

**APPLICATION REFERENCE: PL/2022/00488/MINFHO****Site Address:** 129 Hampton Lane Solihull B91 2RS

<b>Proposal:</b>	Part two storey, part single storey rear extension and retrospective consent for a two storey side extension and alterations to front elevation including balcony. Single storey extension to the existing outbuilding.
<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 Gail Sleigh</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 a part two storey, part single storey rear extension and retrospective consent for a two storey side extension. Single storey extensions to the existing outbuilding are also proposed.

This report will demonstrate that proposed extensions to the dwelling and outbuilding are visually acceptable, will not be unduly harmful to neighbouring amenity and constitute appropriate development within the Green Belt. Accordingly, the proposal is compliant with policies P14, P15 and P17 of the Local Plan and the SPD House Extension Guide.

**MAIN ISSUES**

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

- The effect of the proposal on the openness of the Green Belt
- On the character and appearance of the host property
- Impact on neighbouring amenities.

Other Material Considerations:

- Ecology

## CONSULTATION RESPONSES

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

N/A

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

LLFA - SMBC Drainage - No objection subject to conditions

## PUBLICITY

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

Responses were received from 1 No neighbour and also a consultant on their behalf, the Parish Council and 1 No. Ward Councillor. 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

- Impact of new windows overlooking neighbouring property/close to boundary
- Design/scale and massing of the extensions will cause an overbearing impact on neighbour/result in loss of light/feeling enclosed
- Extension to outbuilding may cause unnecessary noise/disturbance to neighbour

### Character and appearance

- Significantly alters the appearance of the dwelling
- Reduces spaciousness within the plot/erodes the visual break between properties
- Awkward/poor design/unbalances the dwelling/unsympathetic disproportionate additions
- Arched windows out of character/roof design is not sympathetic to main building
- Materials do not match host dwelling
- Overdevelopment of site

### Other considerations

- Impact on the Green Belt/Harm to the openness of the Green Belt
- Extensions exceed the 40% rule for Green Belt due to previous extensions to the property

- Potential change of use of outbuilding to living accommodation/allegedly designed to be a backland dwelling house
- Works already carried out/commenced without permission
- Discrepancies with drawings compared to application site

## **RELEVANT PLANNING HISTORY**

### **PL/2008/01359/FULL (2008/1495/S) – Approved**

Games room extension and detached 3 car garage/store room.

### **PL/2008/01160/FULL (2008/60/S) – Approved**

Single storey rear kitchen extension

### **PL/2007/01023/FULL (2007/859/S) – Approved**

Raise and replace main roof and formation of second floor into bedrooms and en suite, and insertion of two no. Dormers in front elevation.

### **PL/2004/01114/FULL (2004/2805/S) – Approved**

Erection of a first floor side / rear extension. Front entrance portico.

### **PL/2002/01829/FULL (2002/1106/S) – Approved**

Rear kitchen extension

### **PL/1988/02362/FULL (1988/2818/S) – Approved**

Study & conservatory extension, new pitched roof over detached garage and new vehicular access

### **PL/1983/01214/FULL (1983/1052/S) – Approved**

Extensions to bedroom and morning room

### **PL/1981/12586/HIS (1981/0167/S) - Refused**

Extension over garage to form snooker room to appeal no 1360 dismissed 15/2/82

## **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

### **Effect of the proposal on the openness of the Green Belt (P17)**

#### **Dwelling House**

The extension of an existing building is deemed appropriate in Green Belt terms if it does not amount to a disproportionate addition to the original property. Extensions are usually deemed as being proportionate, and constitute appropriate development within the Green Belt, if they, together with any pre-existing extensions, do not exceed more than 40% of the original habitable floor area of the property. This, however is not the case with dwellings that are located within established ribbons of development, where the House Extension Guidelines SPD advises such restrictions do not apply. In such circumstances appropriateness in Green Belt terms is measured by any extension relating satisfactory to the dwelling in terms of its impacts upon the visual amenities and character of the property and area generally.

The application property is a large corner plot which lies within a ribbon of residential development, and hence the provisions set out in the House Extensions Guidelines, restricting the size of extensions to residential dwellings in the Green Belt, does not apply. It is therefore considered that the extensions to the host dwelling will not cause material harm to the character or openness of the Green Belt.

### Extension to outbuilding

The application site is situated within the Green Belt, where Policy P17 of the SMBC Local Plan, through reference to the provisions of the NPPF, advises that extensions to buildings are only deemed acceptable if they are proportionate to the size of the original building. This is a different consideration to proposed extensions to dwelling houses that are located in ribbons of development (such as the main dwelling itself). In those circumstances the SPD advises that the green belt proportionality test does not exist as set out above, but this does not extend to the consideration of extensions to outbuildings, hence the need for such extensions to be proportionate in accordance with Green Belt guidance (the 40% rule).

Whether or not an extension is deemed to be proportionate to the original building is dictated in the main by the threshold set out in the HEG SPD, which states that extensions are deemed to be proportionate, and therefore appropriate in Green Belt terms, if they, together with any non original extensions, do not exceed the habitable floorspace of the original property by more than 40%.

In this instance, the 'original' building is deemed to be the existing double detached garage. The building has not been extended, and as such in order for the proposed extension to represent appropriate development in the Green Belt, it's floor area must not exceed 40% of the original. No other outbuildings on site are to be demolished in order for this building to be extended, therefore their floor area must also be taken into consideration. Given that the extension is partly replacing two existing outbuildings, the total new floor area is about 34m<sup>2</sup> (31%), it is confirmed that the resultant floorspace increase is significantly below the 40% threshold.

