

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Bob Hasnain	Variation of planning conditions 2 (approved plans), 3 (materials) and 4 (joinery) attached to planning permission 18/01593/FUL to allow adjustments to the approved dwelling design including the addition of a chimney and front elevation changes and landscaping. 11 Cherry Hill Avenue, Barnt Green, Birmingham, Worcestershire, B45 8LA		20/01635/FUL

This application was requested by Councillor Hotham to be considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Barnt Green Parish Council

No objection.

Conservation Officer

There are no conservation objections. Although it is noted that Condition 4 required that 'Prior to the insertion or works commencing on windows and doors details of all new joinery at a scale of 1:5 together with details of proposed finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.' The applicant is therefore still required to provide these window joinery details before this condition can be discharged.

Highways - Bromsgrove

No objection, the plans provided confirm the parking and visibility approved is not affected by the above proposals - no highway implications.

Arboricultural Officer

It is my preference that this landscaping area is included within the scheme and that it contains at least one suitable grade and species of tree.

The garden area to the rear of the property appears to be largely grass with one retained tree. This area is fairly small and therefore limits the potential planting options especially for trees. However, as the removal of a number of unsuitable sized Leylandii trees from the rear boundary of the site was required to achieve the garden space, I request that consideration is given to including some suitable species replacement planting on this boundary within the scheme.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP 7 Housing Mix and Density
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment

Others

NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
National Design Guide
Bromsgrove High Quality Design SPD

Publicity

A total of 19 neighbour notification letters were sent on 18.01.21 expired 11.02.21
A further 19 notifications were sent out as part of a reconsultation on 05.03.21 expired 29.03.21

A site notice was displayed on 22nd January 2021 and expired 15th February 2021.

A press notice was published on 29th January 2021 and expired 15th February 2021.

Representations

A total of 21 objections have been received and summarised as below:

- Detrimental impact on character and appearance of the area including the streetscene
- Overdevelopment of the plot/ Housing density is too high
- Increase in height is detrimental and will facilitate conversion to 3 storey property
- Footprint, volume of the dwelling is too large
- Loss of amenity and overlooking/separation distances inadequate
- Loss of privacy
- Overshadowing
- Potential to convert roof to increase the number of bedrooms

Other non-material planning considerations have also been raised; these do not form part of the assessment of the proposal.

Councillor Hotham

The application should be called in before the committee on the basis that this was a committee decision and thus any significant amendment should be with their approval.

Relevant Planning History

TPO20/194	Removal of 6nr Leylandii trees (H1) Become unmanageable. Redundant as screen due to reduced approved reduced site levels. Removal of Larch (T5) Tree roots have engulfed drainage system unable to repair drain due to proximity of tree roots without damage to roots.	Approved	21.10.2020
18/01593/FUL	Demolition of existing house and garage and construction of new dwelling.	Approved	07.11.2019
18/00652/FUL	Demolition of existing house and garage and construction of new dwelling. Re-submission of planning ref 17/01199/FUL	Refused	19.07.2018
17/01199/FUL	Demolition of existing house and garage with the construction of new dwelling	Withdrawn	26.03.2018

Assessment of Proposal**Application and Description of the Site**

Application ref. 18/01593/FUL was considered at planning committee on 4th November 2019 for the demolition of the existing bungalow and detached garage and the erection of a two storey 4-bedroom dwelling. The application was approved on 7th November 2019.

The existing house has been demolished and the works have started on the new home. The site is a large plot along Cherry Hill Avenue. The properties in the area are predominately two storeys and consist of a mixture in terms of their age and design. The site is within the Barnt Green Conservation Area.

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals, and under section 73 of the Town and Country Planning Act 1990 an application can be made to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

Any planning permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. A new permission would sit alongside the original permission, which remains intact and unamended. Any new permission should set out all the conditions

imposed and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.

Condition 2 of 18/01593/FUL agreed drawings / plans by which the development would be implemented and condition 3 (materials) and 4 (joinery).

The application proposes the following changes to the approved scheme, a chimney, an increase in the ridge height of the property with the main ridge height being limited to no higher than the forward ridge of 15 Cherry Hill Avenue, 1 window on the rear ground floor elevation changing from a patio to standard window, 1 flat roof dormer to the rear has been removed and adjusting the front dormers so they are now the same height. These changes are proposed as well as providing information regarding materials and front door joinery details.

Appraisal

The key issues to be determined in this case are:

- Principle of development;
- Character and appearance;
- Impact upon the Conservation Area;
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties;
- Removal of Permitted Development Rights

Principle of Development

The principle of the demolition of the existing house on the site and the replacement with a new house has previously been approved and is an extant permission (18/01593/FUL). Furthermore, the previous permission which granted the replacement house, has already been implemented and works are ongoing.

Therefore, the principle of development has already been deemed acceptable. This application deals only with the changes being sought, which is an increase in the ridge height of the approved house from 8.53 metres to 8.58 metres, which is an increase in ridge height by 50mm (it is noted that the height of the approved house from the Finished Floor Level datum point is 8.3m in height), as well as confirming the materials and providing joinery details in relation to the proposed front door.

Character and Appearance

The Cherry Hill Avenue area is characterised by individually designed dwellings insubstantial plots therefore there is no one set design criteria to be adhered to and there is an eclectic mix of dwelling types, sizes and heights.

In terms of design, it is considered that the elevation fronting onto Cherry Hill Avenue is appropriate in terms of design and scale. The dwelling still has a two storey appearance on the front elevation, which due to the design features and the retention of the dormer over the single garage not only breaks up the overall bulk of the development but creates a good level of visual interest to the building. Furthermore, the use of brick on the ground

level and render on the first floor further adds to the visual interest of the building. There is no objection to the inclusion of the chimney to the side elevation.

