

APPLICATION REFERENCE: PL/2020/01796/MINFHO**Site Address:** Homeleigh, 679 Chester Road, Solihull, B36 0LN

Proposal:	Two storey front extension, two/single storey rear extension and roof alteration.
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/applicationDetails.do?activeTab=documents&keyVal=QEWFFVOEHE200

Reason for Referral to Planning Committee:	Called in by Councillor David Cole
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

This application seeks planning permission for the erection of a two storey front extension, a part two storey/single storey rear extension and roof alteration.

This report will demonstrate that the proposal is visually acceptable and will not be unduly harmful to neighbouring amenity.

Accordingly, the proposal is compliant with policies P14 and P15 of the Local Plan and policies and is therefore recommended for approval.

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, on the living conditions of the occupiers of the neighbouring properties

CONSULTATION RESPONSES

Non Statutory Consultees

The following Non-Statutory Consultee responses have been received:

SMBC Drainage – No observations

SMBC Ecology - No objection subject to 'Bat Note' added to decision notice

PUBLICITY

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

Four responses were received objecting to the proposal and Councillor Cole has requested the application to be considered by the Planning Committee. 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 privacy (proposed balcony)
- Loss of light
- Noise from development (how many families)

Character and Appearance

- Loss of character (development ignores local design guidelines, out of character)

Other Considerations

- Loss of landscape (trees)
- Loss of privacy from structure in rear garden
- Loss of parking/potential parking problems
- Extension already started
- Disruption and damage will be caused by construction traffic
- Boundary dispute (do not give consent to build on same boundary line)
- Owners are to run a taxi business from the property
- Grass verge at front of property being damaged
- Mess due to construction already taking place

RELEVANT SITE HISTORY

- PL/2020/01326/PNH (prior approval not required) - Prior notification for a ground floor rear extension measuring 8m beyond the original rear wall, at a maximum height of 3.3m, and measuring 2.8m at the eaves.

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.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2019, the National Planning Practice Guidance.

The effect of the proposal on the character and appearance of the host property and surrounding area

The Solihull Local Plan (2013) and House Extension Guidelines SPD (HEG) seek to ensure that 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 when compared to the full spectrum of planning submissions made to the LPA, 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

This part of Chester Road comprises mainly of detached and semi-detached dwellings set back from a service road which runs parallel to the main highway. The dwellings within Chester Road vary in design throughout the street scene, the application property sits within a row of detached properties with moderate gaps between dwellings featuring hipped roof designs.

The original plans received with the application included raising the roof in line with the existing ridge height introducing a gable style roof with a large expanse of flat roof visible from public vantage points. This would significantly increase the roof's bulk and massing and would not respect the existing dwelling in terms of proportions, size, design or character and have a harmful impact on the street scene. The HEG

states, *“Flat roofs should be avoided”* and *“a pitched or hipped roof should be used dependent on the character of the home”*. Following on from a discussion with the agent, the proposal has since been amended to a hipped design. Although the amended roof design would still include some flat roof element, this has been significantly reduced whereby only small glimpses would be visible from public vantage points.

In regards to front extensions, the HEG states, *“Front building lines are not necessarily sacrosanct and in some instances, where space allows, there may be scope for subservient and well-designed extensions”*. The proposed front extension is moderate in size (1.5m in depth) and would retain the double gable design of the existing dwelling. A contemporary style two storey glazed frameless porch is to be introduced in between these two gables. Given that the front extension is modest in size and pays regard to the design of the existing dwelling, it is considered to integrate successfully

Turning to the rear extension, in relation to first floor and two storey extensions, the HEG states *“Any terracing effect between dwellings is to be avoided. A reasonable gap to the boundary must be retained of at least 1-metre in most cases. A larger gap will be necessary for properties in spacious settings.”* The application property already sits hard up to the boundary on both sides with adjacent neighbouring properties at a distance of 1.2m and 1.6m. The proposed rear extensions would not alter this relationship with the boundary and would therefore retain adequate separation to prevent a terracing effect.

Concerns have been raised that the proposal will destroy the character of the area and ignores local design guidelines or using building materials that are aesthetically pleasing. The street scene includes various property designs with different types of fenestration. Although the proposed glazed two storey porch would be of a different style to the existing dwelling, it is not considered that the modernisation of a property is detrimental to the character of the dwelling or area. Furthermore, a similar appearance could be achieved by altering the fenestration to the existing dwelling utilising permitted development rights.

