

APPLICATION REFERENCE: PL/2022/01734/MINFHO**Site Address:** 32 Whitefields Road Solihull B91 3NX

Proposal:	Two storey rear & side extension, loft conversion with new dormer to rear and detached double garage to rear
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:	10 objections
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Recommendation: APPROVAL SUBJECT TO CONDITIONS**EXECUTIVE SUMMARY**

The applicant seeks planning permission for the following works:

- Two storey rear extension
- Two storey side extension.
- Loft conversion with rear dormer.
- Detached single storey outbuilding to rear

During the lifetime of the application amendments have been negotiated to secure improvements to the proposed extension, together with the revision of the detached garage building to the rear of the property.

This report will demonstrate that all aspects of the proposal are visually acceptable and will not be unduly harmful to neighbouring amenity.

The proposal is therefore compliant with polices P14 and P15 of the SLP.

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 neighbouring properties.

Other Material Considerations

- Protected Species
- Public Sector Equality Duty
- Human Rights
- Ecology
- Drainage
- Climate Change

CONSLTATION RESPONSES

SMBC Drainage – No objections

SMBC Ecology Preliminary bat survey received and reviewed. No further surveys were considered necessary. Should permission be granted standard Bat and Bird informative to be added.

PUBLICITY

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

10 objection 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

- Harm to Amenity
- Loss of light
- Loss of privacy / overlooking
- Noise Disturbance.

Character and appearance

- Harm to character of the area.

Other concerns

- Use of detached building

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”) 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.

The HEG sets out that applicants should; *“follow the style, character and appearance of your original home. Extensions should provide design continuity and harmonise with the existing dwelling”*.

The application site is one half of a pair of gable ended dwellings .The proposal includes a two storey side and rear extension, a loft extension with a dormer to the rear roof plane and a detached garage. The HEG states, in regard to dormers; *“avoid large box dormers on rear elevations”*. The dormer is considered to be a modest addition and considered to harmonise with the design and character of the dwelling.

With regards to the two storey side and rear extension, during the lifetime of this application amended plans were sought to reduce the overall scale and massing of the development. The extension is set off the boundary by 1m, is set down and set back, fully in accordance with the guidance set out in the HEG.

Having regard to the proposed detached building, the original proposal showed a two storey detached garage with office above with a pitched roof. The measurement to the highest point was 6.5m. Properties within this area of Whitefields Road benefit from the use of separate garages to the rear, accessed off an existing shared access, all of which are single storey. It was therefore considered that the proposed two storey detached structure was out of character for the area and therefore amended plans were considered necessary. There is an existing rear single storey garage which is proposed to be demolished as part of the proposal. Amended plans have been secured to reduce the detached garage to being flat roofed and single storey. The new proposed garage is now in line with Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, and therefore constitutes permitted development not requiring planning permission. With this in mind, should permission be refused for this application, it is worth noting that this outbuilding can be implemented under permitted development rights without the need of a planning application. Therefore, it is considered that the amended scheme is now acceptable.

In conclusion and having regard to all the material considerations the proposed works is considered acceptable. The additions including the detached garage are considered to harmonise with the design and character of the original dwelling and surrounding dwellings. 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 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.

The proposal will introduce a side facing windows as part of the proposal on the side elevation which shares the boundary with number 34 Whitefields Road. These windows serve a dressing room, en-suite and hallway. They will all be secured with a condition to be obscurely glazed. The properties to the rear of the application site are at a distance in excess of 50m. The window to be inserted into the rear dormer will provide a similar view to that of the first-floor windows. and the new rear windows to be inserted in the new first floor extension, given the distance to the rear dwellings are not considered to result in any additional undue overlooking to the amenity of the neighbours.

The amended rear projection forming a ground floor kitchen / breakfast room and first floor master bedroom complies with the 45 degree line taken from the first floor and ground floor window of number 30 Whitefield Road and such will not generate an unduly harmful impact to the amenity of neighbouring uses.

In relation to the proposed outbuilding to the rear, it is to set off either side boundary by about 1m, has a maximum height of 2.5m, and is set towards the end of what is a very long rear garden, some distance away from the neighbouring dwellings. Having regard to these factors it is considered that the outbuilding will not result in any undue impacts on neighbour amenity in relation to either overbearing impact or loss of privacy.

In conclusion, the siting and relationship 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 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 ecological implications of the proposal

The proposal involves extensive works to the roof of the existing property, and as such SMBC Ecology requested that an initial bat survey of the property be undertaken.

The survey has been undertaken and has confirmed that the property has only a very low potential for use by bats, with no predicted impact upon bats as a result of the proposed development. There is therefore not a likelihood of protected species been affected by the proposal and the scheme is therefore compliant with Policy P10 of the Solihull LP. Neutral weight should be attributed to this.

Other issues

Insofar as the objections to the proposal have not already been addressed in this report, Members are advised of the following:

- *Proposed use of detached building.* The detached building is to be used as garaging and a home office incidental to the use of the property as a single dwelling house. Both of these are considered to be appropriate uses at a domestic property such as this.
- *Noise and disturbance during development* – This is controlled under separate legislation, but it is intended to include an informative in the decision notice to advise of best practices in this regard.

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 as this 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 consider 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 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 Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

CONCLUSION

The proposed extensions and alterations are considered acceptable in both scale and design, would not have a detrimental impact on the character of the area and would be respectful of the amenities of neighbouring properties, which carry neutral weight in the planning balance. As such, the development is compliant with Policies

P14 and P15 of the Solihull Local Plan 2013 and the House Extension Guidelines (2010) 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)
4. Obscure glazed side facing windows