

APPLICATION REFERENCE: PL/2016/03035/PPFL**Site Address:** 2 Oakley Wood Drive Solihull B91 2PH

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| Proposal: | Demolish detached garage and erect 1 No. detached two bedroom bungalow and a detached double garage. |
| Web link to Plans: | Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: http://publicaccess.solihull.gov.uk |

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| Reason for Referral to Planning Committee: | Called in by Ward Councillors. |
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| Recommendation: | APPROVAL SUBJECT TO CONDITIONS |
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EXECUTIVE SUMMARY

This application seeks permission for the erection of a single detached bungalow within an existing residential area. The principle of development is therefore acceptable and in compliance with Policy P5 of the Local Plan. This report will demonstrate that the proposal will have an acceptable impact on character and local distinctiveness of the area, residential amenity, highway implications and landscape impacts, and as such neutral weight should be attributed to these issues in the decision making process. In addition the report will consider a previously dismissed appeal at the application site and demonstrate how the previous reason for refusal and dismissed appeal have been overcome.

KEY PLANNING ISSUES

The following key planning issues are material to the determination of this application:

- Principle of the development/5 year housing land supply
- Character impact
- Residential amenity
- Highways
- Landscape
- Appeal decision

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

None applicable

Non Statutory Consultees The following Non-Statutory Consultee responses have been received:

SMBC Drainage - No objection subject to conditions

SMBC Highways – No objections

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

5 responses were received and two comments from Councillor Hogarth and Councillor Bassett. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

- Proposed dwelling would be situated in garden land and not on a designated or vacant plot
- Application site is too small
- New dwelling would be out of character with the other dwellings and spacious plots within the road
- Dwellings along Oakley Wood drive are individually designed and new dwelling would be too small
- There is no garden space to the rear of dwelling
- Lack of amenity space would result in domestic/household/social issues
- Front of the dwelling would be predominantly hard standing
- Drivers vision would be impaired by the existing high hedge and this in turn would be dangerous for pedestrians
- Large open plan nature of the estate would be harmed by the detached garage to the front.
- Garage would be visually obtrusive and out of character
- Dwelling would be situated on foul drain
- Previous dismissed appeal on site

PLANNING ASSESSMENT

This report considers the proposal against the relevant policies of the National Planning Policy Framework (“NPPF”) 2012, the National Planning Practice Guidance

and the adopted planning policies of Solihull Council. The policies of the Solihull Local Plan “SLP” 2013 that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations.

The relevant policies of the Local Plan are:

Policy P5 – Provision of land for housing/5 year housing land supply

Policy P7 – Accessibility and ease of access

Policy P8 – Managing demand for travel and reducing congestion

Policy P10 – Natural Environment

Policy P14 – Amenity

Policy P15 – Securing design quality

Principle of Development

The proposal relates to the demolition of an existing garage and the erection of a detached bungalow in its place. The dwelling would be situated within the curtilage of an existing dwelling which is situated within an accessible and sustainable location in with built up area of Solihull. The surrounding area is characterised by relatively high density residential development. Therefore in general land use terms and subject to compliance with design and layout criteria, the proposal is considered to comply with the Solihull Local Plan Policy P5 and this weighs positively in the planning balance.

Furthermore, concerning Policy P5 which sets the housing requirement for the Borough, it is noted that this has been partially quashed in relation to the overall housing target figures through a successful High Court challenge. There is therefore no housing requirement figure available against which the Council are able to measure their housing land supply against. The Tidbury Green appeal has confirmed that this is the case (REF: APP/Q4625/A/14/2220892), and as such, the Council are not able to demonstrate a five year supply of housing land. Therefore, under paragraph 49 of the NPPF, the Council’s policies in relation to the supply of housing are ‘out-of-date, and paragraph 14 is therefore invoked. This states that where relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when taken as a whole.

Paragraph 53 confirms that local planning authorities should consider the case of setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy P15 of the Local Plan seeks to secure high quality development that has regard to the local distinctiveness of the area, but does not preclude development on garden land. Given that the Council are unable to demonstrate a five year supply of housing and given the drive at national level to “boost significantly” the supply of housing (NPPF, para 47), having regard to the requirements of paragraph 14 of the NPPF, it is considered that the provision of additional housing within the Borough should be afforded positive weight.

Design and Character

The immediate area is characterised by detached bungalows and two storey dwellings set within a well defined and distinct pattern of development consisting of frontage dwellings set well back from the highway and private amenity spaces to the rear. An exception to this is no. 2 Oakley Wood Drive which is a corner plot with the private amenity space situated to the side of the dwelling between the property and the Oakley Wood Drive highway. As a result of the plot location the private amenity space is contained behind an existing high hedge approximately 3.0m in height. Within the immediate streetscene the remaining frontages are given up to frontage lawns and parking areas, with the amenity space to the rear hidden from view within the streetscene. The result is a legible, well-defined suburban grain and layout typical of many established housing areas of this kind within the immediate area.

