

APPLICATION REFERENCE: PL/2021/00018/MINFHO**Site Address:** 62 Chester Road Solihull B36 9BU

Proposal:	Ground floor rear, side and front extensions. Two storey side extensions and detached outbuilding to rear.
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:	Application requested to be determined by the Planning Committee by Councillor Ted Richards and the application has received a high number of opposition from public consultation.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

This application seeks planning permission for a ground floor rear, side and front extension, a two storey side extension and a detached outbuilding to the rear. A hip to gable loft conversion has already been completed at the application site under permitted development (PL/2020/00084/CLOPUD).

This report will demonstrate that the 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.

The application is therefore recommended for approval.

MAIN ISSUES

The main issues in this application are:

- Firstly, the effect on the character and appearance of the area / host property
- Secondly, the effect on the living conditions of the occupiers of neighbouring properties / host property.

CONSULTATION RESPONSES

Statutory Consultees:

None

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

SMBC Drainage LLFA – No objection

Castle Bromwich Parish Council – An objection has been received with regards to neighbour privacy, the character of the area and issues with the number of cars at the property.

SMBC Ecology – A preliminary bat survey was requested and received. No further surveys are necessary. An advisory note will be added to the decision made.

PUBLICITY

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

8 responses were received objecting to the proposal. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Impact on Character and Appearance

- Not in keeping with the character of the area
- Over development of the plot

Impact on Neighbouring Amenity

- Loss of light
- Loss of privacy
- Noise disturbance

Other Material Planning Considerations

- Inadequate parking spaces
- Inaccuracy of the 45 degree

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.

Whilst it is acknowledged that the extensions will alter the appearance of the property somewhat, the property is a pair of semi-detached dwellings and the application property has previously been extended by means of a hip to gable roof extension under permitted development rights, resulting in the symmetry between the two already being severely compromised.

With the above in mind, it is considered that the scale and design of the extensions and alterations are proportionate with the dwelling and do not result in over dominant or incongruous addition to the dwelling as a whole. The proposed two storey side and front projecting extension is considered to be in keeping with the original, mirroring the hipped roof appearance of the original dwelling. The first floor side extension is set back and set in 900mm from the boundary and set down considerably from the main roof. The proposal is therefore truly subservient to the original dwelling, and is considered to be in-keeping with the original property.

As a result there would be no harm to the external character or appearance of the property, nor the wider streetscene.

Turning now to the proposed outbuilding, this is to be used as a gym and store. It is of a traditional gable roofed design, is situated towards the bottom of the garden and

has a maximum height of 3.8m to the ridge of the roof. At its closest, it is 1.45m to the property boundary. Having regard to its size, appearance and location it is considered to represent an acceptable addition to the property that will not be harmful to the character or appearance of the area.

In conclusion the proposals 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.

The proposed development includes the addition of a rear single storey extension which, as first submitted would have had a harmful effect on the neighbouring property in terms of overbearing impact. However, amended plans were requested and received during the lifetime of the application that provides for a reduction in depth of this rear extension, addressing concerns raised with regards to loss of light and overbearing impact. The design was amended to reduce the extension adjacent to the neighbouring dwelling at 64 Chester road so that the 45 degree line from the nearest habitable window is not affected. There remains a breach of the 45 degree to the neighbouring dwelling at 60 Chester Road that occurs at 1.7m depth of a 3m deep single storey extension. However, because this single storey extension could be implemented under permitted development rights its depth is therefore considered acceptable.

Concerns were raised regarding the impact that the proposals would have on privacy. However, with the exception of a single side facing first window in the proposal that is to be fitted with obscure glazing, all proposed windows face down the garden, ensuring no undue levels of overlooking.

The proposed two storey element does not breach the 45 degree line taken from the nearest habitable room of its adjacent neighbour. On this basis the proposed two storey side extension, which itself is modest in size and design, is considered acceptable. Likewise, at the front of the property, there is a single storey projection to accommodate the proposed integral garage. Although this element projects beyond the front elevation of the main house, it remains in line with its adjacent neighbour's building line. This part of the scheme has no impact on neighbour amenity.

As previously set out in this report, the outbuilding has a maximum height of 3.8m, is located towards the end of the rear garden, and is 1.45m to the property boundary at its closet point. The minimal size of the proposal, together with its distance away from the neighbour dwellings will ensure no undue levels of overbearing impact or loss of privacy.

The proposal will therefore have an acceptable impact upon the amenities currently enjoyed by the occupiers of neighbouring dwellings, and is therefore compliant with Policy P14 of the SLP.

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 rear, single and two storey side extensions and a detached outbuilding to the rear. This report has demonstrated that the revised 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 (CD15)

5. Outbuilding only to be used for ancillary purposes to the enjoyment of the house.