

Report to Planning Committee

24 July 2024

Application reference	DC/23/68632
Application address	7 Surrey Close, Smethwick, B66 2ET
Application description	Proposed single storey rear extension and outbuilding in rear garden.
Application received	05 September 2023
Ward	St Pauls
Contact officer	Lucinda McKee Lucinda_mckee@sandwell.gov.uk

1 Recommendations

That planning permission is granted subject to the following conditions:


- i) External Materials to match existing;
- ii) Outbuilding for personal use of the occupiers of the dwelling;
- iii) Obscure glazing to the outbuilding bi-fold doors and also to the single storey roof lights; and
- iv) Construction hours limited to 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working on Sundays or Public Holidays.

2 Reasons for Recommendations

- 2.1 The proposal is acceptable as it has no significant impact on the amenity of the surrounding residents and the design and scale assimilates into the surrounding area.



3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods
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4 Context

- 4.1 The application is being reported to Planning Committee as three material planning objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[7 Surrey Close Smethwick](#)

5 Key Considerations

- 5.1 The site is not allocated in the development plan.
- 5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.
- 5.3 The material planning considerations which are relevant to this application are:
- Government policy (NPPF);
 - Design concerns – scale and massing; out of character with surrounding area
 - Amenity concerns – loss of light, privacy, outlook and/or overshadowing;
 - Outbuilding - use concerns;



- Environmental concerns – noise nuisance from building works.

6. The Application Site

6.1 The application site is situated on the north-east side of Surrey Close, Smethwick. It is located within the Smethwick Summit, Galton Valley, Smethwick Conservation Area. It is a semi-detached property. The character of the surrounding area is residential.

7. Planning History

7.1 The permitted development rights for this property have been removed under the planning permission granted for the whole residential development, (DC/16/59596). Condition 9 stated:-

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development covered by Class A, B, C and E of Schedule 2 (Part 1) of that Order shall be carried out without the express written consent of the Local Planning Authority.

And the reason was:

To safeguard the amenities of the adjoining dwelling, to prevent over-development, intensification, privacy, outlook and light and ensure that adequate garden amenity is retained for the application premises.

As such the single storey extension and the outbuilding require permission because the permitted development rights were withdrawn.

7.2 Relevant planning applications are as follows:



DC/16/59596	Brindley 2 Redevelopment Site, Lewisham Road, Smethwick - Erection of 167 dwellings with associated access, landscaping and open space	Grant Permission Subject to Conditions 23 December 2016
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8. Application Details

- 8.1 The proposal has been substantially amended since it was submitted and the application that is now before this committee is a single storey rear extension and an outbuilding.
- 8.2 The single storey extension would measure 2.6 metres (L), 6 metres (W) with a pitched roof to a maximum height of 3.4 metres. The proposal is to in-fill the space between the existing single storey rear elevation towards the eastern boundary fence.
- 8.2 The proposed outbuilding would measure 3.8 metres (L), 4.8 metres (W) with a hipped roof to a maximum height of 3.4 metres (2.4 metres to eaves) and is located at rear of garden.

9. Publicity

- 9.1 The application has been publicised by three neighbour notification letters. Three objections have been received. At the time of submitting the report, the neighbour re-consultation process was still in progress, any further responses will be reported to your committee meeting.
- 9.2 Objections have been received regarding the outbuilding on the following grounds:
- i) Scale and massing;
 - ii) Loss of light, privacy and outlook;



- iii) Overshadowing;
- iv) Use as living accommodation;
- v) Out of character with surrounding area; and
- vi) Construction noise

These objections will be addressed in under paragraph 13 (Material considerations).

Non-material objections have been raised regarding: the original developer's requirement for the home-owner to seek permission for any building works; damage to fence; foundations; boundary issues; sets a precedent

10. Consultee responses

10.1 Conservation Officer

The Conservation Officer does not have any objections. The proposal would not appreciably impact on the character or appearance of the conservation area.

10.2 Highways

Highways have no objections to the amended proposal. The property is being retained as four-bedrooms requiring two off street parking spaces. A total of three off street parking spaces has been provided with the retention of the garage providing the third space.

10.3 Canal & River Trust

Canal & River Trust has no comment to make on the proposal.

11. National Planning Policy Framework (NPPF)

11.1 The NPPF sets out government's planning policies for England and how these are expected to be applied.



11.2 The framework refers to development adding to the overall quality of the area. I am of the opinion that the scheme is of a good design and would assimilate into the overall form and layout of the site's surroundings; in accordance with the design principles of the NPPF.

12. Development Plan Policy

12.1 The following policies of the council's development plan are relevant:

Black Country Core Strategy (BCCS)

ENV3 – Design Quality

Site Allocations and Delivery Development Plan Document – (SADD)

SAD EOS 9 - 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 in terms of their scale and massing in relation to the property and the surrounding area.

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 **Design Concerns – Scale and Massing; and Out of Character with surrounding area**



The amended proposal reduces the projection of the proposed single storey rear extension and the scale and massing, in terms of the footprint and height, of the outbuilding. The scale and massing impact has been lessened and garden amenity space has been retained.

Satisfactory appearance can be ensured by a condition for external materials to match the existing.

13.3 Amenity Concerns – Loss of light, privacy, outlook and/or overshadowing

Single storey rear extension: with regards to loss of light, privacy, outlook and/or overshadowing, the rear projection is modest, and the adjoining property is north-east facing. It is therefore considered that the proposal would not result in any significant loss of light, privacy, outlook and/or overshadowing. Further mitigation in terms of privacy could be ensued by imposing a condition to obscure glaze the proposed four roof lights in the roof.

Rear elevation boundary with adjoining neighbouring property.



Outbuilding: with regards to loss of light, privacy, outlook and/or overshadowing, given the boundary fencing, no window openings to the rear and side and the orientation the surrounding property, the proposal would not result in any significant loss of light, privacy, outlook and/or overshadowing for the neighbouring properties. The outbuilding proposes bi-fold doors facing toward the applicant's property which can be controlled by a condition for obscure glazing.



