



Planning Committee

Report of Head of Planning and Building Control on 15 July 2021

Plans List Item Number: 10

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 18, HARBOROUGH DRIVE, ALDRIDGE, WALSALL, WS9 0ET

Proposal: TWO STOREY REAR EXTENSION AND CHANGE OF FLAT ROOF TO PITCH ROOF ON EXISTING SIDE EXTENSION

Application Number: 21/0119

Case Officer: Claire Woodcock

Applicant: KIRSTY ROBERTS

Ward: Aldridge Central And South

Agent: PALMER DESIGN

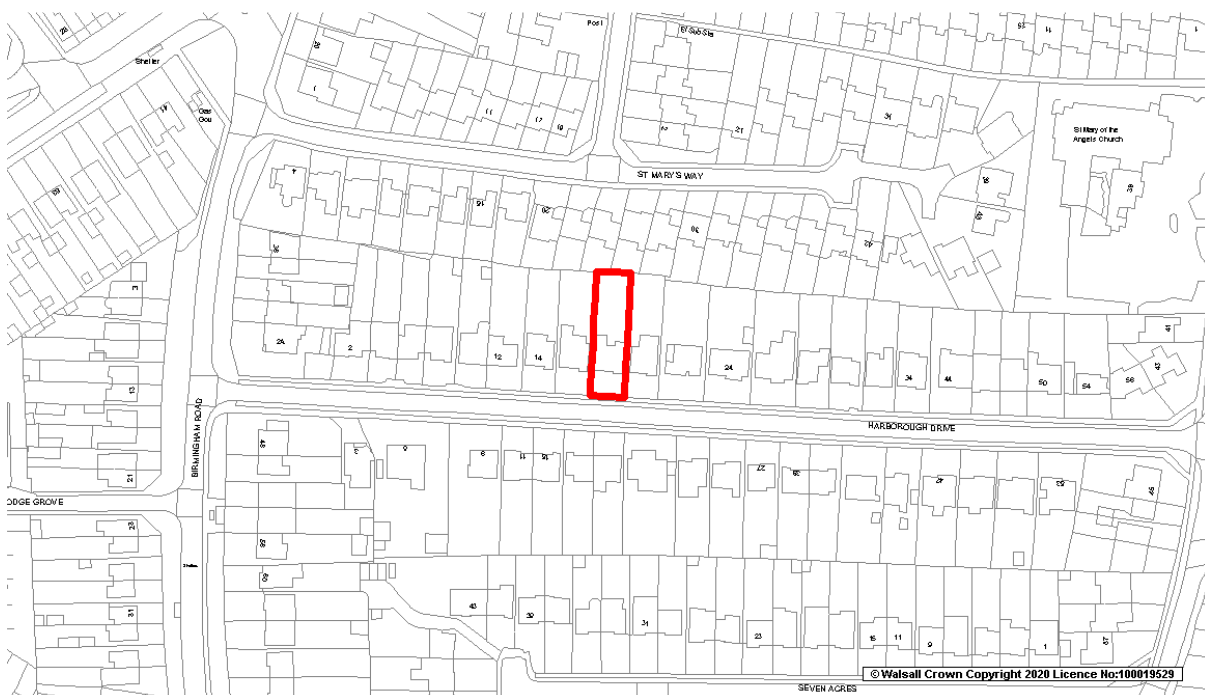
Expired Date: 26-Mar-2021

Application Type: Full Application:
Householder

Time Extension Expiry: 23-Jul-2021

Recommendation

Grant Planning Permission Subject to Conditions



Current Status

At the Planning Committee meeting of 21st June 2021 Members resolved to defer this item to the next available Planning Committee meeting due to technical issues arising at that time.

The following section of this update report will set out any changes since the original report (which follows), including matters to be addressed which were contained within the previous supplementary paper.

Supplementary Paper

There were no matters contained within the previous supplementary paper relating to this item.

