



Planning Committee

Report of Head of Planning and Building Control on 01 December 2022

Plans List Item Number: 6

Reason for bringing to committee

Called in by Councillor Pardeep Kaur on the following three supporting grounds;

1. Redevelopment offers an improvement to the character/amenities of the surrounding area to outweigh any potential harm.
2. The design of the proposal requires wider consideration.
3. No significant harm to the amenities of the surrounding area from parking/traffic/noise/disturbance/odour/loss of TPO trees

also, on the basis that they consider the planning application requires careful consideration.

Application Details

Location: 1, BARR COMMON ROAD, ALDRIDGE, WALSALL, WS9 0SY

Proposal: ERECTION OF 4 BEDROOM REPLACEMENT DWELLING WITH GARAGE

Application Number: 22/0769

Case Officer: Helen Smith

Applicant: Harjinder Sandhu

Ward: Aldridge Central And South

Agent: Lapworth Architects

Expired Date: 17-Aug-2022

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

Time Extension Expiry:



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Recommendation

Refuse

Proposal

This application is a re-submission of a revised application following a refusal by Planning Committee on 10th February 2022 on the following grounds

- 1. The proposal for the erection of a replacement dwelling in the Green Belt would represent a 189% footprint increase and a 214% increase in volume and is therefore considered to be inappropriate development for which there are no very special circumstances to outweigh Green Belt Policy including the delivery of another house to meet national/local housing targets.*
- 2. The replacement dwelling introduces an incongruous form of built development, which does not follow the design cues of the existing dwelling and would be a modern and overly stretched dwelling with extensive glazing, appearing prominent within the Green Belt. The proposal would therefore result in significant detrimental harm to the character of the area and to visual amenity, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings*

The current proposal seeks permission for a 4 bedroom, detached dormer style, replacement dwelling with a garage extension to the front. The proposed alterations to the existing dwelling were considered to be so extensive that the proposal has been assessed on the principle that it creates a new dwelling house.

The key dimensions of the proposal are as follows;

- 6.8 metres high (previous proposal was 6.92 metres high)
- Ground floor footprint area of approx. 262 sq. metres (including garage)
- First floor area of approx. 190 sq. metres
- Total floor areas of approx. 452 sq. metres.
- 18.7 metres wide (excluding garage extension) (same width as previous application)
- 11.9 metres deep (excluding two storey front gable feature) (1 metre less than the previous application)
- Garage extension would extend 5.4 metres forward of the proposed front elevation.
- Private rear amenity space of approx. 558 sq. metres.
- Positioned 1.7 metres from the shared side boundary with 1a Barr Common Road
- Positioned 1.3 metres from the shared side boundary with adjacent open fields

The front elevation of the proposal would have a two storey glazed gable feature and two dormer window with gable roofs.

Side facing windows are proposed at ground floor to serve a spice kitchen, en suite and lounge (secondary window). At first floor side facing windows would serve a bathroom, en suite and bedroom (primary window facing fields)

To the rear elevation there are 2 no. roof lights proposed along with a central glazed gable feature, 1 no. dormer window with a gable hood and three sets of folding doors to ground floor.

Internally at ground floor there is an entrance hall, formal lounge, boot room, bedroom with en-suite and walk in wardrobe, family room, living/dining area, kitchen, spice kitchen and double garage proposed. At first floor there will be 3 no. bedrooms two en-suites, family bathroom and landing area. The first floor rooms are proposed within the roof void.

The planning application is supported by the following documents;

- Arboricultural Impact Assessment
- Bat and Bird Survey
- Tree Constraints Plans
- Tree Impact Plan
- Tree Protection Plan
- Tree Work Plan

Site and Surroundings

The application site comprises a detached dwelling located to the south-western side of Barr Common Road. The existing dwelling to be replaced has a hipped roof with multiple gables and is constructed from brick and render. The property benefits from an in/out driveway and a large garden to the rear.

The street scene is characterised by a mix of residential properties which differ in style size and are constructed from a variety of materials. There are residential apartments sited off of Barr Common Road, located on Winchester Mews opposite the site. To the north-west of the site is open field with a large number of trees protected by Tree Protection Orders.