Applicant's Rear Garden



13.4 Use of Outbuilding Concerns

The proposed use of the outbuilding is for a “Garden Room/Store” as referred to on the proposed floor layout plan. However the outbuilding use can be controlled by an appropriate condition.

13.5 Noise Nuisance

Noise disturbance during the construction process can be controlled by appropriate conditions, for example by a restriction on hours of construction.

14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.



14.2 It is therefore considered that the development would not be contrary to reasons cited under the withdrawal of permitted development rights, namely overdevelopment, loss of amenity and adequate garden provision. The proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

15 Alternative Options

15.1 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.

16 Implications

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.
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17. Appendices

17.1 Plans for consideration

Context plan

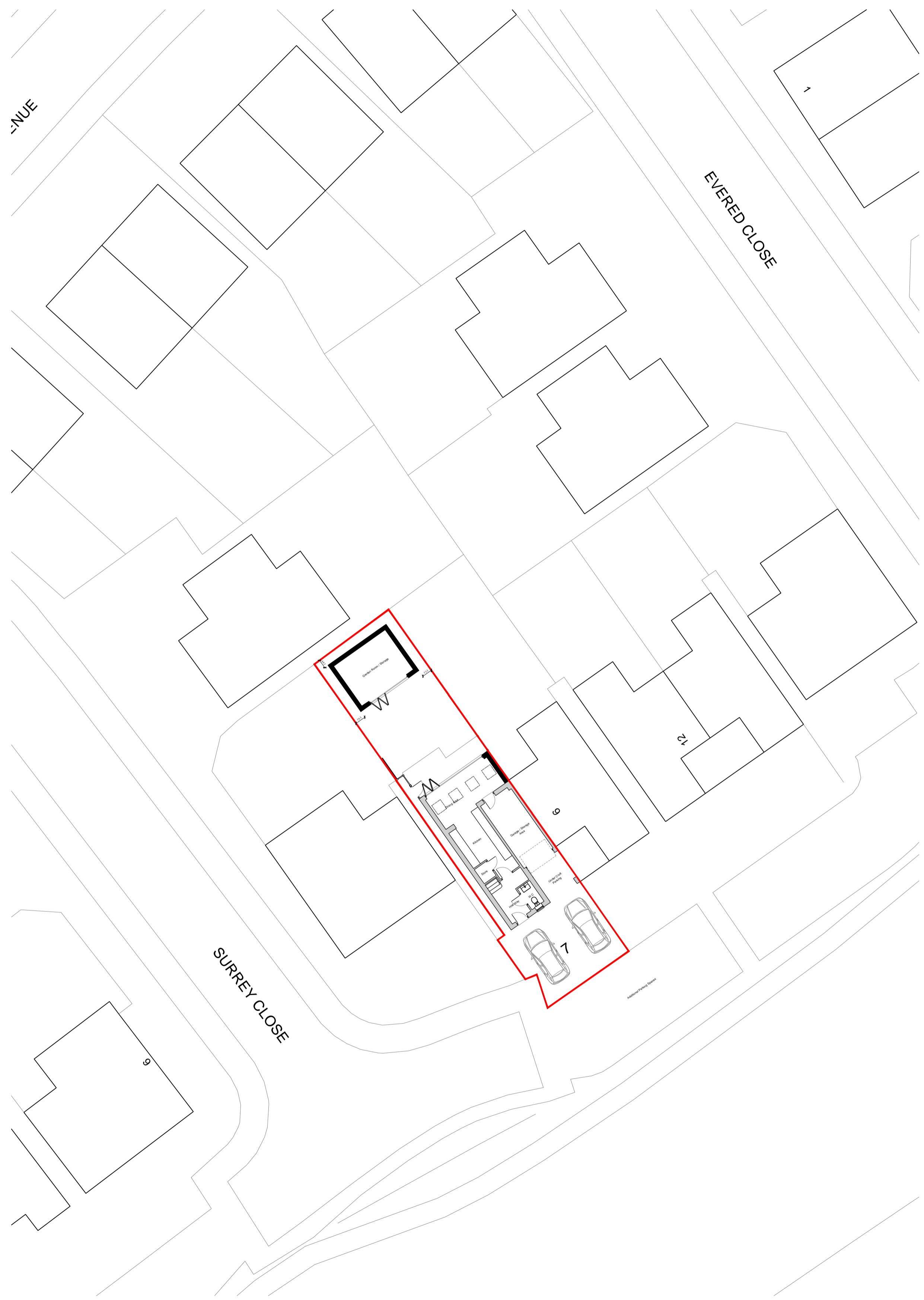
D004 Rev E - Location plan

D005 Rev D - Proposed floor plans (single storey extension)

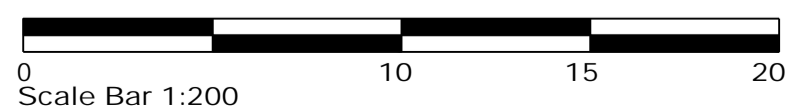
D007 Rev A – Proposed floor and elevation plans (outbuilding)

D006 Rev D – Proposed elevations (single store extension)

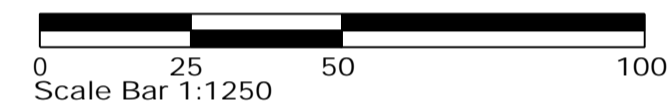




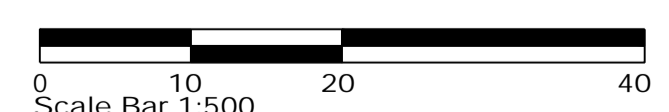
1 | SITE PLAN
1:200 | A1



2 | SITE LOCATION PLAN
1:1250 | A1



3 | SITE BLOCK PLAN
1:500 | A1



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CDM Notes



Revision	Date	By	Chkd
B	29.10.23	DR	
Existing parking spaces indicated as requested by planning.			
C	19.12.23	DR	
Existing parking spaces indicated as requested by planning.			
D	11.02.24	DR	
Existing undercroft reinstated following comments from planning.			
E	10.05.24	DR	
Existing garage reinstated following comments from planning.			

