

## Planning Committee

Report of Head of Planning and Building Control on 05 August 2021

Plans List Item Number: 8

### Reason for bringing to committee

### Significant Community Interest

### Application Details

**Location:** 262, WALSALL WOOD ROAD, ALDRIDGE, WALSALL, WS9 8HB

**Proposal:** REPLACEMENT DWELLING

**Application Number:** 20/1274

**Case Officer:** Sheila Denison

**Applicant:** Aldridge & Barons Ltd

**Ward:** Aldridge Central And South

**Agent:** Sueshire Services

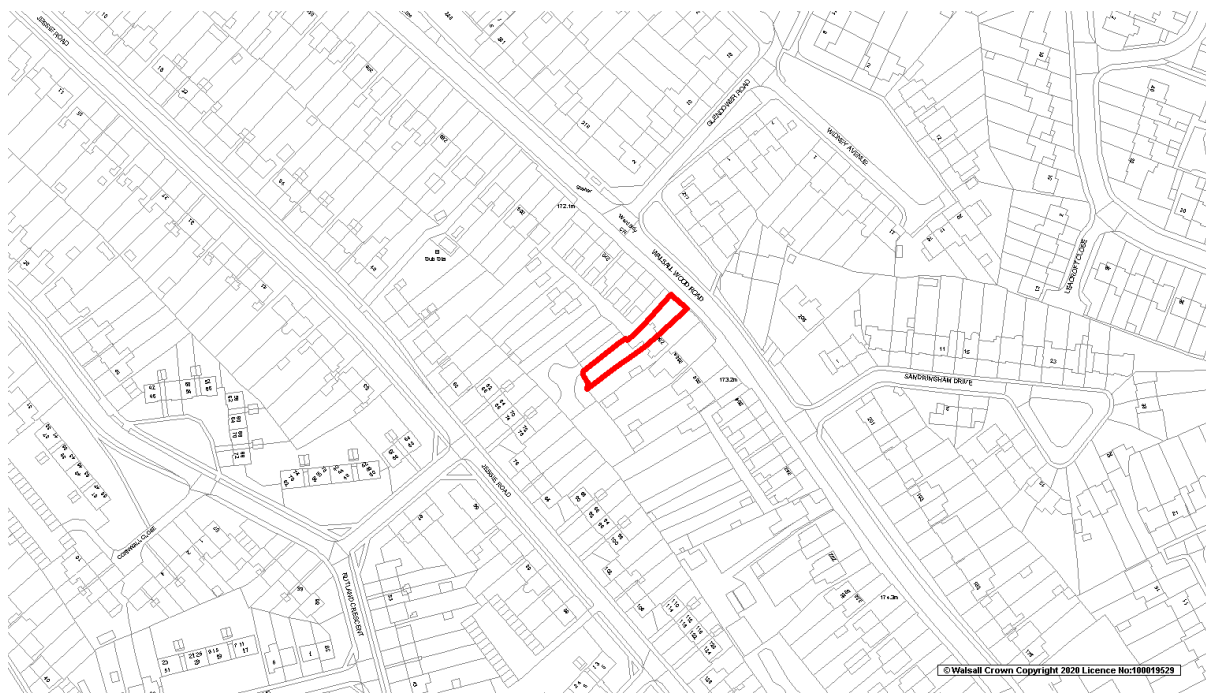
**Expired Date:** 01-Jan-2021

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

**Time Extension Expiry:** 07-Apr-2021

### 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.



## Proposal

This application seeks approval for a replacement dwelling at No.262 Walsall Wood Road. A similar separate application for a replacement dwelling at the adjoining semi-detached property No.260 Walsall Wood Road is currently under consideration under application reference 20/1367.

This application was originally submitted for a side and rear two storey extension and loft conversion to an existing dwelling house. However, following the case officer's site visit it was established that works that had already been carried out amounted to a replacement dwelling. This current application is therefore part retrospective and works have ceased on site pending the decision.

The proposed replacement house will provide; at ground floor a lounge, study, laundry and bathroom and kitchen dining area. On the first floor four bedrooms, one with an en-suite and a main bathroom and stairs leading up to the loft conversion which the applicant's agent confirms would provide a further bedroom. Updated plans have been requested to clearly annotate the space in the loft for clarity.

The plans indicate a 1.5m deep balcony off the two rear bedrooms.

