

APPLICATION REFERENCE: PL/2022/00844/MINFHO**Site Address:** 9 Crophorne Road Shirley Solihull B90 3JW

Proposal:	Single storey side and rear extension. First floor side and rear extension. Loft extension, including installation of roof lights (Retrospective application).
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:	Application called to planning committee meeting by Councillor Mrs. Grinsell.
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Recommendation:	APPROVAL
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EXECUTIVE SUMMARY

The applicant seeks retrospective planning permission for the following works:

- Single storey side and rear extension,
- First floor side and rear extension,
- Loft extension, including installation of roof lights.

Building works that have taken place are not in complete accordance with approved drawings relating to the planning history, and extant planning permissions issued to this application property. This planning application therefore seeks to retain the exact works that have taken place. The consideration of this planning application assessment has focused on the additions to the property over and above what was approved in previous planning applications. These changes include:-

1. Increase in height of the two storey extension from a 2015 approval of 6.8m height to an as built height of 7.4m (0.6m increase)
2. Ridge height of the first floor extension itself is reduced to 7.4m, approved at 7.9m in 2015 (0.5m reduction).

3. Set down to first floor extension achieved by the 2015 consent has not been built out therefore adding an additional 0.3m to the overall ridge height, which is akin to the original ridge height to the roof of the parent house.

These changes have come about by the introduction of a box dormer together with the change of pitch to the roof slopes as built.

The proposed additions do not create an unneighbourly or overbearing impact to the neighbours to the application site over and above what has previously been approved. Furthermore, the additions in this application do not cause substantial harm to appearance of the property or the character and local distinctiveness of the street scene. As such the proposal would accord 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
- Secondly, the impact on the living conditions of the occupiers of neighbouring dwellings.

CONSULTATION RESPONSES

Statutory Consultees

SMBC Drainage - No comments

PUBLICITY

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

6 objections and 2 support comments have been received in response to the advertisement of this application. Councillor Karen Grinsell requested that the application is considered by the Planning Committee due to concerns regarding neighbour amenity and impact to the street scene. 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

- Loss of light to rear habitable windows.
- Overbearing impact.
- Loss of privacy.

Character and appearance

- Out of character with the street scene.
- Overdevelopment.
- Materials give dark, unrelieved view.

RELEVANT PLANNING HISTORY

- PL/2021/00506/CLOPUD - Certificate of lawful development for a proposed hip to gable loft conversion with rear dormer and roof lights (certified).
- PL/2015/51534/MINFHO - Two storey side and rear extension.

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

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) seeks 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 extension 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 HEG sets out that applicants should; *“follow the style, character and appearance of your original home. Extensions should provide design continuity and harmonise with the existing dwelling”*. Number 9 Cropthorne Road is a semi-detached dwelling and the HEG states that *“semi-detached dwellings are normally designed as a pair”*.

The pair of semis as originally built, had a hipped roof design. However, this symmetry has already been lost due to number 7 Cropthorne Road which has extended the roof with a side dormer which runs level with the ridge line. The current proposal at No.9 (the application site) includes a hip to gable extension with a box dormer to the rear roof plane. The conversion from hip to gable is not in keeping with the original design of the pair of hipped semis. The HEG also states in regards to dormers to; *“avoid large box dormers on rear elevations”*. Both the proposed hip to gable extension and the dormer would be contrary to the design principles set out in the HEG. However, and this notwithstanding, as noted above, the balance and symmetry of the pair of semi-detached houses has already been lost by the side dormer constructed at number 7 Cropthorne Road.

A Certificate of Lawful Development (reference PL/2021/00506/CLOPUD), was issued to No.9 on the 26th of February 2021 which certifies that the proposed hip to gable loft conversion with rear dormer and roof lights is permitted development. This demonstrates a viable fall-back position which can be built without the consent of the Local Planning Authority and forms a material planning consideration to which significant weight is given. Clearly, this alteration to the roof has taken place and is incorporated into the wider first and ground floor extensions that both received planning permission in 2015 and are now the subject of this application. There are a number of examples further down Cropthorne Road where similar hip to gable

conversions and large box dormers have been implemented, as such this proposal would not appear out of character within the street scene.

For these reasons, the departure from the design principles of the HEG relating to dormer extensions is considered acceptable on the basis that this element of the proposal can be built without planning consent and will not appear out of character within the street scene. Therefore, the remaining elements of the proposal will form the focus of the design assessment.

