

APPLICATION REFERENCE: PL/2023/00040/MINFHO**Site Address:** 27 Danford Lane Solihull B91 1QA

Proposal:	Remodelling of existing dwellinghouse including: Two storey side and rear extensions. Extension to front porch.
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:	12 Objections
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Recommendation:	APPROVAL subject to conditions
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EXECUTIVE SUMMARY

The applicant seeks planning permission for the following works:

- Two storey side extensions
- Part two storey, part single storey rear extension
- Extension to front porch.

The proposed additions do not create an unneighbourly and overbearing impact on the neighbours of the application site. Furthermore, the additions in this application do not cause substantial harm to the character and appearance of the host dwelling or 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 area generally; and
- Secondly, on the living conditions of the occupiers of neighbouring dwellings.

CONSULTATION RESPONSES

Non 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.

12 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 windows,
- Overbearing impact,
- Loss of privacy.

Character and appearance

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

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. At the current time the Plan remains subject to the Examination process and there has been a range of hearings and correspondence in relation to that since the Plan was submitted. With the agreement of the Inspectors however, that process has been 'paused' pending the publication of the updated NPPF. Further hearings and modifications to the Plan are then expected prior to its adoption.

This marks the continuation of preparing and adopting 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 application site is a large-detached dwelling by design, however the building is quite unique in this instance with the garages of 25 and 27 Danford Lane attaching. The locality in this instance is not one that is uniform in design, however the road is largely made up of detached dwellings with large gardens. The driveways are a good size with sufficient space for 2/3 cars to comfortably park. Gable frontages are a notable feature on numerous properties on this road, with 27 and 25 having quite large gables to the frontage which is a defining feature.

The proposal introduces a two-storey on the side extension South side of the dwellinghouse that will adjoin to the existing garage. This will be erected in replacement of the single storey flat roof element and will also remove the modest hipped roof element to the frontage. The two-storey side extension will be 1 metre to the boundary. Further, there is also an introduction of a two-storey side extension to the North side of the dwellinghouse in replacement of existing extensions at ground floor and first floor level. The extensions at the North side will leave a 1.3m gap to the boundary. The large gable at the front of the dwelling will remain intact.

The proposed two storey side extensions are in accordance with the House extension guidelines in that they maintain a one metre gap between the first floor of the dwellinghouses to ensure there is no risk of terracing. Furthermore, the original hipped roof of 27 Danford Lane will be retained, with a small flat element at the top which will have a minimal visual impact on the street scene. On this basis the proposed works are considered to harmonise with the design and character of the dwelling.

The application also seeks permission for a modest single storey front extension of 1.05m to the front porch including the erection of a dual pitched roof atop of the porch. The position and style of the porch provide design continuity and harmonise with the existing dwelling.

In conclusion and having regard to all the material considerations the proposed works are considered acceptable. The additions to the original dwelling 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 applicant is seeking permission for a part two storey, part single storey rear extension. The single storey rear extension extends 5.4 metres beyond the rear elevation of 25 Danford Lane and 2.72 metres beyond the rear elevation of 29 Danford Lane. The single storey rear extension does not breach the 45-degree guideline from the nearest habitable window of 29 Danford Lane. However, the same extension does breach the 45-degree guideline from the nearest habitable window of

25 Danford Lane. In amended drawings, the applicant has significantly reduced the depth of the single storey rear extension and set it 2 metres off the boundary fence that is shared with 25 Danford Lane. Furthermore, they have introduced a glazed element to the upper part of the wall (above 1.7 metres) and roof of the extension that breaches the 45-degree guideline. The combination of the distance between the extension to the boundary and the proposed materials to be used for the extension, significantly reduces the potential harm to the amenity of neighbouring uses that would be generated. This distance would largely reduce with visibility of the extension and minimise the impact it would create regarding loss of light.

The first-floor rear extension proposed in this application extends 2.45 metres beyond the first floor rear elevation of both 25 and 29 Danford Lane and does not breach the 45 degree guideline of either dwellings nearest habitable window and such will not generate significant harm 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

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

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 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. (CD19)

5. The windows to be installed in the Ensuites on the North and South Elevation of the extensions which faces numbers 25 Danford Lane and 29 Danford Lane 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. (CD15)