

APPLICATION REFERENCE: PL/2020/03063/PPFL**Site Address:** 118 Longmore Road Shirley Solihull B90 3EE

Proposal:	Retention and extension of rear storage shed.
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:	Called in by Councillor Mrs Grinsell
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Recommendation:	APPROVAL
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EXECUTIVE SUMMARY

This planning application seeks full planning permission for the retention and extension of an outbuilding. The proposal is therefore partially retrospective.

The outbuilding and proposed extension is to the rear of the application site within the garden area. The proposed development would be policy compliant and is not expected to cause any material harm to neighbour amenity or the streetscene/character of the area.

The proposal is therefore recommended for approval

MAIN ISSUES

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

- Firstly, the impact of the extension on the character and appearance of the area; and
- Secondly, the impact of the extension on the amenities of the occupiers of adjacent properties.

Other material considerations

- Public Sector Equality Duty
- Human Rights

CONSULTATION RESPONSES

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

None

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

SMBC Drainage - No observations.

PUBLICITY

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

Three letters of objection received including from Councillor Parker and Councillor Annette Mackenzie with regards to the following:

- Loss of outlook for residents of Care Home
- Impact on Health of residents
- Out of keeping with the area

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 impact of the extension on the character and appearance of the area.

The Framework at paragraph 124 establishes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Policy P15 of the Local Plan requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances the 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. Further, developments will be expected to contribute to or create a sense of place. Policy P15 is consistent with policies set out in the Framework and full weight can be attributed to the policy.

The outbuilding and the proposed extension are a store used in connection with the main building which is a care home. The extension to the building is designed to match the scale and design of the existing. The use of facing brickwork to the existing and proposed elevations, matches the existing main building.

The outbuilding and proposed extension would therefore fully accord with Policy P15 of the Local Plan and guidance in the NPPF.

Impact of the extension on the amenities of the occupiers of adjacent properties.

Policy P14 of the Solihull Local Plan seeks to protect and enhance the amenity of existing and potential occupiers of houses.

The building is and would be single storey and the door and window faces into the site. Therefore this would not cause undue harm by way of overlooking.

Concerns have been raised regarding the outlook that several of the flats within the residential care home to the rear. The occupants have had to spend time isolating and restricted to their rooms. There is a distance of just over 4m between the building and the windows concerned. The building is 3.5m in height which is screened partially with a 2m high fence. The roof of the building is hipped away the boundary as well. This reduces the impact on the neighbouring residents it is not considered that the retention and extension of the building would cause unacceptable harm to living conditions of neighbouring properties.

On this basis, the proposal would accord with Policy P14 of the Local Plan and guidance contained within the NPPF.

Neutral weight should be attributed to this in the decision making process.

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

It is considered that the proposal will not result in unacceptable impact to nearby residential premises. The development would not cause undue harm to the character and appearance of the area and the proposal will not have a detrimental impact.

In coming to this recommendation, your officers have also taken into consideration all of the representations made in respect to the proposal. In view of the matters set out above however, they do not alter the overall conclusion.

As such the proposal is considered to be in accordance with Policies P14, and P15 and of the Solihull Local Plan. The application is therefore recommended for approval.

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 – Plan numbers

2) CS05 – Time