

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr J. Singh	Proposed new dwelling in rear garden of 111 Stourbridge Road  111 Stourbridge Road, Bromsgrove, Worcestershire, B61 0AN,	03.12.2021	21/01372/FUL

This application has been called in to planning committee by the Ward member Councillor Douglas.

**RECOMMENDATION:** That planning permission be Refused.

### Consultations

**North Worcestershire Water Management** Consulted 14.10.2021

Having looked at this consultation I have the following comments.

The site falls within flood zone 1 (low risk of fluvial flooding) and is not shown to be susceptible to surface water flooding, although the adjacent highway is. We hold no reports of flooding at this site or in the immediate vicinity.

I note the application form states storm water will be disposed via soakaway; this method is always preferred however the soil conditions vary in this area therefore ground investigations will be required as part of a detailed drainage design. There is no storm water sewer present, and connection of storm water to the foul sewer must be a very last resort, and only when agreed with STW Ltd.

The surface water drainage arrangements will be part of a future Building Control application, however, the Building Regulations have not kept up with national practice regarding design return periods. The Building Regulations still refer to a 1 in 10 year return period whereas it is national practice to ask for surface water drainage schemes to be designed to be able to deal with the 1 in 100 year design rainfall event on the site plus an allowance for climate change. This is for instance reflected in the BRE 365 soakaway design guide, which was revised 2016. The NPPF states that the Local Planning Authority should only consider development that does not increase flood risk off the site.

On this basis, I would be grateful if the following condition could be included on your decision notice:

"Surface water from the development shall discharge to soakaway drainage designed to cope with a 1 in 100 year event plus 40% allowance for climate change. If it emerges that infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus 40% allowance for climate change. The drainage shall be implemented prior to the first use of the development and thereafter maintained."

### **Arboricultural Officer** Consulted 14.10.2021

The site has recently been largely cleared and the ground level adjusted which has created a slight incursion and alteration of the level within a section the BS5837:2012 recommended Root Protection Area (RPA) of a Cherry tree growing within the grounds of 113 Stourbridge Road. The canopy of this tree overhangs the development site and I envisage it will conflict with the proposed building bring pressure to prune the tree. Therefore, I request that consideration is given to adjusting the footprint of the proposed building as shown on drawing number 21-41-31A further to the South to avoid creating any conflict with this tree.

There is a small stature Cherry tree that has been retained with the site, however the ground levels have been significantly lowered around the full circumference of the tree and well within the RPA of the tree thereby causing extensive root damage to the tree. The tree is already showing signs of poor vigour and therefore the root damaged caused is highly likely to stress the tree further and increase its level of decline. It is shown for retention within the scheme however I envisage that due to its current condition and the level of root disturbance it has suffered it is unlikely to survive in the longer term. Therefore, I request consideration is given to providing a suitable level of additional new tree planting within the scheme to mitigate the longer term potential loss of this tree.

#### Conclusion:

I have no objection to the proposed scheme in terms of any tree related matters but request that consideration is given to adjusting the footprint of the proposed building as shown on drawing number 21-41-31A further to the South to avoid creating any conflict with the Cherry tree within the grounds of 113 Stourbridge Road and including new tree planting within the landscaping scheme to mitigate against the potential longer term loss of the Cherry tree within the site.

### **Highways - Bromsgrove** Consulted 14.10.2021 and 22.12.2021

I have no highway objections to the proposed new dwelling in rear garden of 111 Stourbridge Road.

#### Site observations:

The existing site is located in a residential and sustainable location off a classified road, the proposed access is located off Santridge Lane. The existing site benefits from an existing vehicular access. Santridge Lane does not benefit from footpaths or street lighting and no parking restrictions are in force in the vicinity. The site is located within walking distance of amenities, bus route and bus stops.

The applicant provided speed survey data as evidence and has provided vehicular and pedestrian visibility splays on plan accordingly - acceptable.

The applicant has also provided 2 car parking spaces an EVCP and cycle parking in accordance with policy.

Vehicular tracking has also been provided to ensure vehicles can enter and leave the site if cars are parked in the parking bays opposite the proposed vehicular entrance.

