rear
- 10.9m deep elevation adjacent to no. 29 Springvale Avenue
- 13m deep elevation facing Barry Road
- The front gable elevation would project 0.7m in front of the remainder of the principal elevation
- The gable elevation facing Barry Road would project 3.8m in front of the remainder of this side elevation
- a gap of 0.4m between the side elevation and no. 29 Springvale Avenue, reducing to 0.3m above the eaves (subject to no. 29 Springvale Avenue constructing the first floor side extension that has been approved at this site. If this is not constructed a separation distance of 2.8m would be retained between the roof of the application dwelling and the first floor side elevation of no. 29)
- Minimum separation distance of 8m to the boundary with the highway on Barry Road

Proposed facing materials are brickwork and rendering and plain roof tiles.

Site and Surroundings

The existing application dwelling is a 2 bedroom detached bungalow of simple overall design with a main side gable roof facing onto Barry Road and a front gable feature. Facing materials are light coloured brickwork, with white panelled sections and plain clay roof tiles.

The existing bungalow measurements are:

- 4.6m high to the roof ridge
- 2.6m high to the eaves
- 4.3m high to front gable ridge
- 16.8 metres wide at the ground floor front
- 16.5m wide at the rear
- 7.7m deep adjacent to no. 29 Springvale Avenue
- 8.5m deep facing Barry Road
- 0.1m separation distance to no. 29 (to the west)

- Minimum 8m separation distance to the boundary with the highway on Barry Road (to the east)

The site is a corner plot on a prominent junction of Springvale Avenue with Barry Road. The bungalow is set back from the highway on Springvale Avenue by 11m and the rear corner of the side elevation facing Barry Road has a separation distance of 8m. The land level slopes downwards from the front of the site to the rear with the bungalow set down from the ground level of the highway on all elevations. Adjacent to the rear boundary of the application site is a detached garage that is accessed from Barry Road. There is off street parking for 2 cars in front of the garage and a driveway with space for 2 vehicles in front of the house on Springvale Avenue. The area between the bungalow and the highway is predominantly grassed and includes a mature Cypress tree in front of the Springvale Avenue elevation and a mature Silver Birch tree adjacent to Barry Road (these trees are not protected).

The area is characterised by 1960s detached dwellings with gable roofs. The original design of the properties is fairly simple with front gable elevations interspersed amongst flat front elevations. The area has an evolving character with many properties being extended to provide larger family accommodation. A number of the corner plot bungalows that are a characteristic feature of this estate have been extended to dormer bungalows.

The adjacent dwelling to the western side is no. 29, Springvale Avenue. It is a two storey house of simple design with a side gable roof and attached side garage which is adjacent to the western side elevation of the existing application site bungalow. There is a small separation distance of 0.1m between the attached side garage and the existing bungalow. The front elevation of no. 29 projects approximately 0.5m in front of the application dwelling and the rear elevation projects approximately 1m deeper than the rear of the application dwelling.

To the rear of the application site is no. 6 Barry Road. This is also a two storey dwelling with a single storey side porch and attached side garage. The side elevation of the garage is sited adjacent to the rear boundary of the application site. There is a separation distance of around 11.5m from the rear elevation of the application site bungalow to the side elevation of the garage and around 16m to the two storey side elevation of the house. This distance increases as the bungalow angles away from the rear boundary.

Opposite the Springvale Avenue elevation is no. 24 and no. 26 Springvale Avenue with a separation distance of around 35m between the properties across the highway. These are both two storey houses.

On the opposite side of Barry Road is an area of public amenity space with a large pond and behind this is the site of the Park Hall Nursery Infants and Junior Schools.

Relevant Planning History

At 31 Springvale Avenue

- 09/0508/FL - Single-Storey Extension to Front and Side (Resubmission of Application 04/0985/FL/H4) – withdrawn – 02/07/2009
- 04/0985/FL/H4 - Single storey extension to front and side (Amendment to 04/0358/FL/H4) – granted permission – 30/06/2004

- 04/0358/FL/H4 - Single storey extension – refused permission – 06/04/2001 on the following grounds:

The proposed extension would, because of its size and forward projection, be too extensive on a prominent corner and would be out of character with the surrounding area and have a detrimental impact on the street scene

At 29 Springvale Avenue

- 19/1297 - Part 1st floor extension above existing garage and two storey extension to the rear of the garage – granted permission – 28/11/2019

At Nearby Corner Bungalows

1 Norman Road

- 21/0198 – Main roof and front gable extension with addition of front and rear dormer – granted permission – 13/04/2021

At 80 Gillity Avenue

- 04/2161/FL/H4 – new roof and first floor rooms – granted permission 23/12/2004

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 (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.

