



### Planning Committee

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

Plans List Item Number: 15

#### Reason for bringing to committee

Called in by Councillor Harrison

#### Application Details

**Location:** 72, Selsdon Road, Bloxwich, WS3 3UE

**Proposal:** PROPOSED 2-STOREY SIDE AND SINGLE STOREY REAR EXTENSION

**Application Number:** 21/1009

**Case Officer:** Sheila Denison

**Applicant:** Mr Steve Gilruth

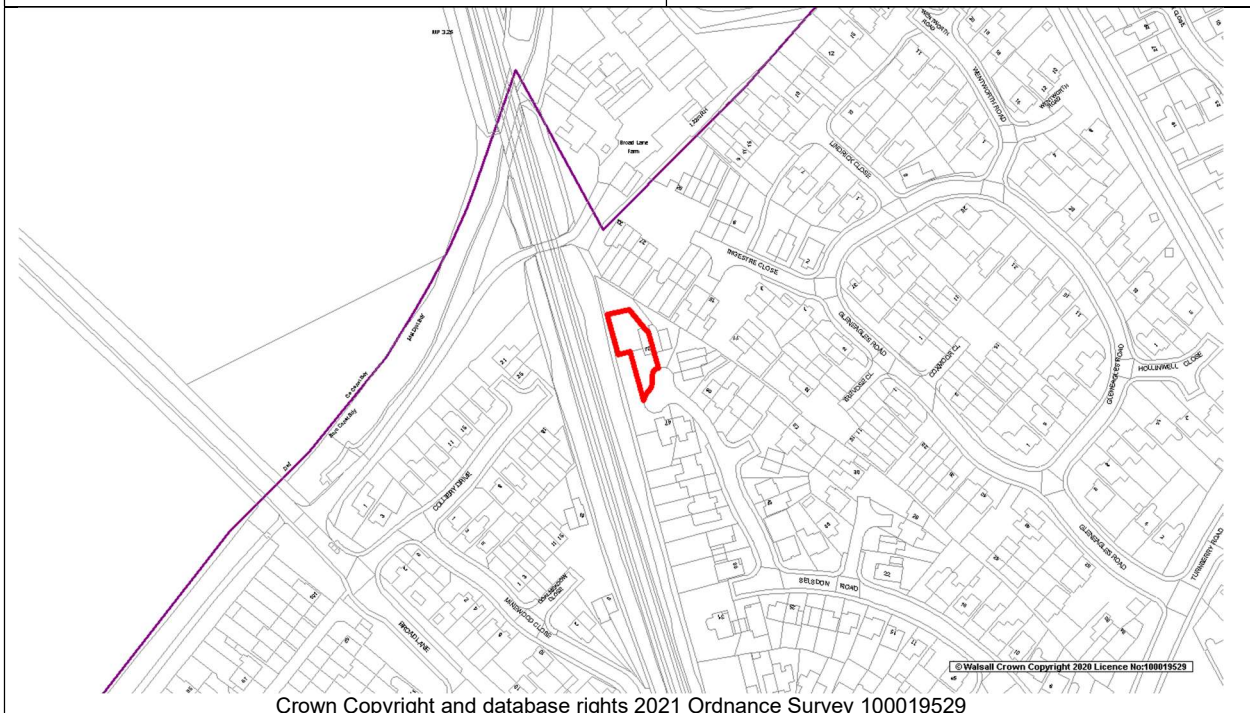
**Ward:** Bloxwich West

**Agent:** Mr Steve Wright

**Expired Date:** 25-Aug-2021

**Application Type:** Full Application:  
Householder

**Time Extension Expiry:** 08-Feb-2022



#### Recommendation

Refuse

## Proposal

This application seeks permission for a two storey side extension to a two bedroom terraced house creating a kitchen dining area and ground floor bathroom and at first floor two bedrooms and a bathroom.

### Two storey side extension

9.9m deep ground floor

7.5m deep 1st floor

3.8m wide

5m high to the eaves set down from the main roof 0.2m

### Single Storey Rear Extension

0.8m deep increasing to 2.4m deep adjacent to the shared boundary with No.70

7.8m wide reducing to 6.4m wide

2.2m high to the eaves

Having a mono pitched roof with roof lights

## Site and Surroundings

The application site is at the end of a cul-de-sac at the turning head and adjacent to an allocated parking area on a modern estate with a mix of styles and types of dwellings.

Trees along the edge of the parking area screen the elevated railway tracks.

At this end of the cul-de-sac the houses consist of two blocks of three, two bedroom terraced houses at right angles to each other.

