

**APPLICATION REFERENCE: PL/2022/00848/VAR****Site Address:** 55 Rodborough Road Dorridge Solihull B93 8EG

<b>Proposal:</b>	Variation of condition No. 1 from planning application PL/2021/00554/MINFHO.
<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 to Committee by Cllr. Courts.</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 a variation of condition No.1 of planning consent PL/2021/00554/MINFHO. Condition No.1 references the drawings approved with the previous consent.

The variation seeks to amend the previous drawings to include alterations consisting of: a change in the size and position of the rear facing rooflights; a reduction in the size/footprint of the ground floor rear extension; an increase in the number/size/position of side facing rooflights; a reduction in the height and pitch of the front projecting gable; an overall reduction in the height of the building; an increase in the pitch of the roof on the front and rear elevations; an increase in the length of the roof's ridgeline on the front and rear elevation; and a change of materials on the front projecting gable from tiles to white render.

The amendments to the extensions are visually acceptable and continue to enhance the character and appearance of the dwelling and area as a whole and will not cause any unduly harmful impact on the amenities of neighbours. Accordingly, the proposal is compliant with policies P14 and P15 of the Local Plan 2013 and Policies D1 and D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and the adopted House Extension Guidelines. 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.

## **CONSULTATION RESPONSES**

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

Knowle, Dorridge and Bentley Heath Forum – no comments received.

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

Lead Local Flood Authority - No comments

## **PUBLICITY**

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

24 objection comments (including: 2 from one household, and 2 from another household), 1 from the Dorridge and District Resident Association, and 2 neutral comments 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; and
- Overly dominant/overbearing.

### Character and Appearance

- Roof pitch steeper than previously consented;
- Roof taller than previously consented;
- Roof wider than previously consented;
- Front protecting gable larger than consented;
- Height of eaves greater than consented;
- Increase in number of rooflights from previously consented;
- Size and position of rooflights different from those previously consented;
- Side facing windows different from those consented;
- Design out of character with street scene; and

- Increased size, out of scale with nearby dwellings.

#### Other Issues

- Inaccuracies in the drawings
- Inadequate parking provision

### **RELEVANT PLANNING HISTORY**

- PL/2021/00554/MINFHO - Two storey front, side and rear extension and single storey rear extension – approved 15<sup>th</sup> July 2021.

### **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 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 an eclectic mix of large two storey detached dwellings, where a variety of detailed design exists, including modern additions. 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.

This application seeks consent for a number of changes to the size and design of the previously approved dwelling (PL/2021/00554/MINFHO). These changes have been mentioned above but will be listed again below:

- A change in the size and position of the rear facing rooflights;
- A reduction in the size/footprint of the ground floor rear extension;
- An increase in the number/size/position of side facing rooflights;
- A reduction in the height and pitch of the front protecting gable;

- An overall reduction in the height of the building;
- An increase in the pitch of the roof on the front and rear elevations;
- An increase in the length of the roof's ridgeline on the front and rear elevation; and
- A change of materials on the front projecting gable from tiles to white render.

The difference in size, scale, and mass between the approved scheme and the proposal are set out below. This sets out the difference in the dimensions of the approved scheme and this application for a variation of condition (amendments to size and design of dwelling).

	<b>Approved Scheme</b>	<b>Current application for amendments</b>
<b>Maximum height (ground to ridge)</b>	8.5m	8.1m
<b>Roof width (front and rear)</b>	5.15m	6.75m
<b>Roof pitch (front and rear)</b>	44 - degrees	47 - degrees
<b>Flat Roof Area</b>	42.5 m <sup>2</sup>	55.2 m <sup>2</sup>

Some of the changes are reductive in nature, such had the building height and the size of the front projecting gable. The increase in the pitch of the roof has resulted in an increase in the length of the roof, this in turn has created an increase in the habitable space within the roof.

Many of the objections refer to the height of the eaves being higher than the eaves of the neighbouring dwellings. The previously submitted 'streetscene' drawing shows the eaves of the approved dwelling as being at the same level as the eaves on the adjacent neighbouring dwellings. As built the eaves appear marginally higher than those of the adjacent neighbours. An Enforcement Officer from the Council has been on site to verify the accuracy of the drawings. The height of the eaves corresponds with the approved streetscene drawing and elevation drawings. Therefore, no breach has occurred with regard to the height of the eaves. Streetscene drawings are though 'indicative' only. They are used to help Officers assess the scheme's impact on the streetscene. What has been conditioned in the streetscene and other drawings are the measurements and size of the proposed dwelling, not the measurements and size of the neighbouring dwellings. The approved streetscene drawing is identical to the approved elevation drawings. The Enforcement Officer's findings tally with the approved drawings regarding the eaves.

The main changes that this application seeks consent for relate to the size/volume of the roof and the number size and position of the rooflights. The materials used on the front projecting gable are also changing from hung tiles to white render.

