



Planning Committee

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

Plans List Item Number: 9

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 27, ST AUSTELL ROAD, WALSALL WS5 3EF

Proposal: TWO STOREY SIDE EXTENSIONS TO BOTH SIDES OF THE DWELLING, SINGLE STOREY REAR EXTENSION PLUS A DETACHED FRONT OUTBUILDING TO CREATE ADDITIONAL HABITABLE SPACE.

Application Number: 21/0553

Case Officer: Rebecca Rowley

Applicant: Jas Dhaliwal

Ward: Paddock

Agent: Pritpal Chana

Expired Date: 22-Jun-2021

Application Type: Full Application:
Householder

Time Extension Expiry: 18-Feb-2022



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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 requests permission for the following extensions to a 3 bedroom detached house:

Two Storey Side Extension with Side Gable Roof

To create a relocated bedroom and a new 4th bedroom

- Depth: 8.5m
- Width: 2.5m
- Set back from front elevation: 0.5m
- Separation to side boundary: 1.5m
- Height to Eaves: 5.2m (to match existing)
- Height: 6.7m (0.3m below main roof ridge)

Windows: One first floor front and rear bedroom window, ground floor side facing wc and study room window facing towards no. 25 St Austell Road

Ground Floor Front Extension with Flat Roof

To extend the front of the existing garage which is to be converted into a study, w.c and storage area

- Depth: max 1.2m
- Width: 2.5m
- Height: 2.6m (as existing)

A new garage door would be installed in the same position as existing

Ground Floor Rear and Side Extension with Flat Roof and Rear Flat Roof Trellis

To create an open plan kitchen dining area and bar, plus a pantry and utility.

- Depth from existing rear adjacent to no. 25: 4.4m extension plus 1.5m white trellis
- Depth from existing rear nearest boundary with the rear of no.s 4 and 6 Bude Road: 3.5m
- Width: 11.8m
- Height: 3.3m at the rear adjacent to the boundary with houses on Bude Road, reducing to 3.1m at the side boundary with no. 25 St Austell Road and the front due to natural ground level changes

Windows: One front utility room window, a rear family area window, a rear bar room window and rear bifolding doors leading out from the kitchen.

Site and Surroundings

The application dwelling is a 3 bedroom detached house of simple design with a front to rear gable roof and attached side garage. Facing materials are brickwork and clay roof tiles. There is a driveway in front of the dwelling with sufficient space to park 3 vehicles. The property is located at the end of a cul-de-sac, set back from the highway with a relatively large area in front of the house compared to the remainder of the street.

Houses in the street are detached properties of the same original design. Many houses in the area have single storey rear extensions or conservatories and first floor side extensions above attached garages are an emerging character on this estate. The estate was constructed with rear separation distances between houses of around 20m. Street scenes are open plan with low or no front boundary treatments or boundaries defined by shrubs and foliage.

The adjacent dwelling to the east side is no. 25 St Austell Road with a separation distance of 1.5m between the ground floor of the houses and 4m between the first floors above the attached garage at the application site. The principal and rear elevations are in alignment with the application house.

The west side boundary of the application dwelling borders the rear gardens of no.s 2 to 8 Bude Road. The rear of no. 2 faces the rear garden of the application site, no.s 4 and 6 face the west side elevation of the application dwelling and no. 8 faces the driveway at the front of the application site. There is a separation distance from the west side elevation of the application house of around 15m to the rear elevation of no. 4 and 16m to the rear elevation of no. 6.

Opposite the dwelling is the south side elevation and rear garden of no. 29 St Austell Road. The separation distance between the buildings is 15m and there are no facing habitable room windows in this elevation.

To the rear of the dwelling is a 10.5m long garden with a separation distance of 22.5m to the rear of no. 17 Penryn Road and 20m to the rear of no. 19 Penryn Road, which are located to the south of the application site. A closed boarded fence defines the rear boundary and there are some trees which partially obscure mutual views.

