



Walsall Council

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 04 November 2021

Plans List Item Number: 8

Reason for bringing to committee

Applicant is related to an Elected Member

Application Details

Location: 26, MELLISH ROAD, WALSALL, WS4 2ED

Proposal: FIRST FLOOR SIDE EXTENSIONS, SINGLE STOREY FRONT EXTENSION, TWO STOREY SIDE AND REAR EXTENSIONS TO PROVIDE TWO KITCHENS, TWO DINING ROOMS, PLAY ROOM, 8 ADDITIONAL BEDROOMS WITH EN-SUITES AND A GYM AREA WITH ENSUITE ON THE FIRST FLOOR.

Application Number: 19/0822

Case Officer: Rebecca Rowley

Applicant: Mr H Singh Samra

Ward: St Matthews

Agent: Michael Manraj Singh

Expired Date: 02-Sep-2019

Application Type: Full Application:
Householder

Time Extension Expiry: 12-Nov-2021



Recommendation

Refuse

Current Status

This item was withdrawn from the Planning Committee meeting of 7th January 2021 to allow the applicant to submit revised plans to the LPA for consideration.

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matters contained within the previous supplementary paper relating to this item other than to confirm the item has been withdrawn from that Planning Committee meeting to allow revised plans to be submitted to the LPA for consideration.

Other Updates

Positive and Proactive Working with the Applicant

The applicant's agent has provided further amended plans to those outlined in the previous committee report. Further amendments include:

An increase in height of the main roof ridge from 7.5m to 7.7m.

A reduction in the depth of the left hand side elevation facing no. 32 Mellish Road from 16m to 15.3m. This depth would be reduced from the front left hand side two storey gable elevation.

Removal of the second from left hand side front two storey gable extension and replacement with a catslide roof and a small flat roof dormer

Removal of the second gable roof feature from the right hand side of the front roof retaining a pitched roof slope above the two storey front elevation in this position

Removal of the ground floor front gable extension in front of the existing right hand side garage door

Removal of all glazing from the side elevation facing no. 24 Mellish Road

Removal of 2 first floor en-suite bathroom windows from the side elevation facing no. 32 Mellish Road

1.5m reduction in the depth of the ground floor element of the two storey rear wing and a 5.5m reduction in the depth of the first floor of this extension. The exposed ground floor roof area would be used as a roof top balcony with glazed panels surrounding the roof edge.

Removal of all first floor windows in the side elevation of the two storey rear extension facing towards no. 32 Mellish Road

Removal of a number of first floor rear windows and minor amendments to other rear glazing in similar positions to the previous proposed elevations.

The proposed extensions are:

First Floor Side Extension adjacent to 32 Mellish Road

To create 2no. en-suite bedrooms, 1 bedroom and a bathroom plus a snug/prayer room in the landing area

9.7 metres wide

15.3 metres deep

Height to roof ridge: 7.7m

Includes 1 front gable elevation in alignment with the main roof ridge and a front flat roof dormer set in a catslide roof.

First Floor Front Gable Extension

The existing central front gable would be extended forward by 1.6m to extend the existing front bedroom in this location and the gable roof ridge would be set down approximately 0.1m below the main roof ridge.

First Floor Side Extension adjacent to 24 Mellish Road

To be added above the existing single storey side sections of the existing dwelling near to no 24 to create 3 no. en-suite bedrooms and a bathroom

12.9 metres wide

6m to 8.4m deep

With 7.7m high pitched roof above the two storey elevations and 1 two storey projecting front gable adjacent to no. 24 Mellish Road

Two Storey and single storey rear extension adjacent to 24 Mellish Road

L-shaped

Attached to the first floor side extension nearest to 24 Mellish Road as described above

Depth: 3.3m stepping out to 12.3m nearest to the boundary with no. 24 Mellish Road at the ground floor and stepping out to 8.4m at the first floor.

Width: 12.9m, the projecting rear wing would be 6.2m wide at the ground floor and 5.7m wide at the first floor (there is a discrepancy on the first floor plan which shows the width of the ground floor to be 7.2m)

The flat roof area of the ground floor rear extension would be used as a rooftop balcony surrounded by glazed panels. It would be accessed via bi-folding doors from the first floor rear extension bedroom.

