



## Planning Committee

Report of Head of Planning and Building Control on 07 April 2022

Plans List Item Number: 6

### Reason for bringing to committee

### Significant Community Interest

#### Application Details

**Location:** 4, ELLSMORE MEADOW, ALDRIDGE, WALSALL, WS9 0PR

**Proposal:** RETROSPECTIVE APPLICATION FOR 1ST FLOOR BALCONY TO MAIN BEDROOM AND FRENCH DOORS AND AIR CONDITIONING UNIT

**Application Number:** 20/0882

**Case Officer:** Sheila Denison

**Applicant:** Steve Hare

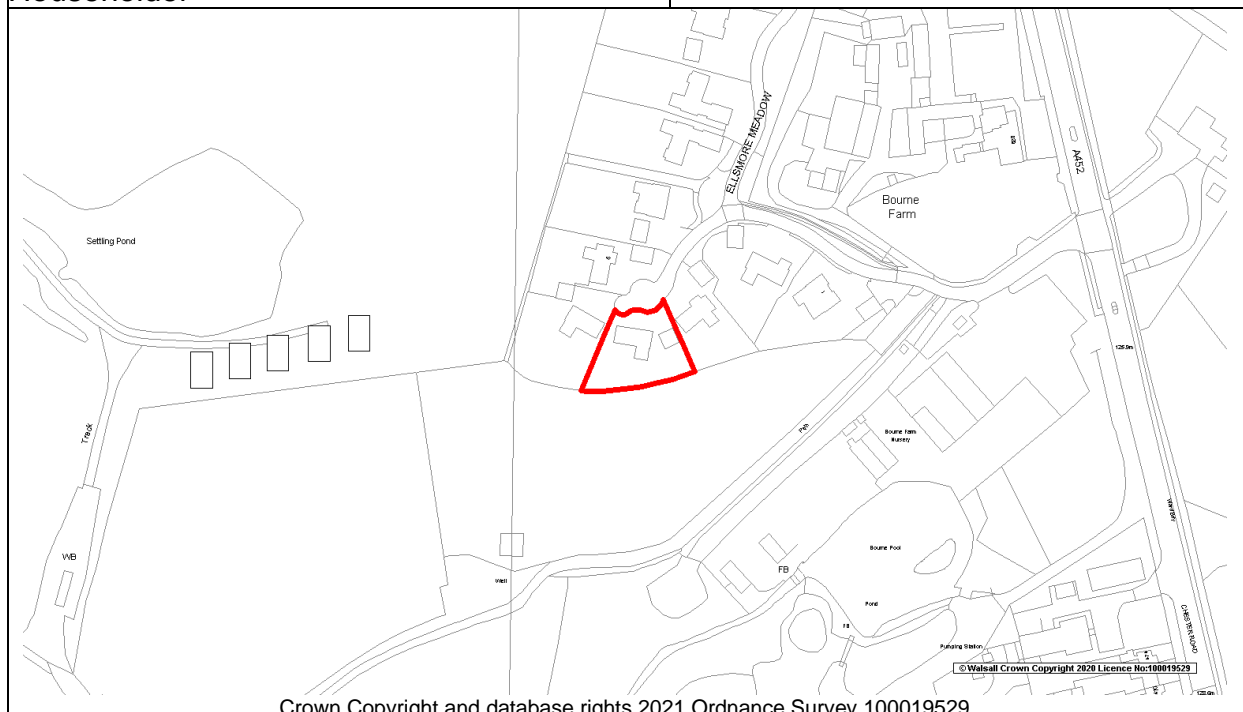
**Ward:** Aldridge Central And South

**Agent:**

**Expired Date:** 20-Oct-2020

**Application Type:** Full Application:  
Householder

**Time Extension Expiry:**



## Recommendation:

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

## Proposal

This retrospective application seeks approval for a 1st floor balcony to main bedroom and French doors and an air conditioning unit on the rear elevation.

### Balcony

1.2m deep

3.4m wide

2.7m high

Having a 1m high glazed screen

### Air conditioning unit

0.8m wide x 0.5m high x 0.2m deep

## Site and Surroundings

The applicant house is on a recently constructed gated development to the west of the A452 Chester Road, to the south of a goods railway line and to east of a sand and gravel quarry.

The estate is in the Green Belt and comprises large detached houses that are designed to reflect the rural setting and set in larger than average plots.

The application house is set to the west of the estate, having a cross gable roof, five bedrooms, and a large hardstanding driveway with a detached double garage. The garden is enclosed by a timber fence to the boundaries with the neighbouring properties.