Any Other Updates

The following matters have been updated to clarify some matters relating to the assessment:

Objection comments have been amended for clarity:

- Side windows to downstairs living room and upstairs rear bedroom facing towards number 18 where light will be reduced.
- Effects to wildlife such as bees and butterflies, planting and wellbeing.
- Not informed of the proposal (*Consultation letters were dispatched on 11-Feb-2021 and 11-May-2021 to adjacent neighbours in line with the planning legislation*).

A neighbouring occupier has arranged to have a Rights of Light Survey to be completed:

- A neighbouring occupier has arranged to have a Rights of Light Survey to be completed in relation to the proposed extension and their property. (*This is a separate third party right and a matter between neighbours. The local planning authority uses the 45 degree code to assess right to light*)

The detail of the position of the two-storey extension within the street scene has been rephrased:

As the proposed two storey extension would be to the rear of the house it is considered would be hidden by the existing dwelling and would not be prominent within the street scene.

The address has been added for the conservatory of number 16:

No 16 Harborough Drive is set to the west of the applicant property and the proposed extension will be 0.9 metres from the boundary drawing level with the present conservatory of number 16.

The 45-degree code in relation to the neighbouring properties of no's 16 and 20, has been rephrased:

The proposals comply with the 45-degree guidelines when measured from the quarter point of the nearest habitable window at ground floor and the quarter point of the first-floor bedroom at no 16.

No 20 Harborough Drive is set to the east of No 18, and comments have been received from this neighbouring property due to effects on light and the existing side windows. The proposals comply with the 45-degree guidelines when measured from the quarter point of the nearest rear habitable window at ground floor and the first-floor bedroom.

Conclusion

The recommendation remains to Grant Planning Permission Subject to Conditions as set out in the original report.

THE ORIGINAL REPORT FOLLOWS:

Proposal

The proposal is for a two-storey rear extension that will create an extended dining/kitchen and new laundry room at ground floor and extension to two bedrooms on the first floor.

The dimensions are:

3 metres deep on side elevation nearest to No 16
1.8 metres deep on side elevation nearest to No 20
9.2 metres wide
5.1 metres high to the eaves
7.2 metres high overall

Having a tiled hipped roof stepped down from the main roof ridge by 1.4 metres and replacing the present flat roof above the two storey side extensions.

Site and Surroundings

The application property is a two-storey detached dwelling, set in a residential area where there is a mix of property types and designs.

Relevant Planning History

Applicant property:

BC25776P First Floor Extension to Form Additional Bedroom GSC 10-May-1989
BC41939P Hall extension and conservatory. GSC 17-Aug-1994

16 Harborough Drive:

BC22577P Erection of Bedroom at First Floor Level. GSC 25-May-1988
BC50961P New Conservatory and addition of lattice fence on top of two existing side fence panels GSC 15-Oct-1997
10/1480/FL First floor side extension. GSC 12-Jan-2011

20 Harborough Drive:
None

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 12 – Achieving well-designed places**

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.

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.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

Consultation Replies

Local Highways Authority:
Support

Representations

There have been 11 objections from 4 neighbouring properties. (Officers comments in italics).

More windows leading to increased overlooking neighbouring properties and gardens.

Loss of sunlight

Loss of privacy

Proximity to adjacent gardens

Side windows where light will be reduced

Affects to wildlife, planting and wellbeing

Not informed of the proposal (*Consultation letters were dispatched on 11-Feb-2021 and 11-May-2021*).

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Parking
- Conclusions

Assessment of the Proposal

Design of Extension and Character of Area

The proposed two storey rear extension with the set down of the roof from the main ridge line, ensures that the extension would be subservient to the main dwelling. The proposed rear extension is considered to reflect the character of the original dwelling, providing the facing materials will be consistent with those used for the existing house.

Whilst the change of the flat roof above the existing side extension to a pitch roof would be visible within the street scene, it is considered an improvement from the flat roof and in keeping with the design of the original dwelling. As the proposed extension would be to the rear of the house it is considered that it would not be prominent within the street scene.

Neighbours are concerned that the proposed extension is not in keeping with the surrounding area yet there are several properties in the surrounding area that have a variety of front, side and rear extensions. The extensions are considered in keeping with the emerging character of the area.

