

Report to Planning Committee

24 July 2024

Application reference	DC/24/69477
Application address	10 Barnfordhill Close, Oldbury B68 8ES
Application description	New dwelling with boundary treatments, parking and associated works.
Application received	11 June 2024
Ward	Bristnall
Contact officer	Carl Mercer carl_mercer@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to conditions relating to:

- i) External materials;
- ii) Boundary treatments;
- iii) Landscaping;
- iv) Drainage;
- v) Drop kerbs and relocation/removal of lighting column;
- vi) Construction hours; and
- vii) Parking provision and retention.

2 Reasons for Recommendations

2.1 The development would have no significant impact on the amenity of surrounding residents and the design and scale would assimilate into the surrounding area; being compliant with development plan policy. Whilst the unauthorised demolition, rebuild and removal of the verge is



regrettable, the proposal builds on the principles set in a previous approval and seeks to rectify wrongs with a reasonable scheme to address the visual amenity issues.

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 due to the committee's involvement in the previous application.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[10 Barnfordhill Close, Oldbury](#)

5 Key Considerations

- 5.1 The site is not allocated within the council's 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 report will, on occasion, refer to 'extensions'. The term should be interpreted as enlargements to the original dwellinghouse prior to demolition; in acknowledgement that the property benefitted from a



planning consent for extensions to the dwellinghouse which were approved as part of an earlier planning application.

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

Government policy (NPPF)

Amenity concerns – Overlooking/loss of privacy, loss of light and/or outlook.

Design concerns - appearance and materials, layout and density of building and wider visual amenity.

Highways considerations – parking.

6. The Application Site

6.1 The application relates to a partially rebuilt detached property situated on the corner of Barnfordhill Close and a cul-de-sac section of that road. The character of the surrounding area is residential.

6.2 The applicant has proceeded in erecting an authorised two storey dwelling and has removed a landscaped verge and trees from the side of the property (refer to Fig 1).

Fig 1 – The side aspect before works commenced



7. Planning History

- 7.1 Previous applications for extensions have been approved, refused, and withdrawn over a period of approximately four years. Removal of the grass verge and substantial groundwork on the unauthorised partial demolition and rebuild appears to have commenced in early 2023 and an enforcement case was opened in March 2023.
- 7.2 Following a 2021 approval, the applicant has continued to pursue approval for side extensions to the roadside elevation. This addition has been discouraged and refused by the council, with one refusal being dismissed at appeal; the inspector agreeing with the council that a two-storey side extension on this prominent corner would not be acceptable. Notwithstanding the refusals, the applicant removed, the roof and all external walls of the original property and commenced a rebuild, together with unauthorised elements which featured in previous refusals; namely, a two-storey roadside extension and first floor side extension adjacent neighbouring property (refer to Fig 2 and 3).
- 7.3 The last application was withdrawn by the applicant after the March 2024 committee resolved to defer the determination of the application on legal advice over concerns that the extent of the extensions amounted to the dwelling effectively being rebuilt. Following this deferral, the applicant chose to withdraw the application and submit the current application for a new build dwelling on the same footprint as extensions approved under planning application DC/20/64803.



Fig 2 – Unauthorised dwelling with two storey side extension viewed from rear aspect



Fig 3 - Unauthorised dwelling with two storey side extension viewed from front aspect



7.3 Relevant planning applications are as follows:

DC/23/68946	First floor side extension, single storey side extension, two/single storey rear extensions, increase in roof height, two rear dormer windows, front porch, reinstatement of verge, new boundary fence and frontage parking.	Withdrawn 23.04.2024
DC/23/68612	Proposed two storey right side extension, single storey left side extension, two dormers and porch (amendment to previous application DC/20/64803).	Withdrawn 15.09.2023
DC/23/68125	Proposed variation of condition 1 of planning permission DC/20/64803 (Proposed first floor side extension, two storey rear extensions, increase in roof height with two dormer windows, single storey rear extension and front porch) to include two front facing dormers and two storey front extension with forward facing gable.	Withdrawn 08.06.2023
DC/22/67222	Proposed first floor side extension, single/two storey side and rear extensions, increase in roof height with two rear dormer windows and front porch.	Refused 26.10.2022
DC/21/66219	Proposed first floor side extension, single/two storey side and rear	Refused 12.01.2022; Appeal dismissed 20.05.2022



