

APPLICATION REFERENCE: PL/2021/00521/MINFHO**Site Address:** 2 Saddlers Mews, Hillfield, Solihull, B91 3GR

Proposal:	Single storey rear kitchen/family room extension.
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:	The applicant is a staff member of SMBC
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

Planning permission is sought for a single storey rear kitchen/family room extension to replace the existing conservatory and form an enlarged living area.

This report will demonstrate that all aspects of the proposal are 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 is therefore recommended for approval.

MAIN ISSUES

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

- On the character and appearance of the host property
- Impact on neighbouring amenities.

CONSULTATION RESPONSES

Statutory Consultees

None

Non Statutory Consultees

The following Non-Statutory Consultee responses have been received:

SMBC Drainage LLFA – 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.

- No responses have been received in connection with this development

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 re-confirms that planning law requires that applications for planning permission 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. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2018, the National Planning Practice Guidance

The policies considered in determining this application of the Solihull Local Plan (SLP) 2013 are up to date and in accordance with the NPPF.

Impact on character and appearance

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 proposed rear kitchen/family room extension, on the adjoining neighbours side, extends in line with the existing single storey element of the property to infill the gap between the rear of the garage and the conservatory. The larger part of the proposal is intended to replace the existing conservatory to the rear elevation with a flat roof design and the addition of a lantern roof light.

The proposed single storey rear extension would be partially hidden from the adjoining neighbour by the existing garage. The flat roof with installed roof lantern will be visible by the neighbours along the side boundary, but it will have minimal impact on their property as it is facing their rear elevation and is at least 9m away from their property. The proposed extension would be built in materials that match the existing and it is considered the proposed design matches the existing and the proposed new windows within the extension are proportionate to the size and scale of the existing house.

Having regard to the above it is considered the proposal 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

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

The proposed extension is situated away from the directly adjoining neighbouring property and does not breach the 45 degree guide, it is also located to the North of the rear of the properties that adjoins the side boundary of the application site therefore it is considered that no harm will be caused through either loss of light, or overbearing effects and as a result the proposal will have no undue impact on neighbour amenity.

It is considered the proposed works will have no unreasonable impact on the amenities of neighbours and accords with Policy P14 of the Solihull Local Plan and the House Extension Guidelines.

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 3 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 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 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 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 the approved Plans
2. CS03 - Statutory Time limit
3. CS07 - Matching materials

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