Relevant Planning History

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 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. 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
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- DW10 Well Designed Sustainable Buildings
- Appendix D

Consultation Replies

(Case Officer's comments in italics)

Local Highways Authority

08/06/2021

Concerns raised regarding parking. The application has failed to provide any details of on-site parking. Taking into account the loss of the existing garage space and the addition of a 4th bedroom the parking requirement in policy terms is 3 spaces plus at least 1 additional space for the 'outbuilding'. It has not been demonstrated how 4 standard workable parking spaces can be accommodated within the site curtilage.

The Highway Authority is mindful that the site is located at the end of a cul de sac and would not want any parking demand displaced into the turning area.

10/08/2021 – following reductions to the proposed outbuilding and inclusion of a parking plan

Support subject to a condition to ensure that the outbuilding shall remain ancillary to the main dwelling house and shall not operate as an independent dwelling or commercial use.

(The proposed detached outbuilding has since been omitted from the plans)

Park Hall Residents' Association

No response

Representations

(Case Officer's comments in italics)

In response to the original consultation, 11 representations were received from 11 separate neighbouring occupants raising the following concerns:

- Overdevelopment of the plot / It is a 'new-build' and not an extension
(Reductions have been made to the scheme since this comment was submitted, including omission of the detached front outbuilding)
- Ground level is higher than surrounding houses - will create exaggerated height

- Proximity to the boundary fence
- Design and materials out of keeping with the area
- Visual impact
- Breach of 45-degree code
- Impact on light, sunlight and shading
- Window separation distances
- Overlooking/ Impact on privacy
- Loss of enjoyment of our garden
- Trees should be planted to soften the impact (*The application can only be assessed based on the plans that have been submitted*)
- Proximity and height of the outbuilding
- The detached outbuilding appears to be a detached single storey house.
- That land [where the outbuilding is proposed] appears to be outside their boundary
(*The outbuilding has been omitted from the scheme*)
- Insufficient parking for increased occupants and highways impact
- Some of the rooms identified as closet/office could become bedrooms (*The application can only be assessed based on the plans that have been submitted*)
- Any vehicle parked in front of our property would obstruct the access to number 27 (*This is not a material planning consideration for the purpose of this assessment. There are other authorities responsible for dealing with this circumstance*)

(The following concerns that were raised do not form material planning considerations in the assessment of this application)

- Impact on the value of our property
- Claustrophobia
- Loss of grass creating flooding
- Disturbance from construction and construction traffic
- I will not allow any access to my garden or temporary removal of my boundary fence to facilitate building work.
- Can existing utilities (water, effluent, communication) support an additional dwelling and significant increase in the existing dwelling

Determining Issues

- Design and Layout of the Extension and the Character of the Area
- Amenity of Neighbours and Amenity of Future Occupiers
- Parking and Highway Safety

Assessment of the Proposal

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

The original proposal included a detached one-bedroom outbuilding on the front driveway of the site, intended to accommodate a member of the household. Concerns were raised regarding the impact of this building to neighbouring sites. Despite amendments that were made to reduce the scale of this building, it was considered that it would be an incongruous addition to the site that would be out of character for the street-scene and could not be supported in this instance. The

outbuilding was subsequently removed from the scheme.

The design of the first floor side gable extension above the existing garage reflects a number of similar extensions in the locality, specific examples being nos. 13 and 20 Bude Road and nos 30 and 34 Penryn Road and is considered would reflect the evolving character of the area. It would have a 0.5m step back from the front elevation and a 0.3m step down at the roof ridge creating a subservient extension in accordance with the requirements of the SPD Designing Walsall Appendix D. There would be a separation distance of 1.1m to the side boundary with no. 25 St Austell Road with no potential for future development on this side of no. 25 which is already constructed up to the boundary. This meets the requirements of the SPD Designing Walsall to limit terracing effect between detached buildings.

The original proposal also included a two storey side extension on the opposite side of the dwelling, adjacent to the rear boundary of nos 2 to 6 Bude Road. In conjunction with the first floor side extension above the garage, this was considered an overbearing addition to the existing house. With a height greater than 3m and a separation distance of less than 13m from the rear windows of nos 2 to 6 Bude Road the extension would not comply with the separation distance requirements of the SPD Designing Walsall Appendix D. The applicant chose to reduce this part of the scheme to a single storey extension.