The siting, scale and design of the proposed dwelling is still considered to be acceptable. It is not considered the proposal would appear visually intrusive, but positively integrates with the development along Cherry Hill Avenue and the surrounding area. Nor would it represent a cramped form of development resulting in an over development of the site.

The increase in ridge height will have little discernible effect on the wider character and appearance of the area due to the wide-ranging built form in and around Cherry Hill Avenue. With the ridge height being no higher than front wing roof of 15 Cherry Hill Avenue and lower than overall height of this property. The materials and joinery details regarding the front door are considered acceptable.

Impact upon Conservation Area

As this proposal is situated within the Barnt Green Conservation Area, the development must be considered against paragraph 193 of the NPPF and Policy BDP20 of the Bromsgrove District Plan in terms of its impact on the significance of designated heritage assets.

It was considered that the approved scheme would have a neutral impact on the character and appearance of the Conservation Area as required by the 1990 Act and Policy BDP20 the Bromsgrove District Plan.

As part of this application the conservation officer has reviewed the revised scheme and has no conservation objections.

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

Policy BDP 1.4 (e) requires developments to be compatible with adjoining uses and the impact on residential amenity. The High Quality Design SPD assists with interpreting this policy. The relationship between the dwelling as proposed and existing dwellings has been examined.

The comments are noted with regards to loss of privacy, overshadowing & loss of light. However, the principle of the new house has already been agreed, this was considered acceptable and is extant and in progress.

The footprint of the built form, albeit the increase in ridge height, will be like that as the approved house under 18/01593/FUL.

The proposed increase in ridge height will not have a detrimental impact on the occupiers of the neighbouring properties through increased visual intrusion, loss of light and increased loss of privacy and overlooking due to the highest part of the roof being set further into the plot.

Removal of Permitted Development Rights

Several objectors have raised concerns that the roof of the replacement dwelling (and the proposed increase in height) could be converted to increase the number of bedrooms/rooms for the property. This application does not propose any rear dormers in the roof nor any roof lights.

As part of the consideration of the original application it was noted in the committee report that as the site is within a conservation area, roof extensions under Class B (additions to the roof such as the installation of dormer windows) are not permitted development and will require an application for planning permission.

In relation to Class C (other alterations to the roof, for example the installation of roof lights/windows), following discussions by members that further development could cause a detriment to the amenity of nearby occupiers, a condition removing Class C permitted was included as part of the planning approval.

This planning application does not alter this set of circumstances and a condition removing Class C permitted development rights has been retained.

Other Matters

In relation to the retaining wall conditions that were included in the original permission, the under intention was to construct the retaining wall along the boundary line. Following consultation with the applicant's structural engineer, this construction was not seen as possible. Details have been provided retaining the structures (a reinforced retaining wall) that have been erected. This provides both the retaining structure and external wall to the garage. The agent has confirmed that these been designed by a structural engineer. The wall is constructed with steel reinforcing within the core and masonry units inside & out. the design has been checked by the building control inspectorate and they are satisfied with the design. On this basis it is considered that those conditions previously applied are no longer required.

The Highways Authority has raised no objection to the proposal. The Tree officer has made comments regarding a detailed landscaping plan, this is still appropriate to condition this element.

Conclusion

The proposed changes are considered to comply with Bromsgrove District Plan Policies BDP1, BDP7, BDP19, BDP20, the Bromsgrove High Quality Design SPD and the provisions of the NPPF. Therefore, in conclusion, the application is recommended for approval, subject to conditions.

RECOMMENDATION: That planning permission be **GRANTED**

Conditions

1. This permission must be implemented before the time limit imposed on planning permission 18/01593/FUL, which is 7th November 2022.

Reason: To conform with the requirements of Sections 73 and 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be carried out in accordance with the following plans and drawings:

Existing Floor Plans & External Elevations Location / Block Plans (20)M-201 Rev A
A106 PROPOSED FRONT ELEVATION V.3
A107 PROPOSED REAR ELEVATION V.3
A125 NW ELEVATION
A109 SE ELEVATION
A105 SECTION 15 CHERRY HILL AVE BOUNDARY & SITE LANDSCAPE V.1

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

3. Development shall be carried out in accordance with the materials specified on the approved plans, Alderley Burgundy brick and the Pirnar Door details (Model PR2020-66414) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory.

4. Prior to the insertion of windows, details of all new joinery at a scale of 1:5 together with details of proposed finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

5. The development hereby permitted shall not be first occupied until the proposed dwelling have been fitted with an electric vehicle charging point and thereafter the charging point shall be kept available for the charging of electric vehicles.

Reason: To encourage sustainable travel and healthy communities.

6. All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees.

Reason: In order to protect the trees which form an important part of the amenity of the site.

7. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a. details of all hard surfacing;
 - b. details of all boundary treatments;
 - c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory.

8. Prior to first occupation of the development hereby permitted 2 cavity bat boxes will be installed in the sides of the new house. Evidence shall be provided that the bat boxes have been installed to the Local Planning Authority prior to occupation to ensure that they have been installed.

Reason: To ensure the creation of wildlife habitat and wildlife corridors within development and minimize impact of the development on the biodiversity.

9. All bathroom and en-suite windows to be installed shall be fitted with obscure glazing and any opening lights shall be at high level and top hinged only. The obscure glass and any opening lights shall be maintained in the said window in perpetuity.

Reason: To protect the amenities of neighbouring residents.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Class C shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development.