To create a kitchen extension and gym at ground floor level and an en-suite bedroom at first floor level

16.9 metres total depth of two storey extensions along the boundary with 24 Mellish Road

Includes a rear gable roof in alignment with the height of the main roof ridge that it extends from.

The total number of bedrooms would increase from 4 to 9.

Assessment of the Amendments

Whether this application has overcome the previous reasons for refusal of application 16/0962, specifically:

1. The overuse of front elevation pitched gable features would result in an over complicated and disproportionate design in an area of properties with simpler and more cohesive designs. The overlapping eaves details of the front gable features are design elements which appear clumsy, contributing to the detrimental appearance of the dwelling and character of the adjacent Conservation Area and street scene.

The number of front gable elevations or gable features has been reduced from 6 to 3, spaced across the front elevation so that all overlapping eaves have been removed. The replacement of one two storey gable elevation with a flat roof dormer set in a catslide roof, the removal of a front gable feature to be replaced with a standard pitched roof slope and the removal of the ground floor gable feature as well as stepping back the left hand side front gable feature is considered would limit the impact of the gable features on the front elevation compared to the original proposal and no longer be considered 'overuse'.

The eaves of the main roof and the front gables have been brought into alignment and all first floor windows are in alignment. The use of a cat-slide roof between the left hand side gable elevation and the central gable elevation breaks up the mass of this dwelling. The amended design is considerably more cohesive than the refused scheme and whilst it is considered that there is potential to simplify this elevation further, on balance it is considered that the amendments have gone far enough to overcome reason 1 for refusal of the previous submission.

2. The proposed scale, position, visual bulk and design, fails to preserve and enhance the setting of the character and appearance of the Arboretum Conservation Area. Without any public benefits that outweigh this harm.

The design has been amended significantly from two storey elevations across the entire frontage to a design which would be less imposing as a result of a reduction in the number of projecting front gable features, a reduction in the depth of the front gable projections as well as the introduction of a cat-slide roof with a small dormer which helps to break up the visual bulk of this wide dwelling. Furthermore, reductions have been made to the depth of the rear wing extension at the ground and first floor levels which reduces the scale of the proposal, as well as a reduction from 11 to 9 bedrooms. Whilst the proposal still represents a large dwelling, on balance this reduced scheme is considered to be acceptable and the amendments have gone far enough to overcome this previous reason for refusal.

3. The limited separation distance between the side facing bedroom windows in 24 Mellish Road and the proposed two storey side extension elevation is considered would result in an unacceptable loss of light, outlook and amenity because of the close proximity of this proposal to the neighbouring house.

This reason for refusal was in relation to a separation distance of 2.9m between two side facing bedroom windows, one on the first floor and one on the second floor, at no.24 Mellish Road to the proposed first floor side extension. For the refused scheme nearest front corner of the extension would have sat in approximate alignment with the midpoint of the first floor window and would have sat a short way to the left hand side of the second floor window but was considered would cause sufficient harm to amenity to warrant refusal.

This amended scheme proposes a first floor front elevation in this position that would sit 0.4m further forward than the refused proposal. Not only does this proposal not overcome previous reason 3 for refusal, it would potentially worsen the impact on amenity for the occupiers of these bedrooms.

The LPA has advised the applicant's agent of this concern and has provided the opportunity for the required amendments to be submitted, but none have been received to date.

The applicant has failed to demonstrate how the proposal could proceed without causing the identified harm to this neighbour, and therefore fails to overcome this reason for refusal.

4. The addition of primary room windows facing the existing blank two storey side elevation of the extension at 24 Mellish Road across a limited separation distance is considered would provide poor amenity for the occupiers of the dwelling and represents poor design.

This refusal reason has been overcome as described in the previous committee report.

5. The application has failed to include evidence to determine the possible presence of bats.

This refusal reason has been overcome as described in the previous committee report. The bat survey submitted was dated November 2020. As this application is being considered within 1 year of submission the findings are still considered valid.

Other Material Planning Matters

Proposed amendments to glazing on all elevations either removes windows or makes minor amendments to openings that were already considered to be acceptable.