Applicant has failed to provide construction management plan; this is to ensure no building materials are located on the highway - in the interests of pedestrian and highway safety - conditioned below.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

This is subject to conditions.

### **Ward Councillor – Councillor Douglas**

Further to our conversation, I request that the application is placed before planning committee. Because this proposed plan would provide one new house albeit using town centre garden space. There is no rhythm to the street scene that needs maintaining, nor would it cast a shadow or invade privacy of the garden of 119a as it is to the North of that garden. Unless Highways advise otherwise, the traffic congestion is largely at the beginning and end of the local school day.

### **Public Consultations**

Site notice posted 15.10.2021

18 Neighbour Notification letters sent 14.10.2021

5 Letters of objection have been received. These have raised the following matters:

- Highway safety
- Insufficient parking in Santridge Lane
- Onsite parking provision
- Cramped and contrived form of development that would be at odds with the existing pattern of development along this portion of Stourbridge Road.
- Set precedent for further such applications.
- Scale and design of proposed dwelling would be out of keeping with its surroundings.
- Inadequate provision of outdoor accommodation
- Loss of light, privacy and Increased car fumes in garden
- Loss of privacy, noise disturbance, increased light pollution, overshadowing and overbearing impact
- Impact of site clearance on ecology/ biodiversity
- Lack of proposed landscaping
- Impact of development on tree

Other non-material planning considerations were raised, but these can not be taken into consideration in the assessment of this application.

### **Relevant Policies**

## **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP2 Settlement Hierarchy  
BDP7 Housing Mix and Density  
BDP16 Sustainable Transport  
BDP19 High Quality Design

## **Others**

National Design Guide  
NPPF National Planning Policy Framework (2021)  
NPPG National Planning Practice Guidance

## **Relevant Planning History**

None

## **Assessment of Proposal**

The site is situated in part of the rear garden of No. 111 Stourbridge Road, which is sited between the Stourbridge Road and Santridge lane, with the existing front and access into the existing dwelling being from Stourbridge Road. The property is situated in the residential area of Bromsgrove which is considered to be a sustainable location.

The proposal is for the erection of a two-bedroom dwellinghouse within the rear garden of 111 Stourbridge Road, with a new vehicular access from Santridge Lane. The dwellinghouse is shown to be two storey with a height of approximately 6.4 metres with the first-floor accommodation being situated in the roof space.

Some works have already taken place on the site including site clearance, ground works and engineering operations. This work has included the removal of vegetation, changing levels across the site by reducing the height of the land in order to level the site and the installation of new retaining boundary structures.

## **Principle of development**

Policy BDP19 sets out that Development of garden land will be resisted unless it fully integrates into the residential area and is in keeping with the character and quality of the local environment.

## **Character and appearance**

The area consists of a mix of dwelling types including detached, semi-detached, terraced and bungalows. However, the prevailing pattern of development along this section of Stourbridge Road is that of a single linear form, with dwellings mainly facing on to Stourbridge Road with the rear elevations and rear gardens backing onto Santridge Lane. The majority of these dwelling do have vehicular accesses off Santridge Lane into their rear gardens and some also have single storey garage structures in the rear gardens, the majority of which are set.

There are a few dwellings situated to the northern end of Santridge Lane; in between Santridge Lane and Stourbridge Road, which are orientated towards Santridge Lane.

However, it is noted that these properties still form part of the single linear pattern of development in the area and are not formed from tandem development.

The construction of a new dwellinghouse in the rear garden of 111 Stourbridge Road would result in a tandem development which would be at odds with the prevailing pattern of the development in this area and would result in an incongruous and uncharacteristic form of development. This would be at odds with Policy BDP19 which sets out that Development of garden land will be resisted unless it fully integrates into the residential area and is in keeping with the character and quality of the local environment.

The site is located along a point of Santridge lane where the dwellings are set back from the road and beyond an area of open space, which results in an increased sense spaciousness. In contrast the new dwelling would be minimally set back from Santridge lane, intruding into the existing spacious setting of the street scene at this point. This would be significantly harmful to the character and appearance of the area contrary to policy BDP19 and the NPPF.

