

Report to Planning Committee

10th May 2023

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| Application Reference | DC/23/67982 |
| Application Received | 13 February 2023 |
| Application Description | Amendment to the rear elevations of previously approved application DC/20/64342 and first floor juliet balcony. |
| Application Address | 30 Horseley Heath, Tipton, DY4 7PA |
| Applicant | Mr Amarjit Mall |
| Ward | Great Bridge |
| Contact Officer | Mr Douglas Eardley douglas_eardley@sandwell.gov.uk |

1 Recommendations

1.1 That conditional retrospective planning permission is granted subject to conditions relating to the following:


- i) Within one month from the date of this decision the juliet balcony shall be implemented; and once provided it shall be retained as such.

2 Reasons for Recommendations

2.1 The proposed development would be of satisfactory design and would not significantly impact the amenity of neighbouring properties.



3 How does this deliver objectives of the Corporate Plan?

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|  | Quality homes in thriving neighbourhoods |
|---|--|

4 Context

4.1 This application is being reported to Members because Councillor Peter Allen had requested that it be determined at Planning Committee due to concerns relating to possible loss of light to a neighbouring dwelling and the door is an out opening door giving access to the roof of the ground floor rear extension.

4.2 To assist members with site context, a link to Google Maps is provided below:

[30 Horseley Heath, Tipton](#)

5 Key Considerations

5.1 The site is unallocated with the development plan.

5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)

Loss of light

Loss of privacy from the rear door to the roof

6. The Application Site

6.1 The application site is situated on the north-western side of Horseley Heath, Tipton and relates to a semi-detached property, within a predominantly residential area.



7. Planning History

- 7.1 Planning permission was granted in October 2020 for a two-storey side extension, single storey rear extension and roof alterations to include rear dormer (ref: DC/20/64342).
- 7.2 Relevant planning applications are as follows:

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| DC/20/64342 | Proposed two storey side extension, single storey rear extension and roof alterations to include rear dormer. | Grant Permission Subject to Conditions 09/10/20 |
| DC/19/62966 | Proposed bungalow (amendment to previously refused application DC/18/62543). | Refused Appeal Dismissed 04/11/2019 |
| DC/18/62543 | Proposed dormer bungalow. | Refuse permission 26/02/2019. |
| DC/16/59836 | Proposed external alterations and change of use to beauty salon, with associated parking to rear with new vehicular access. | Refuse permission 15/12/2016. |
| DC/16/6396A | Proposed 2 No. non illuminated signs fascia signs, and 1 No. non illuminated totem sign. | Grant Advert Consent 25/10/2016 |
| DC/05/44980 | Proposed two bed dwelling. | Refused 30/09/2005 |



8. Application Details

8.1 The application is largely a retrospective application which is seeking the retention of amendments to the rear elevations of the previously approved application DC/20/64342. The amendments include the following:

- i) Smaller rear dormer
- ii) Different windows/doors arrangement on rear elevation
- iii) Side parapet walls for security reasons
- iv) Sky lantern
- v) Proposed first floor juliet balcony

The images below show the differences between the approved planning application and the submitted retrospective application.



Approved rear elevation

As built rear elevation, (apart from juliet balcony) which is yet to be implemented

9. Publicity

9.1 The application has been publicised by neighbour notification letters with two objections and an objection from Cllr Peter Allen being received.



9.2 Objections

Objections/concerns have been received on the following grounds:

- i) Loss of light.
- ii) Loss of privacy from juliet balcony.
- iii) Use of door, which opens outwards, giving access to the roof of ground floor rear extension.

