

APPLICATION REFERENCE: PL/2022/02239/MINFHO**Site Address:** 91 Kemps Green Road Balsall Common Solihull CV7 7QF

Proposal:	Two storey side and single storey rear and side extension. New oak porch. Remodel to existing layout and front elevation. Existing 1.8m fence moved.
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:	6 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:

- Single storey side and rear extension,
- First floor side extension,
- Remodel to existing layout and front elevation, and
- Alteration of fence location.

The proposed additions will not create an unneighbourly or overbearing impact on the neighbours of the application site. Furthermore, the additions in this application do not cause substantial harm to the character or appearance of the host dwelling or the street scene 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 surrounding area; 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. Balsall Parish Council have objected to the application (this is one of the six objections) with concerns raised over the risk of flooding from the proposed development and impact to the character of the street following the alteration of the fence position. 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 room windows.
- 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. 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.

Solihull Local Plan Policy P15 States, “All development proposals will be expected to achieve good quality, inclusive and sustainable design, which meets the following key principles: i. Conserves and enhances local character, distinctiveness and streetscape quality and ensures that the scale, massing, density, layout, materials and landscape of the development respect the surrounding natural, built and historic environment”

Policy BE.2 of the Balsall Parish Neighbourhood Development Plan (BPNDP) seeks to ensure that new development is, inter alia, compatible with the character of the location and should not dominate or adversely affect the amenity of neighbouring users.

91 Kemps Green Road is a large, detached dwelling, situated on a corner plot by the entry to Wilton Road. Kemps Green Road is host to properties of a similar architectural style that are not of particular architectural merit. Their most notable features are their pitched roofs with gable ends to the side, many of which have pitched dormers and gables to the frontage of the dwellinghouse. In this application, the applicant seeks to complete a single storey side extension to the North of the dwellinghouse and a first floor side extension to the South elevation of the dwellinghouse. The first floor side extension will extend 4.6 metres beyond the existing first floor side elevation above the existing garage. The extension will leave a 2 metre gap between the first floor side elevation and the boundary and will leave a gap of 3.8 metres between the side elevation of the first floor side elevations of 91 and 93 Kemps Green Road. The pitched roof above the first-floor extension is hipped and integrates with the original hipped roof design of the dwellinghouse and conserves the local distinctiveness of the locality. In addition to this, the remodelling of the frontage associated with the first floor side extension includes the introduction of two gable frontages, one of which to replace the existing dormer to the front.

Gable frontages are prevalent in this locality and as such the design does not have a negative impact on the design of the street scene. On this basis it is considered to harmonise with the design and character of the dwelling. Furthermore, due to the distance between the two dwellings, there does not threaten to be any risk of terracing.

The single storey side extension proposed extends 2.7 metres beyond the North elevation of the existing side elevation and will be set back 3 metres off the front elevation of the dwellinghouse. It will also involve a replacement fence, extending 1.1 metre closer to Wilton Road. Despite this addition, that is only single storey, there will be a gap of 4 metres maintained between the front of the dwelling to the boundary and gap of 1 metre between the proposed side extension and the boundary. The House Extension Guidelines state, “The space on corner plots between the dwelling and the road makes an important contribution to the open and green character of suburban areas and often emphasises a road junction. As each corner plot is unique, a side or indeed rear extension will need to be considered in context with the surrounding area, the building line to the rear of the plot and any existing landscaping features.

A side extension must be in proportion to the existing dwelling and a generous gap should normally be retained to preserve the openness of the corner plot". The gap that has been maintained at the front of the dwelling to the boundary and the distance that the side extension is set back of the front elevation, ensures that the openness of the corner plot is preserved.

The application also includes an alteration to the fence position, that is currently in place to the side of this property. The fence will extend behind the rear of the single storey side extension (1 metre to the boundary) by 8 metres, whereby it will meet the side boundary line, it then moves at an angle (SE) to the rear boundary of the property and at this point will adjoin the original boundary fence where it currently does. The fence position will be closer to the boundary than its current position, however the appearance of this part of Wilton Road will not be negatively impacted by the repositioning of the fence. Furthermore, the area, whereby the newly positioned fence will be placed, is not currently of any value with regard to private amenity space or benefit to the design of the street scene therefore this change would not be deemed harmful in either aspect.

In conclusion and having regard to all of the material considerations the proposed works, being the first floor side extension, remodelling of the frontage, single storey side extension and repositioning of the fence are considered to harmonise with the design and character of the original dwelling. The proposal is therefore compliant the Local Plan's (2013) Policy P15 and the House Extension Guidelines (2010), together with policy BE.2 of the BPNDP. 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.

Policy BE.2 of the Balsall Parish Neighbourhood Development Plan (BPNDP) seeks to ensure that new development is, inter alia, compatible with the character of the location and should not dominate or adversely affect the amenity of neighbouring users.

The neighbour at 91 Kemps Green Road is located to the South of the proposed single storey rear extension. The proposed single storey rear extension extends 4 metres beyond the rear of the dwellinghouse and does not breach the 45 degree guideline from the neighbours nearest habitable window. Therefore the proposal will not result in significant loss of light to the rear habitable room windows or garden amenity space of number 91 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 does 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), together with Policy BE.2 of the BPNDP. 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 single storey side and rear extension, first floor side extension, remodel to existing layout and front elevation, and alteration of fence location are considered to harmonise with the design and character of the original dwelling. The proposal is therefore compliant the Local Plan's (2013) Policy P15 and the House Extension Guidelines (2010), together with Policy BE.2 of the BPNDP. 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)