	extensions, increase in roof height with two rear dormer windows and front porch.	
DC/20/64803	Proposed first floor side extension, two storey rear extensions, increase in roof height with two rear dormer windows, single storey rear extension and front porch.	Approved 18.08.2021

8. Application Details

- 8.1 The application proposes a new build dwelling which increases the footprint of the previous dwelling with a first-floor side extension adjacent neighbouring property, a single storey side extension to the roadside, two/single storey rear extensions, an increase in roof height, two rear dormer windows and a front porch. The applicant also proposes the reinstatement of the grass verge, new boundary fencing and three off-street parking spaces to the front drive.
- 8.2 In the largest departure from the previously approved scheme, the applicant seeks to retain the footprint of the unauthorised side extension to the roadside elevation as a single storey extension.
- 8.3 In respect of the impact of development on the wider area, a grass verge is proposed to the roadside with a new boundary fence offset from the footpath edge.
- 8.4 By submission of this proposal, the applicant indicates that unauthorised first floor elements would be removed. Failure to remove these elements within an adequate timeframe would result in an enforcement notice being served.



9. Publicity

9.1 The application has been publicised by 10 neighbour notification letters. At the time of writing the report, one objection has been received.

9.2 Objections

The current and previous objections have been on the following grounds:

- i) Design – departure from building line, out of character with the estate;
- ii) Dimensions of the extensions; and
- iii) Loss of verge and trees.

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

10. Consultee responses

10.1 Highways

No objection was previously raised subject to the installation of drop kerbs and relocation/removal of the lighting column (to allow access to the driveway) within six months of the development being brought into use. In this instance I consider such a condition reasonable, as the number of proposed bedrooms requires not only sufficient space for parking vehicles off-street, but also that these spaces are useable within a reasonable timeframe.

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. As discussed below, the design of the proposal is considered to be acceptable and therefore policy compliant.



11.2 Paragraph 111 states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is not the case with this application.

12. Local Planning Policy

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

Black Country Core Strategy (BCCS)

CSP4: Place Making

HOU1: Delivering Sustainable Housing Growth

HOU2: Housing Density, Type and Accessibility

TRAN4: Creating Coherent Networks for Cycling and for Walking

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat...

Site Allocations and Delivery Development Plan Document (SADD)

SAD EOS 9: Urban Design Principles

12.2 CSP4, ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered acceptable, compliant with policy and are discussed further under material considerations.

12.3 In respect of HOU1 and HOU2, the development proposes a family house type which is evident in the surrounding area.

12.4 In regard to TRAN4, there would be sufficient amenity space to accommodate cycle storage within the site.



12.5 No drainage issues are anticipated for such a minor development (ENV5), but a drainage condition would be required to ensure that surface and foul drainage can be adequately managed.

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 – departure from building line, out of character with the estate

It was noted in previous refusals that a two-storey side extension adjacent to the highway would not be acceptable. This was largely due to the prominence of the extension in the streetscene and departure from the building line established by the property to the rear.

13.3 In respect of height, the main roof would be raised by approximately 0.7 metres to achieve sufficient head height for the loft conversion. As the property would be detached and at a lower land level in the streetscene than the neighbouring property, the rise in building height would be negligible and would cause no wider visual amenity impact.

13.4 In regard to separation distances, the measurement of most relevance is the distance between the rear wall of the application property as extended, and the side elevation of the property to the rear. This would measure approximately 12.2 metres from the first floor of the extension and 8.5 metres at ground floor. Council design guidance recommends this distance to be 14 metres (side to rear windowed elevations); however, this measurement can vary between authorities and the, albeit minor, impact would only be to the application property. For these reasons, I consider the distance to be acceptable in this instance.