## Relevant Planning History

14/1146/RM, 520 CHESTER ROAD, WALSALL, WS9 0PUc, Reserved matters proposals pursuant to outline permission 06/0169/OL/E4 as extended by permission 11/1033/TE for residential development and construction of new access road for Branton Hill Quarry (considering access, appearance, landscaping, layout and - Grant Permission Subject to Conditions 03/12/2014

11/1033/TE, 520 CHESTER ROAD, ALDRIDGE, WALSALL, WS9 0PU - Time Extension for implementing permission 06/0169/OL/E4. Grant Permission Subject to Conditions 23/10/2013

06/0169/OL/E4, 520, CHESTER ROAD, ALDRIDGE, WALSALL, WEST MIDLANDS -  
OUTLINE: Residential development and construction of new access road to serve  
Branton Hill Quarry. Called in by Secretary of State 26/03/2008

## Relevant Policies

### **National Planning Policy Framework (NPPF)**

[www.gov.uk/guidance/national-planning-policy-framework](http://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**

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](http://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
- GP5: Equal Opportunities
- ENV7: Countryside Character
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

## **Black Country Core Strategy**

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

## **Walsall Site Allocation Document 2019**

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

## **Supplementary Planning Document**

### **Designing Walsall**

- DW3 Character
- Appendix D

## **Consultation Replies**

Pollution Control support the application

## **Representations**

Several neighbour objections have been received

- Air conditioning unit is loud and disturbing when operational
- The air conditioning units are unsightly and out of keeping
- The balcony causes overlooking onto neighbouring gardens
- The balcony is out of character
- Why is the front sited air conditioning unit not part of this application?

## **Determining Issues**

- Green Belt Assessment
- Design of Extension and Character of Area
- Amenity of Neighbours and Amenity of Future Occupiers

## **Assessment of the Proposal**

### **Green Belt Assessment**

The balcony on the rear projecting gable and the harm to the openness of the Green Belt would be minimal and outweighed by the improvement in the appearance of the house.

The proposed balcony is modest in size and whilst it is acknowledged that it would further increase the footprint of the house, this would not be considerable and on balance and in this context is considered would not significantly harm the openness of the Green Belt sufficient to warrant refusal of the application for this reason alone. On balance and in this context the proposal is considered meets the aims of Walsall's Green Belt policy and would have little impact on the openness of the Green Belt and would meet the aims of saved policy ENV2 of Walsall's UDP.

The air conditioning unit is seen against the rear elevation is considered would not significantly harm the openness of the Green Belt sufficient to warrant refusal of the application for this reason alone.

### **Design of Extension and Character of Area**

The design of the balcony is considered to reflect the design of the existing house and considered to be an emerging character in the area. It is considered, this proposal according to the amended plans submitted 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.

The air conditioning unit is considered to cause little harm to the surrounding area as it is some 14.2m from the boundary with the neighbour at number 5 and is not visible to other houses in the development as it is at the rear.

### **Amenity of Neighbours and Amenity of Future Occupiers**

The balcony is on the rear elevation of the rear projecting wing that is bedroom one, it is south facing looking over to the rear of the garden centre and the fields.

The side view from the balcony towards number 5 is a distance of some 28m from the balcony to the neighbour's rear projecting wing and side facing windows.

The neighbour's rear projecting wing faces south west towards the Woods adjacent to Woodlands Outdoor Learning Centre

The rear projecting wings of number 4, the application house and the neighbour at number 5 both have two side windows facing each other that are some 27m apart.

It is considered that the balcony on the rear elevation will cause no more harm than the existing side facing windows as there is mutual overlooking from these windows and on balance the balcony would cause little additional harm to this neighbour.

The air conditioning unit is sited on the rear elevation adjacent to the rear projecting wing some 20.2m from the nearest window. It is considered that Environment Protection (Pollution Control) support the application and have made no comments regarding the air conditioning unit neither have they requested any noise surveys or other information relating to the unit. The unit is situated on the rear elevation

adjacent to the rear projecting wing in the corner adjacent to bedroom windows of the application house.

## **Conclusions and Reasons for Decision**

The application is retrospective to retain the proposals and is considered would not be disproportionate in relation to the significant size of the application plot and seen against the existing house is considered to have minimal impact on the openness of the Green Belt and would meet the aims of saved policy ENV2 of Walsall's UDP.

In weighing the material planning considerations, taking into account the local and national planning guidance and having regard to neighbour comments, it is considered the proposed rear balcony would reflect the design of the existing dwelling and is an emerging character of the area. The proposal is considered would have a limited impact on the character of the wider area and the amenity for neighbouring occupiers. The development is considered to meet the aims and objectives of the National Planning Policy Framework, policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy and saved policies GP2 and ENV32 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall.

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 confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested.

## **Recommendation**

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

## **Conditions and Reasons**

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Existing and Proposed Plans and Elevations (Drawing No HGD19-79-1.2 Rev A) submitted 28/08/20
- Proposed Site, Location and Block Plan (Drawing No HGD19-79-1.1 Rev A) submitted 28/08/20
- Balcony Picture submitted 30/07/20

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).

**Notes for Applicant**

None

**END OF OFFICERS REPORT**