

**APPLICATION REFERENCE: PL/2023/00313/MINFHO**

**Site Address:** 18 Griffin Lane Dickens Heath Solihull B90 1TS

<b>Proposal:</b>	Two storey side extension.
<b>Web link to Plans:</b>	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:  <a href="https://publicaccess.solihull.gov.uk/online-applications/">https://publicaccess.solihull.gov.uk/online-applications/</a>

<b>Reason for Referral to Planning Committee:</b>	Called in by Cllr Hawkins.
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<b>Recommendation:</b>	Approval subject to conditions
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**EXECUTIVE SUMMARY**

Planning permission is sought for a two storey side extension to the existing dwelling, to form a bedroom with dressing area, office, playroom and garage.

This report will demonstrate that the proposal is visually acceptable and will not be unduly harmful to amenities of the occupiers of neighbouring properties. Accordingly, the proposal is compliant with policies P14 and P15 of the Local Plan and the SPD House Extension Guide.

**MAIN ISSUES**

The main issues in this application are the effects of the development:

- On the character and appearance of the host property
- On the amenities enjoyed by the occupiers of neighbouring properties.

Other Material Considerations:

- Ecology

## CONSULTATION RESPONSES

**Statutory Consultees** The following Statutory Consultee responses have been received:

N/A

**Non Statutory Consultees** The following Non-Statutory Consultee responses have been received:

SMBC Drainage - No objection subject to flood risk informative being added to the decision

## PUBLICITY

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

Responses were received from 1 neighbour and also a consultant on their behalf, together with the Parish Council. 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

- Increased height, size, scale and massing of the rear elevation will cause an overbearing impact on neighbour/result in loss of light/feeling enclosed
- Impact of new windows overlooking neighbouring property/close to boundary
- Impact on side access

### Character and appearance

- Extension up to boundary/terracing effect
- Different property proportions exist, this would further increase the scale of this property compared to others
- Reduces spaciousness within the plot/erodes the visual break between properties

### Other considerations

- Construction without encroachment
- Parking standards/loss of parking spaces
- Sub-division to form self-contained dwelling
- Address any unforeseen impacts that could potentially arise and to seek assurances that if any damage occurs to our clients' property from the construction works and traffic, the costs will be met for the necessary repairs, by legal agreement with the applicant or potentially by a planning condition

In addition, in calling the application in to Committee, Cllr Hawkins advises that neighbours, as well as himself, feel the proposed extension will have a harmful impact on the character and appearance of their own home. He fails to believe the designers of Dickens Heath thought of this situation when designing this part of the village. The impact of the extension goes further than one neighbouring property.

## **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 13<sup>th</sup> 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

#### Impact on character and appearance (P15)

Local plan policy P15 seeks to ensure that development proposals achieve good quality, inclusive and sustainable design that conserves and enhances the local character, distinctiveness, and streetscape quality. In addition to this the adopted House Extension guidelines states that extensions should be designed to integrate with the style and character of existing dwellings. 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 for a two storey side extension.

Amendments were sought to pull the first floor element in from the property boundary towards the frontage of the proposal to avoid the terracing effect, retain a visual break between properties and comply with the SPD HEG. The property itself is located at the end of a private drive, therefore the extent of the extensions would have minimal impact on the streetscene and is not considered to result in a harmful impact on the openness of the plot.

The extension is simple in its design and concept, and is considered an appropriate and proportionate addition that relates well to the host dwelling. The materials to be used are to match the existing dwelling and will therefore harmonise with the appearance of the property. Having regard to this it constitutes as an appropriately designed and sited extension that respects the character and appearance of the host dwelling and the local streetscene as a whole.

Having regard to the above it is considered the proposal in all of its aspects is acceptable as it does not have a detrimental impact on the character and appearance of the host dwelling or the streetscene, and as such is compliant with Policy P15 of the Solihull Local Plan and the House Extension Guidelines SPD. Neutral weight should be attributed to this in the decision making exercise.

#### Impact on neighbouring amenity (P14)

Policy P14 of the Local Plan and the House Extension Guidelines SPD seek to protect and enhance the amenity of existing occupiers neighbouring an application site.

Policy P14 of the Local Plan states that the Council will seek to protect and enhance the amenity of existing and potential occupiers of houses, businesses, and other uses in considering proposals for new development and will, inter alia, permit development only if it respects the amenity of existing and proposed occupiers and would be good neighbour.

The footprint of the extension does not increase to the rear therefore the two storey element will only extend approximately 1.1m beyond the two storey neighbouring property and is against a blank elevation. Due to the unusual red line site of the property, the proposal has been designed so that the windows in the rear elevation do not directly overlook the land of the neighbouring property, therefore in terms of potential overlooking, the two storey side extension is considered to have limited impact upon private amenity areas to the rear of the neighbouring dwelling.

It is considered the proposed domestic extensions works would not result in any undue loss of light or cause an unacceptable impact on neighbour amenity and therefore the development is in accordance with Policy P14 of the Solihull Local Plan (2013) and the HEG SPD (2010). This would therefore carry neutral weight in the assessment and determination of this application.

### Ecology

Photographs of the roof were submitted and have been reviewed. It is considered that the roof structure is well sealed and in good condition. As such, there is not a reasonable likelihood of bats using the property as a roost and therefore in this instance no bat survey is required. The proposal is therefore unlikely to have a significant impact upon protected species and the proposal is therefore compliant with Policy P10 of the SLP. Neutral weight should be attributed to this.

### Other issues

The application received objections, as summarised previously in this report. The issues raised which have not yet been addressed in the preceding sections of this report will be addressed below:

- Construction without encroachment – *This is not a material planning consideration, it is a private civil matter between neighbours*
- Parking standards/loss of parking spaces – *There will still be sufficient space for a minimum of 2No cars, the driveway is also being modified to allow for additional parking space as shown on the proposed site plan.*
- Sub-division to form self-contained dwelling - *A condition will be added to the decision notice for the extension to be used for purposes ancillary to the host dwelling (CD06)*
- Address any unforeseen impacts that could potentially arise and to seek assurances that if any damage occurs to our clients' property from the construction works and traffic, the costs will be met for the necessary repairs, by legal agreement with the applicant or potentially by a planning condition - *This is not a material planning consideration, it is a private civil matter between neighbours*

## **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 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**

The proposal is considered acceptable in terms of size and design, which weighs positively in the planning balance. The proposal does not have a detrimental impact on the amenities of the adjacent neighbours or on protected species and does not have an undue effect upon the character of the host dwelling or the area generally and therefore has a neutral impact in this regard. As such the proposal substantially accords with Policies P10, P14, and P15 of the Solihull Local Plan and the adopted House Extension Guidelines.

## **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. CS00 – Compliance with approved plans
2. CS05 – Statutory time limit
3. CS07 – Matching materials
4. CD06 – Ancillary use only
5. CD25 - Rooflights

Informatives

1. Bat note
2. Nesting bird note
3. Flood risk