

Mr Andrew Pearson Removal of Existing Single Storey RES 12/0558
Garage and Kitchen and erection of
new 2 storey extension to existing CA 24.08.12
“A” property. Erection of single storey
garden room and associated
landscaping works.

3 Plymouth Road, Barnt Green

Councillor Taylor has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that permission is **GRANTED**

Consultations

WH Response received 26.07.12: No objection

Lickey & Consulted 05.07.12 – no response received to date
Blackwell PC

Conservation *Response received 02.08.12:*
Officer

“As you are no doubt aware this application was granted permission at the end of last year with a non material amendment granted earlier this year. However it has subsequently transpired that the original plans had wrongly indicated the position of the boundary to the left hand side of the property, indicating that it was almost 5 metres from the actual boundary. The building originally comprised a two storey house with a single storey garage attached to the house approximately a metre from the boundary. Barnt Green Conservation Area, as you are no doubt aware, comprises large detached house on generous plots. If the applicant is permitted to construct a two storey extension so close to the boundary we would not be in a position to object to his neighbour at some future date doing the same thing. This would result in a terracing effect, which would undermine the character and appearance of the conservation area. Paragraph 137 of the NPPF states that ‘Local Planning Authorities should look for opportunities for new developmentwithin the setting of heritage assets to enhance or better reveal their significance’. This application would potentially result in the opposite. I note that part of the application includes the construction of a single storey garden room on the west side of the house,

however although this is close to the western boundary, as it is single storey, the impact on the streetscape will be less, as it does not have the bulk of the two storey extension.

I note from my comments on the original scheme that I had asked whether this extension could be reduced in height to break up the dominance of the roof structure. Maybe this possibility could be revisited.

I would have to object to the application in its current form. If you are minded to accept the application in its current form we will need to condition all the materials and joinery details at a scale of 1:5 to be submitted for approved by the local planning authority prior to the commencement of the works.”

Publicity

4 neighbour notification letters sent 05.07.12 expire 26.07.12

Site notice posted 10.07.12 expires 31.07.12

Press notice published 13.07.12 expires 03.08.12

One objection received from the occupier of the adjoining property 3a Plymouth Road:

“The plans we were shown, and were confirmed to be correct by yourself and Ms Mary Worsfold, show the end of the extension to be 2.30m from the boundary fence. In reality it is only 1m away. No other property on Plymouth Road, or other roads in the area, have such a close proximity to their boundary fence. When we spoke to Mr Pearson he said the survey was incorrect and it was the fault of Bromsgrove District Council, not his.

The elevation of the extension, with regard to how the gardens on this side of the road slope away, leaves a large feature window directly overlooking our patio area and as we can see into it from our bedroom we must assume he will be able to look directly into our bedroom from such. This seems to be an unacceptable loss of privacy. Mr Pearson has since said that he will plant a mature tree to resolve this issue???

Furthermore, as a result of not following the submitted plans which detail the roof being sloped away from the ground floor upwards, the window to our smaller bedroom is now letting in less light. It would appear he has built an additional floor and then added the sloping roof to this. Mr Pearson's comment was that this would allow him more space in his ensuite bathroom.....

We have spent our life savings to move into the home of our dreams. A beautiful area, mature gardens and plenty of space away from the surrounding properties, which is now ruined by the sight of a brick wall, a lack of light and a total wash of our privacy in both our home and garden, all as a result of this imposing extension just 1m away from our boundary.”

The site and its surroundings

The application site relates to a detached dwelling located on the southern side of Plymouth Road. The site originally comprised a medium sized detached 4 bedroom dwelling with an integral garage building to its east elevation. The site is located in a Residential Area and within the Barnt Green Conservation Area as defined in the BDLP.

Members should note that construction works are well underway at the site in pursuance of the proposed extension. Members should note however that this application is not strictly retrospective. Planning permission was granted in December 2011 (11/0897) for an almost identical extension. Various non-material amendments were approved to that planning permission in May 2012 including a 300mm reduction to the overall width of the extension, the relocation of the windows in the east side elevation and a new door within the east side elevation. Following that approval it is understood that works commenced at the site. The Council's Enforcement department then received a complaint raising concerns that the development was not being constructed in accordance with the approved plans. Your officer's investigation of this complaint revealed that the side elevation of the extension is positioned 1.25 metres closer to the boundary than the extension shown on the approved plans (the approved plans indicate a 2.35 metre gap between the extension and the boundary whereas on site this is approximately 1.1 metres). It is understood from the applicant that during construction works it was established that the boundary shown on the approved plans is in the wrong position. The boundary on the approved plans was established from an ordnance survey plan however this is not compatible with the existing fence line on site which is believed to be the actual boundary between the two properties.

Further investigation in relation to this matter by the Council's legal department indicates that planning permission ref. 11/0897 is therefore invalid as it is based on incorrect information.

To address this matter and to regularise the development on site this application has been submitted to the Council for determination.

The proposed development

The application proposes a two storey extension to the east side of the dwelling and a single storey detached garden room to the west of the site.