There is also a pair of semi-detached houses adjacent to the allocated parking area, number 47 has a garage and both have paved parking area on the front curtilage. The street scene down to the end of this cul-de-sac are semi-detached houses with garages and driveways

Number 72 has a front porch, a paved front curtilage a rear conservatory and a rear garden that extends across to the side of the railway embankment.

The front curtilage of number 70 the middle house has grass and a front pathway, there is a rear conservatory and a long rear garden that extends beyond that of number 72. Number 70 have a pathway between the railway embankment and the side of number 72's rear garden into their allocated parking space

Number 68 has an allocated parking space adjacent to the front curtilage of number 72.

Numbers 64 and 66 have no parking on the front curtilage. Number 60 has parking at the side.

## Relevant Planning History

The original planning permission for the estate BC16918P removed permitted development rights to; Retain garage and driveway and 8 No access to Turnberry Road without the submission of a planning application.

20/1451, 72 Selsdon Road, Proposed new additional two bedroom dwelling on garden land to the side of the existing house, Withdrawn 24/06/21

This application was withdrawn due to concerns about the parking provision for the existing and the new dwelling, the reduced private amenity space of 54sqm which is below the minimum guidance of 68sqm for the existing dwelling, the materials were out of keeping with the existing terrace, residents have also indicated that there are additional allocated parking spaces to the side of the proposed dwelling which would need to be taken into account. A householder application for an extension could be submitted plans would need to be designed sensitively in line with the existing development, which has an established character.

## 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**

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**

- GP2: Environmental Protection
- GP5: Equal Opportunities
- ENV32: Design and Development Proposals
- T7 - Car Parking NOTE for case officer: *(Also see AAP Policy AAP T5)*
- T13: Parking Provision for Cars, Cycles and Taxis

## Black Country Core Strategy

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

## Supplementary Planning Document

### Designing Walsall

- DW3 Character
- Appendix D

## Consultation Replies

**Network Rail** have not made any comments on this current application as it is for a house extension.

The withdrawn planning application 20/1451 for the new dwelling had objections from: **The Highway Authority** objected as no parking layout for the existing and proposed dwellings was submitted. Two 2.4m x 4.8m spaces shall be demonstrated for both dwellings.

The site layout shall respect the 1.8m wide highway service strip that follows around the entire cul de sac turning area which is not in the ownership of the applicant.

**Pollution Control** objected due to the proximity of the railway network having concerns following complaints for noise and vibration due to trains of both a passenger (daytime) and freight (night-time) use. As the issue complained of concerned noise and vibration due to trains, no solution is/was possible as it is a construction of close proximity of residential properties to the railway.

**The Coal Authority** the application site falls within the defined Development High Risk Area. A coal mining assessment was provided prior to the application being withdrawn

**Fire Officer** provided standard comments from Approved Document B, Volume 1, Dwelling-houses, 2019.

**The withdrawn application for the new dwelling had no objections from:** **Network Rail** has no objection in principle to the proposal, but included requirements which must be met as the proposal includes works within 10m of the railway boundary.

**Severn Trent Water** commented - **as** the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

**Strategic Planning Policy** commented, it should be noted that there may be a gas main alongside the railway. I believe previously proposals for housing in the gap next to the railway have been discouraged for this reason.

## Representations

Neighbour objections have been received:

- The close proximity to my existing property
- Parking and there are no additional spaces available
- There has been flooding in the cul-de-sac more building will cause further issues

Neighbour concerns raised

- Additional drainage will be needed as that area at the bottom of the cul-de-sac is subject to flooding

Neighbours have asked to be advised if /when:

- I. works may commence
- II. the length of time proposed for and what proposals are in place to prevent disruption both to noise and additional vehicles being in a small close.

The withdrawn planning application 20/1451 for the new dwelling had objections from four neighbours

## Determining Issues

- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Flood Risk / Drainage

## Assessment of the Proposal

### Design and Layout of the Extension and the Character of the Area

The design of the proposed side extension is 3.8m wide this is the same width as the existing house and also the previously proposed new dwelling. The proposed extension extends out to the side boundary adjacent to the allocated parking area leaving no access to the rear of the dwelling and garden without crossing over land outside of the control of the applicant, leaving no access for rubbish bins. If bins are left outside the front of the house, they may compromise parking whilst presenting an unattractive feature to the street scene. Number 70 the middle house of this terrace, has a pathway the boundary of number 72 and the railway embankment, with a gate opening onto their allocated parking bays, this is shown on the land registry deeds.

The proposed extension has been set back 1m from the front elevation and set down 0.2 from the main roof.