The site is within designated Green Belt. It is not within a Conservation Area, nor does it comprise a listed building.

There is a protected tree outside the application site adjacent to the public footpath and front boundary with the application site (TPO 1/1997) and the site is not within a Bat Buffer Zone

The application plot is within a Coal Development Low Risk Area. The application site sits outside the 15km Zone of Cannock Chase Special Area of Character.

Relevant Planning History

1A Barr Common Road

06/1513/FL/H4- First floor side extension- GSC 23.10.2006.

Land adjacent, 1 Barr Common Road

12/0534/FL- Erection of 60m x 20m all-weather surface ménage - GSC 02.08.2012.

1 Barr Common Road

Tree Preservation Order 1/1997.

BC46003P- Extension to Form Bedroom & W.C/Shower Room- GSC 06.03.1996.

21/0811 - Erection of 4 bedroom replacement dwelling with garage refused planning permission by planning committee on the following grounds;

1. *The proposal for the erection of a replacement dwelling in the Green Belt would represent a 189% footprint increase and a 214% increase in volume and is therefore considered to be inappropriate development for which there are no very special circumstances to outweigh Green Belt Policy including the delivery of another house to meet national/local housing targets.*
2. *The replacement dwelling introduces an incongruous form of built development, which does not follow the design cues of the existing dwelling and would be a modern and overly stretched dwelling with extensive glazing, appearing prominent within the Green Belt. The proposal would therefore result in significant detrimental harm to the character of the area and to visual amenity, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings*

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social, and environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **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 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.

Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making.

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

- 3.2 to 3.5 The Countryside and Green Belt
- GP2: Environmental Protection
- ENV7: Countryside Character
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13- Parking provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness

- ENV3: Design Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

GB1: Green Belt Boundary and Control of Development in the Green Belt

EN1: Natural Environment Protection, Management and Enhancement

T4: The Highway Network

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
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 – Viability

Consultation Replies

Ecology – No objections and recommend a safeguarding condition in the event that bats are found and a biodiversity enhancement, if approved.

Fire Officer – No objections

Severn Trent Water – No objections and do not require the inclusion of a drainage condition. An informative note in respect of public sewers is required if approved.

Strategic Planning Policy – Objects on Green Belt grounds

Local Highway Authority – No objections

Environmental Protection – No objections subject to an Air Quality Low Emission Scheme being provided to comply with the SPD, pre-demolition asbestos survey, and the provision of a construction Management Plan

Representations

None

Determining Issues

- Whether the previous refusal reasons have been overcome and whether there are any new issues
- Principle of Development
- Design Layout and Character
- Amenity of Neighbours
- Amenity of future occupiers
- Protected Species
- Air Quality
- Asbestos
- Flood Risk and Drainage
- Parking and Access
- Any new issues
- Local Financial Considerations

Assessment of the Proposal

Whether the previous refusal reasons have been overcome and whether there are any new issues

Refusal Reason 1

1. The proposal for the erection of a replacement dwelling in the Green Belt would represent a 189% footprint increase and a 214% increase in volume and is therefore considered to be inappropriate development for which there are no very special circumstances to outweigh Green Belt Policy including the delivery of another house to meet national/local housing targets.

NPPF paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. No very special circumstances have been provided in this instance to support the proposal.

NPPF paragraph 149 sets out a closed list of new building types that are not inappropriate in the Green Belt. Clause d) refers to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. There is no definition in the NPPF or the development plan as to what constitutes materially larger, so a planning judgement is required.

The amended proposal has a minimal reduction on height of 0.12 metres and a slight reduction in depth of 1 metre resulting in a proposal that is almost identical to the previous application that was refused by planning committee. It is therefore considered that the replacement dwelling continues to be materially larger than the one it is to replace and would have a significant detrimental impact on the openness of the Green Belt.

The proposal for the erection of a replacement dwelling in the Green Belt would represent a significant footprint increase with over a 200% increase in volume and is considered to be inappropriate development for which there are no very special circumstances to outweigh Green Belt Policy including the delivery of another house to meet national/local housing targets

In view of this it is considered that refusal reason no. 1 has not been satisfactorily addressed and this re-submitted proposal remains inappropriate in the Green Belt. The proposal is recommended for refusal.