PLANNING ISSUE

Client

Project
 7 SURREY CLOSE
 SM ETHWICK
 B66 2ET

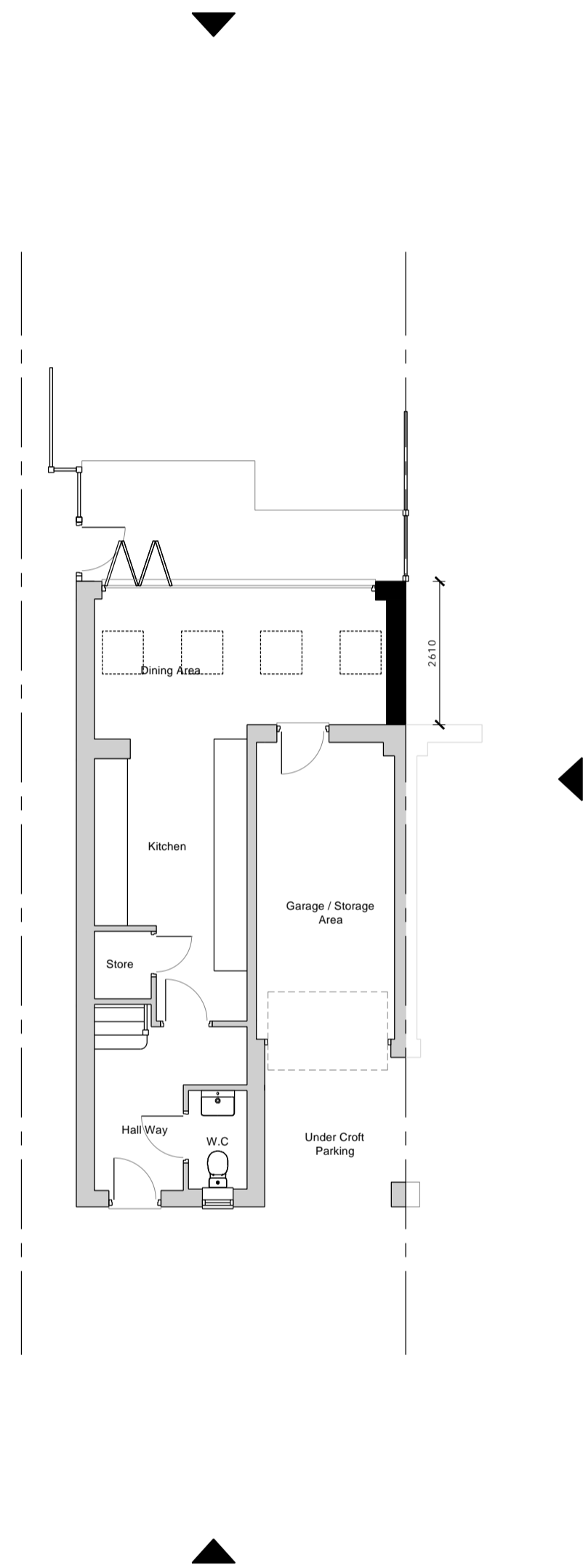
CISb Element
 FEASIBILITY

Drawing
 PROPOSED SITE, BLOCK
 AND SITE LAYOUT PLANS

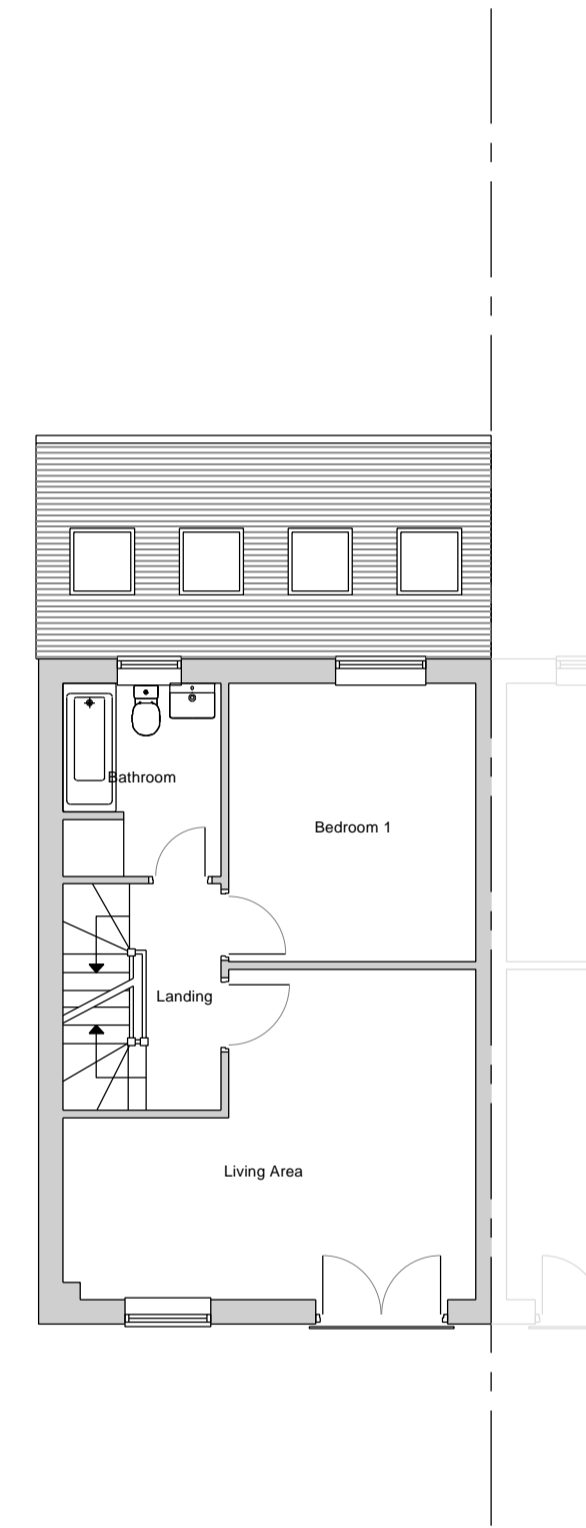
Drawn by DR	Checked ZZ
Scale VARIOUS	Dated 01.09.2023
Job No. 23-01_038	Drawing No. D 004
	Revision E