The introduction of a rooftop balcony at the rear of the property could give rise to the potential for additional overlooking towards neighbouring properties. However, the side boundary of this rooftop balcony nearest to no. 24 Mellish Road would look onto the two storey blank side elevation of the neighbouring property so is considered has no potential for causing any significant additional harm to the amenity of the occupants of this property by way of overlooking and loss of privacy. Conditions could also be included on any approval to secure the use of 2m high obscure glazed side panels to further minimise impacts to neighbours' amenity. On the opposite side of the roof top balcony, there would be a separation distance of around 24m to the side boundary with the neighbouring garden at no. 28 which is considered sufficient not to create any significant additional harm to the privacy of the neighbouring occupants when using their rear garden. Therefore the introduction of a rooftop balcony in this position would be considered acceptable. Notwithstanding this, the introduction of a rooftop balcony is considered to be a material amendment to the plans and a 14-day re-consultation would need to take place with neighbours should Members be minded to support the proposal.

This amended scheme proposes a snug/prayer room on the landing area of the first floor side extension adjacent to no. 32 Mellish Road. A condition could be included on any approval to secure the use of this area for occupants of the household only and not for use by any visitors, to minimise any impacts to neighbours' amenity.

The LPA has requested that the applicant's agent submit an amended site plan to reflect the amendments that have been made and a street scene plan to show the proposed front elevation in relation to the neighbouring dwellings, but neither of these plans have been received to date. An assessment has therefore been made on the basis of the information available at this time.

Conclusion

As set out above, whilst improvements have been made to the proposal which is considered to have overcome a number of previous refusal reasons, this latest proposal fails to address refusal reason 3 and is considered would result in additional harm to occupiers of No.24 over and above that identified in the previously refused proposal.

This application cannot therefore be supported and should be refused.

Recommendation

Refuse

Reason for Refusal

1. The limited separation distance between the sole side facing first floor and second floor habitable bedroom windows in 24 Mellish Road and the proposed two storey, side extension elevation is considered would result in an unacceptable loss of light, outlook and amenity because of the close proximity of this proposal to the neighbouring house. The proposal would therefore be contrary to the National Planning Policy Framework, The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Appendix D of Designing Walsall SPD.

THE ORIGINAL REPORT FOLLOWS:

Proposal

This application requests permission for extensions following a proposal for a similar scheme which was refused for the reasons outlined in the planning history. Please note that the only amendments in this current application to the previously refused proposal are:

- The removal of one ground floor, and one first floor west side facing windows;
- Reduced the number of hipped roof sections from three to two on the west side elevation;
- Set the front gable back by 1.5m at first floor nearest to No.24 (this change is only reflected on the side elevation plans);
- Set the front gable back by 1.7m at first floor nearest to No.32 (this change is only reflected on the side elevation plans);
- Increase depth of gable by 1.9m at ground floor nearest No 32 (this change is only reflected on the side elevation plans);
- Removal of single front door and re-positioning of window to front single storey gable elevation; and
- The introduction of a canopy to front elevation.

The proposed extensions are:

First Floor Side Extension adjacent to 24 Mellish Road

- To be added above the existing single storey side sections of the existing dwelling near to no's 24 to create 4 no. first floor bedrooms.
- 13.5 metres wide
- Includes two front gable feature extensions
- Ridge line of roof 7.5 metres high
- Includes a feature gable window at eaves height adjacent to the existing two storey feature gables
- 1.5 to 2.1 metres wide gap between the extension and the side boundary with 24 Mellish Road
- The existing garage would become a dining room. A second dining room would have a side facing window installed opposite no. 24
- Pedestrian access to the rear garden would be retained next to 24 Mellish Road

Single Storey Front Extension near to 24 Mellish Road

- Provide a second entrance into a dining room area
- 1.1 metres deep
- Have a gable roof, 2.6 metres high to the eaves and 4.1 metres high to the ridge

First Floor Side Extension adjacent to 32 Mellish Road

- To create 4 no. new bedrooms
- 10.1 metres wide
- 15.8 metres deep

- Includes two front first floor gable features, the one closest to no. 32 would be 0.4 metres higher than the proposed ridgeline of 7.5 metres high
- Retains a 3.5 metres wide gap between the proposed extension and the side boundary with 32 Mellish Road

