

APPLICATION REFERENCE: PL/2021/02770/MINFHO**Site Address:** 32 Solihull Road, Shirley.

Proposal:	Two storey front side and rear extension.
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 Cllrs Karen Grinsell; Cllr Parker; Cllr MacKenzie
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

The proposed development is for the remodelling of an existing large, detached house into a larger house with two storey extension to the front, side and rear. The remodelled house will look considerably different to the existing house.

The proposed development of the two storey extensions is not expected to cause any material harm to the neighbour's amenity or the appearance of the host dwelling or the street scene, and is therefore compliant with policies P14 and P15 of the Solihull local plan.

MAIN ISSUES

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

- Firstly, on the character and appearance of the host property and street scene.
- Secondly, on the living conditions of the occupiers of neighbouring properties; and
- Thirdly, effect on protected species

CONSULTATION RESPONSES

Statutory Consultees

- SMBC Drainage (Lead local flood authority): No comment.

Non Statutory Consultees:

- SMBC Ecology: No objection

PUBLICITY

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

Seven objection responses were received from 3 separate properties. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third-party correspondence received):

List objections:

- Over development of the property.
- Increased mass of building will cause loss of light to the detriment of neighbouring residents and their well being.
- Development will cause loss of privacy in the house and the garden. Side facing windows not needed.
- Frontage of house not in keeping with the road and ugly.
- House too wide and too tall for road
- Design is a mini mansion.
- Increase in bedrooms from 4 to 8.
- Parking problems because of increase in number of bedrooms.
- Extra occupation causes noise.
- Sets an unwelcome precedent.
- Construction work will cause disruption and extra traffic.

Objections have also been received from Councillors Mrs Grinsell, Parker and Mackenzie

RELEVANT PLANNING HISTORY

No relevant planning history.

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.

On the 13th of May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination.

This marks the next stage in the preparation and adoption of the plan. The advice in the NPPF at paragraph 48 states "Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework ("NPPF") 2021, the National Planning Practice Guidance

MAIN ISSUES

Will the development impact on the character and appearance of the host property?

Local Plan policy seeks to ensure that development proposals achieve good quality inclusive and sustainable design that conserves and enhances the local character, distinctiveness, and streetscape quality. In addition to this the adopted House Extension Guidelines states that extensions should be designed to integrate with the style and character of existing dwellings.

Solihull Road is a predominantly residential street lined either side by a variety of housing types, styles, sizes and ages. This variety of housing types and the way in which they coexist with one another is no better represented within the area than the existing relationship between the application site and its neighbour at No. 30, which constitutes a far taller and larger scale detached Edwardian property. Within this varied setting there is therefore considerable scope for changes and variations to built form, whilst integrating successfully into the fabric of the area.

The plot that the house stands on is large, and while the expanded house will be larger, it will not fill the width of the plot with two storey development, retaining sufficient space about it. The proposed house will be taller than the existing, but the neighbour No 30 is considerably taller than the existing house. It is not considered to be an over development of the plot.

The proposed modifications to the house are extensive and if implemented will undoubtedly change the character of the property. However, the new design will be of a unified character, as opposed to the existing dwelling which has been expanded in the past in a piece meal and haphazard way. It will further remove an unattractive two storey flat roofed front extension. The replacement building is larger, but it is considered to be a more attractive design than the existing building and respectful of the varied and rich architectural character of the area.

For the reasons set out above, the proposal is deemed acceptable and complies with the guidance in the House Extension Guidance and Policy P15 of the Local Plan this carries limited positive weight in the planning balance because of the improvement in the design.

What is the impact of the living conditions of the occupiers of neighbouring properties and the application property?

Local Plan Policies and the House Extension Guidance seek to protect and enhance the amenity of existing occupiers neighbouring an application site. Representations have been made in regard to the impact on neighbour amenity.

The host dwelling is a detached house set at the junction of Solihull Road with Wayfield Road. The application property lies in close proximity to the neighbour No 30 and has No.2 Wayfield Road to the south, adjoining its rear garden boundary.

The extended two storey part of the building will not breach a 45-degree line projected from the neighbour's window. An existing single storey part of the house breaches a 45-degree line at ground floor level, this will not change. Thus not causing any significant loss of outlook to the neighbouring house.

The proposal will result in a first-floor end wall to be constructed close to boundary with No 30. It will be constructed approximately 2m off the boundary of the neighbour No 30. It will project approximately 1.5m further than the existing 2 storey mass of the house, which is approximately in line with the two-storey rear of No 30. The mass of the extension will be to the north east of the neighbour, it is set back from the boundary by approximately 2.0m, further there are existing single storey out buildings which is on the boundary with No 30. Overall the proposal is not considered to cause significant overshadowing of the neighbouring property.