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
- ENV10: Pollution
- 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
- ENV7: Renewable Energy

- ENV8: Air Quality

Site Allocation Document

- EN1: Natural Environment Protection, Management and Enhancement

Supplementary Planning Documents

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

- DW1 Sustainability
- DW3 Character
- DW4 Continuity
- 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

Consultation Replies

(Case Officer's notes in italics)

BBC Wildlife Trust

Requirement for a bat survey

Clean and Green

No comments received

Drainage

No comments received

Local Highway Authority

15/07/2021

Concerns raised regarding access and parking.

It is considered likely that residents of the new dwelling will be disinclined to use the Barry Road parking. A seven bedroom house is likely to attract a relatively higher parking demand compared to the existing dwelling and the Highway Authority needs to be satisfied that the development has sufficient parking to meet its operational needs and does not result in displacement of parking onto the public highway at this location.

Full details of any boundary changes will need to be approved in writing by the Local Planning Authority.

A note for the applicant has been included.

23/09/2021

Comments remain the same as for the original proposal that was considered.

Pollution Control

No objections subject to conditions to address the use of low NOx boilers and electric vehicle charging points, address the installation of solid fuel burners and a construction management plan as well as a condition to rule out or secure the safe removal of any asbestos in the existing site dwelling.

Tree Preservation Officer

No objections subject to a protective condition for the Cypress and Silver Birch Trees on the grassed area surrounding the dwelling during construction.

West Midlands Fire Service

Recommendations included in advisory notes.

Strategic Planning Policy

No comments received

Park Hall Residents' Association

No comments received

Representations

3 representations were received from neighbouring occupants at 3 separate addresses, plus a representation from a third party who has been commissioned by occupants from 3 additional separate neighbouring addresses, raising the following concerns in relation to the original proposal (*Case Officer's comments in italics*):

- Over-development of a small plot
- Poor position on the plot
- Too wide, too high
- Negative impact on character and amenity of the area
- Every house in the corner on the estate is a bungalow
- The roof having multiple profiles
- Impact of the roof on the prevailing roofline
- Colour and texture of facing materials are not specified
- Boundary treatments are poorly addressed, there should be a landscaping scheme
- No consideration for the open plan design of the estate
- Terracing effect
- Impact on views and outlook.
- Impact on light

- There is no need for development to a house from a bungalow (*the Local Planning Authority has a duty to determine an application placed before it based on the merits of that application*)
- Too many bedrooms
- A dormer bungalow would be a better solution (*the Local Planning Authority has a duty to determine an application placed before it based on the merits of that application*)
- More than 6 occupants is greater than C3 definition. Must ensure the proposal does not fall into the definition of a HMO.
- Numbers of occupiers would increase disproportionately
- Three off-road parking spaces for a 7 bed dwelling is not sufficient
- Increased traffic and congestion as a result of the proposal
- Poor parking arrangements. Off road parking should be at the front of the dwelling.
- It is located at a busy drop off and pick up area for parents with children at Park Hall School (*noted*).
- Impact on highway and pedestrian safety by creating visibility issues
- Disturbance created by vehicles going on and off the driveway next to 6 Barry Road.
- Devaluing the application dwelling and neighbouring properties (*This does not form a material planning consideration*)
- No pre-application advice was sought (*Whilst pre-application advice is recommended and encouraged, it is not a pre-requisite to submitting a planning application*)

Determining Issues

- Principle of Development
- Design, Character and appearance of the area
- Impact on Neighbouring Amenity
- Highways
- Air Quality/ Pollution Control
- Protected Species
- Impact on Trees

Assessment of the Proposal

Principle of Development

The site is situated within an established residential area within walking distance of bus services along Birmingham Road. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and Saved Policies of the UDP.

The principle of a replacement dwelling is considered appropriate in this location, subject to the other material planning considerations set out in this report.

Concerns have been raised that a household of any more than 6 occupants is greater than the definition of the Use Class C3 for Dwellinghouses and that the Local Planning Authority must ensure the proposal does not fall into the definition of a HMO. In accordance with the definition of Use Class C3(a) in the Town and Country Planning Use Classes Order 1987 (as amended), a dwellinghouse may be occupied by 'a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny,

nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child'. No maximum occupancy is specified for the purpose of class C3(a) where the other requirements are met. A HMO, Use Class C4 is defined as 'small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom'. This application has been submitted as a replacement C3 dwellinghouse and can only therefore be assessed as such. There is no evidence to indicate the proposal is for a HMO.