Birmingham Office

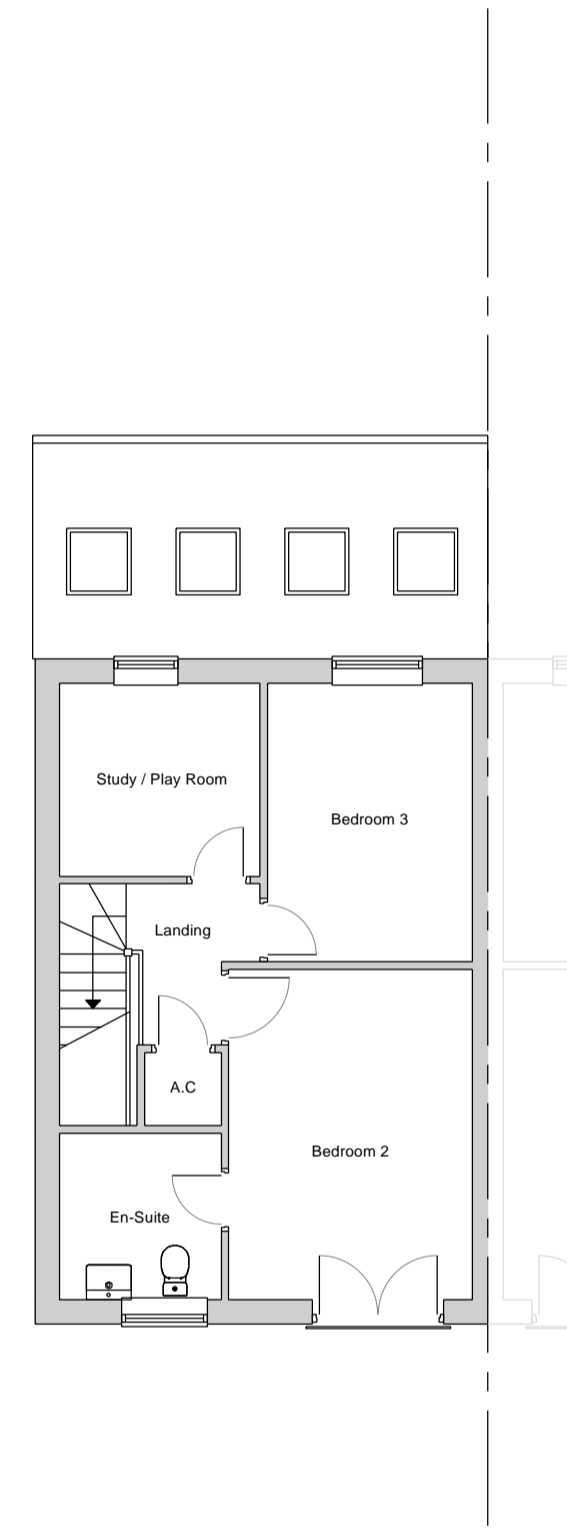




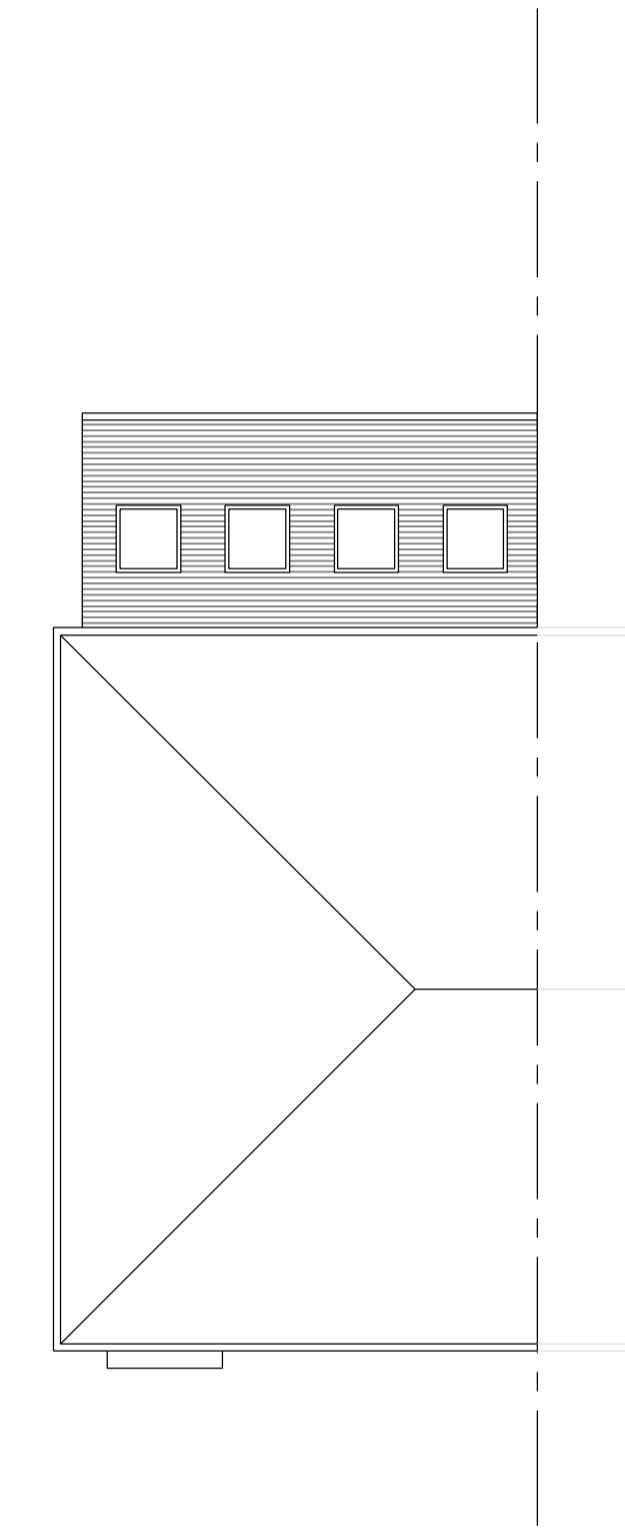
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1:100 | A1