The site is located at the far end of a cul-de sac, set back behind the building line of the row of houses on the approach to the head of the cul-de-sac. Therefore the proposed ground floor side extension adjacent to the rear boundary of houses on Bude Road would be of limited visibility from the public vantage point and is considered would not significantly alter the character of the existing dwelling. The proposed ground floor rear extension and trellis would be obscured from view by the remainder of the dwelling and would have limited impact on the character of the house or the locality. The ground floor front extension would infill an area of the front of the house beneath the existing flat roof front canopy. The sloping flat roof canopy that is characteristic of the majority of houses on this estate and a garage door would be retained and is considered would not create any significant alteration to the appearance of this part of the house.

Proposed facing materials are white rendering, part timber cladding, black fascia board and guttering, grey window frames and roof tiles to match the existing main roof. Concerns raised that the facing materials would be out of keeping with the street scene. The applicant could lawfully render the elevations of the house and change the colour of the fascia boards, guttering and window frames without the requirement for planning permission, plus white rendering reflects the appearance of a number of rendered properties in the locality. The proposed timber cladding is considered a modern take on the existing white wooden cladding that is characteristic of the first floors of the front elevations of dwellings in the area and would not cause significant harm to the character of the locality to warrant refusal in this instance.

It is considered that this proposal according to the amended plans submitted would not cause significant harm to the character of the application dwelling or the locality in accordance with the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall policy DW3 and Appendix D.

Amenity of Neighbours and Amenity of Future Occupiers

The first floor side extension would not project beyond the existing front or rear elevations of the dwelling and is considered would have limited impact on outlook or light availability for neighbouring occupants. The ground floor rear extension would project around 2m beyond the rear of no. 25 St Austell Road and meets the requirements of the Council's adopted 45 degree code as outlined in the SPD Designing Walsall Appendix D. The only part of the rear extension that would breach the 45 degree line of view from the nearest habitable room rear window at no. 25 is the proposed trellis which projects a further 1.5m beyond the rear extension. At a total depth of 3.5m from the rear neighbouring window, it would be compliant with the 45-degree code. Furthermore, there is a significant ground level decrease from the rear of no. 25 to the application site so the resultant height of the trellis when viewed from no. 25 would be around 2.2m. The trellis would be painted white and adjacent to the shared boundary would comprise very thin panels that would allow light to pass through. In any case there is a solid board wooden fence on the boundary in this position and as the top of the trellis would not rise significantly above the height of this fence when viewed from no. 25 is considered would not cause sufficient additional harm to outlook or light availability for the occupants of no. 25 above and beyond the existing situation to warrant refusal in this instance.

Concerns raised regarding proximity to the boundary fence and the fact that ground level is higher than surrounding houses which will create exaggerated height. The minimum separation distance from the proposed ground floor side extension to the rear of houses on Bude Road would be 12.5m to no. 6 Bude Road, 11.7m to no. 4 Bude Road and 11.3m for no 2 Bude Road. In the case of no.s 4 and 6 Bude Road, the extension at a height of 3.1m would be just 0.1m higher than the 3m limit that would comply with the separation distance requirement of the SPD Designing Walsall Appendix D and being viewed against the backdrop of the existing side elevation of the house is considered would cause limited additional harm to their amenity in terms of outlook or light availability. Whilst it is acknowledged that ground level is higher at the application site than these neighbouring sites, this exaggerates the height of the existing two storey side elevation when viewed from these sites. Therefore the resultant exaggerated impact of the view of the ground floor side extension is consistent with the impact that would be created if ground level were the same. The rear section of the side extension that has the shortest separation distance to no. 2 Bude Road would only project in front of 2.5m of their 9m wide rear boundary and is considered would not have any significant additional harmful impact on outlook for occupants of this house.

