

APPLICATION REFERENCE: PL/2022/01779/MINFHO**Site Address:** 1 Shilton Close Monkspath Solihull B90 4TW

Proposal:	Single storey front extension. Two storey rear extension. Loft conversion to include raised roof ridge and rear dormer. Single storey front extension to garage including raised roof ridge, dual pitched front dormer and replacement window.
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:	Number of objections received
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Recommendation: **APPROVAL SUBJECT TO CONDITIONS****EXECUTIVE SUMMARY**

The applicant seeks planning permission for the following works:

- Single storey front extension.
- Two storey rear extension.
- Loft conversion to include raised roof ridge and rear dormer.
- Single storey front extension to garage including raised roof ridge, dual pitched front dormer and replacement window.

The proposed additions are considered acceptable because they do not have an overbearing impact upon the neighbours of the application site, and they have an acceptable impact upon the character and appearance of the host property and the area generally. 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 streetscene; and
- Secondly, on the living conditions of the occupiers of neighbouring dwellings.

Other Material Considerations

- Parking
- Protected Species
- Public Sector Equality Duty
- Human Rights

CONSULTATION RESPONSES

Non Statutory Consultees

SMBC Drainage - No comments.

CONSULTATION RESPONSES

SMBC Drainage – 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.

13 objections comments have been received in response to the advertisement of 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

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

Character and appearance

- Overdevelopment,
- Not in keeping with character of street.

Other concerns

- Parking

RELEVANT PLANNING HISTORY

N/A

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 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

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”*.

The dwellinghouse as originally built, has a roof design which is dual pitched with two gable ends. Properties within this part of Palefield Road and Shilton Close are uniform in their design, in that they have dual pitched roofs with gable ends. Most properties have the gable ends to both side elevations, which is the case for the application site, however some properties have gables to the front and rear. The proposal introduces a raised ridge height which increases the height of the dwelling by 0.6 metres, from 7.7 metres to 8.3 metres. The dwellinghouse neighbours 10 Palefield Road to the North, which has a gable end to the frontage. The increase in ridge height is moderate, and alongside the neighbouring property, the increase will not appear out of character within the street scene as the eaves height will remain the same height and will slope away from the street.

The proposal includes a loft extension with a dormer to the rear roof plane. The HEG states, in regard to dormers; *“avoid large box dormers on rear elevations”*. The initial drawings provided introduced a dormer that would be contrary to the design principles set out in the HEG. However, the amended drawings, both reduced the scale of the dormer and introduced a more traditional design with a double dual pitched roof. The amended design is modest and considered to harmonise with the design and character of the dwelling.

This proposal seeks permission for a single storey front extension and two storey rear extension. The lean to roof and pitched roof above as proposed are modest in size and scale and integrate with the original pitched roof design of the dwellinghouse. On this basis they are considered to harmonise with the design and character of the dwelling.

Properties within this area of Palefield Road and Shilton Close benefit from the use of garages, with some garages adjoining the properties and others being detached, 1 Shilton Close is one of the few properties that possess a detached garage, which is situated to the rear of the property at the end of the existing driveway. The application site sits on a corner plot at the entry to Shilton Close from Palefield Road, with the garage running alongside Shilton Close. The proposal seeks to increase the ridge height of the garage by 1.6 metres from 4 metres to 5.6 metres. The proposal also seeks to introduce a dormer window to the front of the garage, with the garage proposed to be used as a gym space. Though the ridge height of the garage will increase by 1.6 metres, the style of the roof and proposed dormer provide design continuity and harmonise with the existing dwelling.

In conclusion and having regard to all the material considerations the proposed works is considered acceptable. The additions and the raised ridge height to the original dwelling and the detached garage are considered to harmonise with the design and character of the original dwelling and surrounding dwellings. 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.

The proposal will introduce a side facing window on the Northeast elevation, facing 19 Palefield Road, this window will serve an ensuite and due to its position on the dwellinghouse, would be deemed not to cause any direct over-looking to the neighbour's private amenity space. The windows inserted into the rear dormer will provide a similar view to that of the first-floor windows. The properties to the rear are at a distance of 26 metres (3 Shilton Close) and 24 Metres (5 Shilton Close) from loft to first floor level. The windows inserted to the rear of the two-storey rear extension are at a distance of 22 metres (3 Shilton Close) and 20 metres (5 Shilton Close) from first floor to first floor level. The distance between properties, following the introduction of the two-storey rear extension maintains an acceptable distance, similar to neighbouring properties alike. On that basis the additions are not considered to result in any additional undue overlooking to the amenity of the neighbours.

The neighbour at 8 Palefield Road is located to the Southwest 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 8, due to the orientation of the site and the distance. The two storey rear extension projects 4 metres off the rear of the property and is set 1 metre off the boundary. The rear projection forming a dining room (ground floor) and bedroom (first floor) complies with the 45 degree line taken from the first floor and ground floor window of number 10 Palefield Road, and such will not generate an unduly harmful impact to the amenity of neighbouring uses.

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 issues

Parking

Concerns were raised by neighbours on the functionality of the parking arrangements following completion of the proposed works. There remains to be

ample space for three cars to park comfortably on the driveway which is compliant with the Vehicle Parking Standards and Green Travel Plans (2006), which states that “An average of 2 spaces per dwelling unit (excluding integral garages), unless at accessible locations where only one space per unit will be permitted”. The proposal is therefore compliant with Policy P8 of the adopted Local Plan.

Protected Species

The application property is a modern detached dwelling of sound construction. Upon closer examination it is clear that the materials that make up the roof of the property (tiles, flashing, soffits etc.) are all in good order, creating a well-sealed roof void. For this reason it is unlikely that the property provides suitable roosting opportunities for bats, and as such the proposed works to the property are therefore unlikely to have impact upon protected species. For this reason the proposal is compliant with Policy P10 of the Solihull Local Plan.

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 on 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) are also 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 of June 2022 will need to meet these new regulations as standard. An informative is added to the recommended decision to alert the applicant to this.

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

Having regard to all of the material considerations, the proposed works associated with this planning application are considered to harmonise with the design and character of the original dwelling and the design of the streetscene. 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

Furthermore, 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 external facing materials of the development hereby approved shall match in colour, texture and brick bond those of the main dwelling. Where a close match cannot be found, or where the existing building consists of a mix of materials, no building works shall be commenced until material samples have been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved schedule of materials.
To safeguard the visual amenities of the area in accordance with Policy P15 of the Solihull Local Plan 2013.
5. The extension / building hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as a gym.
To ensure that a substandard unit is not established to the detriment of the character or amenities of the area in accordance with Policy P15 of the Solihull Local Plan 2013.

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