

**APPLICATION REFERENCE: PL/2022/00881/MINFHO****Site Address:** 55 Fowgay Drive, Solihull, B91 3PH

<b>Proposal:</b>	Two storey front and rear extensions resulting in increase of roof height (bungalow to dwelling)
<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>More than 5 objections to the proposal.</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 construction of an additional storey above an existing bungalow, together with two storey front and rear extensions.

During the lifetime of the application amendments have been negotiated to secure improvements to the appearance of the proposed extension.

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: -

- Firstly, the effect of the proposal on the character and appearance of the area; and
- Secondly, the impact on the living conditions of the occupiers of neighbouring dwellings.

**CONSULTATION RESPONSES**

## **Statutory Consultees**

The following Statutory Consultee responses have been received:

- None

## **Non-Statutory Consultees**

The following Non-Statutory Consultee responses have been received:

- SMBC Drainage – The application site is at risk of surface water flooding. Standard Advisory note necessary
- SMBC Ecology – Bat Survey was submitted and reviewed with Ecology. Should permission be granted then works must be in accordance with the findings in the PRA. To be secured with condition.
- Highways – No objection subject to condition. The Councils Highway officer was consulted, and comments as follows: It is noted in the application form that the proposals do not seek to change access or parking arrangements. It is unlikely that the development proposals will generate a significant increase in vehicle trips to have a severe impact on public highway safety, or on the operation of the local highway network. Given the residential nature of the site location, we would recommend a construction management plan, to be secured through condition.
- Landscape – No objection

## **PUBLICITY**

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

All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third-party correspondence received).

8 Objections have been received for this application, raising the following issues:

- Loss of bungalow
- Harmful to the character and appearance of the area
- Effect on residential amenity
- Effect on highway and pedestrian safety
- Impact on biodiversity
- Loss of garden land and open aspect of neighbourhood
- Impact on area during construction
- Loss of privacy
- Would create traffic and parking problems
- Proposal is too big

- Detrimental impact upon existing drainage system

## **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 considered 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 like 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

Policy P15 of the Solihull Local Plan and the House Extension Guidelines SPD (HEG) (2010) seek to ensure that development proposals achieve good quality, inclusive and sustainable design that conserves and enhances the local character, distinctiveness, and street scene 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 set out in the HEG SPD.

55 Fowgay Drive is an existing detached bungalow in a residential area which comprises the majority of two storey dwellinghouses. Within this context the principle of the erection of an additional storey to the bungalow is acceptable, subject to detailed design considerations.

The existing bungalow is of a simple design, with a gabled roof running side to side with a flat roof garage addition to the side/ rear. The proposal involves building on top of the existing footprint and extending to the front and rear at two storey level. In design terms, the proposal will retain some of the characteristics of the existing house and the existing garage will remain, albeit the finished appearance will be two stories in height. Adequate separation distances to site boundaries will remain and appropriate space about the extended dwelling will therefore be provided.

The plot that the house stands on is large, and while the expanded house will be larger, it will not fill the width of the plot with two storey development, retaining sufficient space about it. The proposed house will be taller than the existing, but the immediate streetscene including both adjoining neighbours and those adjacent are 2 storey dwellings, therefore it is not considered to be an over development of the plot. The proposed modifications if implemented, is considered to be a more attractive design than the existing building and respectful of the architectural character of the area.

The result would be a house that in terms of design, scale, size and appearance, relates well to other houses in the streetscene, contributing positively to the overall character and appearance of the area.

In conclusion, whilst the proposal would undoubtedly recharacterize what is an existing bungalow, it would do so in a way that would respect the local character, distinctiveness and streetscene quality. The proposal is therefore compliant with the Solihull Local Plan (2013) Policy P15 and the House Extension Guidelines (2010). Neutral weight should be given to this matter in the planning balance.

#### The effect of the proposal on the living conditions of the occupiers of neighbouring properties.

Policy P14 of the Solihull Local Plan and the House Extension Guidelines (2010) seek to protect and enhance the amenity of existing occupiers neighbouring an application site.

The adopted HEG SPD provides advice on how the impact of development on neighbouring properties will be assessed, and in doing so introduces and explains the Council's 45 degree guide. It sets out that a two-storey extension that breaches the 45 degree guide will not normally be acceptable.

Household extensions such as this can commonly impact upon the amenities of adjoining occupiers in two key ways. Firstly, by way of overbearing impact or loss of light, and secondly, by way of overlooking or loss privacy.

It is noted that the application property shares boundaries with the following properties:

- 56 Fowgay Drive
- 54 Fowgay Drive

Assessing the impact of the proposal firstly upon 56 Fowgay Drive, it is noted that the proposal does not extend beyond either the front or rear of this property, and the 45 degree guide is therefore not breached. Furthermore, there are no habitable room windows contained within the side elevation of No. 56 that faces the proposal, and it is noted that there are no proposed first floor side facing windows to be installed as part of this proposal. It is therefore considered that the proposal will not result in any unacceptable impacts upon either levels of light or privacy to the occupiers of No. 56.

The extended dwelling will retain a rear garden of about 11m in depth (average), and as such the addition of rear facing first floor windows where none currently exist will not result in any undue levels of overlooking to the rear.

For the above reasons the proposal will have an acceptable and not unduly harmful impact upon the amenities enjoyed by neighbours, and the proposal is compliant with Policy P14 of the SLP and the guidance of the SPD. Neutral weight should be attributed to this in the balancing exercise.

#### 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 realistic 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:

- *Would create traffic and parking problems* – The LPA's adopted Vehicle Parking Standards SPD requires a maximum of 2 parking spaces to be provided for developments of this type. This can easily be achieved on site and this view is therefore not shared.
- *Loss of a much needed bungalow* – There are no policies within the development plan that require the retention of bungalows.
- *Detrimental impact upon existing drainage system* – The Lead Local Flood Authority has been consulted on this application and they do not raise any objections to the proposal.

## **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. Works to be carried out in accordance with Preliminary Bat Survey
5. Construction Management plan to be submitted