The proposed replacement house measures:

- 8.3m to the main roof ridge with a hipped roof
- 4.5m to the eaves on the principle and rear elevation
- 7.3m to the rear dormer roof
- 2.8m to the flat roof of the single storey rear elevation
- 7.4m wide at the front and rear
- 11.5m deep at the ground floor
- 10.1m deep at the first floor
- a gap of 3.5m to no. 26 Walsall Wood Road (The shared access road)
- Rear dormer is 3.8m wide

Whilst the submitted application form explains the external materials would be brick, tiles and UPVC windows and doors, the structure built to date is of a breeze block construction and the applicant's agent has therefore confirmed that it would be externally finished in render.

Parking on the front curtilage is provided for up to 3 vehicles.

## Site and Surroundings

The application site is located within a residential area that has a mix of houses and bungalows that vary in height, design and external materials including brick and rendered properties. In this instance there is considered to be no single prevailing character in this location. There are two pairs of semi-detached houses with a single detached bungalow between them that are set back from Walsall Wood Road by 15m, and set further beyond the building line of two rows of adjacent terraced houses. Semi-detached property No.256 benefits from a large two-storey side extension.

The existing application house is a traditional 3 bedroom semi-detached house with a double round bay window feature to the front elevation and had a main hipped roof. The previous 2.3m single storey rear extension has since been demolished. This property has been empty for a number of years. Prior to works commencing, there was vegetation growing up and out of the roof and brickwork and with very overgrown gardens. The overgrown vegetation has since been cleared.

There is a 3.5m wide access road to the north serving land at the rear and also serving terraced properties numbers 264 to 278 which benefit from dedicated parking areas, some including a detached garage. The rear gardens serving these terraced properties are mostly 40m long beyond the parking areas with the exception of numbers 264 and 266 whose rear gardens are 21m long and are separated from the rear of the properties by the service road.

Nearest neighbour to the north is No.264 and this neighbour's rear elevation is set around 1.7m forward of the application dwelling due to the set-back of the application property from Walsall Wood Road. This neighbouring property benefits from a 1.6m high brick wall around the side and rear perimeter.

Number 260 is the other half of the pair and is currently partly under construction and has an identical planning application before this committee. When the applications were submitted it was requested by the agent that these be considered and determined in tandem.

Houses at the rear in Jessie Road are separated by 65 metres and separated by an open piece of land which contains a number of mature trees.

## Planning History

### Application Site

BC60927P - Retrospective: Two covered storage and garage areas - Permission granted STC 02/06/2000

260 Walsall Wood Road

19/0605 - Part single, part two storey rear extension plus single storey side extensions - Permission granted STC 28/06/2019

20/1367 - Replacement dwelling - Under assessment

## 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 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 11 – Making effective use of land**
- **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](https://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

- 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

**Not applicable.**

## Representations

Neighbour comments were received in response to the initial consultation. Following the change of description neighbours were also re-consulted and further comments received. These have been summarised below (*officer comments in italics*):

- Access rights and scaffolding blocking the shared driveway – (*This is a civil matter*).
- The proposed extension is excessive.
- They are making false claims regarding ownership of land, Between 262 and 264 there is a driveway that provides access to the gardens, garages and extended property belonging to residents of 264 – 278 (*The submitted location plan shows the site boundary to exclude the adjoining shared access. Disputes over land ownership are a civil matter*).
- They are planning to cut off access to private property (*The submitted location plan shows the site boundary to exclude the adjoining shared access. Disputes over land ownership are a civil matter*).
- They are using land that does not belong to them for ease of access (*The submitted location plan shows the site boundary to exclude the adjoining shared access. Disputes over land ownership are a civil matter*).
- The new owner's seem to have had no original plan to submit a planning application (*Planning legislation allows for the submission of retrospective planning applications*).
- They have not once approached myself or any of my neighbours to discuss what they are doing, either as a matter of courtesy or otherwise (*this is not a material planning consideration*).
- Extended construction period likely to cause noise, dust and disturbance (*noise, dust and disturbance from construction sites are covered by separate environmental legislation*).
- No net curtains in my bedroom, which is on the rear of the property and it is the only room I can have any natural light come in the property.