As noted earlier the development proposed by this application is almost identical to that previously approved under 11/0897. There have been a number of revisions to the development including a 300mm reduction to the overall width of the extension, the omission of 2 no. first floor windows in the east side elevation and a number of minor fenestration changes at ground floor level. The key difference between the two applications is the location of the extension some 1.25 metres closer to the boundary with no. 3A Plymouth Road. Members should note however that the separation distance between the east side elevation of the proposed extension and the west side elevation of no 3a Plymouth Road is in fact greater than that indicated on the approved plans for 11/0897 as a result of the 300mm width reduction. Thus, although this application would bring the proposed extension closer to the boundary between the two properties, it would not bring the extension any closer to the adjacent dwelling or reduce in any way the gap between the two properties.

A full assessment of the proposed development including its design, its effect on the character and appearance of the Conservation Area and its impact on the amenity of the occupiers of the adjoining residential properties will be provided below.

Relevant Policies

WMSS: QE3
WCSP: CTC.1, CTC.20
BDLP: DS13, S10, S35A
Draft CS2: CP3
Others: NPPF, SPG1

Relevant Planning History

10/1027: Erection of 2-story side extension to existing property and remodeling of existing modern garage extension to remove garage doors and install new window – PPG 07.01.11

11/0897: Removal of existing single storey garage and kitchen and erection of new 2 storey extension to existing property. Erection of single storey garden room and associated landscaping works – PPG 23.12.11

11/0898: Conservation Area Consent in relation to 11/0897 - Granted

Appraisal

1. Design, street scene and Conservation Area matters

It is generally considered that the form, detailing and overall design of the proposed extension would respect the original dwelling. It is noted that the

roof ridge of the extension would not be set down from the main building and the proposal would not be subservient in appearance. The comments of the Conservation Officer are also noted in this respect. It is however considered in this instance that the street scene and indeed a large part of the Barnt Green Conservation Area is characterised by large detached properties which, in many cases, extend across the majority of their plot widths at the same roof height. The compound building resulting from this proposal would be in keeping with this predominant character.

The Conservation Officer also notes that the Barnt Green Conservation Area is characterised by large detached houses on generous plots. Concerns are raised by the Conservation Officer over the proximity of the extension to the boundary. It is considered that allowing this extension would weaken the Council's ability to resist an extension close to the boundary at the adjoining property which would result in a terracing effect undermining the character and appearance of the Conservation Area. I note the Conservation Officer's comments in relation to this matter but Members are reminded that each application should be considered on its own merits. In this instance the proposed development would still retain a 5.75 metre gap between the two buildings (as noted earlier this is greater than the previous approval) and the detached character of the Conservation Area would be preserved. In any event if Members are concerned about this proposal leading to a terracing effect between the two properties it is pointed out by your officer that the dwelling at no. 3a Plymouth Road does not provide a spacious gap between the existing building and the boundary adjoining the application site. Given this lack of meaningful space for an extension considering the design of the dwelling at that part of the site it is considered unlikely that a two storey extension would be possible. Taking the above matters into consideration it is your officer's view that the extension is of an acceptable design and it would have no adverse impact on the character of the Conservation Area.

2. Residential amenity

Considering the proposal in relation to the residential amenity guidelines set out in SPG1 the following comments are made.

The proposal would comply with the 45 degree code applied from the windows in the rear of no. 3a Plymouth Road.

The proposal would involve two obscurely glazed roof lights in the side elevation at first floor level. These would face the side elevation of no. 3a in which there is a secondary dining room window and a secondary bedroom window. The proposed windows would each serve a bathroom and it is therefore reasonable to require that they are obscurely glazed in perpetuity by a condition attached to any planning permission granted. This would overcome any overlooking issues.

There would be three ground floor windows in the side/rear elevations of the extension, one of which would serve a lounge and the other two a utility room. At your officer's site visit it was evident that the lounge window is particularly visible from the garden of 3a Plymouth Road. The effect of this on the privacy of this adjoining occupier has been considered on site. It is evident that views of the patio to number 3a could be gained from the window although these are largely obscured by the boundary fence and existing planting.

The two utility room windows would also be visible from the garden to no. 3a. However, having assessed views out of these windows it can be confirmed that the garden to no 3a would not be easily visible due to the angle between the two features and the effect of the building on the site.

It is generally not considered that the said windows would have any unacceptable impact on the privacy of the adjoining occupier due to any views being obscured by existing site features. It is however appreciated that the windows may cause a perceived loss of privacy to the occupier of number 3a due to their overt presence from the garden to this property. It is therefore recommended that a condition is placed on any planning permission granted requiring that the windows are fitted with obscure glazing. The windows in question are either secondary in nature (in the case of the lounge) or serve a non main habitable room (in the case of the utility room). Such a condition would therefore be reasonable. Furthermore it is noted that the application proposes new planting in this location. Further details of this could be requested by condition and it could be a requirement that the planting is of a height and species that will provide screening to the application site.

