

APPLICATION REFERENCE: PL/2021/00522/MINFHO**Site Address:** 1 Walton Croft Hillfield Solihull B91 3GW

Proposal:	Ground floor rear 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 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 extension. 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 Solihull Local Plan 2013 and is therefore recommended for approval subject to conditions.

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

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. However, no responses were received.

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 area

The Solihull Local Plan’s (2013) Policy P15 and the House Extension Guidelines SPD (HEG SPD) (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 for a single storey rear extension.

The proposed extensions will not be visible from any public view points. Nonetheless, the proposed extension is of a moderate scale and satisfactory design that would complement the host dwelling. The proposal is not considered harmful to the character and appearance of the area.

The proposal is therefore compliant with Policy P15 of the Local Plan and the House Extension Guidelines SPD (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

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

The proposed extension is relatively small in scale at just 3.04m in depth, and is located on the boundary furthest away from the neighbour at No. 2. Therefore the proposal would not be considered overbearing or cause any impact on light to this neighbour. Given that the application site occupies an end of run property, the neighbour to the west at 5 Kelmars Drive has its rear garden running perpendicular to the application site. This relationship ensures there separation between neighbouring properties is ample to avoid any harm to amenity.

In summary, 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 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.

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 single storey rear extension is considered to be of a suitable scale, design and location so as to avoid having a detrimental impact on neighbour amenity and the visual appearance of the site. Therefore the proposal is considered to be in accordance with Policies P14 and P15 of the Solihull Local Plan (2013), House Extension Guidelines Supplementary Planning Document (2010) as well as policies within the National Planning Policy Framework (2019).

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. Matching materials (CS07)