

**APPLICATION REFERENCE: PL/2021/00554/MINFHO****Site Address:** 55 Rodborough Road Dorridge Solihull B93 8EG

<b>Proposal:</b>	Two storey front, side and rear extension and single storey rear extension.
<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 to Committee by Cllr Meeson.</b>
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<b>Recommendation:</b>	<b>APPROVAL SUBJECT TO CONDITIONS</b>
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**EXECUTIVE SUMMARY**

This application seeks consent for alterations including a two storey front, rear and side extension as well as roof alterations for a loft conversion. There is also an additional single storey extension to the rear elevation. It is notable that during the lifetime of the application, amendments were secured to the proposal. A previously proposed outbuilding has been deleted from the scheme, and the size and scale of the proposed extensions have also been reduced.

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 2013. The report will also address the issues regarding protected species and demonstrate that the proposal will not have a detrimental impact to bats and is compliant with Policy P10 of the Local Plan 2013. The proposal is recommended for approval subject to conditions.

**MAIN ISSUES**

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

- Firstly, the effect of the proposal on the character and appearance of the area, and;

- Secondly, the impact on the living condition of the occupiers of neighbouring dwellings
- Highways

#### Other Material Considerations

- Bats
- Drainage

## CONSULTATION RESPONSES

### Statutory Consultees

None.

### Non Statutory Consultees

SMBC Drainage - No objection to the amended proposal has been received, which has deleted the proposed outbuilding.

SMBC Highways – No objection raised.

SMBC Ecology – No objection subject to condition

## PUBLICITY

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

26 objections (to include 1 from Cllr Meeson, 1 from the Dorridge and District Resident Association, 3 from one household, 2 from another household, and 2 from another household), one neutral and one of support 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

- Loss of privacy.
- Loss of amenity.
- Overly dominant/overbearing.
- Loss of light.

### Character and Appearance

- Excessive size, massing, bulk.
- Overdevelopment of plot.

- Front extension/atrium incongruous in the street scene.
- Design out of character with street scene.
- Increased size, out of scale with nearby dwellings.
- Roof design not in keeping with neighbouring dwellings

### **Other Issues**

- Odours and noise from kitchen.
- Removal of trees and hedges, loss of natural habitat.
- Inadequate parking provision.
- Potential to be used as a HMO or be subdivided into multiple units.

### **In support:-**

- An immense improvement to the road.
- The current property looks tired, especially with the large flat roof which is an eye sore.

## **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.

On the 13th May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination.

This marks the next stage in the preparation and adoption of the plan. The advice in the NPPF at paragraph 48 states “Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also 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

For simplicity, just the Solihull Local Plan Policy (number/short description) will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

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

The Local Plan's (2013) Policy P15 and the 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 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 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 as set out in the HEG SPD

Policy D1 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan states that: "Planning applications for a new development, including extensions, shall demonstrate that it would be of a high standard of design and preserves or enhances the character and appearance of the Area"

Policy D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan states that: "Planning permission for residential development within the curtilage of dwelling houses will be granted if the design would respect the dwelling and the character and appearance of the area and there would be no unacceptable harm to the living conditions of nearby occupiers."

Rodborough Road is characterised by large two storey detached dwellings, where a variety of detailed design exists. The road exhibits subtle changes in size and footprint of properties, as well as changes in detailed design where hipped houses, half hipped houses, gable ended and gable fronted houses are both found. A mixture of materials is present within the street scene, which includes both brick and render. One unifying characteristic of the street is that the dwellings are closely related to one another with relatively small gaps between them and a moderate set back from

the highway and so creates a consistent rhythm of built form. The mix of house type combines to produce a street of pleasant character.

Throughout the lifetime of the development, amendments to the scheme have been successfully negotiated by officers. The development is now of a reduced size and scale and its roof design in particular has been amended to both reduce the bulk of the roof, but also to ensure its roof pitch aligns to that of its neighbour at No.53. Whilst it is acknowledged that the proposed extensions build up to the common boundary so does the original dwellinghouse, and therefore the proposal does not alter an existing situation. Importantly however, the proposal if approved, ensures that a former two storey front facing flat roof extension is removed from the street. The gap to number 57 also remains unchanged. Since most of the two storey dwellings on Rodborough Road have similar gaps and close relationships with neighbours, it is therefore considered that the rhythm of Rodborough Road is respected and the resulting relationship between the proposed extension and the neighbour at 53 would not appear out of character for the area.

