

# Report to Planning Committee

**23 October 2024**

<b>Application reference</b>	DC/24/69604
<b>Application address</b>	4 Walnut Drive Smethwick B66 3RS
<b>Application description</b>	Proposed first floor side and single storey front/side/rear extensions, garage conversion into habitable room, loft conversion and rear dormer window (Revision to refused planning application DC/24/69325).
<b>Application received</b>	15 July 2024
<b>Ward</b>	Soho & Victoria
<b>Contact officer</b>	Mr Andrew Dean <a href="mailto:andrew_dean@sandwell.gov.uk">andrew_dean@sandwell.gov.uk</a>

## 1 Recommendations

That planning permission is granted subject to the following conditions: -

- i) External materials; and
- ii) No glazing to be inserted into the south-west facing side elevation.

## 2 Reasons for Recommendations

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

### 3 How does this deliver objectives of the Council Plan?

Living in Sandwell	Increasing opportunities and options for residents.
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#### 4 Context

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

[4 Walnut Drive](#)

#### 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:
- Planning History (including appeal decisions);
  - Amenity concerns – overlooking/loss of privacy, loss of light and/or outlook and overshadowing;
  - Design concerns - appearance and materials, layout and density of building, wider visual amenity and overdevelopment.

## 6. The Application Site

6.1 The application site is situated on the southern side of Walnut Drive, Smethwick. Walnut Drive is a cul-de-sac with the application property being located at the far end. The character of the surrounding area is residential in nature.

## 7. Planning History

7.1 A similar application for a proposed two storey side and single storey rear extensions, external render to front/side/rear, alterations to front porch, front canopy, loft conversion and rear dormer window was submitted earlier this year and was refused for the following reasons:

- i) *The proposal is contrary to the Council's Revised Residential Design Guidance 2014 SPD in that the Development would have an inadequate separation distance between the proposed two storey side gable and a rear facing windowed elevation; to the detriment of residential amenity, creating an unacceptable sense of enclosure and an over-dominating effect. The proposal is therefore contrary to policy ENV3 of the Black Country Core Strategy, and policy SAD EOS 9 of the Site Allocations and Delivery Development Plan Document.*
- ii) *It is considered that the proposal contravenes policies ENV3 of the Black Country Core Strategy, and SAD EOS 9 of the Site Allocations and Delivery Development Plan Document, in that the proposal would be of a poor design and out of character with the surrounding area, that is not subservient to the original property, and would unduly erode the visual amenity of the surrounding area by virtue of its scale, massing and external materials.*

7.2 Relevant planning applications are as follows:

DC/24/69325	Proposed two storey side and single storey rear extensions, external render to front/side/rear,	Refusal 19.06.2024
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	alterations to front porch, front canopy, loft conversion and rear dormer window.	
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## **8. Application Details**

- 8.1 The applicant has submitted a revised planning application to address the reasons of refusal of DC/24/69325. The current proposal is to erect a first-floor side and single storey front/side/rear extensions, garage conversion into habitable room, loft conversion and rear dormer window (Revision to refused planning application DC/24/69325). The first-floor side extension would measure 2.2 metres (L) by 2.65 metres (W) with an overall height of 7.1 metres. The proposed single storey rear extension would measure 2.5 metres (L) by 11.6 metres with an overall height of 3.5 metres (2.7 metres to the eaves). The single storey front extension would bring the current garage wall forward to match the projection of the properties bay windows and existing entrance door. The garage would then be converted into a habitable room.
- 8.2 In terms of the dormer window, this has been included in the description of development for completeness. However, as the rear dormer would be located solely on the original roof of the dwellinghouse and would have a volume of 18.47m<sup>3</sup>. This would be classed as permitted development and would not require planning approval.

## **9. Publicity**

- 9.1 The application has been publicised by ten neighbour notification letters. Three objections have been received.
- 9.2 Objections have been received on the following grounds:
- i) The proposal would cause a loss of light.
  - ii) The proposal would cause a loss of privacy.

- iii) The proposal is out of character with the surrounding area and overdevelopment of the plot.
- iv) Loss of privacy caused by the loft extension/ rear dormer.

Non-material objections have been raised regarding loss of property value, a boiler flue is located on the side elevation of the existing property, private issues between neighbours relating to boundary disputes and the potential the property could be turned into an HMO in the future.