The streetscene along Oakley Wood Drive consists of a variety of house types ranging from detached bungalows to large detached two storey dwellings. Whilst the scale of the dwellings varies along the streetscene the dwellings are considered to be consistently spaced with relatively minimal gaps between the dwellings at 1-2m either side. The proposed dwelling would achieve a gap to the boundary of 1.7m to the boundary with no.4 Oakley Wood Drive and 1.1m to the newly created boundary with no.2. As such it is considered that the separation to the boundary would amount to sufficient territory around the dwelling to accord with other properties within the immediate streetscene and would avoid the new dwelling appearing squeezed into the plot.

The design and location of the dwelling within the plot was altered during the lifetime of the application and has resulted in a more traditional hipped roof design to the bungalow and brought the bungalow forward within its plot. It is noted that the dwelling would sit marginally forward of the immediate neighbouring dwellings however this projection is considered to be minimal and would not result in an over dominant addition within the streetscene. Furthermore it is noted that along Oakley Wood Drive and Marsh Lane there is a staggered building line in place.

It is considered that the proposed new dwelling as a whole is well designed and through the use of a suitably worded condition to secure materials to respect those used in the surrounding area, the new dwelling would not appear as an incongruous addition to this location.

During the lifetime of the application the originally proposed detached garage to the front of the application site was removed from the scheme as it was deemed that this element would have a detrimental impact on the character of the streetscene.

Considering the proposal in terms of design and character and paying due regards to the points set out above it is not considered that the proposal would have a detrimental impact on the streetscene or character of the area and within this regard the proposal would be in accordance with Policy P15 of the Local Plan.

Residential amenity

The proposal would have the potential to impact upon the amenities of the occupiers of adjoining sites, and the existing dwelling at no.2 Oakley Wood Drive, through overlooking and loss of light through overshadowing.

During the lifetime of the application amended plans were received which altered the design of the proposed property and its location within the plot by brining it forward by 2.0m. The proposed dwelling would project forward of the neighbouring properties no.2 and no.4 Oakley Wood Drive, however it is noted that the separation to the boundary with no.2 would be 4.8m for the main section of the dwelling and 1.7m to the side of the proposed garage element. Paying regard to the separation and the relationship of the new dwelling with no.4 Oakley Wood Drive it is not considered that the building would have a detrimental impact on the neighbouring amenities of no.4 in terms of overshadowing or overbearing impact. Furthermore the only fenestration to the side elevation would be a door and en-suite bathroom window and therefore no overlooking or loss of privacy would occur.

The new bungalow would project forward of existing windows and footprint to the retained dwelling at no.2 Oakley Wood Drive. It is noted that the new bungalow would breach the 45-degree line front existing windows on the side and front elevations of no.2. However due to the single storey nature of the bungalow and the fact that the buildings would be separated by a new boundary treatment it is not considered that detrimental overlooking or loss of privacy would occur. Furthermore it is noted that the windows affected would be a bedroom window and a secondary window to a main lounge and therefore less weight can be attached to these in this instance.

Turning to the impact of the development on the neighbours to the rear of the site is considered that a separation distance from the rear of the new bungalow to the rear boundary would be 7.0m and given the bungalow design of the building there would be no loss of light or overlooking as existing boundary treatments would retain a privacy screen.

The amenity space afforded to the proposed new dwelling is considered sufficient. It is noted that the depth of the rear garden falls short of the usually requested 11m at a depth of 7.0m however its width at 14.3m is considered acceptable and given the nature of the development to provide a bungalow it is considered sufficient amenity space for a dwelling of this size. Furthermore as set out above the separation distance between the proposed new dwellings and dwellings to the rear of the site on Marsh Lane is considered sufficient to avoid overlooking to private amenity spaces.

Having regard to the above the proposal is compliant with the requirements of P14 of the Local Plan and neutral weight should be given to this issue in the decision making exercise.

Highways

The proposed new dwelling would utilise the existing access way which currently serves the detached garage for no.2 Oakley Wood Drive. The frontage of the new bungalow would be served by hard-standing to accommodate a minimum of two cars

and this level of parking is considered sufficient to meet the reasonable future requirements of the occupants of the bungalow.

The Council's Highway engineer has reviewed the proposal and has advised no objection to the proposal subject to a condition to secure alterations to the existing hedge line at the front of the site.

The existing boundary treatment to the site, facing onto Oakley Wood Drive is such that pedestrian visibility is severely reduced at the pre-existing development access. It is considered that the use of this access for a new residential property would result in an increase in the intensity of use of this access and as such it is considered that the first 2.0m of the hedge should be lowered to 0.6m in height (or removed) and retained at this height in perpetuity to overcome the highway safety concern. It is considered that this could be reasonably secured through a suitably worded condition.