It is notable that the HEG suggests gaps to each side of detached houses are retained in order to prevent a terracing effect between properties. In this case, there is a sufficient gap retained by No.53 to ensure views of sky are maintained between neighbouring houses. Officers are also mindful that the proposal retains adequate spacing between the house and its side boundary to ensure ease of access to the rear garden. For these reasons, officers are content that the proposal in this regard is acceptable and does not cause harm.

The proposed extension will maintain the existing design and character of the dwelling by maintaining and mirroring the hipped roof. The proposal includes a gable feature on the front elevation which contributes positively to the design, both by breaking up the form of the front elevation while harmonising with the design and appearance of the existing dwelling as well as the wider street scene. There are a number of other dwellings on Rodborough Road that have gable fronted features with glazing.

The plot size at number 55 is almost identical to that of neighbouring plots. The footprint of the proposed dwelling, as amended, is very similar to the neighbour dwelling at number 53 and is not dissimilar to many of the other dwellings on Rodborough Road.

The proposal introduces a 2 storey glazed gable feature onto the front elevation. Gable ends form part of the mixture of designs present within the existing street scene. The front gable contributes positively to the design, both by breaking up the form of the roof and front elevations while harmonising with the design and appearance of the existing dwelling as well as the street scene. The glazing aspect of the front gable is a modern architectural design feature of its time, which is not considered to detract from the visual appearance of the detached dwelling. Having regard to the mixture of unique designs found throughout the street scene, the proposal adds to this existing diversity and in this particular context, it is not considered to be harmful to the character and appearance of the street scene.

In conclusion, the proposal will harmonise with the design of the existing dwelling and it is of good design quality which respects the local character, distinctiveness and streetscape quality. The proposal provides for clear enhancement to the street given the removal of the existing and incongruous front facing flat roof. For the above reasons, the proposal is compliant with Policy D1 and D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan, the Local Plan's (2013) Policy P15 and the House Extension Guidelines (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

The Local Plan's (2013) Policy P14 and the House Extension Guidelines (2010) seek to protect and enhance the amenity of existing occupiers neighbouring an application site.

Policy D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan states that: "Planning permission for residential development within the curtilage of dwelling houses will be granted if the design would respect the dwelling and the character and appearance of the area and there would be no unacceptable harm to the living conditions of nearby occupiers."

A site visit was made on Tuesday the 1st June 2021. On the 18th June 2021 an amended scheme was submitted which reflects numerous changes made by the applicant after having taken into account the recommendations from the Council and the objections from neighbours. On the 28th June 2021 further amendments were made. These amendments include, but are not limited to, the redesign of the roof – lowering the overall pitch, reduced size of rear extension, reduced size of front gable feature, reduced amount of glazing within the front gable feature, the use of tinted glass in the front gable feature, and the omission of the initially proposed garden outhouse. Letters were sent to neighbours on the 18th June to notify them of the changes. Further emails were sent out to a number of neighbours on the 28th June to notify them of the additional changes.

The neighbour who's amenity would be most impacted by the proposed extensions would be the neighbours at number 53 and 57 Rodborough Road. However, the proposed extensions will not breach the 45 degree line to the ground or first floor windows of number 53 or 57 and on that basis it is considered to have an acceptable impact in terms of light and outlook to the nearest habitable rooms of those neighbours. The existing building at 55 Rodborough Road is already built up to the boundary with number 53 Rodborough Road. The rear extension will follow this existing boundary and will not extend beyond the rear building line of number 53, thereby minimising the impact on any loss of light to the gardens of 53 and 57.

The neighbour at number 57 also raised concerns over cooking noises and odours from the proposed kitchen. This kitchen has now been removed from the plans and is replaced by a utility room. The neighbour at number 53 has withdrawn his objection, as of 30/06/21, in light of the amended plans.

The neighbours directly opposite number 55 Rodborough have raised concerns over privacy due to the proposed glazed front gable feature. However, this gable extends only 1 meter forward of the existing front elevation and on the revised plans it has been reduced in height and width, and now incorporates tinted glazing. These changes will ensure there is no detrimental impact to neighbour privacy, where in any case officers consider the views from this window would not be materially different from views out of any other first floor front facing window. The proposal is considered to have an acceptable impact on neighbour amenity, which affords neutral weight in the planning balance.