9 Cropthorne Road has a number of historic planning permissions, the most recent being 2015 permission reference PL/2015/51534/MINFHO, for a two storey side and rear extension granted on 3rd September 2015. This permission has commenced on site and the permission is now extant. The current proposal seeks permission for a pitched roof design which varies from the 2015 permission and includes the addition of the hip to gable extension and rear dormer. The footprint of the ground and first floor side and rear extensions were granted permission with application PL/2015/51534/MINFHO, the variation in the pitched roof design is therefore one of the remaining subject of this assessment, with the loss of set down of the first floor extension being the other. The pitched roof above the existing first floor extensions is hipped and integrates with the original hipped roof design of the semi-detached pair. On this basis it is considered to harmonise with the design and character of the dwelling and its adjoining pair.

Lastly, it is noted that the first floor extension has been built omitting its set down from the main ridge of the parent house. A set down of first floor and two storey extension is something advocated by the HEG in order that the integrity of the original properties are maintained. Given the significant alterations at roof level that have already taken place to the neighbouring house, No.7 it is considered that the loss of the set down from the first floor extension is no longer necessary.

In conclusion and having regard to all of the material considerations the proposed hip to gable and dormer loft conversion, although contrary to the design principles of the HEG, is considered acceptable on the basis that there is a demonstrated fall-back position under permitted development and there are examples of similar development within the context of the street scene. The pitched roof above the first floor extension considered to harmonise with the design and character of the original dwelling and its adjoining pair. The proposal is therefore compliant the Local Plan's (2013) Policy P15 and the House Extension Guidelines (2010). Neutral weight should be given to this matter in the planning balance

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

The Local Plan's (2013) Policy P14 and the House Extension Guidelines (2010) seek to protect and enhance the amenity of existing occupiers neighbouring an application site.

As set out in the preceding section, the footprint of the ground and first floor side and rear extensions were granted permission with application PL/2015/51534/MINFHO, which is an extant permission and forms a material planning consideration. The impact of these extensions on neighbour amenity, has been mostly established on

site. This assessment will look to determine whether the variation in the pitched roof design above the ground and first floor extensions, as well as the hip to gable and dormer window will result in any additional harm to neighbour amenity.

The proposal will not introduce any new side facing windows or facilitate any direct views of the adjoining neighbours. The windows inserted into the rear dormer will provide a similar view to that of the first floor windows. Furthermore, as established in the preceding section, this element of the proposal can be constructed without planning permission. The proposal is therefore not considered to be unduly harmful to neighbour privacy.

The neighbour at 11 Crophorne Road is located to the South of the proposed extensions and therefore the proposal will not result in significant loss of light to the rear habitable room windows or garden amenity space of number 11, due to the orientation of the site. The rear projection forming bedroom 4 and the ground floor WC adjacent to the boundary with number 11 occupies the same footprint and has a similar roof design and height to extant permission PL/2015/51534/MINFHO. Although this extension breaches the 45 degree line to number 11, it is not considered to be more harmful by way of overbearing or loss of outlook when compared to permission PL/2015/51534/MINFHO. On that basis the proposal is not considered to result in any additional undue harm to the amenity of the neighbour at number 11 Crophorne Road.

The rear projection forming bedroom 1 is 1.8m in depth and complies with the 45 degree line taken from the first floor window of number 7. The rear projection forming bedroom 4 does breach the 45 degree line by around 80cm but at a distance of 7m and is set off the boundary with the adjoining semi number 7 by around 3.25m. The pitched roof above the first floor will slope away from this neighbour and is hipped back towards the dwelling, leaving only a minor portion of roof in breach of the 45 degree line. The proposed height of the pitched roof which follows the ridge height of the first floor side extension from the front to the rear, is 0.6m higher than what was approved under permission PL/2015/51534/MINFHO, that had a set down of the roof ridge from front to rear above bedroom 4.

Due to the limited extent of the breach, limited roof alteration and similarity to extant permission PL/2015/51534/MINFHO, the proposal is not considered to result in any additional undue harm to the amenity of the neighbour at number 11 Crophorne Road.

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

Other Material Considerations

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 proposed hip to gable and dormer loft conversion, although contrary to the design principles of the HEG, is considered acceptable on the basis that there is a demonstrated fall-back position under permitted development and there are examples of similar development within the context of the street scene. The pitched roof above the first floor extension considered to harmonise with the design and character of the original dwelling and its adjoining pair. The proposal is therefore compliant the Local Plan's (2013) Policy P15 and the House Extension Guidelines (2010). Neutral weight should be given to this matter in the planning balance

The proposal, in relation to neighbouring properties would not result in an unacceptable impact on neighbour amenity and therefore the development is in accordance Policy P14 of the Solihull Local Plan (2013). This carries neutral weight in the assessment and determination of this application.

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. Compliance with approved plans (CS00)
2. Statutory time limit (CS05)
3. Matching materials (CS07)
4. The first floor side-facing windows in the first side of extension which face the neighbour at 11 Crophorne Road shall be obscurely glazed, and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall thereafter be permanently retained in that condition.

To safeguard the amenities of neighbours in accordance with Policy P14 of the Solihull Local Plan 2013.