9.3 Responses to objections

I respond to the objector's comments as follows:

- i) The extract above (section 8.1) it shows that side parapet walls have been added to the single storey rear extension. The Agent has confirmed that these side parapet walls have been added to the single storey rear extension by the Applicant for security purposes to deter others from climbing their property. Given that these side parapet walls are only 0.6 metres in height, it is considered that there would not be significant planning grounds to warrant refusal of DC/23/67982 due to loss of light to the neighbouring property in this instance.
- ii) It is noted that as illustrated by the extract above (section 8.1) there was a 3-pane window where the door is now in situ on site; the door is smaller than the 3-pane window originally granted permission. If this planning application were to be approved by Members, then a condition would be imposed to ensure that the juliet balcony (railing not currently in situ on site) would be implemented within 1 month from the date of the permission and once provided it shall be retained as such. Therefore, when these factors are coupled together, it is considered that there would not be significant planning grounds to warrant refusal on the grounds of loss of privacy.
- iii) As referenced in point ii) above, it is noted that a door is now in situ on site, rather than a 3-pane window as approved. The Agent has annotated on an amended plan that this door opens inwards. Also,



to alleviate the concerns of the objectors regarding the use of this door to access the roof of ground floor rear extension, a condition is recommended to ensure that the juliet balcony would be implemented within 1 month from the date of the permission and once provided it shall be retained as such. Therefore, it is considered that this would satisfactorily address this matter and would ensure that this door could not be used to access the roof of ground floor rear extension.

10. Consultee responses

None.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

