

APPLICATION REFERENCE: PL/2020/00874/MINFHO**Site Address:** Sherington 14 The Crescent Hampton in Arden Solihull B92 0BP

Proposal:	Erect new granny annexe above existing detached 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: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	Called in by Councillor Rolf & Councillor Ryan
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Recommendation:	APPROVAL WITH CONDITIONS
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EXECUTIVE SUMMARY

Planning permission is sought to increase the height of an existing detached triple garage to form a first floor granny annexe above, to be used for purposes ancillary to the property.

This report will demonstrate that all aspects of the proposal are visually acceptable and will not be unduly harmful to neighbouring amenity or highway safety. Accordingly, the proposal is compliant with policies P14 and P15 of the Local Plan 2013 and is therefore recommended for approval subject to conditions.

BACKGROUND

Members will be aware that this application was deferred from the previous meeting of the Planning Committee to allow officers the opportunity to investigate the internal layout of the adjacent dwelling (16 The Crescent), with particular regard to ascertaining the use of the room/s served by the first floor windows of that property most closely affected by the proposal. These investigations are now complete and Officers can confirm that a full and proper assessment of the impacts of the development upon the amenities enjoyed by the occupiers of No. 16 has been undertaken. With particular regard to the first floor windows in question, it is confirmed that all three serve the same bedroom, and as set out further in this report Officers are content that the proposal will not be unduly harmful to neighbour amenity and as such the assessment, conclusions and recommendation made in the previous report remain the same.

MAIN ISSUES

The main issues in this application are the effects of the development:

- On the character and appearance of the host property and surrounding area
- On the amenities/living conditions of the occupiers of the neighbouring properties.

Other material considerations:

- Other matters
- Public Sector Equality
- Human Right

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Network Rail – No comments

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

SMBC Drainage - No observations

PUBLICITY

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

One neighbour response was received in response to this application. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Neighbour Amenity

- Inaccurate plans for building relationship
- Overlooking/intrusion and loss of privacy
- Loss of light and view
- Noise

Character and appearance

- Dominance and imposition.

Other considerations

- Trees in close proximity to the proposal
- Security risk
- Fire risks
- Breaches original planning consent
- Commercial use
- Unsafe external staircase

RELEVANT SITE HISTORY

- PL/2013/00953/FULL - Front extension and garage conversion (Approved)
- PL/2013/00388/FULL - Erection of a detached triple garage to the front of the existing dwelling. (Approved)

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework ("NPPF") 2019, the National Planning Practice Guidance.

The effect of the proposal on the character and appearance of the area

The Local Plan's (2013) Policy P15 and the House Extension Guidelines (HEG) (2010) seek to ensure that development proposals achieve good quality, inclusive and sustainable design that conserves and enhances the local character, distinctiveness and streetscape quality. The level of enhancement required is dependent on and proportionate to the scale and nature of the development. The development in this case, is a domestic householder application to form a first floor over an existing triple garage to create a granny annexe, which is minor in nature and therefore the level of enhancement required would be minor and limited to its acceptability by way of a sympathetic design and compliance with the design principles as set out in the HEG SPD.

The application site is located on a private road off the main High Street which runs through Hampton-In-Arden and the site also backs onto the railway line. The existing detached triple garage is located within the private enclosed front garden of the host dwelling, No.14 The Crescent, and it is well screened by an existing hedgerow.

The Crescent has no distinct or definable building or layout typology. Although dwellings are in the main detached, they are of various sizes, designs and plot format providing for a wide variety of built form. The existing detached garage is not highly visible from the perspective of the public highway, and is only visible from certain viewpoints due to it being significantly set back from the road (approximately 16m back), and therefore not considered obtrusive or prominent in the current streetscene. In terms of the proposal impact on the character and appearance of the streetscene,

there are two other recent examples of 6m tall detached garage buildings in front gardens that have recently been approved for nearby, one of which is now completed on site

Within this context, it is considered that the proposed increase in height of about 1.25m will result in a building that will not have a materially greater impact upon the character and appearance of the area than the existing.

The above notwithstanding, in order to maintain the streetscene quality, a condition is recommended to retain existing hedgerows and replace if any are lost (Condition 6).

The proposal is therefore compliant with Policy P15 of the Local Plan and the House Extension Guidelines SPD. Neutral weight should be given to this matter in the planning balance.

