

APPLICATION REFERENCE: PL/2022/02126/MINFHO**Site Address:** 14 St. Francis Avenue, Olton, Solihull, B91 1EB

Proposal:	Two-storey side extension.
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 has been called in by Cllr Daniel Gibbin
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

Planning permission is sought for a two-storey side extension which will be located above the existing garage at 14 St. Francis Avenue, as well as integrating the existing detached garage into the ground floor of the dwellinghouse. The original scheme, which initially sought to construct the two-storey side extension to the boundary of the property, has now been superseded by revised plans seeking to set the two-storey extension in by 1 metre from the boundary.

This report will demonstrate that the proposed works to 14 St. Francis Avenue will not create an unneighbourly and overbearing impact to the neighbours of the application site. Furthermore, the works will not cause substantial harm to the local distinctiveness and character of the street scene, and would help to preserve the character and appearance of the nearby Olton Conservation Area. As such, the proposal would accord with Policies P14, P15 and P16 of the Solihull Local Plan and is therefore recommended for approval.

MAIN ISSUES

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

- On the character and appearance of the host property and surrounding area, including the nearby Olton Conservation Area.

- On the amenities/living conditions of the occupiers of the neighbouring properties.

CONSULTATION RESPONSES

Statutory Consultees

- None

Non Statutory Consultees

- SMBC Heritage Assets: No objection
- LLFA: 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.

Neighbour responses from two properties were received in response to 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):

- Loss of privacy from being overlooked
- Loss of visual amenity. The outlook from the rear of their house and garden will be a large brick wall beyond the boundary of their property
- Overbearing
- Loss of light and overshadowing
- Noise, dust and rubbish from the building works
- Damage to their garden
- Size and prominence of the extension
- Impact on trees and hedges
- Harmful to the character and appearance of the property and character of area, and failure to comply with policy and guidance in this regard

In addition to the above, Councillor Gibbin called the application if for the following summarised reasons:

- The proposal is contrary to Policy P15 (i) the Local Plan in that it does not conserve and enhance local character, distinctiveness, and streetscape quality, and does not ensure that the scale, massing and density and will respect the surrounding environment.

- The proposal is contrary to Policy P14 of the Local Plan, with specific regard to amenity, the proposal does not protect and enhance the amenity of existing occupiers.

RELEVANT PLANNING HISTORY

None

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 of 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, including the nearby Olton Conservation Area

Local Plan (2013) Policy 15 and the House Extension Guidelines (HEG) (2010) seek to ensure that development proposals achieve good quality, inclusive and sustainable design that conserves and enhances 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 for a first floor side extension over an existing garage.

The proposal involves a first-floor addition above the existing single storey detached garage to the side of the dwelling. The proposed extension will use materials which match those used on the existing dwellinghouse. This includes red/brown brick walls, dark brown clay tiles on the roof, and white framed windows. The proposal also includes three Velux windows situated on the front facing roof slope and a Juliette balcony to the rear.

The proposed two-storey extension is simple in its design, and relates well to the existing dwelling. The addition, which has been set in by 1 metre from the boundary, helps to ensure it appears as well proportioned, and taking into account the prominence of the existing front gable, also appears as a subservient addition to the existing dwellinghouse.

The scheme as originally submitted has been reduced in width by 1m at first floor level, to be more proportionate to the existing house, and to provide more separation with the adjacent property. The adopted HEG SPD advises that first floor extensions should usually be set back from the front wall of the house and stepped down in height to create a truly subservient addition. However, it does acknowledge that *‘in certain circumstances such as gable-end detached dwellings, particularly of narrow width, depth, shallow pitches or properties with a prominent forward gable projection, non-subservient extension will be considered’*. The application property is a gable ended property, is of narrow depth, has a shallow pitched roof, and has a prominent forward gable, and as such this element of the SPD is very much engaged. Having regard to these important factors, setting the proposed first floor extension further back will not materially aid its assimilation into the existing property and street scene and as such it would be unreasonable and contrary to adopted guidelines to do so. To be clear, the extension is of a satisfactory character, design and appearance as it is.