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

## **10. Consultee responses**

None relevant.

## **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 by achieving high quality design, achieving good architecture and layouts.

## **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.

### **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 Planning History (including appeal decisions).**

The amended scheme has addressed the reasons for refusal of DC/24/69325. The first-floor side extension has been reduced in width to comply with design guidance, the proposal now achieves the required 14 metre separation distance from a windowed rear elevation to a blank side gable. The amended extension would be subservient to the original property as a first floor set back and the drop down of the ridgeline has been incorporated into the design of the first-floor side extension. Furthermore, the applicant is no longer proposing to render the entire property, facing brickwork is proposed to the extensions.

#### **13.3 Amenity concerns – overlooking/loss of privacy, loss of light and/or outlook and overshadowing.**

No element of the scheme would significantly impact on the amenity of the occupiers of adjacent properties in terms of loss of light, outlook or privacy. The first-floor side extension has been reduced in width to comply with design guidance, with the required 14 metre separation distance from a windowed rear elevation to a blank side gable being achieved. To protect the privacy for properties on Price Street, a condition to ensure no glazing is inserted into the south-west facing side elevation has been included in the recommendation. The single storey

rear and front extensions are both modest in projection and scale and raise no concerns with regards to a loss of light or outlook to neighbours. The objector's concerns relating to a loss of privacy as a result of the rear facing dormer window are noted. However, the dormer window has only been included in the description of development for completeness. As the dormer would be located solely on the original roof of the dwellinghouse, would have a volume of 18.47m<sup>3</sup>, is no higher than the original ridgeline and is set back from the eaves by 0.4m, it would be classed as permitted development and would not require planning approval. The applicant could therefore erect a dormer window in this location without the requirement for planning approval.

#### **13.4 Design concerns - appearance and materials, layout and density of building, wider visual amenity and overdevelopment.**

The scale of the extensions would be proportionate to the existing dwelling and would cause no undue harm to the visual amenity of the area. In design terms, the first-floor side extension would be subordinate to the existing dwelling as the proposal includes a first floor set back from the front of the dwelling as well as a drop down of the ridgeline. The extension is therefore compliant with the Council's supplementary design guidance. I do not consider the proposal to be over development of the plot, the property sits at the end of a cul-de-sac with massing of a single storey side extension already in situ. Furthermore, a neighbouring property on Walnut Drive had planning approval and has erected a two-storey side extension. There is no restriction on the conversion of the existing garage. However, the existing property has ample parking to the front to accommodate the required three car parking spaces.

### **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.

## 16 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	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

D00 (A1) - EXISTING/PROPOSED GROUND/FIRST/SECOND FLOOR AND ROOF PLAN.

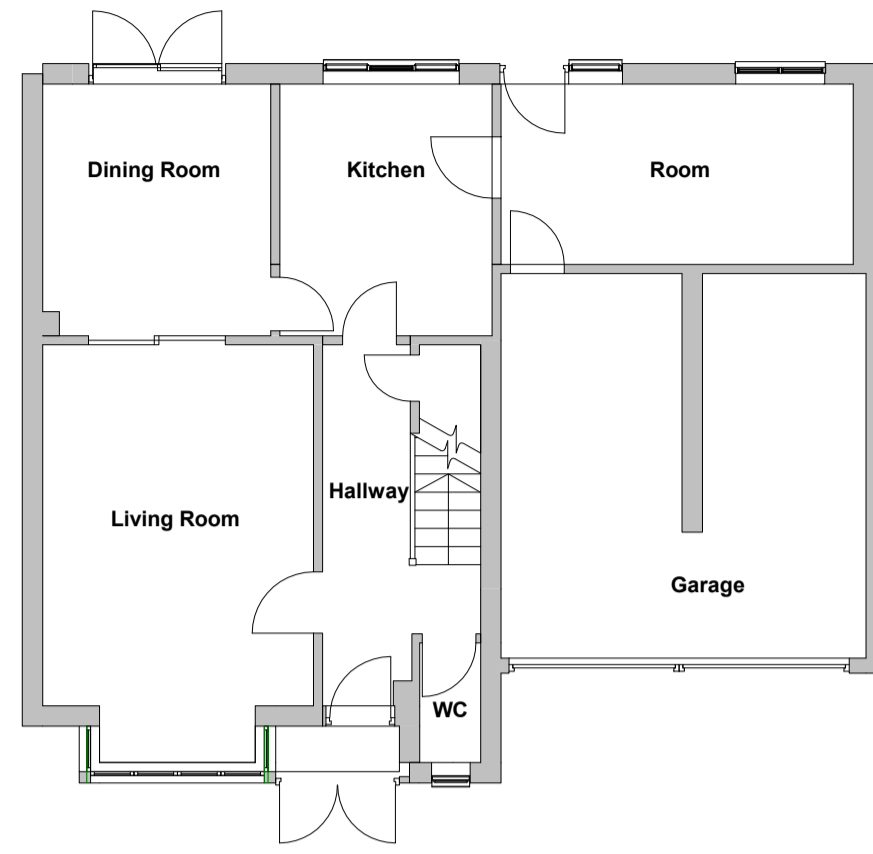
E00 (A1) - EXISTING/PROPOSED ELEVATIONS PLAN.