### Summary

With the above in mind, the proposal represents appropriate development within the Green Belt and it is considered that the scheme will not cause material harm to the openness of the Green Belt. The development is therefore in accordance with Policy P17 of the Solihull Local Plan (2013) and the HEG SPD, and neutral weight should be attributed to this.

### **Impact on character and appearance (P15)**

Local plan policy P15 seeks to ensure that development proposals achieve good quality, inclusive and sustainable design that conserves and enhances the local character, distinctiveness, and streetscape quality. In addition to this the adopted House Extension guidelines states that extensions should be designed to integrate with the style and character of existing dwellings. 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 for a part two storey, part single storey rear extension and retrospective consent for a two storey side extension and alterations to front elevation including balcony. Single storey extension to the existing outbuilding.

The additions are simple in their design and concept, and are considered proportionate additions that relate well to the host dwelling and outbuilding. The

materials to be used are to match the existing dwelling and will therefore harmonise with the appearance of the property. Having regard to this they constitute appropriately designed and sited extensions that respect the character and appearance of the existing property and the local streetscene as a whole.

Having regard to the above it is considered the proposal in all of its aspects is acceptable as it does not have a detrimental impact on the character and appearance of the host dwelling or the streetscene, and as such is compliant with Policy P15 of the Solihull Local Plan and the House Extension Guidelines SPD. Neutral weight should be attributed to this in the decision making exercise.

### **Impact on neighbouring amenity (P14)**

Policy P14 of the Local Plan and the House Extension Guidelines SPD seek to protect and enhance the amenity of existing occupiers neighbouring an application site.

Policy P14 of the Local Plan states that the Council will seek to protect and enhance the amenity of existing and potential occupiers of houses, businesses and other uses in considering proposals for new development and will, inter alia, permit development only if it respects the amenity of existing and proposed occupiers and would be good neighbour.

The two storey side extension is set in more than 1m from the property boundary, and to the front of the dwelling, it is therefore considered not to result in a potential terracing affect, impact on the openness of the plot or have an unacceptable impact on private neighbouring amenity space.

Given that the property stands forward of the front elevation of the neighbour at No. 131, there is only a potential impact on front facing habitable room windows. No. 131 has ground and first floor windows in its front elevation close to the proposal. In relation to these windows, the proposed two storey side extension breaches the 45 degree guide by a distance of about 1m. However, the breach takes place a distance of about 9m from the affected windows, and the site boundary is currently planted with tall and mature trees. With this in mind, especially having regard to the 9m distance from the windows before the breach occurs and the minimal extent of the breach, it is not considered that the proposal will result in any undue loss of light or overbearing impact.

In terms of potential overlooking, the two storey side extension has no material impact upon private amenity areas to the rear of the neighbouring dwelling, however, the proposed fenestration at first floor which overlooks the front garden/drive of No.131 has been amended so that it will be fitted with obscure glazing as shown on the most recent updated drawings.

The extension proposed to the existing outbuilding is for ancillary use only is not considered to result in undue noise outside its use as a domestic premises and not considered to amplify environmental noise.

It is considered the proposed domestic extensions works would not result in an unacceptable impact on neighbour amenity and therefore the development is in accordance with Policy P14 of the Solihull Local Plan (2013) and the HEG SPD (2010). This would therefore carry neutral weight in the assessment and determination of this application.

### Ecology

Photographs of the roof were submitted and have been reviewed. It is considered that the roof structure is well sealed and in good condition. As such, there is not a reasonable likelihood of bats using the property as a roost and therefore in this instance no bat survey is required. The proposal is therefore unlikely to have a significant impact upon protected species and the proposal is therefore compliant with Policy P10 of the SLP. Neutral weight should be attributed to this.

### Other issues

The application received objections, as summarised previously in this statement. The issues raised which have not yet been addressed in the preceding sections of this report will be addressed below:

- *Potential change of use of outbuilding to living accommodation/allegedly designed to be a backland dwelling house* – A condition will be added to the decision for the outbuilding to be used for purposes ancillary to the host dwelling (CD06)
- *Works already carried out/commenced without permission* – Only part of the works have been carried out (two storey side extension and alterations to the front elevation, including balcony) and the proposal description has been amended to include this. Any works commenced without planning permission are at the applicant's risk
- *Discrepancies with drawings compared to application site* – Following on from a site visit and discussions with the agent, amended plans have been received to correct the discrepancies

### **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 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 considered acceptable in terms of size and design, which weighs positively in the planning balance and also represents appropriate development in the Green Belt. The proposal does not have a detrimental impact on the amenities of the adjacent neighbours or on protected species and does not have an undue effect upon the character of the host dwelling or the area generally and therefore has a neutral impact in this regard. As such the proposal substantially accords with Policies P10, P14, P15 and P17 of the Solihull Local Plan, NPPF and the adopted House Extension Guidelines (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. CS00 – Compliance with approved plans
2. CS03 – Statutory time limit
3. CS07 – Matching materials
4. CD15 - Obscure glazing
5. CD19 – Balconies (rear elevation)
6. CD06 – Ancillary use only

### Informatives

1. Bat note
2. Nesting bird note