

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr A Keay	Amendments to previously approved dwelling house (21/01086/FUL) including an attached garage, a rear orangery, internal alterations including the creation of a 2nd floor and changes to the front and rear fenestration.  The Keepers, 6A St Catherine's Road, Blackwell, Worcestershire, B60 1BN		22/00803/FUL

**Councillor King has requested that the application be considered by Planning Committee rather than being determined under delegated powers.**

**RECOMMENDATION:** That planning permission be **Granted**

### **Consultations**

#### **Highways - Bromsgrove**

No objection

#### **Lickey And Blackwell Parish Council**

Lickey and Blackwell Parish Council does not support this application.

#### **North Worcestershire Water Management**

This site has been previously commented on for multiple planning applications, the latest being 22/00059/FUL. I have no further comments to make based on the changes made. However minimal drainage details, as previously, have been provided. It was requested via condition that details of the proposed drainage were provided with a previous application for this development. These details have not been received and we will therefore need this information in due course.

#### **Arboricultural Officer**

No objection

#### **Councillor King**

It would be fair to all involved to bring the application to the planning committee thus giving the residents an opportunity to make their objections known publicly and the developer a chance to answer them.

### **Public Consultation**

53 neighbour letters sent on 23.06.22 (expired 17/07.22)

Neighbours/members of the public have submitted 25 objections. These can be summarised as follows;

- Larger than previously approved
- Not in keeping/eyestore/prominent to the streetscene
- Contrary to Lickey and Blackwell NP and Bromsgrove DP
- Disregarding previous decisions
- Impact on amenity/overlooking
- Loss of light
- Change in height of dwelling
- Drainage
- Precedent for future development in the area if application approved

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP7 Housing Mix and Density

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

BDP23 Water Management

#### **Others**

NPPF National Planning Policy Framework (2021)

National Design Guide

Bromsgrove High Quality Design SPD

Lickey and Blackwell and Cofton Hackett Neighbourhood Plan

### **Relevant Planning History**

APP/P1805/W/ 22/3290354	Appeal regarding the removal of permitted development rights under Condition 10 of 21/01086/FUL	Appeal Allowed	07.12.2022
TPO22/147	Tree works	Approved	16.09.2022
22/00015/FUL	Amendments to previously approved dwelling house including an attached garage a rear orangery, internal alterations and changes to the fenestration	Refused	18.03.2022
21/01086/FUL	Dwellinghouse (retrospective)	Approved	08.10.2021
21/00420/FUL	New dwelling house	Refused	03.06.2021
20/00715/FUL	New dwelling house	Approved	23.02.2021

15/0608	Four-bedroom two-storey new dwelling with detached garage on land to the rear of 6 St Catherines Road.	Approved	13.10.2015
11/06555	Erection of dormer bungalow and detached garage to the rear of 6 St Catherines Road	Approved	26.11.2011
10/0973	Erection of three bedroomed detached bungalow and garage	Approved	09.12.2010
2006/0840	Renewal of B/2003/0331: 2no. dwellings - Outline consent	Approved	04.10.2006
2003/0881	Two dwellings - Outline Consent	Approved	22.08.2003

## **Assessment of Proposal**

### **Site Description**

This application relates to a dwelling to the rear of 6 St. Catherine's Road. It is located on the eastern side of the road in the residential area of Blackwell. The plot of land historically formed part of the garden at number 6 but was subdivided some years ago. An existing access road runs along the northern boundary of number 6 to serve the application site. The site is bound to the north by the rear garden of number 8 and to the south by the rear gardens of numbers 4 and, in part, 4a. To the east is a field understood to be in the ownership of number 10, and to the west is the rear garden of number 6. An area Tree Preservation Order ((26) 2003) covers the site. Blackwell First School lies approximately 50 metres to the north of the site. Most of the plot is enclosed by a high concrete wall.

The dwelling has now been completed and is occupied.

