

**APPLICATION REFERENCE: PL/2021/00424/MINFHO****Site Address:** 31 Piccadilly Close Chelmsley Wood Solihull B37 7LE

<b>Proposal:</b>	Single storey side extension & canopy to front elevation.
<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>Called in by Councillor Chris Williams and Councillor James Burn and a substantial amount of opposition.</b>
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<b>Recommendation:</b>	<b>APPROVAL SUBJECT TO CONDITIONS</b>
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**EXECUTIVE SUMMARY**

The application seeks planning permission for a single storey side extension and the addition of a canopy to the front elevation. The application site is at the end of a run of terraced dwellings.

The report will demonstrate that the proposal is visually acceptable and will not be unduly harmful to neighbouring amenity and is compliant with policies P14 and P15 of the Local Plan 2013. The report will also address other issues that have been raised as part of the neighbour notification process around assumptions the dwelling will be turned into a House of Multiple Occupancy.

The proposal is 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 area,
- Secondly, on the living conditions of the occupiers of neighbouring dwellings

- Thirdly, addressing concerns raised as part of the neighbourhood notification process.

## **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 LLFA – No objection

## **PUBLICITY**

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

9 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**

- Noise disturbance

### **Other Issues**

- Likelihood of the dwelling being converted into a House Multiple Occupancy
- Issues with parking

## **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

## **MAIN ISSUES**

### The effect of the proposal on the character and appearance of the area

Policy P15 of the Solihull Local Plan and SPD – 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 streetscene 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 set out in the HEG SPD.

The proposed development includes the addition of a small pitched roof above the existing front porch and front windows and the erection of a single storey side extension with lean-to roof. The proposal also includes the internal reconfiguration of the layout of the dwelling, though this does not constitute development and as such does not is not relevant to the consideration of this application.

The proposed extensions are small in scale and respect the design, character and appearance of the host property and the area generally. As a result there would be no harm to the external character or appearance of the property, nor the wider streetscene.

In conclusion the proposal would harmonise with the design of the existing dwelling and it is of good design quality which respects the local character, distinctiveness and streetscene quality. The proposal is therefore compliant with the Solihull Local Plan (2013) Policy P15 and the House Extension Guidelines (2010). Neutral weight should be given to this matter in the planning balance.

### The effect of the proposal on the living conditions of the occupiers of neighbouring properties.

Policy P14 of the Solihull Local plan seeks to protect the amenity of existing and potential occupiers of houses when considering new developments. Careful consideration must be made to amenity of both existing and future neighbours. The policy is consistent with the NPPF and thus carries significant weight.

The proposed single storey side extension and other alterations to the property would not breach a line of 45 degrees taken from the nearest habitable room

windows of the neighbouring properties on Piccadilly Close, including the adjoining property and would not result in a loss of daylight / sunlight or result in an overbearing impact due to the proposed single storey height and separation distances involved.

There is one additional first floor side facing window to serve an en-suite and one additional first floor window to the front elevation also serving an en-suite. Both additional windows will be required by condition to be obscurely glazed and non opening.

The proposal therefore does not result in any further potential overlooking to the neighbouring properties or private gardens.

Internal modifications are proposed at the dwelling, these internal modifications would not require planning permission and therefore have not formed part of this assessment.

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 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 issues

The neighbour notification process has resulted in 9 objections to the proposals, all with regard to the likelihood the property in the future will be converted into a House of Multiple Occupancy (HMO) on the basis that planning history reveals applications have already been made for the change of use of this property to a larger HMO for 8 people (PL/2020/02789/PPFL and refused by Members of the Planning Committee at their meeting on 3<sup>rd</sup> February 2021).

This current application seeks extensions to an existing domestic house, and must therefore be considered solely on this basis. Members should be aware that, as is the case with all houses, the property could be used as a HMO of up to 6 people without the need for planning permission under established permitted development rights, and the local planning authority has no control to resist this. However, should the dwelling ever be sought for a larger HMO (more than 6 people), then this would constitute a change of use that requires planning permission in its own right. It is important to emphasise however that this is not a material planning consideration pertinent to the assessment of this submitted 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 application seeks planning permission for a single storey side extension and alterations to the front elevation. This report has demonstrated that the proposal will not be harmful to the character of the area or residential amenity. The proposal is therefore in accordance with Policies P14 and P15 of the Solihull Local Plan 2013 and 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. Compliance with approved plans (CS00)
2. Statutory time limit (CS05)
3. Matching materials (CS07)
4. Obscure side facing windows

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