Two Storey Side and Rear Extensions adjacent to 24 Mellish Road

- To create a playroom at ground floor level and gym at first floor level
- Would extend 5.7 metres further rearwards than the proposed first floor side extension nearest to 24 Mellish Road
- L-shaped
- Includes an additional rear wing extension, running along the side boundary with 24 Mellish Road for a further depth of 10.5 metres
- 22.7 metres total depth of two storey extensions along the boundary with 24 Mellish Road
- Includes ground and first floor side facing habitable room windows positioned 24.5 metres from the shared rear garden boundary with 32 Mellish Road
- Have a gable roof 0.4 metres higher than the proposed first floor side extension nearest to 24 Mellish Road

The plans indicate that linkages between the existing dwelling and the proposed extensions at first and ground floor would be retained. The total number of bedrooms would increase from 4 to 11. The frontage of the application property is hard-surfaced and provides parking for at least 3 vehicles.

Site and Surroundings

The application dwelling is a large 4 bedroom detached part dormer bungalow and part two storey residential dwelling of overall simple design which occupies a large plot. A previous planning application for a first floor extension to the front and side was granted permission subject to conditions in 2000 but was not implemented and has now lapsed.

The application plot is 33 metres wide across the street frontage, widens to 48 metres to the rear of the existing property and is 98 metres in length. There is a 1.8 metres high front boundary wall with tall conifers to the rear defining the front boundary of the application plot. The rear garden of this property, beyond an existing rear patio area, is approximately 1.5 metres lower than the patio and floor level of the existing house.

There are protected trees on the front boundary of the application house and within the lower rear garden area. The application site adjoins the boundary of the Arboretum Conservation Area to the north and west, but is not included within the Conservation Area.

The street consists of large detached houses of varying design and age, including Victorian Villas, along with flats which are a more recent addition to the street scene.

The existing dwelling is set back 16.3 metres from Mellish Road, which is a District Distributor and part of the Strategic Highway Network. The existing property is 28.5 metres wide and has a central two storey section with front and rear facing feature gables.

Neighbouring properties include:

24 Mellish Road

No. 24 Mellish Road is within the Arboretum Conservation Area and sits to the west of the application house. This neighbouring property has one front facing and two sole side facing bedroom windows 2.7 metres from the proposed first floor side extension at the application property.

This property has an existing part two and part single storey extension with a blank side elevation along almost the full length of its rear garden boundary with no. 26 Mellish Road. There is a rear window in the two storey extension to no. 24 which serves a landing. The rear elevation of no. 24 faces south.

32 Mellish Road

No. 32 sits to the east of the application house and there is a 3.5 metres wide gap between the proposed first floor side extension and the shared boundary with no. 32. This neighbouring house has an 8 metres deep single storey rear extension with bedroom windows at first floor. There are two bathroom windows in the side elevation of no. 32 facing the application house and front facing habitable room windows. The rear elevation of no. 24 faces south and there is an approximately 2.2 metres high rear garden boundary wall between the application house and no. 32

39 Mellish Road

This house faces the application property across Mellish Road with a separation distance of 46 metres.

24 Rushwood Close

This house is located to the south of the application property across a separation distance of 48 metres.

33 Rushwood Close

This house is located to the south of the application property across a separation distance of 70 metres.

17 Glen Close

This house is located to the south of the application property across a separation distance of 55 metres.

Relevant Planning History

BC63213P – Part demolition and two storey side extension – refused permission
31/5/01

BC60265P - First floor extension to front and side – granted subject to conditions
11/2/00. This permission was not implemented and has now expired.

BC60291P – Retrospective: Front wall – refused permission 12/1/00

14632 – Take down defective building and the erection of a kitchen – granted 11/2/49

16/0962 - First floor side extensions, single storey front extension, two storey side and rear extensions to provide two kitchens, two dining rooms, playroom, 7 additional bedrooms with en-suites and a gym area with en-suite on the first floor – refused permission on the following grounds:

1. The overuse of front elevation pitched gable features is considered would result in an over complicated and disproportionate design in an area of properties with simpler and more cohesive designs. The overlapping eaves details of the front gable features are design elements which appear clumsy, contributing to the detrimental appearance of the dwelling and character of the adjacent Conservation Area and street scene. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Designing Walsall SPD.

