

**APPLICATION REFERENCE: PL/2021/02266/MINFHO****Site Address:** 140 Knightsbridge Road Olton Solihull B92 8RB

<b>Proposal:</b>	Single storey side and 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>The applicant is a senior officer of the Council.</b>
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<b>Recommendation:</b>	<b>APPROVAL SUBJECT TO CONDITIONS</b>
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**EXECUTIVE SUMMARY**

Planning permission is sought for the erection of single storey side and rear extension at 140 Knightsbridge Road, Solihull. The proposed extension is considered to be of a suitable scale and design in relation to the host property and would not have a detrimental impact on the neighbouring amenities of the application site. As such the extension would be in accordance with Policies P14 and P15 of the Solihull Local Plan and House Extension Guidelines (HEG) SPD.

**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 the neighbouring properties

**CONSULTATION RESPONSES**

**Statutory Consultees** The following Statutory Consultee responses have been received:

LLFA & SMBC Drainage – No observations

Canal & River Trust – 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 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.

On the 13<sup>th</sup> 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”) 2021, 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.

The property is a semi-detached dwelling with a single storey side garage which currently abuts the boundary. The proposed extension would be a 4.8m rear projection, with a flat roof construction that would wrap round to the side of the dwelling and also include the replacement of the existing flat roof garage.

The proposed works to the garage and side of the dwelling would replace existing elements and would be of a very similar scale and design. Having regard to these elements it is not considered that they would have a detrimental impact on the appearance of the dwelling when viewed within the streetscene.

Turning to the rear of the property, the rear extension would link to the side extension and would follow across at the same height. As set out above, the extension would be 4.8m in depth off the rear elevation and would remove the existing bay window feature at ground floor level. It is considered that the proposal is of an appropriate scale and design to the host dwelling and would not appear as an over dominant or incongruous addition. It is noted that dwellings either side of the host property have also undertaken single storey rear extensions, albeit these are of a lesser depth than this proposal.

It is therefore considered that the proposal is of an appropriate scale to the host dwelling and the wider street scene and of a satisfactory design, as per the council’s HEG SPD. The proposal would therefore not cause harm to the character and appearance of the area and is therefore compliant with Policy P15 of the Local Plan and the HEG SPD.

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 would wrap round from the rear of the property to the side/front, replacing the existing garage. Where the garage is to be replaced there would be no additional projection or increase in height and the immediate neighbour

has a side garage. As a result of this relationship there would be no additional impact on neighbouring amenities in terms of loss of light through overshadowing.

Turning to the rear of the property the single storey rear extension would breach the 45 degree-line with the adjoining semi-detached property by 2.5m, however it is noted that the extension would be single storey, and given the path of the sun throughout the day it is not considered that there would be a detrimental impact on the neighbouring amenities in terms of loss of light.

The proposed extension would not include any additional windows that would result in loss of privacy through overlooking. Whilst it is noted that additional side facing windows are proposed to the front garage and the side elevation, these would be positioned so as not to result in a loss of light and would be at ground floor level.

For these reasons, the siting and relation 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 Local Plan and HEG SPD.

Neutral weight should be given to this matter in the planning balance.

#### 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 request for approval, 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. The recommendation for approval is considered a proportionate response to the submitted request based on the considerations set out in this report.

## **CONCLUSION**

The proposed single storey side and rear extension is considered to be of a suitable scale, design and location and would not have a detrimental impact on the neighbouring amenities of the application site. Therefore the proposal is considered to be in accordance with Policies P14 and P15 of the Solihull Local Plan (2013) and the HEG SPD.

## **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)