Design, Character and Appearance of the area

The original proposal for this replacement dwelling was for the replacement of the existing bungalow with a two storey house which included a significant increase in height, rising above the roof ridge of the neighbouring dwelling at no. 29 Springvale Avenue. This was considered to be an incongruous addition to the estate which is characterised by bungalows sited on each corner plots. Furthermore, the open plan site with lawns surrounding the dwelling is located at the junction of Springvale Avenue and Barry Road. The proposed encroachment of the rear corner of the dwelling 3m further towards the boundary with the highway on Barry Road, with an additional 4m width of two storey elevation was considered would have had significant detrimental impacts to the visual amenity of this prominent corner plot.

These concerns were raised with the applicant's agent and amendments have been made to the proposal. The amended design is considered would achieve the appearance of a dormer bungalow which reflects the character of some extended original corner bungalows on this estate. Whilst the roof ridge would be 0.9m higher than the roof ridge of the existing dwelling, it would remain lower than the adjacent two storey house at no. 29 Springvale Avenue to ensure that the appearance of a dormer bungalow, rather than a 2 storey house is retained.

The position of the front building line would be retained with the exception of the repositioning of the front gable on the principal elevation. This gable would project 0.9m above the main roof ridge of the replacement dwelling.

The original proposed rear corner of the dwelling has been stepped in away from the boundary with Barry Road which reduces the impact of the bulk of this elevation. A proposed side gable elevation facing Barry Road would reflect the existing side gable elevation in this position. The amended design retains the existing separation distance of the property from the boundary with the highway on Barry Road and has a stepped design which respects the existing building line along Barry Road.

Concerns have been raised that the proposal would be overdevelopment of the plot. The replacement dwelling would have a footprint 40% larger than the existing footprint but the bulk of this would mostly be at the rear of the property enclosed within a boundary wall/fence, the details of which have not been specified and could be secured by a planning condition on any approval. This addresses a concern that has been raised regarding a lack of detail regarding boundary treatments. Given the size of the plot, the replacement dwelling would represent an approximate 7% increase in the footprint of building on the site, which in conjunction with the demolition of the detached garage would not be considered overdevelopment of the site, especially as the existing building lines along the highway frontages would be retained.

A concern was raised regarding the terracing impact of the proposed dwelling with no. 29 Springvale Avenue. Whilst it is acknowledged that the separation distance between the replacement dormer bungalow and 29 Springvale Avenue would only be 0.4m, this

reflects the existing separation distance between the existing properties and is slightly wider than existing gaps of approximately 0.1m. The reduction in height of the proposal compared to the original design that was submitted would further limit the potential for terracing effect. It is noted that no. 29 has been granted permission to construct a first floor side extension above the garage. If this extension is constructed by this neighbour, the separation distance to this proposed replacement dormer bungalow would be similar to the separation distance already existing between these properties.

The rear elevation would have a gable and a large box dormer that would be visible from Barry Road. Following concerns raised by the LPA regarding the differing eaves heights on this elevation, the size of the box dormer and an imbalance in the proposed rear openings, further minimal amendments were submitted. However it is considered that the differing pitches of the proposed roofs, the varying eaves heights of the dwelling in conjunction with the box dormer at the rear does not integrate well with the proposed development itself, or with prevailing designs of the area and would therefore result in significant harm to the character of the application site and the area. Furthermore, the front gable elevation that rises above the main roof ridge would be visible from the rear elevation. The position of the gable ridge would not be aligned with the rear gable creating further imbalance to the proposed design.

The applicant has suggested the use of brickwork and plain roof tiles although specific details regarding colours and textures have not been specified. Whilst the proposed schedule of materials would be supported, specific details of materials and colours could be secured by condition on any approval. This addresses another concern that has been raised in relation to this proposal.

It terms of the overall scale and amount of development proposed, this current proposal is considered to be the maximum achievable at this site without resulting in significant harm to the character of the area, and to neighbours amenity. As such, it would be considered reasonable to include a condition to remove permitted development rights for extensions and alterations to the replacement bungalow to protect the character of the locality and also to protect the amenity of neighbouring occupants in the event of planning permission being granted.

In weighing the material planning considerations, it is considered that on balance, whilst the principle of a dormer bungalow in this location would be acceptable, the proposed design is poor and would not integrate with the prevailing design features in the locality due to the use of differing roof pitches between the front and rear gable and the imbalance of the front and rear gable elevations, as well as differing eaves height and the presence of a box dormer that would be visible from the public vantage point on Barry Road and would cause harm to the character of the site and the estate, contrary to the requirements of the BCCS policy CSP4, ENV2 and ENV3, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall Policy DW3.