The proposal is considered to be proportional to the host house, and neighbouring houses within the area, reflecting the local varied housing designs, plus the evolving character of the area.

Amenity of Nearby Residents

No 16 Harborough Drive is set to the west of the applicant property and the proposed extension will be 0.9 metres from the boundary drawing level with the present conservatory. No 16 has the benefit of a two-storey front, two storey rear extension and single storey rear extension.

Comments have been received from this neighbouring property with regard to loss of light. The proposals comply with the 45-degree guidelines when measured from the nearest habitable window at ground floor and the quarter point of the first-floor bedroom at no 16. As No 16 is set to the west of No 16, the sun rising in the east in the early morning, where the existing properties would cause over shadowing and when moving across the front elevations at midday where No 16 garden would be over shadowed by its own dwelling, therefore and in these circumstances the proposal is considered would not have any greater impact on the outlook, sunlight or to the privacy to this adjacent neighbour.

No 20 Harborough Drive is set to the east of No 18, and comments have been received from this neighbouring property due to effects on light and the existing side windows. The proposals comply with the 45-degree guidelines when measured from the nearest rear habitable window at ground floor and the quarter point of the first-floor bedroom. Whilst it is noted that there are secondary windows to the living room at ground floor and bedroom at first floor, the existing side extension is set 0.9 metres from the boundary with this property and the proposed rear extension would maintain this gap. Despite the proposed increase in the depth to the rear by 1.9 metres it is considered that as the windows affected are secondary and the main outlook is to the rear the proposals would not worsen the amenity to these windows to any significant degree beyond the effect caused by the existing side extension. Furthermore, as this property is set to the east of No 18, the direction of sun travel will rise in the east which results in No 16 being overshadowed by the properties that are set to the east and as it moves towards the west during the midday the rear garden will be overshadowed by its own dwelling. It is considered that the proposal would have no greater impact outlook, sunlight or to the privacy to this adjacent neighbour, that would be significant to refuse the application on this basis alone.

The rear of No 18 faces towards the rear of No 26 and 28 St Marys Way, and comments have been received with regard to potential loss of privacy. Whilst both of these properties have single storey rear extensions, the separation between the rear of the extension and the rear of these houses in St Marys Way achieves a minimum of 28 metres, exceeding the minimum 24 metres required by policy to safeguard the outlook and privacy of neighbours and vice versa.

The proposal is considered would have no significant impact on the light, outlook or privacy of neighbours and would comply with saved policy ENV32 of Walsall's UDP and Designing Walsall SPD, Appendix D.

Parking

The proposals do not increase to number of bedrooms to the dwelling so under the terms of the saved UDP police T13 require 3 off-street parking spaces. The front curtilage has ample parking to accommodate two vehicles and a further space is provided by the garage. Therefore, the proposals comply with parking policy T13

Conclusions

The proposal when weighing the concerns of the neighbours, against the national/local policies and guidance, is considered accords with the aims and objectives of relevant Council policy and guidance, and on balance is considered to be acceptable. There are no objections from significant consultees and the community interest that has been expressed is considered to not outweigh the recommendation to approve.

Conclusions and Reasons for Decision

The design is acceptable in relation to the original dwelling and is considered appropriate within the street scene and does not harm the visual amenities of the area and accords with saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

The proposal would have little impact on the light, outlook or privacy of the nearby residents and would comply with saved policy ENV32 of Walsall's UDP and Designing Walsall SPD.

The proposal would not increase the number of bedrooms to the property. There is ample parking for two vehicles on the front curtilage of the applicant property with a further space provided by the garage. Therefore, the proposal is in accordance with the requirements of parking policy T13.

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

Grant planning permission subject to conditions

Conditions and Reasons

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

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

2004.

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

- Existing plans and elevations, location and block plan drawing number PD635/01 Rev B received 19-04-2021
- Proposed plans and elevations drawing number PD635/02 Rev B received 19-04-2021

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3: The walls and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the [existing building] and the facing materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no side facing windows, doors, or other openings other than those shown on the approved plans, shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policy GP2 of the Walsall's Unitary Development Plan.

Notes for Applicant

None

END OF OFFICERS REPORT