### **Amenity space**

Bromsgrove District Council High Quality Design SPD sets out that private amenity space will be required to be of a usable size with a minimum of 70 sqm for dwellings. Amenity space in the canopy of trees or on steep gradient will not be included within the 70 sqm requirement. It also sets out that rear private amenity space will usually be expected to be a minimum of 10.5 metres in length. Private amenity space will also be expected to be suitably sited and in scale with the plot and surrounding buildings and reflect local density.

The rear garden of the proposed dwelling house is shown to have a length of 5 metres, with an overall area of over 66sqm; with approximately 15 sqm of that space being under the canopy of trees. The total area of garden space that would count as private amenity space would therefore be 51sqm. The existing dwellinghouse would have a larger garden area with a length of between 10.5 and 8 metres and an overall area of approximately 135sqm.

Whilst it is noted that the plots and garden sizes of the houses located between Stourbridge Road and Santridge Lane do vary, the plots and rear gardens of the adjoining houses to the site would exceed the requirements of the Bromsgrove Design SPD with gardens lengths of approximately 20 and 18 metres.

Overall although the existing dwelling (No. 111) would have a rear garden area that would meet the requirements of the Bromsgrove Design SPD, the proposed dwelling would not. As a two storey two bedroom dwelling the proposed outdoor space would fall below what is required both in overall area and length. Due to this, it is considered that the proposal would result in an unacceptable cramped form of development that would lead to an inadequate provision of amenity space for the proposed dwelling which would be at odds with the overall character and density of the area.

### **Amenity**

Objections have been received from neighbouring occupiers in relation to the impact the proposal would have on their existing amenities.

The rear of the proposed dwelling is not shown to have any windows at first floor that would serve a habitable room. The only first floor windows would be a large window which is shown to serve the stairway which spans both floors of the proposed dwelling; and a roof light which serves a bathroom and is shown to be obscure glazed. A first-floor window is also proposed to be sited on the northern side elevation of the dwelling that would look towards the rear garden of No. 113. However, it is noted that this window is shown to be obscure glazed as it is serving a bathroom.

At ground floor the plans show one rear facing window that would serve a habitable room. Although this window would be directly opposite and within 21 metres of the rear wall of No.111 it is noted that the only first floor window on the rear of No. 111 serves a bathroom and is therefore not a habitable room.

The distance from this ground floor window on the proposed dwelling to the nearest first floor window on No. 109a would be approximately 14 metres and on No. 113 would be approximately 19 metres. It is however noted that these windows and properties are not directly opposite, they are offset from one another. The High-Quality Design SPD sets out that a minimum separation distance of 21metres would be required between opposing faces.

Overall, due to the design of the proposed dwelling, it is not considered that the proposal would have an adverse impact on the existing amenities of the adjoining dwellings with regards to overlooking or loss of privacy.

The proposed dwelling would be situated approximately 0.45 metres from the boundary with No. 113 and just over 5 metres from the boundary of No. 109a. With an overall height of approximately 6.4 metres and an eaves height of approximately 3.4 metres, it is considered that the proposed dwellinghouse would be highly prominent from within the neighbouring gardens.

It is however noted that due to the land level changes that have taken place within the site, the proposed dwelling would be set down from the garden of No. 113 by over 1 metre. Due to these level changes a retaining structure has been erected along the boundary with No. 113 and a fence has been erected on top. Due to this some of the bulk of the proposed dwelling would be below the retaining structure and fence so would not be visible from No. 113. Given this and the separation distances between the dwellings, it is not considered that the proposed dwelling would have an adverse overbearing impact on the occupiers of No. 113.

Due to the orientation of the site, it is likely that the proposed dwelling would result in some overshadowing of the garden of No. 113. However, due to the length of the garden, it is not considered that the proposed dwelling would cause overshadowing of the dwellinghouse.

Although the proposed dwelling would be visible from the rear of No.109a, due to the orientation and the separation distance between the proposed dwelling and No. 109a it is not considered that the proposed dwelling would have an adverse overshadowing or overbearing impact on the occupiers of No. 109a.

The driveway for the proposed dwellinghouse would be positioned along part of the rear garden boundary of 109a. Concerns have been raised regarding this in relation to potential noise nuisance and increased pollution. However, given the proximity of Santridge lane to the rear gardens; and, that some of the properties in this section of the road do have driveways within their rear gardens, it is not considered that the proposed driveway and parking area in this case would have an adverse impact on the amenity of the occupiers of the neighbouring occupiers.