Refusal Reason 2

2. The replacement dwelling introduces an incongruous form of built development, which does not follow the design cues of the existing dwelling and would be a modern and overly stretched dwelling with extensive glazing, appearing prominent within the Green Belt. The proposal would therefore result in significant detrimental harm to the character of the area and to visual amenity, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings

The design of the current proposal is the same as the previous refused planning application and consequently refusal reason no. 2 has not been addressed. The proposal is recommended for refusal.

Principle of Development and Green Belt

The application site is considered to be within a well-established residential area with access to bus services.

NPPF paragraph 149 sets out a closed list of new building types that are not inappropriate in the Green Belt. Clause d) refers to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. There is no definition in the NPPF or the development plan as to what constitutes materially larger, so a planning judgement is required. However, apart from a slight reduction in depth and a minimal reduction in height, the current proposal is only marginally different to the previous refusal so is considered remains inappropriate in the Green Belt and is recommended for refusal.

Design Layout and Character

The design of the current proposal remains the same as the previously refused planning application apart from a slight height and depth reduction. The surrounding area is considered does not have a distinct style and there are dwellings of multiple styles, sizes and constructed of various materials.

The proposed replacement dwelling is a detached dormer bungalow with dormers to the front and rear elevation, Juliet balconies and extensive glazing.

The proposed increase in scale and bulk of the built development on this sensitive site is considered to be unacceptable and whilst it has been indicated that the dwelling would be constructed of materials to match the existing dwelling it is considered that the replacement dwelling does not reflect the design cues of the existing dwelling it is to replace, nor surrounding properties.

The proposal was originally considered to be incongruous in appearance by being a modern and overly stretched house which would appear at odds to in the street scene. The design of the current scheme has not changed, and this concern remains.

As such, overall, the dwelling is unacceptable in design and appearance and the amended application is recommended for refusal.

Amenity of Neighbours

There are no neighbours sited immediately to the north of the site, however there are neighbouring properties to the south-east of the site and opposite the site. The nearest residential property is 1a Barr Common Road sited at a distance of 2.6m.

The proposed dwelling would not extend any deeper than 1a Barr Common Road, thus meeting the 45 degree rule to the rear and would therefore not have a detrimental impact upon light to the neighbouring property, nor would it be considered to be overbearing.

In terms of separation distances, Appendix D of the Designing Walsall SPD states that there should be 24m separation between habitable windows in two storeys (and above) developments and 13m separation between habitable windows and blank walls exceeding 3m in height. There are no neighbours sited to the rear of the property so the distances would not apply in this direction. There is approximately 43m from the front windows of the replacement dwelling to the residential apartments sited on Winchester Mews which would meet the separation distances, however it should be noted that the windows to the front of the replacement dwelling would not serve habitable rooms and as such the separation distances would not apply.

In terms of overlooking there is a bathroom sited to the south-east elevation, were the application recommended for approval this could be conditioned to be obscure glazed and non-opening above 1.7m. To the north elevation there is an en-suite and a bathroom proposed; as there are no neighbouring properties sited adjacent to this elevation it is considered that these windows are acceptable and would not result in any detriment

It is considered that the proposal would not be overbearing, nor would it result in overlooking to neighbours. As such, the proposal is acceptable in terms of protecting neighbouring amenity.

Amenity of Future Occupiers

Appendix D of the Designing Walsall SPD states that garden dimensions should be 12m in length or a minimum area of 68sqm for dwellings. The proposed dwelling would be served by ample amenity space meeting the Designing Walsall SPD standards.

The proposed habitable rooms would allow for an adequate amount of natural light into the bedrooms.

The National Space Standards state that for a two storey, four bedroom, 8 person dwelling (taking into account that all bedrooms are served by a double bed) the minimum GIA should be 124sq.m and therefore at 428 sq. m the dwelling overachieves on internal space. The bedrooms are all of an adequate size and it is considered a good internal amenity could be achieved.