A00 (A1) - LOCATION AND SITE PLAN

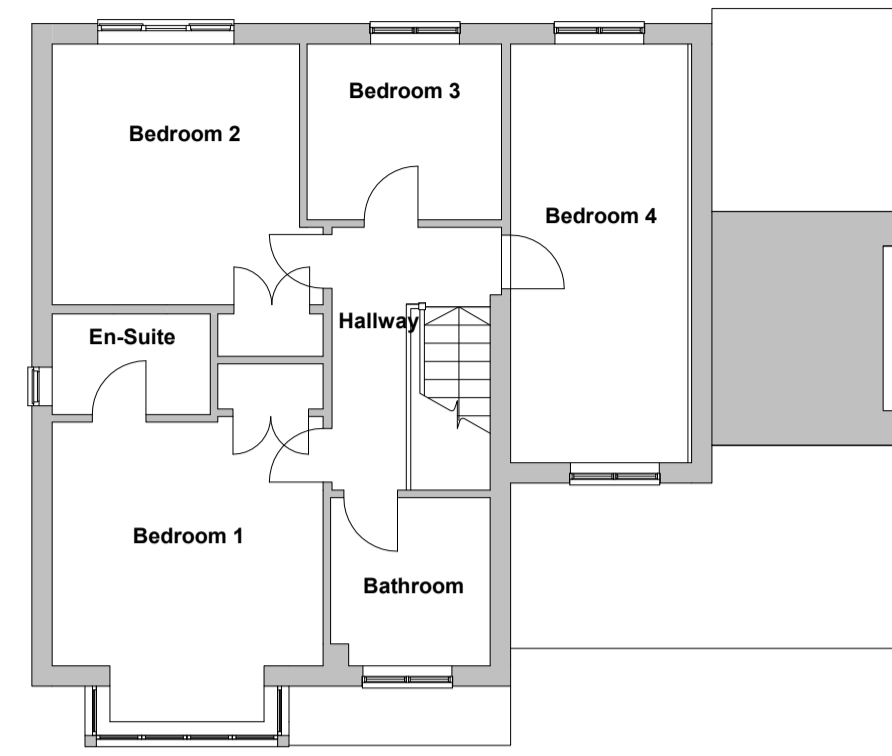


Site Plan - Proposed  
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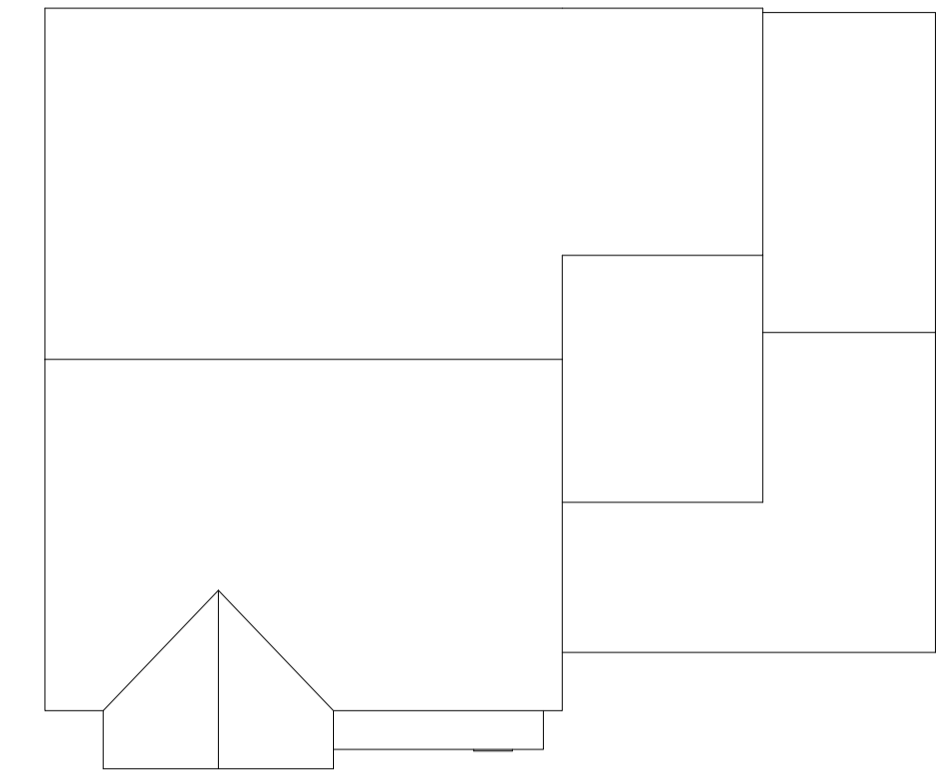