Concerns raised regarding impact on light availability. The rear garden of the application site and no. 25 St Austell Road have a slight south westerly orientation. Due to the ground level difference between the site and the fact that only single storey extensions would project beyond the existing elevations of the house, it is considered there would be limited impact on sunlight availability for the occupants of no. 25. The greatest potential for impact on light would be to occupants of houses on Bude Road. However, for the occupants of no.s 4 and 6, the single storey extension would be against the backdrop of the existing two storey house, so no additional light would be obscured above and beyond the existing situation. For the occupants of no. 2 Bude Road, the rear section of the single storey side extension would project approximately 2.5m across their 9m rear boundary. Any additional impact on sunlight availability to their garden would be limited to an area of the north eastern rear corner of the garden and would not cause sufficient impact on light availability to cause significant harm to their amenity.

Concerns raised regarding window separation distances and potential for overlooking. The proposed first floor rear bedroom window would have a separation distance of 22.5m to the nearest first floor window at no. 19 Penryn Road, which falls short of the required separation distance of 24m between first floor habitable room windows as outlined in the SPD Designing Walsall Appendix D. This distance reflects that of the existing first floor rear windows and is characteristic of the relatively short separation distances between the rear elevations of houses in this area. The proposed front first floor window would have an outlook onto the side of no 29 St Austell Road which has no habitable room windows and again reflects the situation for existing first floor front windows at the site.

Views from front and rear ground floor windows towards neighbouring sites would be interrupted by boundary fences. Two side facing windows proposed with an outlook across the side access from the front to the rear of the application site, towards the side elevation of no. 25. There are no openings in the side elevation of no. 25 so the privacy of these occupants would be unaffected. One of these windows would serve a W.C and a condition will be included to ensure that this window is obscurely glazed to protect the privacy of occupants from users of the side entry. The other window would serve a study room. It is acknowledged that outlook and light availability for this room would be poor and would not normally be supported. However, in this instance, this room would be created from a garage conversion that could have been carried out using permitted development rights without the requirement for planning permission and the resultant impact on amenity would have been the same, so this alone would not cause sufficient harm to warrant refusal of the entire scheme.

It is considered that this proposal sufficiently meets the amenity requirements of saved UDP policy GP2.

Parking and Highway Safety

In accordance with the requirements of saved UDP policy T13, a 4 bedroom dwelling requires a minimum of 3 off road vehicular parking spaces. Now that the outbuilding has been removed from the proposal, there is sufficient space to accommodate this number of vehicles on the existing front driveway. With the outbuilding removed this addresses neighbour concerns regarding parking availability for the extended dwelling.

Conclusions and Reasons for Decision

When assessing the material planning considerations and taking into account the local and national planning guidance and representations received, it is considered that the proposal, according to the plans submitted, would not cause harm to the character of the house or the local area and would not harm the amenity of neighbouring occupants nor cause harm to highway safety in accordance with the requirements of the NPPF, policies CSP4 and ENV2 of the Black Country Core Strategy and saved policies GP2, ENV32 and T13 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall policy DW3 and Appendix D.

The use of safeguarding conditions in respect of the materials and plans to maintain its appearance and obscured glazing to maintain privacy will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the scale and massing of the original proposal and the impact of the detached outbuilding, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

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

Conditions and Reasons

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

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

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

- Location and Site Plan, drawing no. 282-00-099 Rev D, submitted 24/01/2022
- Proposed Ground Floor Plan, drawing no. 282-00-102 Rev C, submitted 15/04/2021
- Proposed First Floor Plan, drawing no. 208-00-103 Rev C, submitted 30/06/2021
- Proposed Front and Rear Elevations, drawing no. 282-00-104 Rev C, submitted 30/06/2021
- Proposed Side Elevations, drawing no. 282-00-105 Rev C, submitted 30/06/2021

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 specified in Proposed Front and Rear Elevations, drawing no. 282-00-104 Rev C and Proposed Side Elevations, drawing no. 282-00-105 Rev C, and the roof tiles shall 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.

5: Notwithstanding the details as submitted, the development shall not be carried out otherwise than in accordance with the ground floor side facing W.C window with an outlook towards no. 25 St Austell Road hereby permitted, shall be non-opening below 1.7m and obscurely glazed to meet Pilkington level 4 or equivalent and shall thereafter be retained for the lifetime of the development.

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

Notes for Applicant

None

END OF OFFICERS REPORT