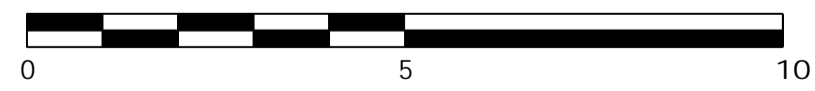
2 | EXISTING FIRST FLOOR PLAN
1:100 | A1



3 | EXISTING SECOND FLOOR PLAN
1:100 | A1



4 | EXISTING ROOF PLAN
1:100 | A1



SCALE BAR 1:100

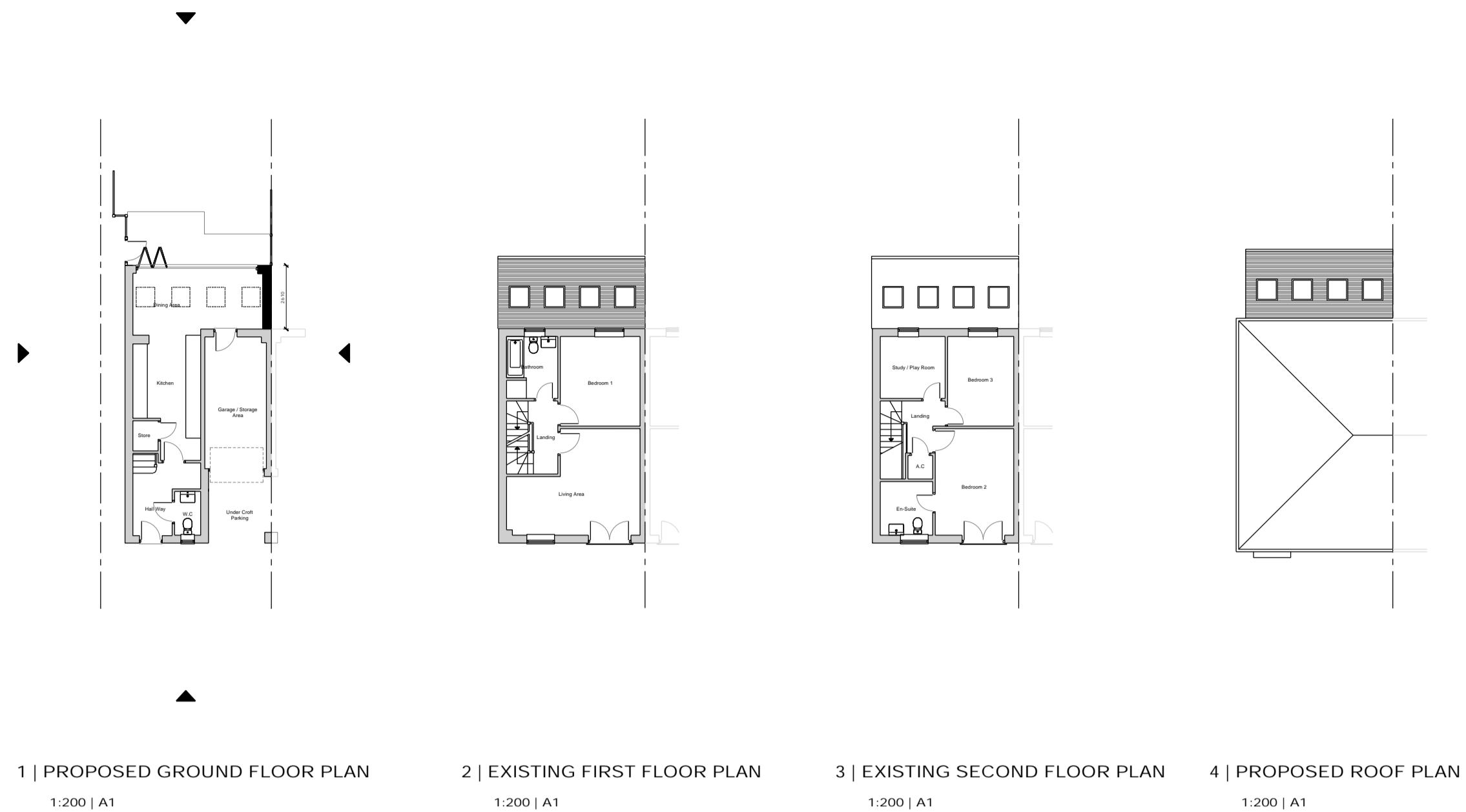
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Revision	Date	By	Chkd	CDM Notes
A - Rear extension added to ground floor and roof plans and submitted to planning.	19.09.23	DR	ZZ	
B - Existing first and second floor plans added to sheet as requested by planning.	19.12.23	DR	ZZ	
C - Existing undercroft reinstated following comments from planning.	11.02.24	DR	ZZ	
D - Existing garage reinstated following comments from planning.	11.02.24	DR	ZZ	

Project 7 SURRY CLOSE SM ETHWICK B66 3ET		Drawing PROPOSED GROUND AND EXISTING ROOF PLANS			Client	
Scale 1:100 A1	Dated 30.08.2023	Job No. 23-01_038	Drawing No. D 005	Drawn by DR	Checked ZZ	Revision D