- I am concerned that such a large extension, on an already big home, and especially the loft conversion would invade my privacy.
- It is unnecessarily large.
- The new application is for a 4 bedroomed house, what is happening with the loft conversion, is this conversion included on the new plans (*the loft conversion and extension is shown on submitted plans*).
- The two story building is being built right up to its boundary which will prevent sunlight reaching the cottage immediately to the north.
- Because the property is built to its boundary it is unclear how the owner will maintain their north facing gable wall (*this is not a material planning consideration*).
- The plans suggest the external walls will be red or brown bricks but the new walls erected so far are grey concrete blockwork which is unsightly for the entire row of cottages.
- Whilst the blockwork can be rendered it will therefore need to be maintained, which takes us back to the access issue (*this is not a material planning consideration*).
- The original roof has been removed and the walls built higher than they originally were. Does this mean there is going to be an extra story i.e. three stories or, a loft conversion not included on the application? (*The loft conversion and extension is shown on submitted plans*).
- A fence has been put up to the rear of the building blocking access to a separate property to the rear of this building site. At present it contains bricks demolished at some point. It also covers the passing place for the cottagers should they meet on the way in or out. (*This fence and area of land falls outside of the application site boundary and does not form a material planning consideration in the determination of this current application. Disputes over land ownership are a civil matter*).
- External painted render would be ok but the current external blockwork would look very unattractive.

## Determining Issues

- Principle of Development
- Design and Character of the Area
- Amenity of Nearby Residents
- Highways and Parking

## Assessment of the Proposal

### Principle of Development

The site is situated within an established residential area within easy walking distance of shops and regular bus services along Walsall Wood Road and is consistent with the previous residential use of the site. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and Saved Policies of the UDP.

The principle of a replacement dwelling is considered to be appropriate in this location, subject to the other material planning considerations set out in this report.

## **Design and Character of the Area**

The proposed replacement dwelling is considered to be in keeping with the design of the original dwelling and reflects the mixed character of the area. Given the application is for a replacement dwelling, and due to the mixed character of the area, it is considered acceptable that there is no set back or set down to the two storey side element of the proposal which would match, and balance, the proposal for the adjoining property No.260. Whilst the main roof ridge height would be 0.5m higher than the original dwelling, it retains a hipped roof which is considered acceptable.

The proposed external materials, including external render, is considered reflects the mixed character of the area and specific details would be secured by condition. A further condition would be included to secure the submission of landscaping and boundary treatment details to ensure satisfactory appearance.

The rear extension replaces an existing flat roof extension and as it is at the rear is not visible within the street scene so causes no harm.

The proposal 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, CSP4, ENV2 and ENV3 of the BCCS and the Designing Walsall SPD.

## **Amenity of Nearby Residents**

Whilst not a material planning consideration, an advisory note will be added to any approval regarding the erection of scaffolding so that it does not block the shared vehicle access.

Objections have been raised that work has already started. It should be noted that the original house was in a very poor state of repair with vegetation growing out of it and some of the works included general clearing of the site. Work has now ceased on site following advice from the planning officer that planning permission had not yet been granted and unauthorised works are at the applicant's own risk.

An objection was raised from a dwelling at the rear of the site on privacy grounds. This neighbour is 53.4m away from the proposed rear habitable bedroom windows and separated by fencing and also screened by a number of mature trees. This distance exceeds the 24m separation distance between rear habitable windows outlined in Designing Walsall SPD, Appendix D. No significant additional harm to this neighbour's amenity is considered likely to arise.

Objections have been raised that it is an unnecessarily large extension and will invade privacy, especially the loft conversion. It should be noted that a loft conversion and extension can already be carried out under permitted development rights if it meets the size and conditions of the legislation. The placement of habitable windows in the loft space would reflect those existing at first floor in the rear elevation and would not



therefore introduce an unacceptable additional level of overlooking or loss of privacy to neighbours. Houses at the rear in Jessie Road are separated by 65 metres and separated by an open piece of land which contains a number of mature trees which help to screen the proposal and exceeds the 24m recommended within Appendix D of the Designing Walsall SPD and is acceptable. The proposal has been assessed in relation to neighbours' amenity, and is considered would not result in any significant additional impacts on neighbours amenity and meets the guidelines of national and local planning policy specifically Appendix D of the Designing Walsall SPD.

The application for a replacement dwelling that is 10.1m deep at the first floor is mirrored in the current application at adjoining number 260 Walsall Wood. It is considered that as both pairs of these replacement semi-detached houses have applied for identical proposals, there would be no significant additional loss of light or impacts to the future occupiers of this adjoining property, with the exception of the proposed balcony at rear.