Overall, due to the design and siting of the proposal it is not considered that it would have an adverse impact on the existing amenities of the neighbouring occupiers.

### **Highways**

Objections have been received from neighbouring occupiers regarding the existing traffic and highways safety issues in the area of the site and the impact the proposed dwelling would have on these matters.

The Worcestershire County Highway Officer did initially raise objection to the scheme due to the submission of insufficient information. However, following the submission of further information including a speed survey and vehicular tracking information Worcestershire County Highways have raised no objections to the proposed development subject to certain conditions. These conditions relate to visibility splays, parking and provision of an electrical vehicle charging point.

Highways have also sought for a construction environmental management plan to be provided prior to the commencement of the development. The reason for this condition would be to ensure that no building materials are located on the highway in the interests of highway safety. However, given the scale of the application it is not considered to be reasonable to attach such a condition in this case. An informative could however be attached to the permission regarding this.

### **Trees**

The Councils Tree officer has not raised any objection to the proposal in any tree related matters. They did however request that consideration be given to adjusting the footprint of the proposal dwelling further south to avoid creating any conflict with the Cherry tree within the grounds of No. 113 Stourbridge Road. They also request that the landscaping scheme includes new tree planting to mitigate against the potential longer-term loss of the cherry tree from within the site due to the level changes that have taken place across the site.

No amendments have been made to the position of the dwellinghouse following the tree officers comments.

### **Ecology**

Prior to the submission of the application works to clear the site had taken place. This included the removal of vegetation along the boundaries and reducing levels across the site. We have received objections from neighbour occupiers in relation to these works and the potential impact they have had on ecology, biodiversity, and the green character of the area.

It is noted that the works to remove the vegetation across the site would not have required planning permission. It is also noted that it would have been the owners legal obligations under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) to avoid disturbance of nesting wild birds and protected species such as bats when carrying out any works.

However, to mitigate against the loss of the vegetation across the site and improve the biodiversity in the area, a landscaping scheme could be conditioned should the proposed development be approved.

### **Housing supply and conclusion**

The Council cannot currently demonstrate a 5-year supply of housing. Where this is the case paragraph 11 of the Framework, advises that where the policies most important for determining the application are out-of-date (including where there is no five-year supply of deliverable housing sites), planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate that development should be restricted. The policies which set out the restrictions are listed at footnote 6 of the NPPF, none of which apply in this case. The NPPF at paragraph 7 defines sustainable development as having three dimensions: economic, social and environmental.

In relation to the economic dimension the development would provide some benefit to the local economy in terms of providing employment for construction trades and increasing demand for building materials, however given the small scale of the development proposed this benefit would be limited.

With reference to the social dimension the proposal would make a limited positive contribution towards the supply of housing in the locality and provide a new dwelling in a location broadly defined as being appropriate for residential development, although this would be with inadequate amenity space.

However, environmentally, the proposal would result in a cramped form of development that would be at odds to the prevailing pattern of development in the area which would, as outlined above, be harmful to the character and distinctiveness of the area.

This would result in significant and demonstrable environmental harm that would not be outweighed by the limited social and economic benefits arising from the provision of 1 dwelling. Due to this it is considered that the proposal is unacceptable.

**RECOMMENDATION:** That planning permission be Refused.

### **Reasons for Refusal**

1. The construction of a new dwellinghouse in the rear garden of 111 Stourbridge Road would result in a tandem form of development which would be at odds with the prevailing pattern of the development in this area. Due to the size and



siting of the plot the development would also appear as a cramped form of development that would lead to an inadequate provision of private amenity space for the proposed dwelling, would adversely impact on the spaciousness of this stretch of Santridge lane and detract from the character and density of the area. For these reasons the proposal would result in an incongruous and uncharacteristic form of development which would be contrary to policy BDP1, 7,19, Bromsgrove Council High Quality design SPD and the NPPF.

2. The proposal, by reason of its scale and siting, would result in an inadequate provision of external amenity space for the future occupiers of the proposed dwellings, contrary to policy BDP19, Bromsgrove High Quality Design SPD and the NPPF.

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