

**APPLICATION REFERENCE: PL/2020/02507/MINFHO****Site Address:** 24 Apsley Grove Dorridge Solihull B93 8QP

<b>Proposal:</b>	Conversion of bungalow to a two storey dwelling with rear extension, addition of porch and render to elevations.
<b>Web link to Plans:</b>	<b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b>  <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>	<b>7 Objections received from neighbours</b>
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<b>Recommendation:</b>	<b>APPROVAL SUBJECT TO CONDITIONS</b>
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**EXECUTIVE SUMMARY**

This application seeks consent for the conversion and extension of the existing bungalow to form a two storey dwelling, together with a ground floor rear extension, porch and render to elevations.

This report will demonstrate that the amended 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 2013. The report will also address the issues regarding trees and protected species and demonstrate that the proposal will not have a detrimental impact to bats or to important trees and is compliant with Policy P10 of the Local Plan 2013. The proposal is recommended for approval subject to conditions.

**MAIN ISSUES**

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

- Firstly, the effect of the proposal on the character and appearance of the area,
- Secondly, the impact on the living conditions of the occupiers of neighbouring dwellings.

## **CONSULTATION RESPONSES**

### **Statutory Consultees**

SMBC Drainage - No objection

### **Non Statutory Consultees**

SMBC Ecology – No objection, recommended informative.

SMBC Landscape - No response

## **PUBLICITY**

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

7 objections 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**

- Overshadowing and loss of light.
- Loss of outlook.
- Overbearing and dominating impact.
- Overlooking and loss of privacy.

### **Character and Appearance**

- Mass, form and bulk with increased height out of character.
- Loss of open character.

### **Other Issues**

- Inadequate car parking for a proposed 5 bedroom house.
- Loss of a view of the wooded area to the rear.
- Loss of single story dwelling which may be more preferable accommodation for individuals with specific needs or accessibility issues such as the elderly or disabled.
- Tree works to the rear of 24 and on the adjacent Council owned land.

## **PLANNING ASSESSMENT**

The National Planning Policy Framework at paragraph 2 re-confirms that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 15 of the NPPF confirms that the planning system is plan led.

This report considers the proposal against the Development Plan (Solihull Local Plan 2013), the relevant policies of the National Planning Policy Framework (“NPPF”) and 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

Policy D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan states that: *“Planning applications for a new development, including extensions, shall demonstrate that it would be of a high standard of design and preserves or enhances the character and appearance of the Area”*

Policy D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan states that: *“Planning permission for residential development within the curtilage of dwelling houses will be granted if the design would respect the dwelling and the character and appearance of the area and there would be no unacceptable harm to the living conditions of nearby occupiers.”*

The application site is located towards the bottom end of Apsley Grove and forms the end of a run of dwellings on the Western side of the road. It is adjacent to an area of highway amenity land to the South and a wooded area to West at the rear of the site, with the nearest neighbour 22 Apsley Grove located to the North. The topography of Apsley Grove is such that the dwellings on the Eastern side sit slightly higher when compared to the Western side and there is a gradual slope downwards towards the bottom of the road.

Apsley Road is characterised mainly by large two story detached dwellings, each of unique design, with gable ended features. The only exceptions are 24 and 27 Apsley Grove which are both bungalows. The dwellings are closely related to one another with relatively small gaps between them and a moderate set back from the highway. A mixture of materials is present within the street scene, which includes both brick and render.

The first floor extension is proposed to be built above the existing footprint of the dwelling and so maintains the existing gap to number 22 and the openness of the corner plot. Since most of the two storey dwellings on Apsley Grove have a similar gap and close relationship, it is therefore considered that the resulting relationship between the proposed extension and the neighbour at 22 would not appear out of

character for the area. The proposed extension will maintain the existing design and character of the dwelling which is gable ended with a shallow pitch. The proposal includes two gable features on the front elevation which contributes positively to the design, both by breaking up the form of the roof while harmonising with the design and appearance of the existing dwelling as well as the wider street scene. The extended area to the left of the front elevation is both set down in the roof and set back from the front elevation which adds a further element of subservience to the design when viewed both from the front and side elevation.