PLANNING ISSUE



1 | PROPOSED GROUND FLOOR PLAN
1:200 | A1

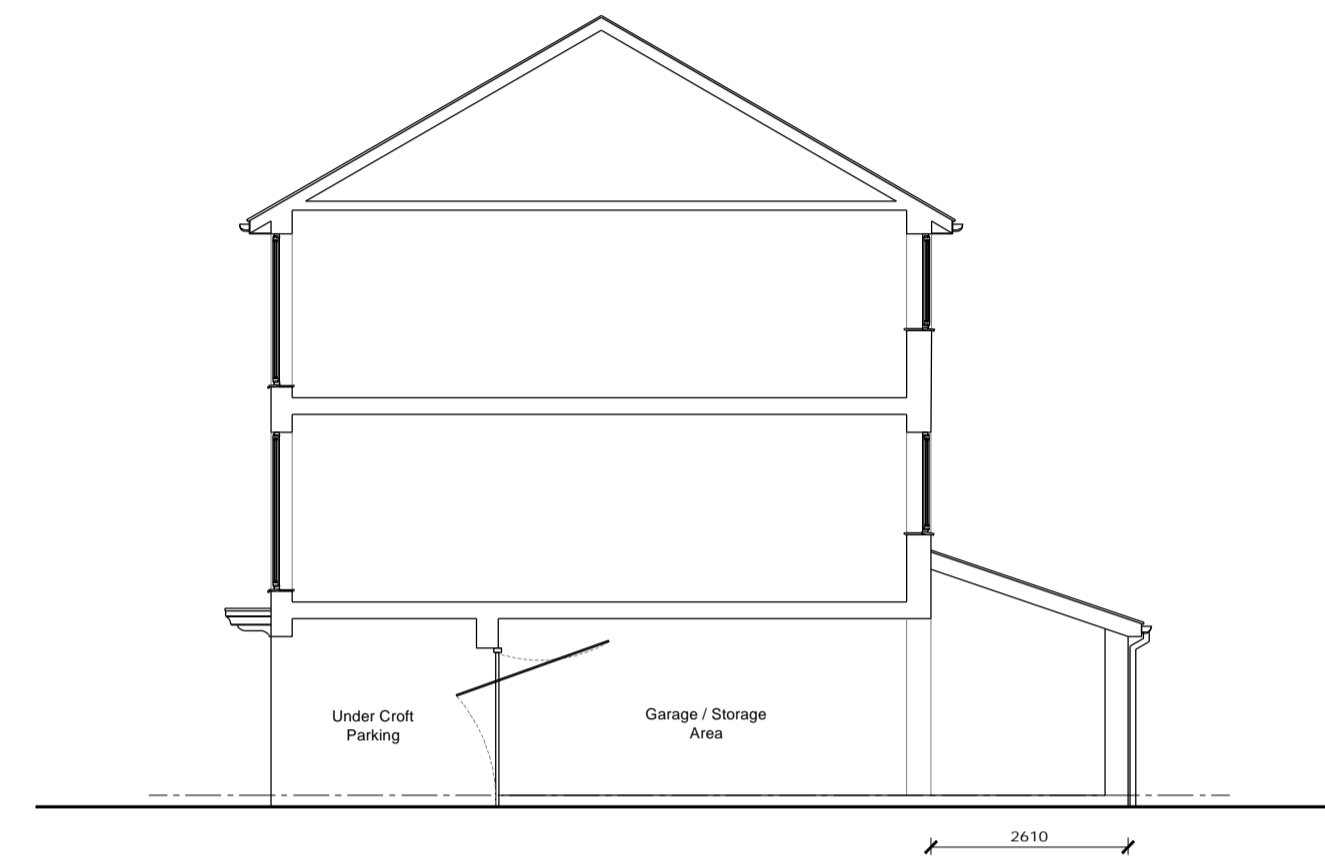
2 | EXISTING FIRST FLOOR PLAN
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3 | EXISTING SECOND FLOOR PLAN
1:200 | A1

4 | PROPOSED ROOF PLAN
1:200 | A1



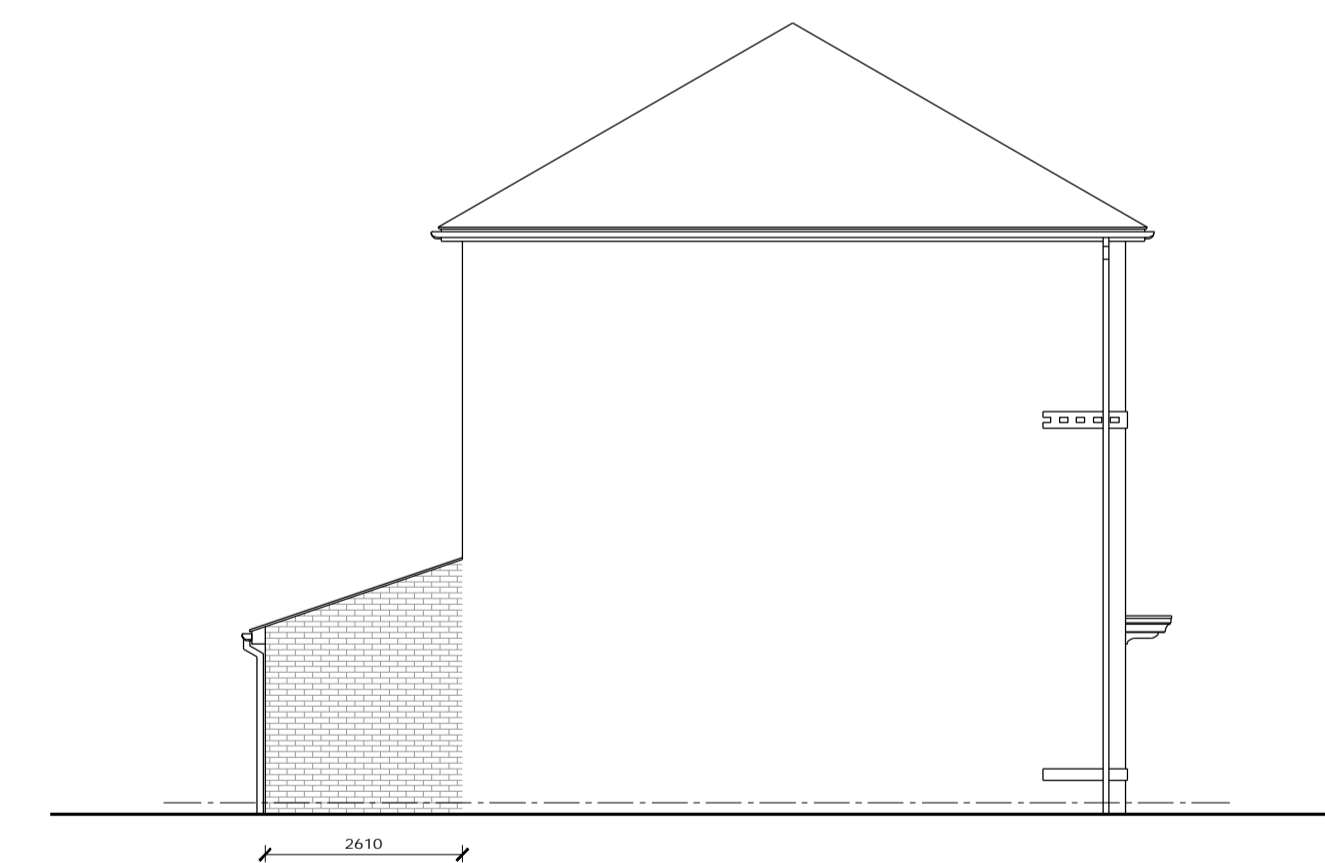
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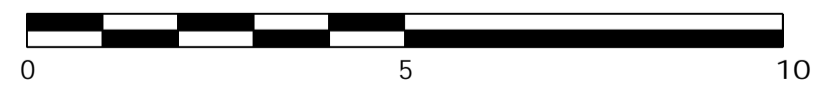
2 | PROPOSED SIDE ELEVATION
1:100 | A1



