

APPLICATION REFERENCE: PL/2022/02618/MINFHO**Site Address:** 4 Mollington Crescent Shirley Solihull B90 3RQ

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| Proposal: | Single storey rear extension to replace existing conservatory. |
| 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/ |

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| Reason for Referral to Planning Committee: | 6 objections received |
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| Recommendation: | APPROVAL SUBJECT CONDITIONS |
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EXECUTIVE SUMMARY

The applicant seeks planning permission for the following works:

- Single storey rear extension to replace existing conservatory.

The application has been revised throughout its lifetime and has now deleted first floor additions to the property as originally submitted; the description of development has been amended to reflect this reductive change. It is the opinion of SMBC that the amended proposed works, solely the erection of a single storey rear extension, does not create an unneighbourly and overbearing impact to the neighbours of the application site. Furthermore, the additions in this application do not cause harm to the design 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.

Six objections have been received in response to the advertisement of this application, to include objections from Cllr Parker and Cllr McKenzie. 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.
- Single storey rear extension too deep.
- Overbearing impact
- Loss of privacy.

Character and appearance

- Out of character with the street scene.
- Overdevelopment.

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 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*”.

Number 4 Mollington Crescent is a semi-detached bungalow. In this instance, the applicant is seeking permission for a single storey rear extension. The proposed extension will not be visible from the street scene, nor the surrounding locality due to its position at the rear of the property. Due to this, there will be negligible harm created from the proposal to the character or appearance of the area. The proposed works would maintain the style, character and appearance of the original home.

In conclusion and having regard to all the material considerations the proposed single storey rear extension is considered acceptable 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 neighbour at 2 Mollington Crescent is located to the Southwest of the proposed extensions. 2 Mollington Crescent has previously completed a single storey rear extension that extends beyond the depth of the extension included in this application. Due to this the proposal will not result in significant loss of light to the rear habitable room windows or garden amenity space of number 2. The proposed rear extension has a depth of 4.9 metres and extends 2.1 metres beyond the previously extended rear elevation of 6 Mollington Crescent, it has a height of 2.8 metres.

The House Extension Guidelines state: "The Council will apply the 45-degree guide to what is likely to be acceptable when drawing up an extension", "Single storey extensions are usually considered with greater flexibility given that permitted development rights allow a terraced/semi-detached property to extend to the rear by 3 metre and a detached by 4 metres". In this instance, the proposed works slightly breaches the 45-degree guideline. Despite this breach, the extension has a modest depth and height and due to its orientation, the extension would not significantly impact the amenity of neighbouring uses. On that basis the proposal is not considered to result in any substantial undue harm to the amenity of the neighbouring uses at 6 Mollington Crescent.

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

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 the material considerations the proposed single story rear extension is acceptable does not have a detrimental impact to the appearance or character of the locality. 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. Balconies (CD19)