Impact on Neighbouring Amenity

The proposed replacement dormer bungalow will retain the same front building line as the existing site dwelling and would not project in front of no. 29 Springvale Avenue. Concerns were raised regarding the impact of the original proposal on a front bedroom window of a first floor side extension at no 29 that has been granted permission but has not yet been constructed. The amendment that have been made to the design would ensure that the outlook from this window would not be significantly altered compared to what the existing outlook would be as the eaves of the new dwelling would be below this window and the pitch of the roof would slope backwards away from the window.

This has been demonstrated on the submitted plans. The rear elevation of the replacement dwelling would project 0.7m beyond the rear elevation of no 29 adjacent to the shared boundary. This would also meet the requirements of the 45-degree code as outlined in the SPD Designing Walsall Appendix D with respect to a new rear window that would be in the first floor side extension if it is constructed. It is considered that the proposal would not have any significant impact on the amenity of occupants of no. 29 Springvale Avenue in terms of outlook or light availability.

The rear elevation of the replacement dwelling would be 3.3m closer to the dwelling at no 6 Barry Road than the existing bungalow on the western side of the rear elevation and 4.7m closer on the eastern side of the rear elevation. The section of no. 6 Barry Road that is adjacent to the rear boundary of the application site is single storey with no facing windows and a boundary fence obscuring views of the rear garden. It is considered that despite the decrease in separation distance, ground floor windows would have limited further impact on the amenity of the occupants of this property than the existing situation.

It is acknowledged that proposed first floor rear windows would introduce a new outlook from the application dwelling towards no. 6 Barry Road. However, a separation distance of around 12.5m would be retained between the nearest first floor rear bedroom window and the first floor side elevation of no. 6 Barry Road, which only has one non-habitable room window. There may be some potential from this proposed dormer bedroom window, which would be located on the western side of the rear roof slope, for overlooking a section of the rear garden of no. 6 Barry Road and a side facing patio door. This area is already partially visible from first floor rear windows at no. 29 Springvale Avenue and it is considered that the dormer window would also cause limited further harm by way of overlooking than the first floor rear window that has been granted permission in the first floor side extension at no. 29 Springvale Avenue. The 24m separation distance between habitable room windows that is recommended in the SPD Designing Walsall Appendix D protects first floor windows and above, so in this case the separation distance is considered acceptable.

Whilst it is acknowledged that the 1m increase in the roof height could create some shadowing at the rear of the dwelling when the sun is in the southern part of the sky, this shadowing would fall on the applicant's own garden and is considered would not cause any additional shading to the rear garden of no 6 Barry Road on account of the separation distance from the dwelling to the rear boundary. This addresses concerns that have been raised regarding the impact on light availability.

For the occupants of the application dwelling, the relationship of windows to the highway would be similar to the relationship of the existing dwelling and is considered would reflect the level of privacy that could be expected for dwellings on such an open plan residential estate fronting a highway. En suite bathroom windows and a ground floor wc window are proposed and a condition will be included to ensure that these are obscurely glazed to protect the amenity of occupants.

Whilst it is considered that the proposed replacement dwelling would sufficiently meet the amenity requirements of saved UDP policy GP2 in relation to the amenity of neighbouring occupants within their homes and gardens, it is considered that the design would not integrate well with the existing street scene and would therefore be detrimental to the visual amenity of local residents contrary to the requirements of saved UDP policy GP2.

Highways

In accordance with the requirements of saved UDP Policy T13, a 6 bedroom dwelling would require 3 off-road parking spaces, which have been provided split across the frontage of the proposed dwelling accessed from Springvale Avenue and the rear of the site accessed from Barry Road, which reflects the existing situation.

Concerns have been raised regarding the increased occupancy of the dwelling leading to increased vehicles and congestion as well as the potential for off road parking, plus the fact that this is already a busy junction which is a pick-up and drop-off area for the nearby Park Hall schools and the resultant impacts on highway and pedestrian safety. Concerns that were raised in relation to the original proposal obstructing visibility may have been limited by the amendments that have been made to the design.

Whilst the proposal has provided parking provision in accordance with policy T13, the Local Highway Authority have raised concerns that with the main entrance to house being off Springvale Avenue, it is considered likely that residents of the new dwelling will be disinclined to use the Barry Road parking, being less secure and with little natural surveillance from the dwelling behind the rear garden fence and not directly connected to the main entrance. The Local Highway Authority also consider that a six bedroom house is likely to attract a relatively higher parking demand compared to the existing dwelling and is not satisfied that the development has sufficient parking to meet its operational needs and would not result in displacement of parking onto the public highway at this location. Whilst these concerns are noted, as the proposed development meets the requirements of saved UDP policy T13, the split parking across the front and rear of the site reflects the existing situation, and in the absence of any evidence to support these concerns it would not warrant a reason for refusal of this development in this instance.