Plans indicate French doors opening from both first floor rear bedrooms onto a flat roof balcony; there is no screening shown on the plans and it is considered that the addition of a balcony would result in significant additional overlooking and loss of privacy to nearby neighbours. A condition would therefore be included to ensure 2m high privacy screens are placed at all side ends of this balcony to protect neighbours' amenity. It is considered that views from the rear of this balcony would not be dissimilar to that already possible from habitable windows in the rear elevation and would not therefore warrant a refusal.

The ground floor of the proposed development is 11.5m deep overall and includes a rear projection of 1.4m out from the rear elevation as number 260 has the same projection. It does not breach the 45 degree code.

No 264 Walsall Wood Road is set 1.7m forwards of the application house and to the north, the rear garden is separated from the house by the 3.5m wide access road. This neighbours rear garden is located to the west of the application site and is considered would not be significantly harmed in terms of any additional loss of sunlight and shadowing. Whilst the small courtyard area at the rear may experience some shadowing in the early morning, this is not considered to be excessive over and above any already arising from the existing house.

Overall, the proposal is considered would not result in significant additional harm to neighbours amenity and is acceptable, in accordance with Saved UDP Policy GP2, Appendix D of the Designing Walsall SPD and the NPPF.

## Highways and Parking

The proposals alter the dwelling from a 3 to 5 bedroom dwelling. Under the terms of saved UDP policy T13 a total of 3 off-street parking spaces. There is space within the front curtilage to accommodate three vehicles. A condition has been added to ensure the parking spaces are hard surfaced and available before first occupation.

The vehicle access remains unchanged but no details have been submitted of intended boundary treatment and this would be secured by condition to ensure highways safety for vehicles and pedestrians in relation to the access. The proposals comply with Saved UDP Policies T7 and T13 and the NPPF.

## Conclusions and Reasons for Decision

This application has been assessed alongside application 20/1367 at the agents request and both are therefore presented to Members for consideration.

The key material planning considerations and neighbour comments have been weighed in the assessment of this planning application and it is considered that the proposed development accords with the aims and objectives of the National Planning Policy Framework, BCCS policies CSP4, ENV2, and ENV3, Saved Unitary Development Plan policies GP2, ENV32, ENV33, T7 and T13 and the Designing Walsall SPD and on balance is considered to be acceptable.

As the proposals are identical schemes to the original pair of semi-detached houses it is considered that the view from the street scene will remain balanced. 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 proposals comply with 45 degree code guidelines in respect of both neighbours and will therefore not significantly harm the outlook, daylight or privacy to habitable rooms of these neighbours and protects residential amenities in accordance with saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

There is adequate off-street parking to accommodate 3 vehicles on the frontage in compliance with saved UDP policies T7 and T13.

Taking into account the above factors it is considered that the application should be recommended for approval.

## Positive and Proactive Working with the Applicant

Following discussions with the applicant's agent which resulted in re-submission of details to reflect a replacement dwelling, the submitted details are now considered to be acceptable and no further changes have been requested.

## 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.

## 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 received 14/10/20

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).

3a. Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

3b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

3c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

4a. Notwithstanding the submitted details, prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b. The development shall not be carried out otherwise than in accordance with the approved details and the approved 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 Walsall's Unitary Development Plan.

5a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

5b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

5c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

6a. Prior to first occupation of the development hereby permitted a minimum of 3 parking spaces each measuring a minimum of 2.4m by 4.8m shall be provided on the drive within the curtilage of the application dwelling.

6b. The parking spaces shall be fully consolidated hard surfaced and drained or permeable surfaced to prevent surface water from the driveway running on to the public highway or into any highway drain.

Reason: In accordance with the requirements of saved Unitary Development Plan policies GP2, T7, T13 and ENV40 and in the interest of highway safety.

7. Notwithstanding the details submitted, the development hereby permitted shall not be constructed other than to include 2m high obscure glazed privacy screens to both ends of the balcony facing No.260 and No.264 Walsall Wood Road as shown on 'Existing and Proposed Plans and Elevations', received 14/10/20. The privacy screens shall be erected prior to first occupation of the hereby approved dwelling and shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

8. 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**

During construction, the access road to the side of the dwelling should at all times remain open and accessible for occupiers of the neighbouring cottages.

**END OF OFFICERS REPORT**