As the dwelling will be adding an additional storey and increasing the ridge height, this is of particular concern with regards to its impact on the street scene. Research into the planning histories available of neighbouring dwelling in the immediate street scene on both the same and opposite side of the road has shown that ridge heights range from around 7.2m to 7.8m. The initial proposed ridge height was 8.34m, however the applicant submitted amendments to this on the 11<sup>th</sup> of February 2021 and the ridge height is now proposed at 7.75m. The amended proposed height brings the proposal within the range of heights currently found within the street scene and on that basis the amended proposed ridge height is considered to be in keeping.

The existing dwelling is of facing brick and because there is already a mixture of materials within the street scene that include render, the render proposed will not appear out of character and will add to the existing diversity present.

In conclusion, the proposal will harmonise with the design of the existing dwelling and it is of good design quality which respects the local character, distinctiveness and streetscape quality. The proposal is therefore compliant with Policy D1 and D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan, 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.

Policy D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan states that: *"Planning permission for residential development within the curtilage of dwelling houses will be granted if the design would respect the dwelling and the character and appearance of the area and there would be no unacceptable harm to the living conditions of nearby occupiers."*

A site visit was made on Friday the 5<sup>th</sup> of February 2021 to both 24 and 22 Apsley Grove. Measurements were taken on site to ensure that the relationship and 45 degree line between 22 and 24 Apsley Grove were shown on the proposed block plan as accurately as possible. On the 12<sup>th</sup> of February 2021 an amended block plan was submitted to reflect the existing gap between 24 and 22 which was in fact, slightly closer than on the original plan. Further letters were sent to neighbours on the 12<sup>th</sup> of February 2021 to notify them of the change.

The neighbour who's amenity would be most impacted by the proposed extensions would be the neighbour at number 22 Apsley Grove. Because of the orientation of the site the proposed two storey rear extension will be located to the South of 22 and therefore the impact on light is of particular concern. However, the proposed extensions will not breach the 45 degree line to the ground or first floor windows of 22 Apsley Grove and is set off the boundary and on that basis it is considered to have an acceptable impact in terms of light and outlook to the nearest habitable rooms of the neighbour at 22.

Concerns have been raised regarding the impact on neighbour privacy from the addition of new first floor windows and rear Juliette balconies. There are two side facing windows which face 22 Apsley Grove which have the potential to overlook, however both serve an en-suite and any concerns regarding overlooking can be mitigated by a condition for the windows to be obscured and non-opening below 1.7m. The rear facing Juliette balconies would not provide any opportunity to step out and would not afford any direct views of the neighbour. There is a side facing window to bedroom 1, however there is no neighbour on the other side of 24 Apsley Grove and as such this window will only overlook the garden of 24 and the public amenity area and trees beyond. Similarly the windows on the front elevation will only overlook the road and neighbour beyond which is already possible to view from the public highway. There is sufficient separation by way of the front gardens and road and as such the first floor front facing windows will not have a detrimental impact on neighbour privacy.

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 D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan, 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 Considerations**

### Policy P10 Natural Environment

#### Bats

Due to the nature of the proposed works which would impact the existing roof of the dwelling, the applicant submitted a Preliminary Bat Roost Assessment report with their application. The assessment by Chase Ecology concluded that there are "*negligible habitat features on site likely to be used by roosting bats*" and recommended that "*no further surveys required.*" SMBC Ecology were consulted on the proposal and provided a response of no objection and requested that the standard bat informative note be added to any decision made.

In conclusion, based on the submitted information and consultation response from SMBC Ecology, the proposal is not considered to have a reasonable likelihood of having a detrimental impact to bats, which are a protected species. The proposal is therefore compliant with The Local Plan's (2013) Policy P10. Neutral weight should be given to this matter in the planning balance.