Protected Species

The Council's Ecologist has no objections to the proposed scheme on ecological grounds. The inclusion of planning conditions is required if permission is granted to ensure that the mitigation stated with the Preliminary Bat Roost Assessment and bird survey report completed in September 2022 is undertaken. A biodiversity enhancement of the installation of one bat box, if approved, can be conditioned.

Protected Trees

The same tree information that was submitted for the first planning application has been submitted in support of the current proposal.

The documentation states that 3 Leyland Cypress trees will need to be removed to accommodate the development, however, these trees are considered to be of low Arboricultural value, and their loss will have little or no impact outside of the site.

Additionally, the BS 5837: 2012 tree report by Apex Environmental submitted with the application recommends the removal of 7 other Leyland Cypress trees, not to accommodate the development but due to their poor condition, these 7 trees are also considered to be of low Arboricultural value.

The remaining trees on site are to be retained and as demonstrated in the BS 5837:2012 tree report and can be adequately protected throughout the construction phase and will not be detrimentally affected. It should be noted that none of the trees on the application site are protected by a TPO.

Consequently, there are no Arboricultural objections to the application subject to the recommendations and guidelines detailed in the BS 5837: 2021 tree report by Apex Environmental dated 28/06/2021 (and the Protection Plan drawing no. AEL-18384-TPP) being implemented and adhered to throughout the construction phase from start to completion.

Air Quality

The applicant would be required to supply and agree an Air Quality Low Emission Scheme in writing and a Construction Management Plan, both of which could be secured by planning condition.

Asbestos

The applicant would be required to supply and agree a pre-demolition asbestos survey in writing along with a Construction Management Plan, both of which could be secured by planning condition.

Flood Risk and Drainage

The site, which is in Flood Zone 1, is not in an area known for flooding and there are no watercourses nearby. It is therefore considered that the development would be acceptable in terms of flood risk. Severn Trent Water have no objections to the proposals and do not require a drainage condition to be applied.

Parking and Access

The site benefits from a double in/out access drive and parking for multiple cars is provided at site.

The Local Highways Authority support the proposal and previously required the inclusion of a planning condition requiring any future changes to the frontage boundary treatment being implemented, full details are submitted to be approved by the Local Planning Authority to ensure adequate visibility is retained at the access/egress points in the interests of highway safety.

It is considered that the application would not impact on the highway network and would be in accordance with policies T7 and T13 of the Saved Unitary Development Plan and T4 of the Site Allocation Document.

Local Financial Considerations

The proposal would replace an existing dwelling and would result in no net increase in the number of dwellings. Local Financial Considerations would not apply.

Conclusions and Reasons for Decision

The proposal represents inappropriate development in the Green Belt, which there are no very special circumstances for including the delivery of a further house to meet national targets. Further, the proposed design of the dwelling fails to respect the character of the neighbouring dwellings and surrounding area and would harm the openness of the Green Belt.

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal

Positive and Proactive Working with the Applicant

Officers have advised the applicant's agent that in this instance we are unable to support the proposal as the previous refusal reasons have not been satisfactorily overcome.

Recommendation

Refuse

Reasons

1. The proposal for the erection of a replacement dwelling in the Green Belt would represent a significant footprint increase with an over 200% increase in volume and is therefore considered to be inappropriate development for which there are no very special circumstances to outweigh Green Belt Policy including the delivery of another house to meet national/local housing targets. The proposal is contrary to The National Planning Policy Framework, policy ENV1 of the Black Country Core Strategy, Saved Policies 3.2 to 3.5, GP2, and ENV7 of the Walsall UDP, Policies GB1 and EN1 of the Walsall Site Allocation Document.
2. The replacement dwelling introduces an incongruous form of built development, which does not follow the design cues of the existing dwelling and would be a modern and overly stretched dwelling with extensive glazing, appearing prominent within the Green Belt. The proposal would therefore result in significant detrimental harm to the character of the area and to visual amenity, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings and contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), DW3 (Character), DW4 (continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the National Planning Policy Framework (Achieving well-designed places).

END OF OFFICERS REPORT