The width of the proposed extension has been considered and being the same as the original house means the proposed extension, notwithstanding to the set back and the small set down in height, is not subservient to the host dwelling. The current plans are the same width as the withdrawn application that was to be refused. A minimum reduction of the width was requested of the proposed extension of 1m. The agent advised, this was too much and offered a reduction in width of 750mm.

Plans indicate the internal design of the second floor to be an additional bedroom and a study. The study has been taken as a bedroom as any future occupiers could use it as a bedroom making this a 4 bedroom dwelling.

The proposed plans show materials to be part render and brick matching the existing terraced row on the front elevation.

The proposed single storey rear extension replaces an existing conservatory and would be across the width of the rear elevation of the original dwelling and the extension. As with the existing conservatory, the extension would follow the shared boundary with number 70. Given the proposed internal layout of the proposed side extension, if planning permission was granted for the extension, a condition for it remain ancillary to the main dwelling should be imposed..

The plans for this proposed two storey side extension mirror the previous plans for a separate dwelling that was withdrawn before it was refused. Despite the request and negotiation with the agent regarding the reduction in width, the amended plans have not been provided and Councillor Harrison has called the application before planning committee.

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

The proposed two storey side extension is separated from the adjoining neighbour at number 70 by the existing 3.8m wide house. It is at the end of the terrace so causes little harm to number 68 at the other end of the terrace.

The single storey rear extension replaces the existing conservatory and follows the dog leg shaped boundary line. The single storey rear extensions proposed plans have a solid wall creating two separate room similar to that of the withdrawn application for a new dwelling amended plans have been requested either removing this wall or showing a doorway so it is clear it is an part of an extension and not a new dwelling.

### **Flood Risk / Drainage**

Nearby residents objected to the new dwelling and have again objected to the two storey extension stating that the parking area is allocated parking shown on their deeds with land registry and not in the control of the applicant.

The addition of more building may cause more flooding at this end of the cul-de-sac which slopes downwards. Whilst some additional surface water run off may be caused by the development, it is not within flood zone 2 or 3.

### **Parking**

Parking for the two rows of terraces is allocated and shown on land registry deeds. The application site has the front curtilage paved for parking.

The property is taken as having four bedrooms and 3 parking spaces are needed to comply with parking policy T13. The paved front curtilage is 4.5m deep at the shortest point and 9.2m wide, the driveway extends out towards the highway and is 15.6m at the deepest point, taking into account the 1m highway safety strip around the edge. Any parking immediately in front of the front elevation will block access to the front

door and encroach onto the highway safety strip around the front edge of the site causing a potential highway safety issue to pedestrians.

Should any planning permission be approved, before the decision is issued the applicant should demonstrate that there are three clear parking spaces that do not encroach onto highway land and nor will the proposed extension cause detrimental harm by blocking or encroachment onto the allocated parking area adjacent to the site belonging to number 68.

Any approval granted will be subject to parking conditions to ensure the development has and retains three parking spaces to comply with parking policy T13

## **Conclusions and Reasons for Decision**

The proposed side extension is built to the boundary leaving no access to the rear.

The proposed two storey side extension is the same width as the existing house and plans have not been provided to reduce the width of the extension. The plans indicate that the two storey side extension could be considered as a separate dwelling as the only difference to the previous plans was a 1m set back at the front elevation and a marginal set down at the main roof

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 spoken with the applicant's agent and in this instance are unable to support the proposal and the agent has failed to provide amended plans stating that the reduction compromised the proposed layout and additional living space on the ground floor although he did agree to remove part of the internal wall in the single storey extension and concluded that he would be happy for this to be heard at the next committee meeting, if we are not in the agreement with the above.

## **Recommendation**

Refuse

1. The design of the proposed two storey side extension is incongruous due to the size, scale, mass and bulk of the extension in comparison to the original dwelling being detrimental to the amenities of the neighbours and the locality. The proposal is contrary to the aims and objectives of the National Planning Policy Framework including paragraphs 56, 57, 58, and 64, Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV32, and the Supplementary Planning Document "Designing Walsall".
2. The design of the two story side extension built to the boundary causes harm to the owner of the adjacent allocated parking space and without a parking plan is likely to lead to encroachment over the public highway footpath and awkward reversing manoeuvring leading too grounds of highway safety and is contrary to the requirements of saved Unitary Development Plan policies GP2, T7, T13 and ENV32 and in the interest of highway safety.



3. The design of the proposed two storey side extension built to the boundary without the requested reduction will potentially cause harm and land encroachment to the owner of the allocated parking space adjacent to the application site and is contrary to the aims and objectives of the National Planning Policy Framework including paragraphs 56, 57, 58, and 64, Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV32, T7 and T 13 and the Supplementary Planning Document "Designing Walsall".

## END OF OFFICERS REPORT