3 | PROPOSED REAR ELEVATION
1:100 | A1

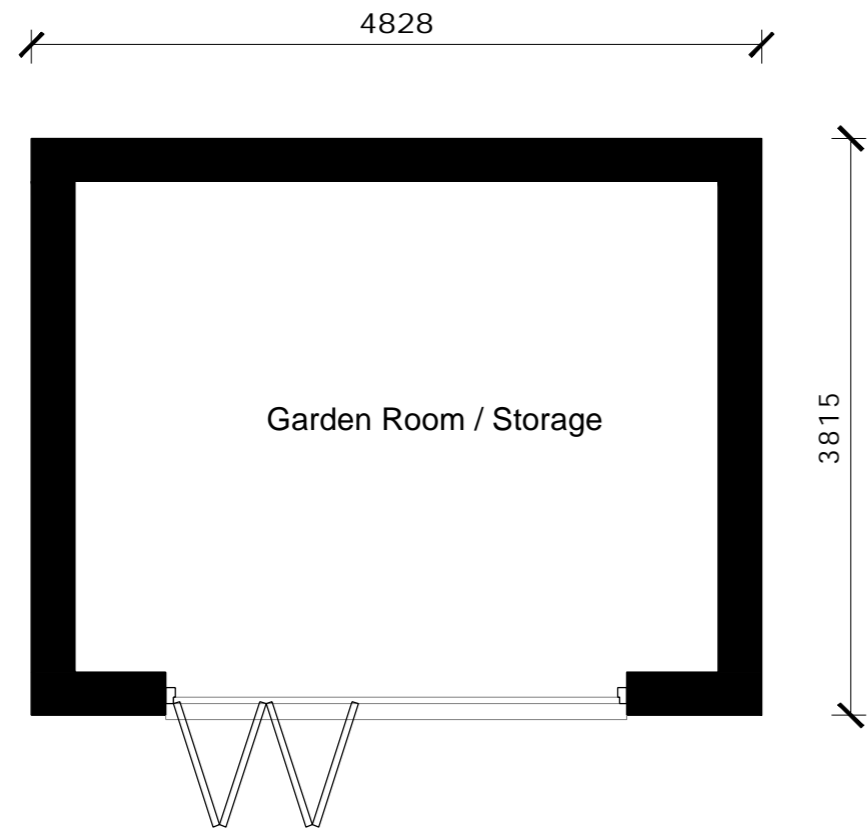


4 | PROPOSED SIDE ELEVATION
1:100 | A1

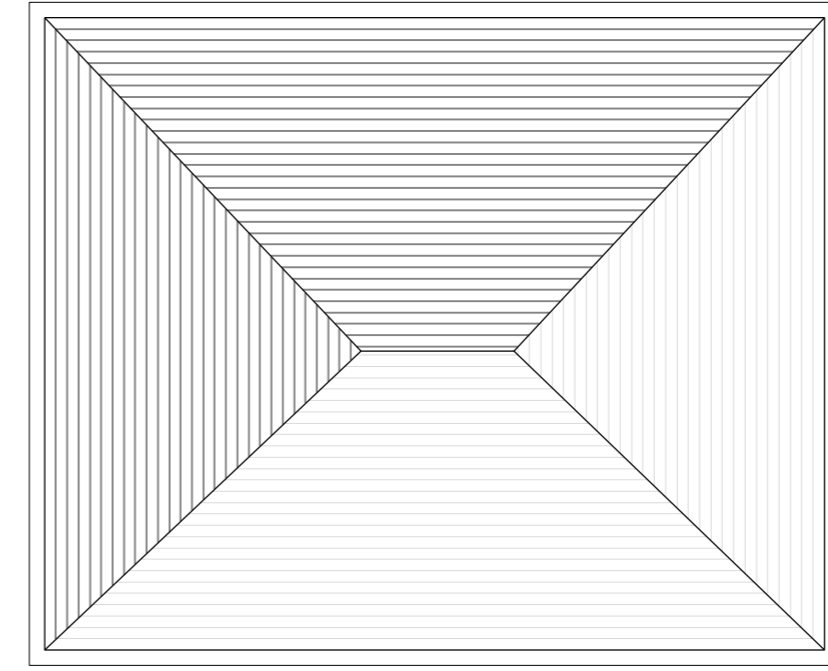


SCALE BAR 1:100

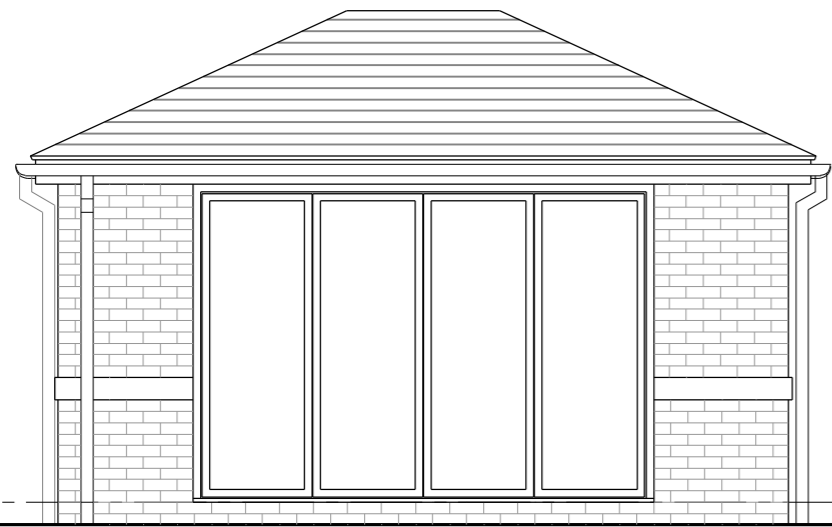
Notes - Copyright in this drawing remains the property of 4DR Architectural Solutions Limited. - Do not scale this drawing. Work to figured dimensions only. - Contractors and consultants are to advise 4DR Architectural Solutions Limited of any discrepancies.	Revision A - Rear elevation amended to show rear extension and submitted to planning. B - Existing first and second floor plans added to sheet as requested by planning. C - Existing undercroft reinstated to front elevation following comments from planning. D - Existing elevations amended following comments from planners.	Date 19.09.23 19.12.23 11.02.23 23.06.24	By DR DR DR DR	Chkd ZZ ZZ ZZ ZZ	CDM Notes	Project 7 SURRY CLOSE SM ETHWICK B66 3ET		Drawing PROPOSED FRONT, EXISTING SIDES AND REAR ELEVATIONS			Client	
		Scale 1:100 A1	Dated 30.08.2023	Job No. 23-01_038		Drawing No. D 006	Drawn by DR	Checked ZZ	CIS/b Element	Revision D		



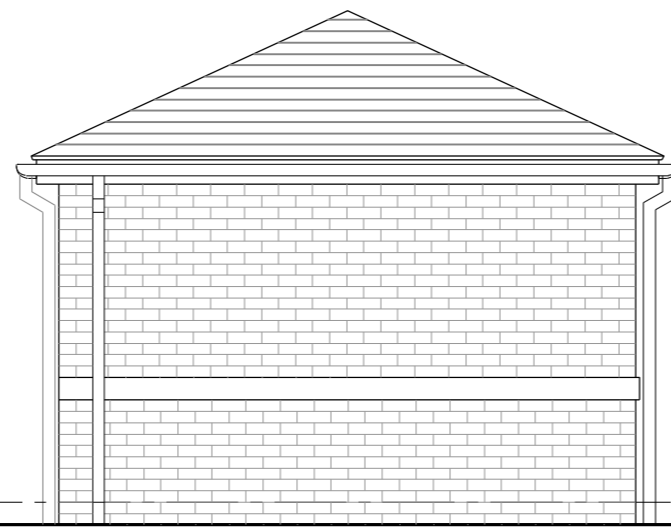
1 | PROPOSED GARDEN ROOM FLOOR PLAN
1:50 | A2



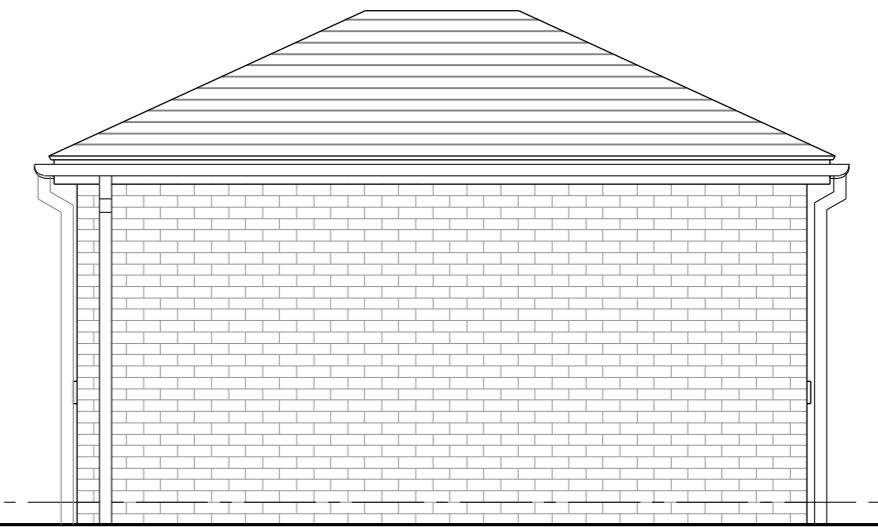
2 | PROPOSED ROOF PLAN
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1 | PROPOSED FRONT ELEVATION
1:50 | A2



2 | PROPOSED SIDE ELEVATION
1:50 | A2



3 | PROPOSED REAR ELEVATION
1:50 | A2

1 | PROPOSED GROUND FLOOR PLAN