Having regard to this, the proposed works constitute an appropriately designed and sited extension that respects the character and appearance of the existing property and the area as a whole.

The application is located in reasonably close proximity to the Olton Conservation Area, but is not located within it.

In determining the planning applications such as this that are located within or close to a Conservation Area, the Local Planning Authority must have special regard to the statutory duties imposed by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) requires the local planning authority in considering whether or not to grant planning permission for development which affects a listed building or its setting “...to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” Section 72 (1) requires the Local Planning Authority when considering proposals within a conservation area to pay special attention “... to the desirability of preserving or enhancing the character or appearance of that area.”

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.” (NPPF para. 199; MHCLG 2021.)

In addition, Local Plan (2013) Policy P16 seeks to ensure that development proposals preserve or enhance heritage assets as appropriate to their significance, conserve local character and distinctiveness and create or sustain a sense of place.

The development in this case is a domestic householder application to extend the property at two storey level to the side of the property, and is located in close proximity to the Olton Conservation Area which is situated approximately 50 metres to the north of the application site.

The proposed scheme has been assessed by the LPA’s Heritage Officer who raises no objection and does not consider that the scheme as proposed could represent less than substantial harm to the Olton Conservation Area. The proposal would preserve the character and appearance of the Conservation Area. That said, whilst acknowledging that the proposal has no harmful impact upon the character and appearance of the nearby Conservation Area, SMBC’s Heritage Officers have advised that the design of the extension could be improved upon by setting it further back from the front and stepping the roof height down. However, Members should be clear that this is not a requirement from a heritage perspective, and as set out above, such amendments are not reasonably required or necessary.

Having regard to the above, it is considered the proposal is acceptable as it does not have a detrimental impact on the character and appearance of the host dwelling, the streetscene or the nearby Conservation Area, and as such is compliant with Policies P15 & P16 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

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 proposed two-storey extension to the side of 14 St. Francis Avenue has the potential to impact upon the amenities of numbers 10 and 12 St. Francis Avenue, located to the west south-west (side), as well as numbers 33 and 35 Monastery Drive to the south (rear).

Due to the relatively large distances of separation which already exist between 14 St. Francis Avenue and these neighbouring properties, this helps to ensure that the proposed two-storey extension has limited impacts on the amenities of the neighbouring properties. The proposed two storey extension, which is approximately 5.6 metres in width, will be located 13.5 metres from the rear of no. 10 and 13 metres from the rear of no. 12 St. Francis Avenue, and over 35 metres from numbers 33 and 35 Monastery Drive. Therefore, due to these distances involved, it is considered that the proposed development will not result in any undue levels of loss of light or have an overbearing impact on the neighbouring properties. Members are advised that the proposed separation distances involved are commonplace in many similar modern housing states as this throughout the borough.

In terms of potential overlooking, the proposed two-storey extension will have windows located in the front facing and rear facing elevations, including a Juliette balcony looking out to the rear. There will be no windows located on the side elevation overlooking numbers 10 and 12 St. Francis Avenue, whilst numbers 33 and 35 Monastery Drive are situated approximately 37 and 40 metres from the rear of the proposed two-storey extension respectively. This separation distance is more than sufficient to maintain a reasonable degree of privacy.

In summary, the siting and relationship of the proposed two-storey extension 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 Solihull Local Plan (2013) and the HEG SPD (2010). This would therefore carry neutral weight in the assessment and determination of this application.

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 two-storey side extension, as well as integration of the existing detached garage into the ground floor of 14 St. Francis Avenue is considered to be of a suitable scale, design and location so as to avoid having a detrimental impact on the neighbour amenity or the visual appearance of the site. The proposed extension is also considered to protect and conserve the nearby Olton Conservation Area. Therefore, the proposal is considered to be in accordance with policies P14, P15 and P16 of the Solihull Local Plan.

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 - Drawing numbers
- (2) CS05 – Statutory time limit
- (3) CS07 – Matching Materials