## **Highway Considerations**

Third party objections have raised concern for the size of the property and the amount of car parking provision, pointing out that garage accommodation is no longer provided within the proposed scheme. Your highways engineer has assessed the proposal.

It is noted that the proposed extensions will not increase the number of bedrooms, only the size of those bedrooms. The current number of bedrooms is five and the proposed number of bedrooms will be five. The Highway's Engineer comments: "Despite the loss of the garages and the addition of the front extension there should still be sufficient length for at least two off-street car parking spaces. The Council's Vehicle Parking Standards and Green Travel plans SPD requires two off-street car parking spaces to be provided for a dwelling, which would still appear to be achievable with this proposal. There are no parking restrictions along Rodborough Road within the immediate vicinity of the application site, so on-street parking could be accommodated. The carriageway measures approximately 6.7m in width, which would be more than sufficient to allow a vehicle to pass another vehicle that is parked on-street." This relationship is no different to that found at No.53. The proposal is policy compliant and accords with Policy P8 of the Solihull Local Plan as well as the Vehicle Parking Standards SPD.

## **Other Considerations**

### Policy P10 Natural Environment

#### Bats

Due to the nature of the proposed works which would impact the existing roof of the dwelling, the applicant submitted a Preliminary Bat Roost Assessment report with their application. The assessment by Midland Ecology confirmed that the building was found to support roosting bats, specifically within an external bat box on the rear of the property. Midland Ecology recommend that "One dusk emergence survey, one dawn re-entry survey and a third survey of either type; conducted during the optimal bat survey season (May to August inclusive)", were carried out.

The applicant has instructed Midland Ecology to carry out this 'Roost Characterisation Survey'. This was completed and then submitted to the Council on

the 22nd June. SMBC Ecology were re-consulted. They have subsequently requested a Mitigation Strategy. This was submitted 2<sup>nd</sup> July.

SMBC Ecology responded on the 5<sup>th</sup> July with no objections subject to conditions. The condition will ensure that the bat mitigation strategy is carried out wholly in accordance with the details submitted. This will include the retention and reinstatement of the original timber bat box.

### Objections

The issues which have been raised in objections which have not already been addressed in the preceding sections will be addressed below.

Any trees removed prior to or in the initial stages of the application process is unfortunate. However no trees on site were or are currently subject to a Tree Protection Order and are not located in a designated Conservation Area and therefore they can be pruned or removed without prior notice to, or consent from the Local authority.

The application is for householder extensions and does not include any proposal for change of use to a HMO requiring planning permission or to be subdivided into multiple units. The Council can only assess and determine that which is proposed as part of the application. Any other potential future proposals cannot be considered in the determination of this application.

The proposed extension is not expected to cause unreasonable amounts noise or odours from its normal use as a domestic building in a residential setting. Any noise/odour nuisance resulting from the construction of the proposal or use of the dwelling by its occupiers would be subject to separate legislation and would not be a planning matter.

### 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 recommendation to grant permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

## **CONCLUSION**

No flooding or drainage related concerns have been raised by SMBC Drainage. The proposal is therefore considered to comply with The Local Plan's (2013) Policy P11. Neutral weight should be given to this matter in the planning balance.

The siting and relationship of the proposal in relation to neighbouring properties, with use of the proposed conditions 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.

The proposal would be an improvement upon the existing flat roof design and would harmonise with the character of the existing dwelling. The proposed scheme is of good design quality which respects the local character, distinctiveness and streetscape quality. The proposal is therefore compliant the Local Plan's (2013) Policy P15 and the House Extension Guidelines (2010). Neutral weight should be given to this matter in the planning balance.

The proposal is recommended for approval subject to the conditions as listed below.

## **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:](http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications)

- Compliance with approved plans (CS00)
- Statutory time limit (CS05)
- Materials to match drawing
  
- Bat Mitigation

The development hereby permitted shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document '**Bat Mitigation Strategy**' prepared by **Midland Ecology**, received by the Local Planning Authority on **05/07/2021**.

*Reason: To ensure that protected species are not harmed by the development.*

- Privacy

The window(s) to be installed in the side elevations shall be obscurely glazed, and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall thereafter be permanently retained in that condition. To safeguard the amenities of neighbours in accordance with Policy P14 of the Solihull Local Plan 2013.