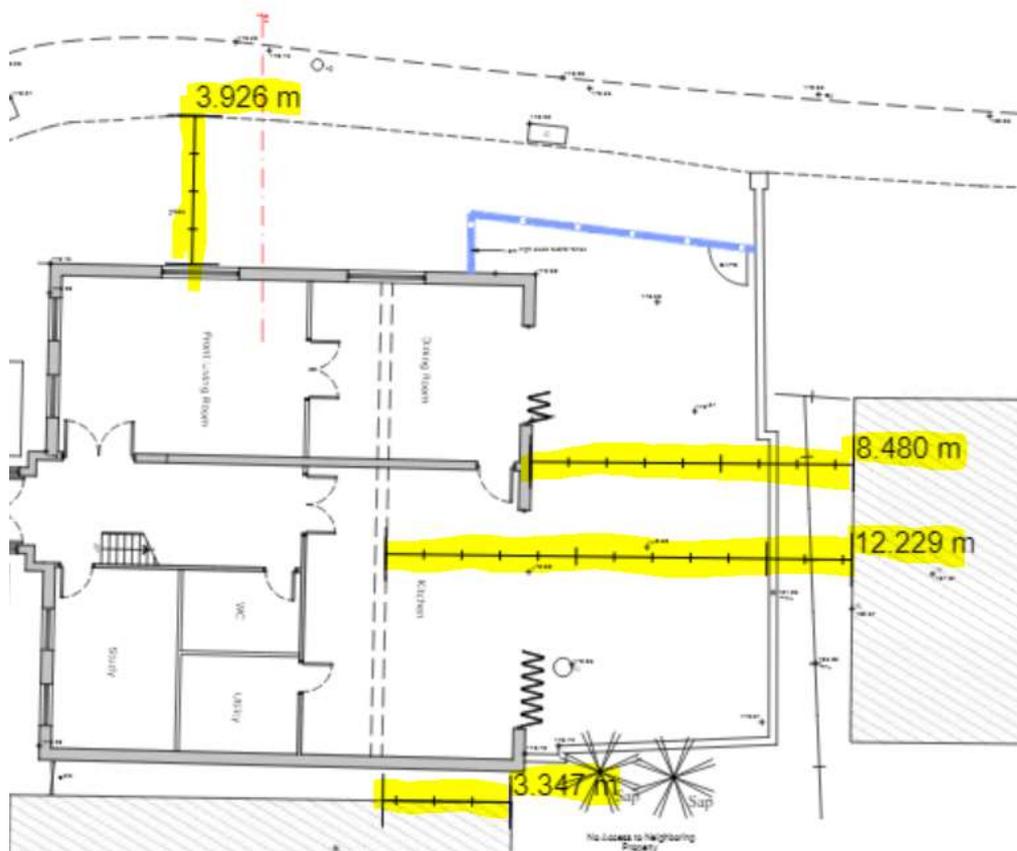
13.5 The property would have 84m² of private amenity space. The council standard for new build housing is 70m².



13.6 Dimensions of the dwelling

One objector previously raised concern regarding the dimensions of the extensions (now new build). I can confirm that the plans demonstrate that, excluding the porch, no development would project from the existing front elevation; whilst the two-storey extension at the rear would project 2.1 metres from the existing rear wall (5.9 metres at single storey). As the adjacent property extends further back than the application property, there would be no significant impact from the rear extensions on the residential amenity of the adjacent property, as the two-storey element would extend no further than the rear of this property (refer to Fig 4). Furthermore, the additional height would not impact unduly on light or outlook.

Fig 4 – Relevant measurements – 3.347m relates to the approximate length of the adjacent single storey extension



13.7 Loss of verge and trees

The loss of the verge is regrettable as it was a positive addition to the character and appearance of the area. However, the partial reinstatement of the grass verge somewhat compensates the loss and retains some openness around this corner plot. On average, the width of the verge from the side wall of the single storey to back of footpath varies from approximately 3.8 metres to 3.5 metres. This distance was previously 6.8 metres. In my opinion, reasonable set-back from the highway is proposed as a sufficient sense of openness would be retained and the development would not appear overly dominant in the streetscene (refer to Fig 5).