### **Background**

As outlined in the planning history, the dwelling on this site has undergone several iterations. This includes earlier in 2022, proposed amendments to the dwelling were refused under 22/00015/FUL for the following reason:

*“The proposal would comprise additions to an approved dwelling, which by virtue of its height, scale, massing and design would harm the openness of the area and fail to integrate into the established character and quality of the local environment. The proposal would therefore be contrary to Policies BDP1 and BDP19 of the Bromsgrove District Plan, Policy BD2 and Policy BD3 of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan, the National Planning Policy Framework and the Council's High Quality Design SPD.”*

The current retrospective application is like this refused scheme, albeit a 2nd floor has been incorporated into the roof of the dwelling.

The current application has been in abeyance following a planning appeal relating to the removal of permitted development rights relating to planning application 21/01086/FUL that was being considered by the Planning Inspectorate (APP/P1805/W/22/3290354). This appeal has now been considered, and the disputed condition regarding the permitted development rights has been removed.

The removal of this condition and the comments made by the Inspector in their assessment are considered below.

In relation to character and appearance, the Inspector in paragraph 8 indicates that *"The enlargement of the property, through the erection of extensions and outbuildings allowed by permitted development rights would not give rise to an overly large development in relation to the plot or harm the character and appearance of the area through loss of openness"*. Concluding that the *"..disputed condition is not reasonable or necessary in the interests of the character and appearance of the area"*.

In terms of residential amenity, the Inspector outlines that *"Permitted development rights would allow the erection of potentially significant extensions and outbuildings to the property, however, it has not been demonstrated that any of the additions would cause tangible harm in terms of the living conditions of occupiers of neighbouring properties"*.

I consider that this substantially alters the consideration of the changes to the approved dwelling compared to the previous assessments outlined in the planning history section.

## **Proposal Description**

This is a retrospective planning application for amendments to a previously approved dwelling house (21/01086/FUL) and includes an attached garage, a rear orangery, internal alterations incorporating a 2nd floor and changes to the fenestration.

It follows four recent applications for the erection of one dwelling on this site, 20/00715/FUL, which was approved on 23rd February 2011, 21/00420/FUL which was refused on 3rd June 2021, 21/01086/FUL approved on 8th October 2021 and 22/00015/FUL, which was refused in March 2022.

## **Principle, Character, Design and Scale**

The National Planning Policy Framework (NPPF) excludes urban private residential gardens as previously developed land. Policy BDP19 (n) of the Bromsgrove District Plan (BDP) states that the 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 supporting text states that 'Development which significantly increased the proportion of ground coverage by buildings, or the scale of proposed buildings, is likely to be out of keeping with its surroundings and therefore likely to be unacceptable and will be refused'. Paragraph 124(d) of the NPPF emphasises the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Policy BD2 Encouraging High Quality Design of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan 2018-2030 (Neighbourhood Plan) which was adopted in January 2020 states that 'subdivision of plots and infill development must have appropriate regard for characteristic plot densities at their location.' Policy BD3 Residential Developments in Gardens of the Neighbourhood Plan identifies openness and density of

the built form as factors to be considered in ensuring development of garden land retains the character of the residential area at their location. St. Catherine's Road has a mixed character. The existing street scene comprises a mix of predominantly large two storey dwellings and some single storey dwellings that vary between modern and traditional, with a variation of pitched and hipped roof types. Some of these properties sit on generously sized plots.

The approved scheme under 21/01086/FUL was considered acceptable because of the removal of the garage adjoining the property, the rear orangery, and the front bay. This sufficiently reduced the footprint, overall area, and volume of the proposed dwelling. These amendments to the scale, bulk, and design addressed issues of openness and meant that the dwelling would be in keeping with the scale and design of the extant permissions on and adjacent to the site and would not harm the character of the area. Permitted development rights were also removed to ensure the garage and other extensions could not be implemented without the consideration of the LPA.

The retrospective proposal seeks to increase the footprint of the development by approximately 60 square metres through the addition of a side garage, as well as a rear orangery, increasing the overall scale and massing of the development and increasing the amount of built form relative to the plot size. The three projecting gables have been retained, the middle of which would now include a full height glazed window that would extend close to the apex of the main roof, and the central gable has also been increased in size, giving the impression of a dwelling that is greater than two storeys. Further windows have been added to the first-floor front elevation. These elements all create a vertical emphasis and add bulk. Furthermore, the dwelling also incorporates a second floor.