It is noted that the windows in the side of no. 3a would be faced with the side elevation of the extension at a distance of 5.75 meters away. SPG1 advocates a separation distance of 12.5 metres between blank walls of development and facing windows in adjacent properties so to avoid a visually intimidating, overbearing impact occurring. Although the proposal would not strictly comply with this guideline it is noted that the affected windows in the side of no. 3a comprise a secondary dining room window and a secondary bedroom window. The main windows to these rooms are located in the rear of the property and would remain unaffected by the development. It is not therefore considered that the proposal would have an overbearing impact on the adjoining property.

Taking the above matters into consideration, subject to compliance with appropriate conditions it is not considered that the development would have any adverse impact on the amenity of the adjoining occupier.

3. *Other matters*

Members will note that a Bat Survey Report has been submitted in support of the application. This provides the results of two surveys; one in October 2009 and one in December 2011. The surveys find the roosting potential of the building to be very low as most of the outside of the building was completely sealed up and there were no obvious crevices or cavities that were suitable for pipistrelles. The property was identified as a roost for two Brown Long Eared bats at the first survey. Droppings were also found at the second survey. In both instances this bat activity was concentrated in the roof void at the western end of the house. There was no sign of bat activity at the eastern side of the house. No bats were in residence at the time of the second survey and the house was evidently not a hibernation site. The survey advises that, given the presence of bats in the roof void in summer, the proposed development will be modified to avoid cutting into the roof and the works will be carried out during the winter months.

Members will note that the works at the site are well underway during the summer months. This recommendation within the survey cannot therefore be complied with. Your officer has been advised by the applicant that the works underway at the site do not, and will not, cut into the roof void and that part of the building will remain untouched. On this basis I am satisfied that this recommendation within the survey has been complied with.

Members will note the legal obligation placed on public authorities under the Conservation (Natural Habitats etc) Regulations 1994 to establish the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, before granting planning permission. In this instance the majority of the works have taken place during the summer months and the Council cannot exercise any retrospective control in relation to this matter with regard to bats. It is not considered necessary or reasonable to require that all works cease until the winter months as part of any planning permission granted as the majority of the building works are now complete. It is considered that if and insofar as any harm has been caused to bats it may have already taken place due to the advanced nature of building works. This would have been entirely at the applicant's own risk and at no fault of the Council. It is not considered that retrospectively granting planning permission for this development would have any due effect on protected species.

Members will note that under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000 it is an offence to deliberately disturb bats, recklessly disturb roosting bats or obstruct access to their roosts.

The applicant has been made aware of these statutory provisions and that any ongoing works at the site should not disturb the areas of the building in which bats have been found in the past. If any bats are found in the building during further construction, works should cease until an assessment has been made by a qualified ecologist as to whether activities can proceed without

committing an offence. This information should be conveyed to the applicant as a note attached to any planning permission granted.

On the above basis it is considered that granting planning permission would be in accordance with the advice on biodiversity within the NPPF as any significant harm to protected species resulting from the development can and will be avoided by not disturbing the part of the building in which bat use has previously been identified.

Conclusion

The extension is considered to be of acceptable design and it would have no adverse impact on the character of the Conservation Area in accordance with Policy S35A of the BDLP and associated guidance within the NPPF. It is also considered that subject to compliance with appropriate conditions the development would not have any adverse impact on the amenity of the adjoining occupier in accordance with Policy S10 of the BDLP, the guidance within SPG1 and the Core Planning Principles of the NPPF. Furthermore it is considered that granting planning permission would be in accordance with the advice on biodiversity within the NPPF. Taking these matters into consideration the application is considered to be in accordance with the policies of the adopted Development Plan and advice within the NPPF and there are no other material considerations that would justify the refusal of planning permission. Accordingly it is recommended that planning permission is granted.

RECOMMENDATION: that permission is **GRANTED**

Conditions:

1. C001A (development must be carried out in accordance with the approved plans).
2. C003 (materials to be submitted - modified to replace 'pre-commencement' clause with a requirement to submit details within 1 month of permission – works shall be carried out in accordance with approved details)
3. Within one month starting from the date of this permission, joinery details for the external windows and doors within the development hereby approved shall be submitted to and approved in writing by the local planning authority. Details shall include samples of the materials to be used for external windows and doors and detailed drawings at a scale of 1:5. The development shall be carried out in accordance with the approved details
4. C010 (landscaping – modified to replace 'pre-commencement' clause with a requirement to submit details within 2 months of permission – works shall be carried out in accordance with approved details)
5. C005 (Obscure glazed windows to side elevation)

Notes:

1. The applicant shall note that under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000 it is an offence to deliberately disturb bats, recklessly disturb roosting bats or obstruct access to their roosts.
2. If any bats are found in the building at any point during construction, works should cease until an assessment has been made by a qualified ecologist as to whether activities can proceed without committing an offence under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan (WCSP) June 2001, the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS: QE3
WCSP: CTC.1, CTC.20
BDLP: DS13, S10, S35A
Draft CS2: CP3
Others: NPPF, SPG1

It is the Council's view that the proposed development complies with the provisions of the Development Plan and the National Planning Policy Framework 2012 and that, on balance, there are no justifiable reasons to refuse planning permission.