## Trees

Policy VC5 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan states that: "New development must respect, maintain and, so far as is reasonably practicable, enhance the green character of residential roads"

Policy NE1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan states that "On sites with mature or important trees or hedgerows, groups of trees or woodland, the protection of such features shall be promoted in any development scheme. Where such features make a significant contribution to the street scene or landscape but are not protected within the proposed development, such proposals will be resisted."

There are two confirmed Tree Protection Orders (TPO's), references TPO/00038 (TPO 38) which affects trees which are near to the site and TPO/00010 (TPO 10) which affects trees on the application site itself.

The trees at the bottom end of the rear garden of number 24 Apsley Grove fall within the protected woodland area marked as W1 on TPO 10, but this only applies to the particular species of tree as specified in the order. The trees that are located at the bottom of number 24's rear garden are positioned a significant distance away from the proposed extensions to the dwelling and as such they are not considered to be significantly impacted by the proposed development.

There are further trees located just beyond the Southern side boundary of the application site and are located on the adjacent amenity land which is maintained by the Council. Due to their proximity to the existing dwelling, the trees located on the adjacent amenity land are more likely to be impacted by the proposal. In consultation with the Council's Forestry department it has been confirmed that the trees nearest to the dwelling on the adjacent amenity land are not covered by the existing orders TPO 10 or TPO 38 and are not protected trees and no formal consent is required to prune or remove them. The Council's Forestry department have clarified a point of concern raised regarding some recent works to these adjacent trees and have confirmed that there have been recent works undertaken by the Council to the trees.

SMBC Landscapes were notified of the application and no additional tree protection orders have been made. The proposal itself does not include the removal of any tree. Since the trees which would most likely to be impacted are not protected trees and therefore are of lesser amenity value and importance. They are also not within the application site and therefore out of the control of the applicant so it would therefore be impractical and unreasonable to impose any conditions.

In conclusion, the proposal is considered to maintain the green character and will not have a detrimental impact to important trees. The proposal is therefore compliant with Policy VC5 and Policy NE1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and The Local Plan's (2013) Policy P10. Neutral weight should be given to this matter in the planning balance

## Objections

The issues which have been raised in objections which have not already been addressed in the preceding sections will be addressed below.

The proposed extensions will increase the number of bedrooms from 2 to 5. Concerns have been raised regarding the increased number of bedrooms and parking provision, however the proposal would not decrease the existing parking provision which is sufficient to accommodate two vehicles as required by the Vehicle Parking Standards SPD.

A significant amount of concern has been raised due to the fact that the proposal will add an additional storey and in doing so there will be a loss of a single story dwelling which may be more preferable accommodation for individuals with specific needs or accessibility issues such as the elderly or disabled. Although there is benefit in having single storey dwellings, there is no policy within the Local Plan, neighbourhood plans or SPD documents which directly discourages the conversion of bungalows into two storey dwellings. As such, the principle of the creation of a first floor would not be contrary to any policy.

Concern has been raised regarding the addition of the first floor which would result in loss of the view of the wooded area to the rear of the dwelling. There is no entitlement to a particular view from a window and therefore no specific policy which protects this. It has been established in the preceding section in regards to neighbour amenity that the proposal will not be harmful to neighbour amenity. Therefore the loss of any particular view, would not carry any significant weight when determining 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 proposal is considered to maintain the green character and will not have a detrimental impact to important trees in compliance with Policy VC5 and Policy NE1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and The Local Plan's (2013) Policy P10. Neutral weight should be given to this matter in the planning balance

Based on the submitted information and consultation response from SMBC Ecology, the proposal is not considered to have a reasonable likelihood of having a detrimental impact to bats, which are a protected species. The proposal is therefore compliant with The Local Plan's (2013) Policy P10. Neutral weight should be given to this matter in the planning balance

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 D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan, 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

The proposal will harmonise with the design of the existing dwelling and it is of good design quality which respects the local character, distinctiveness and streetscape quality. The proposal is therefore compliant with Policy D1 and D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan, 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.

## **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. The first floor side-facing windows to be installed in the side of extension serving the en-suites, which face the neighbour at 22 Apsley Grove 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.

Informative

1. Standard bat informative.