The proposal includes two small side facing bedroom windows which will have limited outlook over the neighbour, this bedroom has a larger window facing to the rear. It is proposed to place a condition on these windows requiring them to be obscured glazed thus preventing any over-looking. A larger existing window faces the neighbour, but this looks on to the end gable wall of the house.

The proposed design includes a new walk out balcony to the front of the house and will cause no overlooking of private space. The existing property has an existing walk out rear balcony which will be lost, and the new design can be seen as improving privacy in this respect. There will be a new rear facing Juliette balcony (from which you cannot step out), which is considered to allow no greater overlooking than a normal window. It is intended to include a condition restricting the use as a balcony of a small flat roofed single storey rear extension, thereby protecting amenity of both No.30 and No.2 Wayfield Road.

For the reasons set out above, the proposal is deemed acceptable and complies with the guidance in the House Extension Guidance and Policy P14 of the Local Plan this carries neutral weight in the planning balance.

Will the development cause harm to protected species

Bats are a protected species, and the roof of the existing building offers a potential roosting site. SMBC Ecologists asked for a Bats/Preliminary Roost Assessment to be provided because of the potential as a roost. One was provided at the start of September 2022. The report included on site checks for bats leaving the building. :-

It concluded that "Bats are very unlikely to be roosting within this building and as such, there are not anticipated to be any impacts on bats in this location as a result of the proposed development."

For reason set out above it would appear that the existing building is very unlikely to be a roost for bats. It is thus proposed to add a bat informative to the approval.

For the reasons set out above, the proposal is deemed acceptable and complies with and Policy P10 of the Local Plan this carries neutral weight in the planning balance.

Climate Change

In October 2019 the Council made a climate emergency declaration and a statement of intent to protect the environment. This was unanimously approved by the Council and has led to the development of the Council's Net Zero Action Plan and supported

the evidence base to deliver new policies within the Solihull Local Plan Review (SLPR). As explained earlier in this report, the SLPR is currently going through the examination process and hearings have taken place with the Planning Inspectors. Once adopted, the plan will replace the Solihull Local Plan 2013 and will have full weight. Until that time, policies within the SLPR hold limited weight, but not full weight in the decision-making process. Whilst adopted policy P9 sets out measures to help tackle climate change through new development, it does not set clear requirements relating to new technologies and initiatives. As such, the updated policy P9 will provide the Council with greater leverage in requiring new development to meet up to date Climate Change and sustainable policies – responding to the aims and objectives of the Climate Change deceleration.

Nevertheless, existing planning applications such as this, are already required to perform well against wider climate change and sustainable policies. To this end, officers have sought to achieve the best solutions as part of this application within the remits of adopted policy. Officers note that new dwellings will be constructed to modern Building Regulation standards and will therefore have a far greater thermal efficiency than older dwellings. Whilst not yet reaching net zero, such standards will, by their very nature, help reduce energy demand for heating, lighting and cooling and minimise carbon dioxide emissions.

Furthermore, it is important to note that amended Building Regulations came into effect from 15th June 2022 and are now applicable to new builds. This relates to Part L (conservation of fuel and power), Part F (ventilation) and a new Part O (overheating) of the Building Regulations. Part S (Infrastructure for the charging of electric vehicles) has also been bolstered and become a building regulation requirement. Whilst new measures will not apply to schemes which are already subject to a building notice; full plans application to Building Control; or initial notice to Building control and which commence work for each building before 15 June 2023, it is our understanding that anything subject to such Building Control applications after the 15th June 2022 will need to meet these new regulations as standard.

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 request for approval, 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. The recommendation for approval is considered a proportionate response to the submitted request based on the considerations set out in this report.

CONCLUSION

Having regard to all of the material considerations, the extensions are considered acceptable on the basis that the proposal is acceptable in terms of its impact upon the character and appearance of the area and the amenities currently enjoyed by neighbours. The proposal is therefore compliant the Local Plan's (2013) Policy P14 and P15 and the House Extension Guidelines (2010). Neutral weight should be given to this matter in the planning balance

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 plans
2. CS05 – commencement within 3 years
3. CS07 – Matching Materials
4. CD15 – Obscure Glazed Windows
5. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

To safeguard the amenity of the occupiers of nearby dwellings in accordance with Policy P14 of the Solihull Local Plan 2013.

6. Bat Note - Note Buildings of all ages and trees with suitable features (i.e. rot holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2019 (EU Exit). It is a criminal offence to disturb or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089. If evidence of bats is found during works, work should stop immediately, and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

7. Nesting Bird Note - Works should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). The main nesting season lasts approximately from March to September, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified

ecologist for their presence immediately before work starts, especially if during the breeding season.