2. The proposed scheme as a result of its scale, position, visual bulk and design, fails to preserve and enhance the setting of the character and appearance of the Arboretum Conservation Area. Without any public benefits that outweigh this harm. The proposal would therefore be contrary to the NPPF, Policies ENV29 and ENV32 of the Walsall Unitary Development Plan and Policy ENV 2 of the Black Country Core Strategy

3. The limited separation distance between the side facing bedroom windows in 24 Mellish Road and the proposed two storey side extension elevation is considered would result in an unacceptable loss of light, outlook and amenity because of the close proximity of this proposal to the neighbouring house. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 plus Appendix D of Designing Walsall SPD.

4. The proposed addition of primary room windows facing the existing blank two storey side elevation of the extension at 24 Mellish Road across a limited separation distance is considered would provide poor amenity for the occupiers of the dwelling and represents poor design. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Designing Walsall SPD.

5. The application has failed to include evidence to determine the possible presence of bats. The application is therefore contrary to Walsall's Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document Conserving Walsall's Natural Environment.

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**
- **NPPF 16 - Conserving and enhancing the historic 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.

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

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- 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

Walsall Site Allocation Document

- EN5: Development in Conservation Areas

Supplementary Planning Document

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

- DW3 Character
- Appendix D

Consultation Replies

Conservation Officer:

The minor impact of the proposed scheme on the setting of the conservation area could be further reduced by some alterations to the proposed designs, including a reduction in the scale and massing and further consideration to reduce the heavy and solid appearance of the existing proposal with the introduction of materials to break up the brickwork elevations, but from a building conservation/ historic environment point of view there are no grounds to object to the principle of the proposed scheme.

Pollution Control:

The property is located in an area previously identified as been disturbed ground either used for the mining of coal and lignite or limestone, with subsequent infilling. An advisory note is recommended regarding the Health and Safety implications that may result from potentially contaminated soil.

Local Highway Authority - No objection subject to note to applicant regarding no soil or debris on the public highway

Ecology Officer – no comments received.

Tree Preservation Officer – no comments received

Representations

None received

Determining Issues

Whether this application has overcome the previous reasons for refusal of 16/0962:

- Design of Extension and Character and Setting of the Arboretum Conservation

- Area
- Amenity of Nearby Residents
- Protected Species
- Protected Trees
- Parking

Assessment of the Proposal

Whether this application has overcome the previous reasons for refusal of 16/0962:

Design of Extension and Character of the Arboretum Conservation Area

The proposed plans submitted for assessment with this application are of similar dimensions and design as the previously refused scheme assessed by application 16/0962. Amendments to the west side elevation include the removal of one first floor bedroom and one ground floor dining room window in the west side elevation facing no. 24 Mellish Road. The implication of this amendment to amenity of the occupants is considered below. The number of hipped roof sections on the west side elevation has been reduced from three to two. This design feature would be of limited visibility from the public vantage point and was not a reason for refusal of the previous scheme. It is considered that this amendment would have limited further impact on the overall design. The removal of a single front door and re-positioning of window to the centre of the front single storey gable elevation nearest to no. 24 creates a balanced appearance to this elevation and but would not outweigh the overall harm arising. The canopy over this gable elevation has been increased in depth by a further 0.5m with the addition of a ground floor pitched canopy spanning the principal elevation from this roof to the pitched canopy above the main entrance door. It is considered that this addition would have negligible impact on the overall appearance when taking as a whole, but this would not outweigh the overall harm arising from the extent of proposed development.

The side elevation plans demonstrate that the ground floor of the front gable elevation nearest no. 32 has been increased in depth by 1.9m but stepped back at first floor level to the depth of the adjacent front gable. This amendment does not appear to be reflected in the floor plans at ground or first floor level. Notwithstanding any discrepancy between the elevation plans and the floor plans, the overall appearance of the gable elevations on the principal elevation plan would still reflect the appearance of the previously refused design and therefore the relevant considerations of the previous assessment of this scheme still apply.

Specifically, the overuse of pitched gable features on the front elevation is considered would result in an over complicated and disproportionate design, with elements which appear clumsy in an area of simpler and more cohesively designed properties. Overall, the front elevation design elements are considered detrimental to the appearance of the existing simply designed dwelling and character of the area, adjacent to the Conservation Area, including the overlapping eaves details of the front gable features.