One further representation was received regarding disturbance that would be created by vehicles going on and off the driveway next to 6 Barry Road and that the vehicular access from Barry Road should be closed. This access point reflects the existing situation and is considered would not result in any significant additional impacts over and above the existing situation.

The Local Highways Authority have also advised that whilst no boundary treatment proposals have been submitted and notwithstanding any permitted development rights, it is presumed that changes will be made to the boundaries as part of the redevelopment. The Highway Authority shall not permit any new boundary structure exceeding 600mm in height above highway level along the entire highway boundary. This is to maintain the current level of forward inter-visibility around the tight bend in the road and visibility at the access points. Full details of any boundary changes will need to be approved in writing by the Local Planning Authority. This could be secured by way of a planning condition in the event of permission being granted. As the character of the locality is open plan, this is also considered an appropriate condition to allow consideration of any proposed boundary treatments that could impact on the appearance of the area.

Air Quality/Pollution Control

The Pollution Control Team require that in the event of permission being granted a condition relating to asbestos be included for demolition of the existing dwelling on account of the age of the property and the potential for asbestos materials to have been used in its construction. Furthermore, conditions to secure a construction management plan, the provision of an electric vehicle charging point, a low NOx boiler and restrictions

on the use of solid fuel appliances are required to protect the amenity of neighbouring occupants and to accord with the Air Quality SPD.

Protected Species / Ecology

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 significant alterations to the roof of the existing dwelling, if bats are present disturbance and destruction to their roost would occur.

Consequently, in accordance with NPPF 15 and Conserving Walsall's Natural Environment SPD, a bat survey report in support of this proposal was requested and has been provided.

The report identified no evidence of bats using the buildings as a place of shelter or of birds nesting in the building but there are roosting opportunities in the property. A method of working must be put in place with contractors to ensure that in the event of bats being found they will not be injured and a new roosting opportunity for bats is to be created by installing a brick built bat box on the eastern gable of the extended property. This can be secured by a planning condition in the event of any permission being granted.

Impact on Trees

There are no protected trees within the boundary of the application site but there are two mature trees on the lawn surrounding the property that are visible from the public vantage point. The tree officer has expressed support for the proposal subject to protective measures being implemented during construction for the Cypress Tree and Silver Birch Tree on the grassed area of the site which are considered to be of value to public visual amenity. This could be secured by a planning condition in the event of planning permission being granted.

Conclusions and Reasons for Decision

The key material planning considerations, neighbour comments and consultee responses have been weighed in assessing the planning application and it is considered that whilst the principle of the proposed replacement dwelling would be acceptable and the design would not cause any significant harm to the amenity of neighbouring occupants when using their homes or gardens, nor harm to highway safety, trees or protected species subject to the use of planning conditions, the proposed development would not integrate well with the local area and would adversely impact on the character, appearance and identity of the site and the area contrary to the aims and objectives of the National Planning Policy Framework, BCCS policies CSP4, ENV2 and ENV3, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall Policy DW3.

Taking into account the above factors, it is considered that the application should be recommended for refusal

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the original height and design of the proposed replacement dwelling, two sets of amended plans have been submitted. The applicant's agent advised that the applicant would not offer any further amendments and the decision should be made

based on assessment of the most recent submitted plans. In this instance, the amendments provided do not go far enough to enable the LPA to support this scheme.

Recommendation

Refuse Planning Permission

Reasons

1. The proposed development is unacceptable for the following reasons:
 - The overall fussy and poor design of the rear elevation including differing eaves heights on each side of the rear gable, the large box dormer, the style size and un-balanced positioning of openings and ratio to brickwork would result in significant additional harm to the character of the application site and to the area introducing an incongruous form of development that fails to respect the character of dormer-bungalows in the locality. This would be visible from wide ranging public vantage points from Barry Road and the public open space directly opposite.
 - The proposed front gable which would rise above the main roof ridge and be visible from the rear of the dwelling would have a different pitch and would not be aligned with the rear gable elevation, creating a sense of imbalance when viewed in conjunction with one another from the rear of the dwelling in a prominent position with wide ranging public vantage points.

This proposal fails to respect the character and appearance of the area to the detriment of the visual amenity of the area and to the street scene. The development would therefore be contrary to the requirements of the National Planning Policy Framework; the Black Country Core Strategy policies ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, and ENV32, and the Supplementary Planning Document Designing Walsall DW3.

Notes for Applicant

None

END OF OFFICERS REPORT