1:50 | A2

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Revision
A - Out building amended as requested by planning.

Date	By	Chkd
19.12.23	DR	-

Project
7 SURRY CLOSE
SM ETHICK
B66 2ET

Drawing
PROPOSED GRAGEN ROOM
PLANS & ELEVATIONS

Client

Scale	Dated	Job No.
1:50 A2	01.09.23	23-01_038

Drawing No.	Drawn by	Checked
D 007	DR	ZZ

CISfB Element	Revision
	A

4DR architectural solution:
PLANNING ISSU

Birmingham Office

List of conditions

DC/23/68632

- i) The development must conform with the terms of and the plans accompanying the application for permission and must remain in conformity with such terms and plans, save as may be otherwise required by (any of) the following condition(s), or approved amendment(s).
- ii) The development must be begun not later than the expiration of 3 years from the date of this permission.
- iii) The external materials used in the development hereby permitted shall match in colour, form and texture those of the existing building unless otherwise agreed in writing by the local planning authority.
- iv) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 7 Surrey Close, Smethwick.
- v) The bi-fold doors serving the outbuilding shall be obscure glazed and retained as such.
- vi) The roof lights serving the single storey rear extension shall be obscure glazed and retained as such.
- vii) Construction hours limited to 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working on Sundays or Public Holidays.