The application site directly adjoins the boundary of the Arboretum Conservation Area. The proposed extensions at the application site are considered excessive and have the ability to impact and cause harm to the conservation area, and as such the site is considered to be within the setting of the conservation area

The Conservation Officer advises that from a building conservation/ historic environment point of view there are no grounds to object to the principle of the proposed scheme, however suggestions were provided for amendments to the design that could reduce the impact of the proposed scheme on the setting of the conservation area including reducing the overall massing and scale of the proposed extensions and consideration to the choice of materials and exterior finishes which could reduce the very heavy and solid appearance of the existing proposals.

This particular location and significance of the street scene follows rows of Victorian detached Gentleman's Villas which maintain much of their historic detailing with gaps in between dwellings. The main harm caused is to the aesthetic value, historic and evidential value with the loss of the visual gap in between dwellings, as well as the bulky appearance of the extensions which are overbearing and causes harm to the setting of character and appearance of the conservation area.

Consequently, it is considered that the proposed development as a result of its scale, position, visual bulk and design, fails to preserve and enhance the setting of the character and appearance of the Arboretum Conservation Area without any public benefits which outweigh this harm.

On balance and notwithstanding the amendments to the windows on the west side elevation, the proposal is considered fails to provide a high quality of design for the built environment, particularly adjacent to the Arboretum Conservation Area, and would harm the design of the existing house to the detriment of the local area and is recommended for refusal as it would not accord with the requirements of BCCS policies CSP4, ENV2 and ENV and saved UDP policies GP2 and ENV32, the SPD Designing Walsall Appendix D and the NPPF. Previous reasons 1 and 2 for refusal of this scheme have not been overcome.

Amenity of Nearby Residents

The rear elevations of 24, 26 and 32 Mellish Road face south. It is considered, this orientation would limit the impacts of this proposal on neighbours' existing light and amenity.

The proposed rear wing would be built alongside a similar extension to the rear of 24 Mellish Road. It is considered, this would not significantly worsen the existing amenity experienced by the occupiers of no. 24. The case officer called at both 24 and 32 Mellish Road and spoke to the occupiers to clarify what rooms their nearest windows to the proposed development served.

24 Mellish Road first floor rear facing landing window near to the boundary with the application house, is considered to be a non-habitable room window. Current planning guidance protects the light and outlook for neighbours' habitable room windows only.

The 2.7 metres separation distance between the sole side facing bedroom windows (serving two separate rooms) in no. 24 and the two storey side elevation of the proposed extension, is considered would result in an unacceptable loss of light, outlook and amenity for occupiers of the bedrooms, due to the close proximity of this extension to the 24 Mellish Road. This was specifically one of the previous reasons for refusal of this scheme and no amendments have been made to the proposal to address this concern.

The amended design includes the addition of one dining room window which would face the existing blank two storey side elevation of the extension at 24 Mellish Road across a separation distance of 2.1 metres. The previously refused scheme included 3 habitable room windows in this elevation. The original garage window which would become a dining room window would now be bricked up and the previously proposed first floor bedroom window would now be replaced with a roof light. This would reduce the harm caused to amenity for the occupiers of the dwelling. The agent has indicated planting of some foliage in front of the retained dining room window to limit the impact caused to the amenity of occupants from this habitable room window facing a two storey brick elevation at a distance of 2.1m. Whilst this separation distance would not meet the requirements of the SPD Designing Walsall Appendix D for a separation distance of 13m between habitable room windows and two storey blank side elevations, when considered in conjunction with the fact that this room would also have a main window on the front elevation of the house and therefore the side window would not be the only outlook from this room, it is considered that the retention of this side window could be acceptable in this case. These amendments are considered would overcome previous reason no. 4 for refusal of the scheme. This proposed secondary side facing dining room window opposite the boundary with 24 Mellish Road could be conditioned to be obscurely glazed to protect residents' amenity.

The two side facing bathroom windows in 32 Mellish Road serve non-habitable rooms. The proposed two new first floor side facing, non-habitable en-suite windows opposite no. 32 could be conditioned to be obscurely glazed with opening lights 1.7 metres higher than the floor of the rooms they serve to protect residents' privacy.