The impact on the living conditions of the occupiers of neighbouring dwellings

Policy P14 of the Local Plan and the House Extension Guidelines SPD seek to protect and enhance the amenity of existing occupiers neighbouring an application site.

Policy P14 of the Local Plan states that the Council will seek to protect and enhance the amenity of existing and potential occupiers of houses, businesses and other uses in considering proposals for new development and will, inter alia, permit development only if it respects the amenity of existing and proposed occupiers and would be good neighbour.

The proposal would increase the height of the existing detached triple garage by approximately 1.25m, and the proposed roof design is hipped to lessen the impact on neighbour amenity.

The proposal has the potential to impact upon the amenities of the adjacent property to the south, No 16. This property is located slightly further back from the highway than the application property and as such the existing garage (which is to be increased in height) projects beyond the front elevation of No. 16 by about 1m. There is also a relatively dense hedge and tree row between, located on the party boundary.

At ground floor level adjacent to the proposal No. 16 has an integral garage and there are three front facing first floor windows above, which all serve the master bedroom, as does a small side facing window. The proposal does not breach the 45 degree guide for the primary bay window, nor one of the secondary windows serving this master bedroom. Whilst it will breach the line in relation to the third, it is considered that ample light will remain available to the room and therefore the proposal will not result in any undue levels of lost light.

Furthermore, and notwithstanding the above, given the location of the detached garage and the orientation of the property in relation to the path of the sun, there would be a very minimal loss of natural light to the neighbouring property above and beyond the existing situation.

In terms of potential overlooking, the proposed rooflights overlook the front garden of the application site, and the fenestration proposed in either end elevation face either directly forward or rearward. They do not therefore overlook adjacent neighbours.

That said, an external stairway to the rear is proposed to provide access to the first floor accommodation. It will, however, not allow lateral overlooking of the neighbours' garden as any views would be screened by the two storey wall of No. 16. There will therefore be no direct overlooking leading to loss of privacy, and Condition 5 as set out in the report will ensure that no windows can be added in the future to side elevation facing No.16.

In summary, the siting and relationship of the proposed granny annexe extension in relation to neighbouring properties would not result in an unacceptable impact on neighbour amenity and therefore the development is in accordance with Policy P14 of the Solihull Local Plan (2013) and the HEG SPD (2010). This would therefore carry neutral weight in the assessment and determination of this application.

Other considerations

The application received one neighbour objection, as summarised previously in this statement. The issues raised which have not yet been addressed in the preceding sections of this report will be addressed below:

- A condition (No.4) will be applied to ensure that the garage conversion/extension shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, therefore preventing its use as a separate dwelling house.
- A condition (No.5) will be applied to ensure that no side windows are installed in the side elevation facing No.16 the Crescent.
- The inaccuracy with proposed drawings has been checked (based on the planning application reference details provided in the objection letter received and the details taken from the Rightmove website showing the current layout of the first floor). A revised drawing has been provided by the agent to show the 45 degree guide and impact on neighbour amenity and shows that the proposal does not breach the 45 degree guide for the nearest main habitable window and would not result in an unreasonable loss of light or view.
- Noise from external staircase – this would be minimal as the proposal is for ancillary/domestic use only (secured by condition No.4)
- The location of the proposal is set back from the main road and will be mostly screened by existing hedges/trees (secured by condition 6 to retain hedgerows and also, the trees to the front boundary are protected by TPO), therefore it would not appear dominant within the streetscene.
- Fire risks – This would be a building control matter under separate legislation and does not form material planning consideration and therefore this matter is not relevant to the determination of this planning application
- Unsafe external staircase – This would be a building control matter under separate legislation and does not form material planning consideration and therefore this matter is not relevant to the determination of this planning application

Public Sector Equality Duty

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In determining this application, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

CONCLUSION

The proposed extension to the existing garage to form a first floor granny annexe above is considered to be of a suitable scale, design and location so as to avoid having a detrimental impact on the neighbour amenity or the visual appearance of the site. Therefore the proposal is considered to be in accordance with policies P14 and P15 of the Solihull Local Plan.

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>:

CS00 – Drawing Numbers

CS05 – Commencement within 3 years

CS07 – Matching materials

CD06 – Ancillary use only

CD11 - No windows/openings in elevation facing No.16 the Crescent

CL07 – Replacement of trees or hedging lost