From a design perspective these amendments to the original scheme are minor in nature and it is considered by Officers that the relatively minor size/volume increase of the roof above that which has been approved does not alter the design of the dwelling to the point of being incongruous within the streetscene. The overall height of the dwelling and the front projecting gable are lower than approved. There are

other large two-storey dwellings on Rodborough Road and the surrounding area with similarly designed roofs that incorporate sections of flat roof. The rooflights are kept to the side and rear of the dwelling and do not have a detrimental impact the character of the area. The change from hung tiles to white render on the front projecting gable is welcomed by Officers as white render is a feature of other dwellings found on Rodborough Road.

In conclusion, the proposal will marginally increase the size/volume of the roof while reducing the overall height of the dwelling. The addition of rooflights are not considered to detrimentally impact the character of the area, and the change of materials on the front projecting gable is considered to be an improvement. The changes result in a dwelling that remains of good design quality which respects the local character, distinctiveness, and streetscape quality. For the above reasons, the proposal is compliant with Policy D1 and D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan, Solihull Local Plan (2013) Policy P15 and the House Extension Guidelines (2010). Positive 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."

All proposed side facing windows above ground floor level and side facing rooflights proposed with this application are to be obscurely glazed and non-opening below 1.7m above finished floor level as to not unduly impact the amenity of adjacent neighbours in terms of overlooking or loss of privacy. This will also be secured via condition.

The size and position of the rear facing rooflights has changed. The rooflights are taller and sit higher in the rear roof slope than previously approved. The impact of the rear facing rooflights on the neighbours to the rear of 55 Rodborough Road was assessed with the previous application and when taking the separation distances into account, (approx.50m), Officers are satisfied that no detrimental impact in terms of overlooking or loss of privacy will occur. The change in the size and position of these rooflights is not considered to alter the impact on overlooking or privacy to neighbours at the rear of the application site. Consideration is also given to the fact that rooflights and rear facing box dormers without obscure glazing can be inserted/built under permitted development rights.

In conclusion, the proposed changes to the rooflights could all be carried out under permitted development had the approved build been completed first. The side facing windows will be obscurely glazed and non-opening below 1.7m above finished floor

level. The repositioning and change in the size of the rear facing rooflights is not considered to increase any effect that these windows may have on overlooking or privacy above that which has previously been approved. Officers are therefore satisfied that no harmful impact on neighbouring amenity in terms of overlooking or loss of privacy will occur. For the above reasons, the proposal is compliant with Policy D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan, the Local Plan's (2013) Policy P14. Neutral weight should be given to this matter in the planning balance.

### Other considerations

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

- Inaccuracies with the drawings

A number of inaccuracies with the drawings have been pointed by objectors throughout the process of this application, largely relating to the size and shape of the roof and the height of the eaves. The issue with the eaves has already been addressed in this report. Given that the dwelling is 'as built' the architect has had difficulties in producing drawings that are entirely accurate, and after two attempts to correct the drawings advised the applicant to employ a surveyor to carry out a full digital survey of the property in order to produce wholly accurate drawings that can be compared with the consented scheme and other variations of the consent scheme before it was approved.

The surveyor is RICS accredited, and the survey was carried out on 1<sup>st</sup> August 2022. The drawings shown with this report and in the presentation are the result of that survey. The architect has also produced overlay drawings so that this application can be compared with the consented scheme and the originally submitted scheme in 2021 on which Officers negotiated amendments.

Officers are entirely satisfied that the drawings on which this application is being assessed and accurate.

- Parking provision

Third party objections have raised concern for the size of the property and the amount of car parking provision. The Council's Highway Engineer assessed the original proposal that was granted consent. The changes with this application in no way alter the considerations relating to parking provision over and above the previously approved scheme.

The proposal is policy compliant and accords with Policy P8 of the Solihull Local Plan as well as the Vehicle Parking Standards SPD.

- 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 proposal is of good design quality and the amendments proposed are minor in nature. The marginal increase in the size of the roof, coupled with the overall reduction in height of the dwelling and reduction in the size of the front projecting gable would respect and enhance the local character, distinctiveness and streetscape quality. The proposal is therefore compliant with Policy P15 of the Solihull Local Plan and Policy D1 and D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan, plus the adopted House Extension Guidelines (2010). Positive 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), Policy D3 of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and the HEG SPD (2010). This carries neutral weight in the assessment and determination of this application.

In coming to this recommendation, your officers have also taken into consideration all of the representations made in respect to the proposal

The proposal is therefore 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:>

1. Compliance with approved plans (CS00)
2. Statutory time limit (CS05)
3. The materials schedule identified on approved drawing 295-00-107 Rev P and 295-00-108 Rev Q shall be implemented in accordance with the approved details unless agreed in writing with the local planning authority.

To ensure the extensions safeguard and enhance the character and appearance of the dwelling in accordance with Policy P15 of the Solihull Local Plan.

4. The window(s) to be installed in the side elevations above ground floor level 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.