The proposal would meet the aims of the Council's 45 degree guidance, as referred to in Appendix D of Designing Walsall SPD in respect of front and rear facing habitable room windows in 24 and 32 Mellish Road. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook. The Council does not use a 15 degree angle when assessing planning applications.

The habitable room window to window separation distances between the proposed extensions and 39 Mellish Road, 24 Rushwood Close, 33 Rushwood Close and 17 Glen Close would exceed the Council's minimum recommended separation distance between facing habitable room windows of 24 metres, as referred to in Appendix D of Designing Walsall.

This proposal is considered would not be in full accordance with the amenity requirements of saved UDP policy GP2 and the SPD Designing Walsall Appendix D.

Protected Species

The site falls within an area likely to have presence of bats, particularly due to neighbouring lines of mature gardens. In this case, as the application proposes alterations to the roof, if bats are present in the house 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 was provided, with no birds or bats or evidence of bats being found in the building at the time of the survey. No further surveys were recommended. However, advice was

provided to protect potential birds and bats that could be present in the future and conditions would be included to secure their protection in any approval.

The submission of this preliminary bat survey report overcomes previous reason no. 5 for refusal of this scheme.

Protected Trees

The nearest protected tree to any part of this proposal would have a separation distance of approximately 13.5m to the widest part of the crown. The Council's Tree Officers' have provided no adverse comments with regard to this proposal in relation to protected trees. It is considered that there would be insufficient arboricultural implications to warrant refusal of this proposal on these grounds.

Parking

In accordance with the requirements of saved UDP policy T13, an 11 bedroom house would require a minimum of 3 off-road parking spaces. This dwelling house has sufficient space to park in excess of 3 vehicles on the hard surfaced driveway which meets this requirement. The Local Highway Authority have expressed no concerns in relation to this proposal.

Conclusions and Reasons for Decision

Whilst the proposal is considered would benefit the applicant and their family by providing additional living accommodation, this would be a wholly private benefit, that would not be sufficient to outweigh the harm to the street scene, harm to the setting of the adjacent conservation area and neighbours' light and amenity to their sole bedroom windows that has been identified or the resultant development plan conflict. It is acknowledged that the revisions the applicant has made to windows in the west side elevation of the proposal and the submission of a preliminary bat survey overcome two of the five previous reasons for refusal of the scheme but do not overcome all of the concerns to be able to recommend an approval. Consequently, in this instance, the proposal is recommended to be refused

Positive and Proactive Working with the Applicant

Officers have reminded the applicant's agent on a number of occasions the previous reasons for refusal and advised that amendments would be required to overcome these reasons. In this instance, insufficient amendments have been provided to overcome all of the previous reasons for refusal and the local planning authority are unable to support the proposal.

Recommendation

Refuse

Reasons for Refusal

1. The overuse of front elevation pitched gable features is considered would result in an over complicated and disproportionate design in an area of properties with simpler and more cohesive designs. The overlapping eaves details of the front gable features are design elements which appear clumsy, contributing to the detrimental appearance of the dwelling and character of the

adjacent Conservation Area and street scene. The proposal would be contrary to the National Planning Policy Framework including paragraph no's 127 and 130, The Black Country Core Strategy policies CPS4, ENV2 and ENV3, Walsall's Unitary Development Plan, saved policies GP2 and ENV32 and the SPD Designing Walsall policy DW3.

2. The proposed scheme as a result of its scale, position, visual bulk and design fails to preserve and enhance the setting of the character and appearance of the Arboretum Conservation Area without any public benefits that outweigh this harm. The proposal would therefore be contrary to the NPPF, policy ENV2 of the Black Country Core Strategy, Walsall's Site Allocation Document policy EN5 and policy ENV32 of Walsall's saved Unitary Development Plan.
3. The limited separation distance between the side facing bedroom windows in no. 24 Mellish Road and the proposed two storey side extension elevation is considered would result in an unacceptable loss of light, outlook and amenity because of the close proximity of this proposal to the neighbouring house. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 127 and 130, The Black Country Core Strategy policies CSP4, ENV2 and ENV3, saved Unitary Development Plan policies GP2 and ENV32 and Appendix D of the SPD Designing Walsall.

Notes for Applicant

None

END OF OFFICERS REPORT