Taking account of the above and given its sustainable location it is considered that the proposed development would be compliant with policies P7 and P8 of the adopted Local Plan and neutral weight should be given to this issue in the decision making exercise.

Landscape

There are no trees on or adjacent to the site that are protected by TPOs, and no trees of significance are located either on or adjacent to the site, other than some reasonably mature trees to the rear.

It is considered that no trees will be required to be removed to facilitate the proposed development and as such the development will not be harmful to the character of the area or contrary to policies P10 or P14 of the Local Plan. It is considered that a landscaping scheme can be reasonably secured by condition to provide any suitable replacement greenery to aid in the integration of the proposed dwelling within the streetscene.

Taking account of the current site characteristics it is considered that the development would be in accordance with policies P10 and P14 of the Local Plan and neutral weight should be given to this issue in the decision making exercise.

Appeal decision

A previous application for a new detached bungalow on this site was refused by the Council in 2005. The application was refused for the following reasons:

- (1) The proposed bungalow is on a plot smaller in dimension than is typical of other dwellings on Oakley Wood Drive. The bungalow therefore appears cramped within its plot and setting and has a scale and size at odds with the local distinctiveness of the area. The position ahead of the natural building line will be obtrusive and out of keeping with the streetscene. The proposal is therefore contrary to Policy H4 of the Solihull UDP, to SPG 'New Housing in Context' and to principles of good design as advocated within PPG1 'General Policies and Principles' and PPG3 'Housing'.

- (2) The Council is not convinced that a dwelling can be accommodated without creating a detrimental impact upon the amenities of adjacent properties. Due to the orientation of No. 2 Oakley Wood Drive with main habitable windows facing directly onto the application site, coupled with the loss of rear garden space the proposal would create an awkward relationship between dwellings and an overbearing impact contrary to PPG1 'General Policies and Principles' and the Councils' UDP (2003) Policy ENV2 'Urban Design'.

The application was subsequently appealed and the appeal dismissed by the planning Inspectorate. Therefore the dismissed appeal is a material consideration in the determination of this application and it is important to ensure that the new proposal overcomes those reasons for dismissal. Whilst it is noted that this application is now to be assessed under new policies in the form of the NPPF and the Solihull Local Plan it is considered that the principles of these policies remain akin to the previous PPG1 and UDP, save for the general thrust of paragraph 14 of the NPPF as discussed previously in this report.

Within the assessment of the appeal the inspector stated that the proposed new bungalow would not result in a detrimental impact on the neighbouring amenities of the application site as a result of the proposed new boundary treatment and fenestration alterations to the existing dwelling and therefore it was considered that the key issue was the impact of the new bungalow on the character and appearance of the area.

It should be noted that the refused scheme differed from that proposed under this application in that the bungalow was to be positioned significantly further forward within the plot in order to create an 11.0m rear garden. This resulted in a projection forward of neighbouring properties by 4.0m in comparison to the proposed 2.0m under this application. Furthermore the design of the bungalow was such that the dwelling was of lesser width and greater height than that proposed under this application and the inclusion of a front dormer window.

The new dwelling would be of a width 1.5m less than that of the neighbouring property no.4 Oakley Wood drive and would be of a height akin to that of no.4 and as such is considered to overcome the Inspector's concerns to ensure that the dwelling is able to be of a scale and design which asserts itself well within the plot without appearing cramped and visually intrusive.

Therefore, paying regard to the altered design of the new bungalow, positioning within the plot and additional width to the dwelling it is considered that the design overcomes the Inspector's reasons for dismissing the appeal and it is considered the appeal decision when compared to the new proposal should be granted neutral weight in the planning balance.

CONCLUSION

The application represents the erection of a single detached bungalow within an existing residential area. The principle of development in land use terms is therefore acceptable.

The proposal will have an acceptable impact upon residential amenity, highway implications and landscape impacts, and as such neutral weight is attributed to these issues in the decision making process.

Taking account of amendments to the proposal in comparison to the previously refused and dismissed at appeal scheme it is considered that those reasons for refusal have been overcome to ensure that the proposal will not have a harmful effect on the character and local distinctiveness of the area and ensure that the proposal is compliant with policy P15 of the Solihull Local Plan. Furthermore the proposal would provide an additional residential unit within the Borough at a time where there is no identified housing supply figure and a drive at national level to “boost significantly” the supply of housing (NPPF, para 47).

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. CS00 – Compliance with all plans;
2. CS05 – Commencement within 3 years;
3. CS06 – Materials to be submitted;
4. CW06 – Sewage and drainage details;
5. CH01 – Details of access;
6. CH06 – Visibility splays to be provided (including reduction in height of hedging to front of site);
7. CI01 – Provision and retention of parking spaces;
8. CL04 – Hard and soft landscaping scheme to be submitted
9. CL06 – Implementation of landscaping scheme.

Notes:

EN01 – Noise during construction.