11.2 The same guidance refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. I am of the opinion that the scheme is of a good design, in accordance with paragraph 124 of the NPPF.

12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

ENV3: Design Quality

SAD EOS9: Urban Design Principles

12.2 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered to be acceptable and typical of these types of domestic extensions.



13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Loss of light

As referred to above (9.3 (i)), given that these side parapet walls which have been added to single storey rear extension are only 0.6 metres in height, it is considered that they would not result in any appreciable loss of light to the neighbouring property in this instance.

13.3 Loss of privacy from juliet balcony

As referred to above (9.3 (ii) and (iii)), this door for this application is smaller than the 3-pane window approved under the original permission and the plans confirm that the door would open inwards. A condition is also recommended to ensure that the juliet balcony would be implemented within 1 month from the date of the permission and once provided it shall be retained as such. Therefore, when these factors are coupled together it is considered that it would not result in any appreciable loss of privacy from the juliet balcony to neighbouring properties in this instance.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant polices and there are no material considerations that would justify refusal.



15 Implications

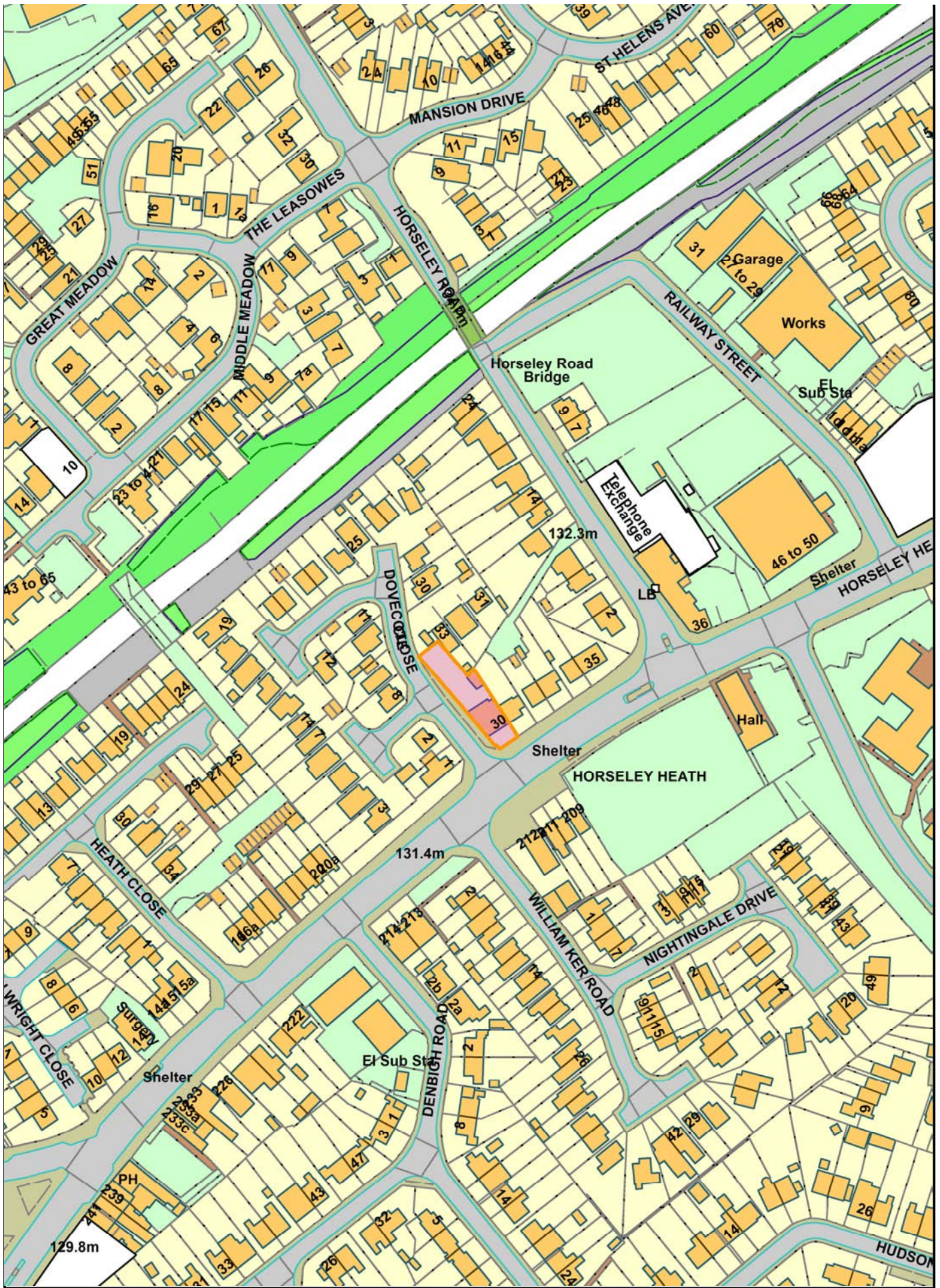
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|------------------------------|--|
| Resources: | When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council. |
| Legal and Governance: | This application is submitted under the Town and Country Planning Act 1990. |
| Risk: | None. |
| Equality: | There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out. |
| Health and Wellbeing: | None. |
| Social Value | None. |
| Climate Change | Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed. |