Following the recent appeal decision and Inspectors comments, which reinstates permitted development rights, the ground floor extensions would be permitted development, as well as the alterations to the roof to incorporate a second floor. While the changes to the gable projections are noted, these changes in themselves are minor and would not warrant refusing the planning application. Neighbours have also commented regarding the overall height of the dwelling. However, it is evident that a change in levels has been incorporated in the erection of the dwelling, this is acceptable.

On that basis, the previous reason for refusal regarding the scale and design of the dwelling can no longer be substantiated and the current application be supported.

### **Residential Amenity**

Objections have been received in respect of overlooking, overbearing, loss of light, and outlook. It is noted that objections regarding the loss of amenity have been raised throughout the application. Ultimately, the applicant's approach to building the dwelling through retrospective planning applications has not assisted in reducing residents' concerns regarding this matter.

However, the dwelling exceeds the minimum separation distances to surrounding dwellings, there is a separation distance of approximately 40m to the rear of no 6 St Catherine's Road. The dwelling would be set back from the rear garden boundary of number 6 by approximately 10 metres.

It is acknowledged that the first-floor windows could introduce oblique overlooking to the adjacent gardens of numbers 4, 4a and 8, however, this level of overlooking is similar to

what may occur from the rear windows of properties in a linear run of development and is not viewed as an unacceptable intrusion.

An objection has also been received from number 10, which has land that adjoins the rear of the site, regarding overlooking from the garden area and a lack of obscured glazing in the second-floor rear bathroom. It is noted that following a site visit, the owner of the property has screened the window with the ornamental grasses/reeds. The land directly to the rear of the application site does not appear to form the domestic curtilage of number 10, which lies further to the north alongside the dwelling, it is not considered appropriate to require obscured glazing in this case as there is no direct overlooking of windows or the rear garden area of the dwelling. The garden at 6a has a depth of 14m and is considered a sufficient size not to cause an undue impact on the land relating to number 10.

### **Foul and Surface Drainage**

The proposed development site is situated in the catchment of Batchley Brook & Hewell Stream. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Risk to the site from surface water flooding is indicated as low based on the EA's flood mapping. However, we are aware of flood risk issues on St Catherine's Close. Correctly designed drainage will mitigate any flood risk from surface water on the site and surrounding area, including St Catherine's Close.

North Worcestershire Water Management has commented on the multiple previous planning applications regarding a requirement for drainage information. The Drainage Engineer has again requested a surface water drainage scheme be provided on a drainage plan to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on the site or within the surrounding area. I will update Members at Committee on this issue.

### **Highways**

No objection has been raised by WCC Highway regarding the application.

### **Conclusion**

For the reasons set out in the assessment, I am now satisfied that the previous reason for refusal cannot be substantiated. The dwelling as built is acceptable in character and appearance and is not out of scale when compared to other dwellings. The application should therefore be approved.

**RECOMMENDATION:** That planning permission be **Granted**

### **Conditions:**

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

Location Plan

Site Plan 1:500 March 22

Proposed Front Elevation 1:100 June 22

Proposed Site Elevation 1:100 June 22

Proposed Site Elevation 1:100 June 22

Proposed Rear Elevation 1:100 June 22  
Proposed Ground Floor Plan 1:100 June 22  
Proposed First Floor Plan 1:100 June 22  
Proposed 2nd Floor Plan 1:100 June 22  
Detail of materials outlined in planning application forms

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

2. The windows installed at first floor level on both side elevations as shown on the approved plans shall within two months be fitted with obscure glazing and any opening light shall be at high level and top hinged only. The obscure glass and the opening shall be maintained in the said window in perpetuity.

Reason: To protect the amenities of neighbouring residents.

3. Within two months of the date of this decision, a scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme should provide appropriate levels of surface water attenuation. This scheme should be indicated on a drainage plan, which shall include the extent of buildings and hard standings, the materials proposed and a timetable for its implementation. The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

**Case Officer:** Mr Paul Lester Tel: 01527 881323  
Email: paul.lester@bromsgroveandredditch.gov.uk