Overall it is considered that the proposal is of an acceptable design. Although the extensions and alterations result in an alternative appearance, they are not considered to detract from the character of the dwelling or result in a detrimental impact to the surrounding area and would be in accordance with Policy P15 of the Solihull Local Plan (2013) and guidance contained within 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 Solihull Local Plan (2013) and House Extension Guidelines SPD (HEG) seek to protect and enhance the amenity of existing occupiers neighbouring an application site.

Concerns have been raised with regards to loss of light from the development. Although the rear extensions are significant in size, no breach of the 45 degree lines would occur at ground or first floor level. Furthermore, when considering the orientation of the sun, distance from the boundaries and development carried out at both neighbouring properties, it is not considered the proposal would result in a detrimental loss of light or result in an overbearing impact on the amenity space of the neighbouring rear gardens.

Further concerns have been raised with regards to loss of privacy from the balcony and noise levels, should more than one family reside at the property. The proposal does not include a balcony, it does however, include a Juliet balcony. Juliet balconies do not allow occupiers to step out of the property and therefore would not result in any further overlooking than that of a standard window. A condition will be secured to ensure occupiers do not use the flat roof elements of the single storey extension as a balcony, roof garden or similar. Having regard to noise levels, it is merely speculation that more than one family would reside at the property. However, if one other family were to move in, provided they were living together as a single household, this would not require planning permission and any noise levels resulting from this would not be unusual in a highly urbanised area.

Therefore, for the reasons set out above, it is considered that the extensions and alterations are acceptable in scale and would not have a detrimental impact on neighbouring amenity in terms of loss of light, overbearing impact or loss of privacy. The development is therefore in accordance with Policy P14 of the Solihull Local Plan (2013) and guidance contained within the House Extension Guidelines (2010). Neutral weight should be given to this matter in the planning balance.

Other Considerations

The application received four neighbour objections as summarised previously in this report. The issues raised which have not yet been addressed are as follows:

- Loss of landscape (trees) – this work was carried out prior to the application so cannot be considered under this application
- Loss of privacy from structure in rear garden – this does not form part of the application.
- Loss of parking/potential parking problems – the application property could accommodate more than the minimum 2 spaces required by the Vehicle Parking Standards SPD. It is not considered a front extension of 1.5m would reduce the existing parking arrangements.
- Extension already started – it is not clear from the comments which extension has been started. However, approval was granted in July 2020 for an 8m rear single storey extension in which the applicant could have started work on.
- Disruption and damage will be caused by construction traffic – it is not considered construction traffic in connection with a domestic extension would cause significant disruption or damage. Furthermore, the application is located off a service road rather than the main Chester Road
- Boundary dispute (neighbour does not give consent to build on same boundary line) – this is a private matter between neighbouring properties covered under the Party Wall Act.

- Owners are to run a taxi business from the property – this is merely speculation. Planning permission would potentially be required if this was to go ahead.
- Grass verge at front of property being damaged – this would be a matter for the Highways team
- Mess due to construction already taking place – some untidiness is expected during construction of a development. If this persists after the build is finished it would be a matter for the Enforcement team.

Due to the nature of the works, an internal and external bat survey was submitted by the applicant on the 28th of October 2020. SMBC Ecology have assessed the details of the submitted report which found the property to be well-sealed with no features suitable for bats. No evidence of bats was found and SMBC Ecology confirmed that in this instance no further survey work is required, however a bat and bird informative has been recommended.

The proposal is considered to be in accordance with Policy P10 of the Solihull Local Plan 2013. This carries neutral weight in the assessment and determination of this application.

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

The proposed two storey front extension, two/single storey rear extension and roof alteration is of a good design, considered acceptable in both scale and design and would not have a detrimental impact to the existing property or surrounding area. As such, the development is compliant with Policy P15 of the Solihull Local Plan (2013) and guidance contained within the House Extension Guidelines (2010).

The proposal would not result in an unacceptable harm to the living conditions of nearby occupiers. As such, the development is considered to be compliant with Policy P14 of the Solihull Local Plan 2013 and the guidance contained within the House Extension Guidelines (2010).

Following a preliminary survey, no evidence of bats was found and in this instance no further survey work is required. The proposal is not considered to pose a risk of harm to a protected species and as such, the development is compliant with Policy P10 of the Solihull Local Plan (2013).

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. Materials to be submitted (CS06)
4. Balconies (CD19).
5. The decking shown on drawing 3.0A does not form part of the application and is not approved.

INFORMATIVES

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) making them a European Protected Species. It is a criminal offence to disturb or destroy a bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a licence may be

necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 02080 261089 for advice on the best way to proceed.

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