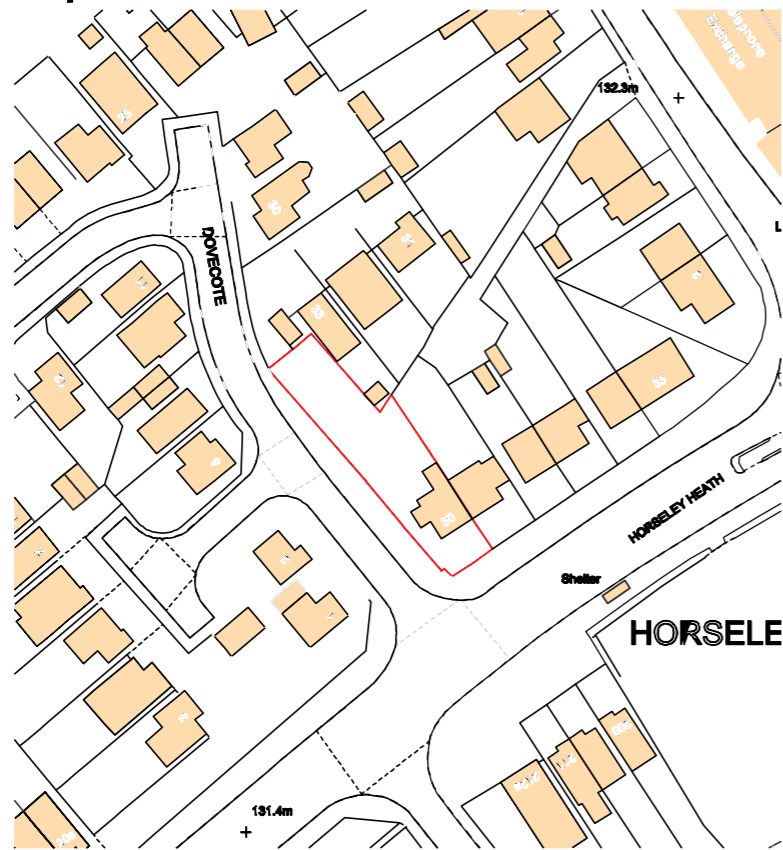
16. Appendices

Location plan & site plan – P000 REV B

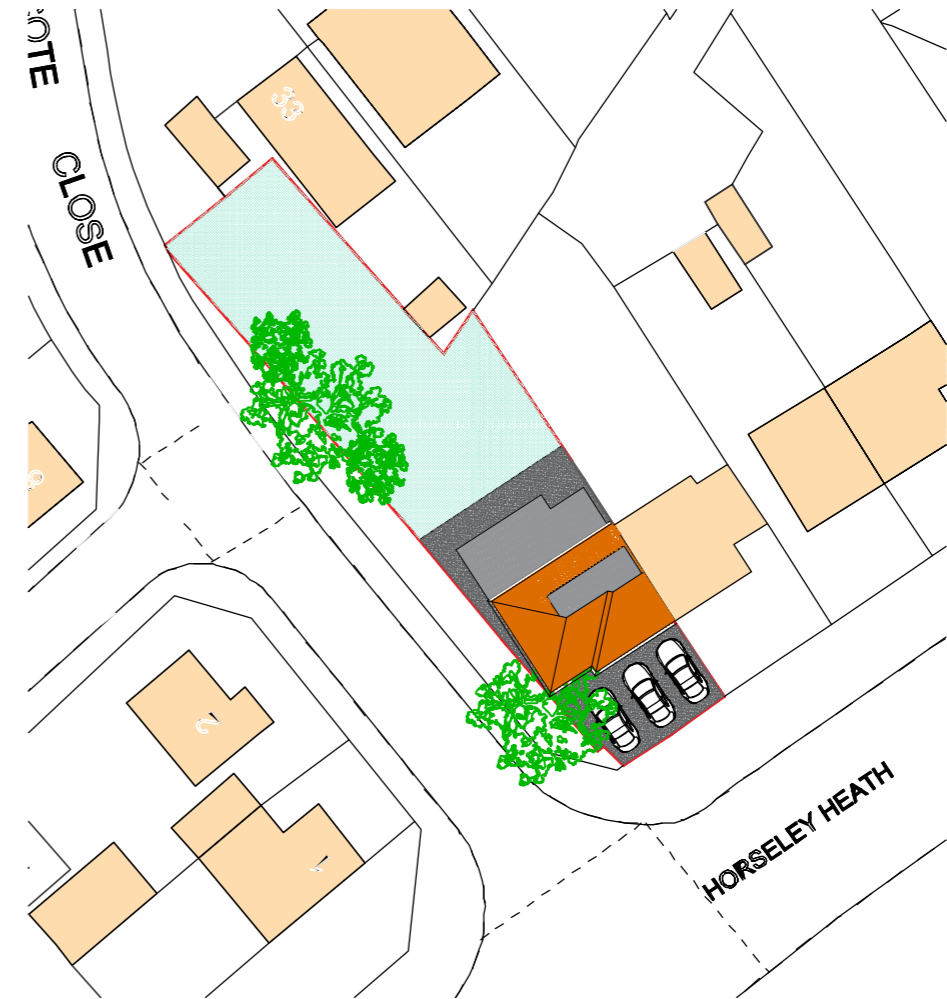
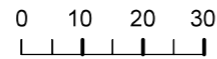
Amended approved & as built rear elevation/photo – P001 REV D



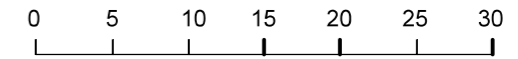




LOCATION PLAN
 North SCALE 1:1250



SITE PLAN
 North SCALE 1:500



GENERAL NOTES:-

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ADDRESS:
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PROJECT:

DRAWING:
 LOCATION AND SITE PLANS

Drawing No: P000

Rev: B
 Scale: AS SHOWN @ A3

Drawn By: IV
 Checked By: VI

Date: 25-04-2023



APPROVED REAR ELEVATION



AS BUILT REAR ELEVATION

Juliet Balcony to be implemented (Door opening inward)



Juliet Balcony to be implemented (Door opening inward)

IMAGE

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| PROJECT: | | |