Fig 5 – Proposed site levels showing the extension in relation to the highway



13.8 In respect of the loss of the trees, the trees did not warrant specific protection and the owner was entitled to remove them. I do however place significant weight to the landscaping in making the development acceptable by maintaining a sense of openness. To this end, a condition is recommended which would require the implementation and retention of landscaping. A further condition is suggested which would remove the permitted right to erect a means of enclosure adjacent to the highway; thereby ensuring a sense of openness.



13.9 Other matters – parking

In respect of parking requirements, the property would have four bedrooms. Three parking spaces are proposed to the driveway which complies with the council’s design guidance.

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 On balance 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 policies and there are no material considerations that would justify refusal. Furthermore, whilst the unauthorised works are a serious planning breach, approval would provide a way forward in improving the appearance of the area, which has been affected by the works for a significant amount of time.

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.
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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.

17. Appendices

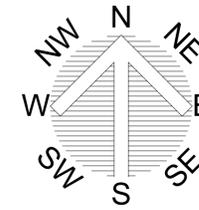
Context plan

23.21.P06 - Location plan

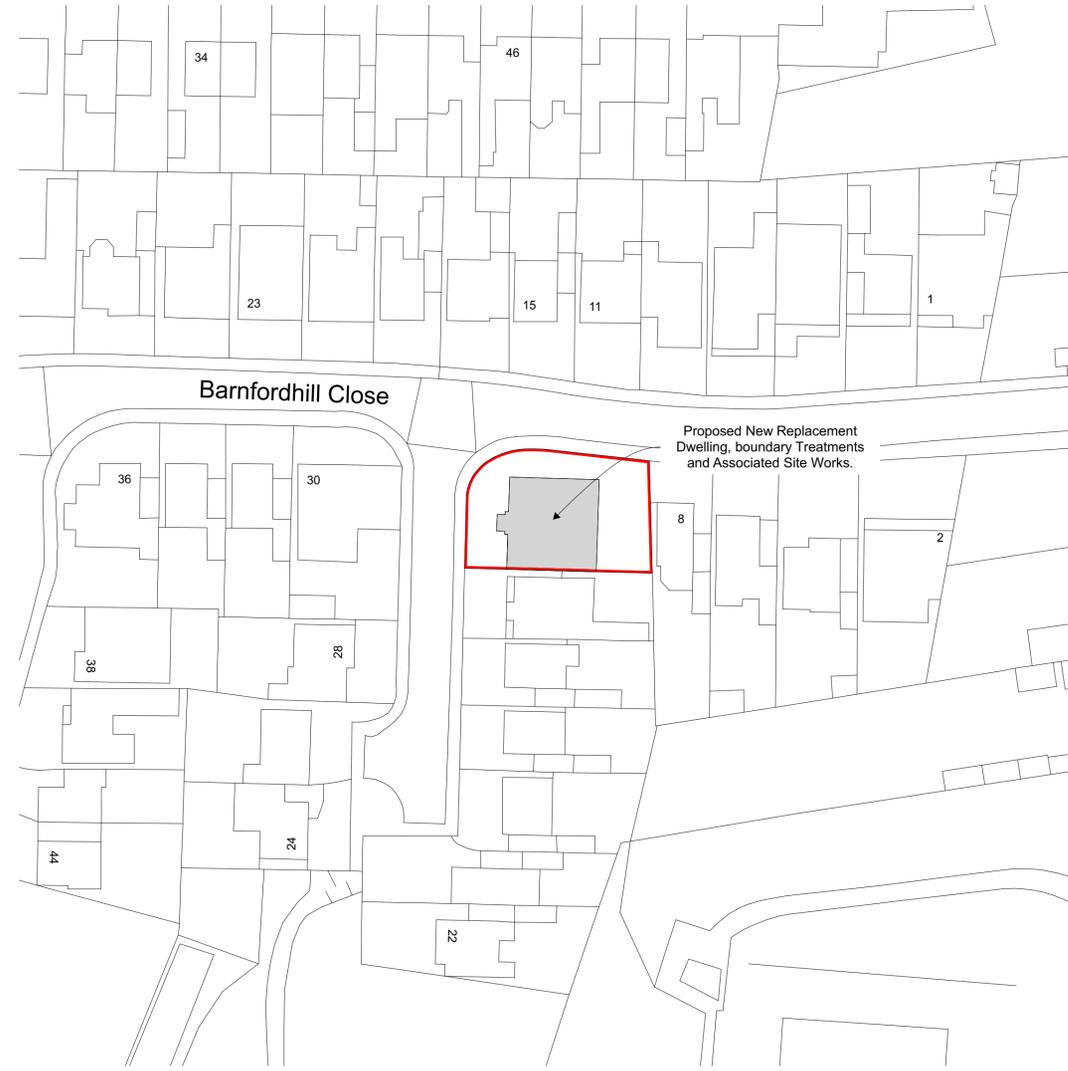
23.21.P04 REV A - Elevations/layout

23.21.P05 REV C – Site plan

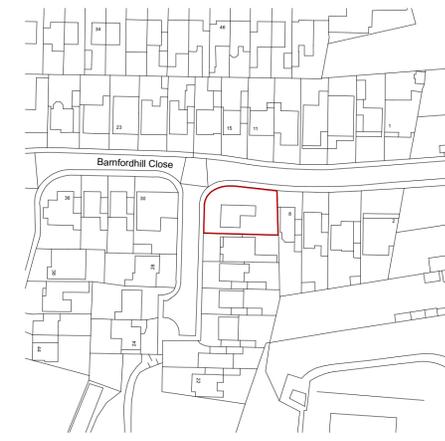




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Block Plan at 1:500



Location Plan at 1:1250



Rev: Date: Comment(s): Name: Check:



ARCHITECTURE | DESIGN | MANAGEMENT

Status: **Planning**

Client: Mr Harminder Singh Reehal

Job: 10 Barnfordhill Close, Oldbury, West Midlands, B68 8ES

Title: Block and Location Plan

Drawn: EK Date: 12.2023

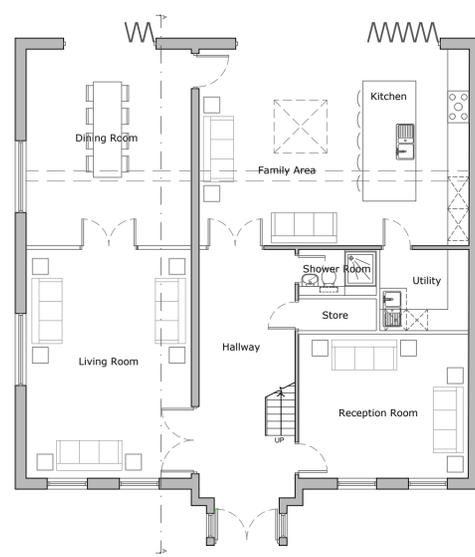
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Job no: 23.21 Drg no: P06

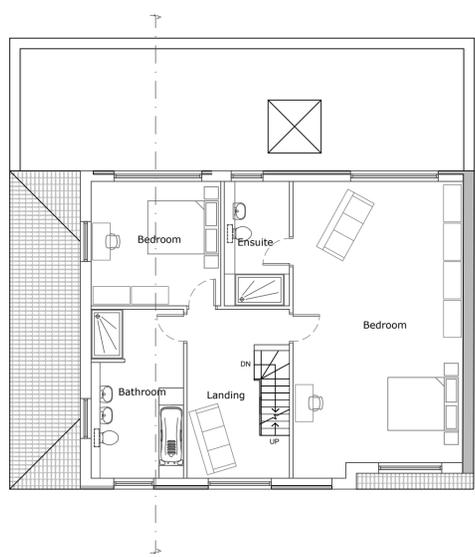
Birmingham Office:
 First Floor Office Suite, 271 Hagley Road, Edgbaston. B16 9NB
 T: 0121 238 3263 E: info@admstudio.co.uk
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Materials:

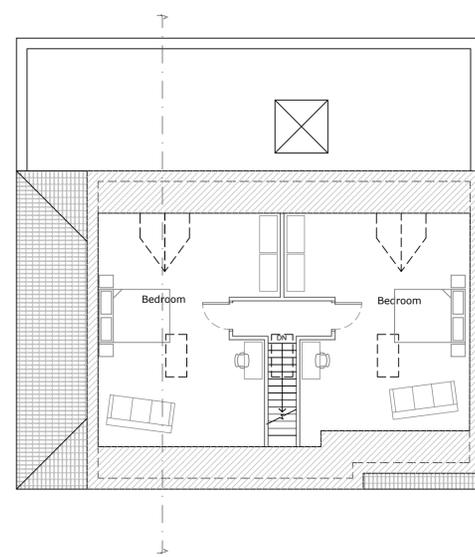
-  Proposed Brickwork
-  Proposed Roof Tiles



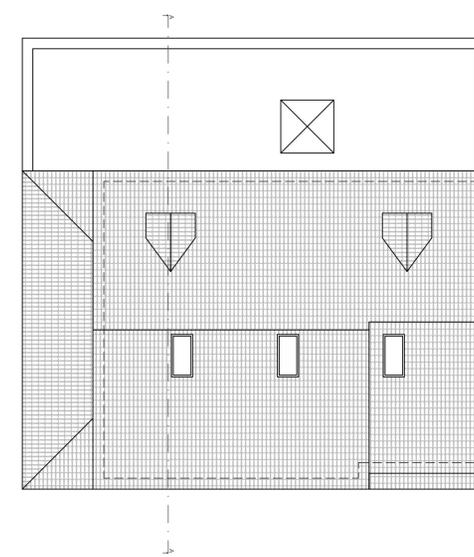
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan



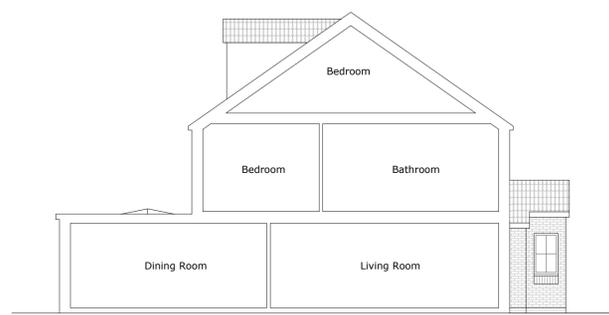
Proposed Roof Plan



Front Elevation



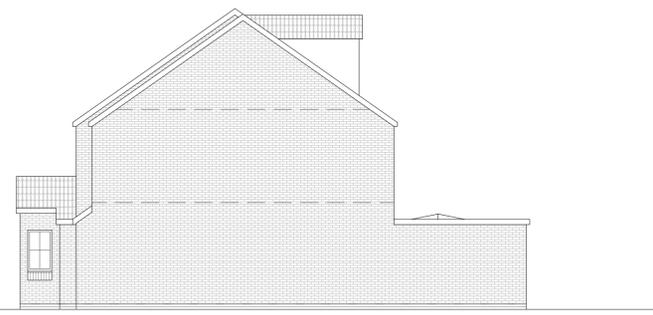
Side Elevation



Section A-A



Rear Elevation



Side Elevation



Scale Bar 1:100

A	21.11.23	Updated to accord with planning officer comments	CC	GM
Rev:	Date:	Comment(s):	Name:	Check:



ARCHITECTURE | DESIGN | MANAGEMENT

Status: **Planning**

Client: Mr Harminder Singh Reehal

Job: 10 Barmfordhill Close, Oldbury, West Midlands B68 8ES

Title: Proposed Floor Plans & Elevations & Section

Drawn: CC Date: 09.2023

Checked: GM Scale @ A1: 1:100

Job no: 23.21 Drg no: P04A

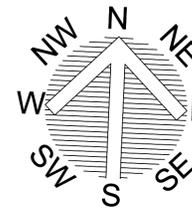
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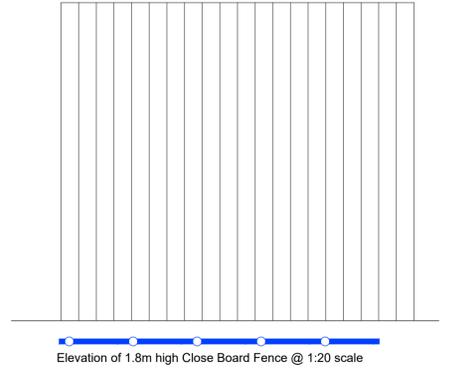
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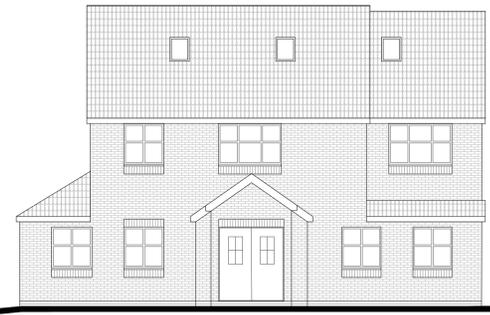
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 All Dimensions to be Checked on Site and Architect Notified of Any Discrepancies Prior to Commencement.



- Legend:**
- Existing Load Bearing Walls Below
- Materials:**
- Existing Brickwork
 - Existing Roof Tiles



Existing Topographical Survey



Profile Section G1



Scale Bar 1:100

C	05.2024	Area for Bin/Waste Incorporated at Rear Garden	EK	GM
B	03.2024	Updated to accord with planning officer comments	EK	GM
A	11.2023	Updated to accord with planning officer comments	CC	GM
Rev:	Date:	Comment(s):	CC	GM
			Name:	Check:



ARCHITECTURE | DESIGN | MANAGEMENT

Status: **Planning**

Client: Mr Harminder Singh Reehal

Job: 10 Barmfordhill Close, Oldbury, West Midlands B68 8ES

Title: Proposed Site Plan, Proposed Boundary Treatments & Profile Section G1

Drawn: CC Date: 09.2023

Checked: GM Scale @ A1: 1:100

Job no: 23.21 Drg no: P05C

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DC/24/69477

List of conditions

- i) The development must conform with the terms of 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 conditions, or approved amendments.
- ii) 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.
- iii) The approved boundary walls or fences shall be erected before the development is first occupied or brought into use.
- iv) The approved hard and soft landscaping and planting scheme shall be implemented within eight months of the development being occupied. Once implemented the landscaped verge to side of the property shall be retained thereafter.
- v) Before the development is commenced details of drainage works for the disposal of foul sewage shall be submitted to and approved in writing by the local planning authority. The approved drainage works shall be implemented before the development is first occupied or brought into use and thereafter retained.
- vi) Before the development is brought into use a scheme of highway works to include drop kerbs and removal/relocation of lamppost(s) shall be submitted to and approved in writing by the local planning authority. Before the development is occupied or brought into use the approved highway works shall be implemented.
- vii) Demolition and construction works shall take place only between 8:00 and 18:00 Monday to Friday and between 8:00 and 13:00 Saturdays and shall not take place at any time on Sundays or on bank or public holidays. This restriction also applies to deliveries to the site.
- viii) The development shall not be occupied or brought into use until the space shown on the submitted plan for the parking and

manoeuvring of vehicles has been provided. When provided the space for the parking and manoeuvring of vehicles shall be thereafter retained.