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	STAGE: As indicated @A1	ISSUE DATE: 	DRAWN BY: Author		DRAWING NO: <b>-A00</b>		



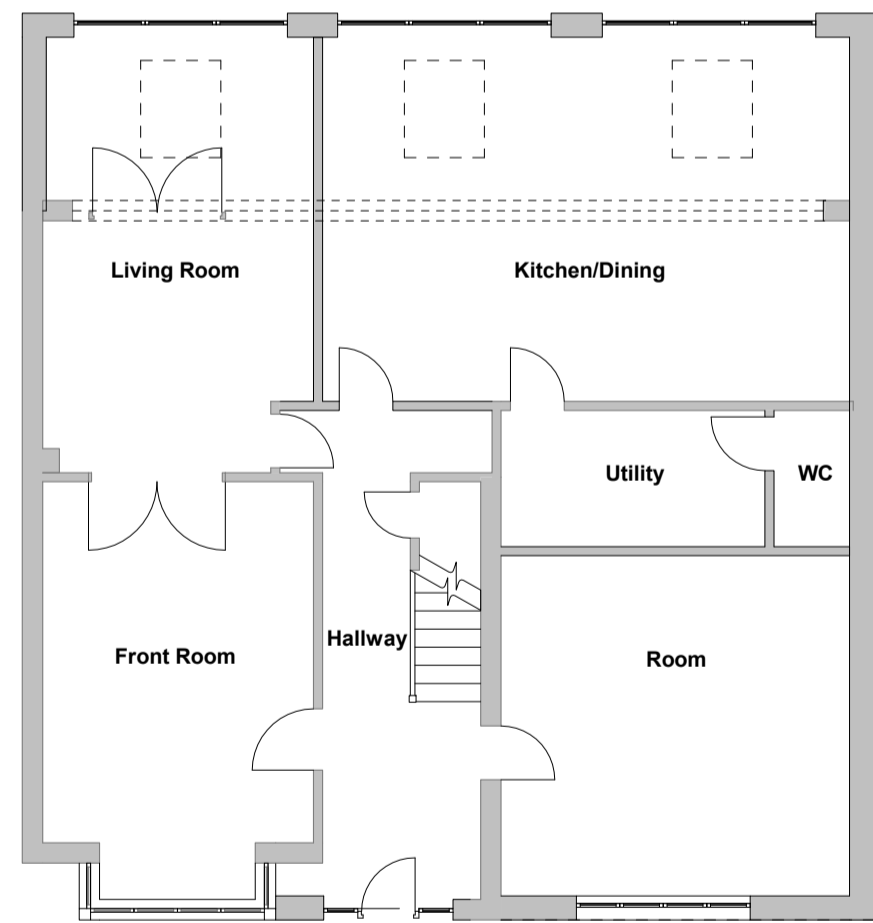
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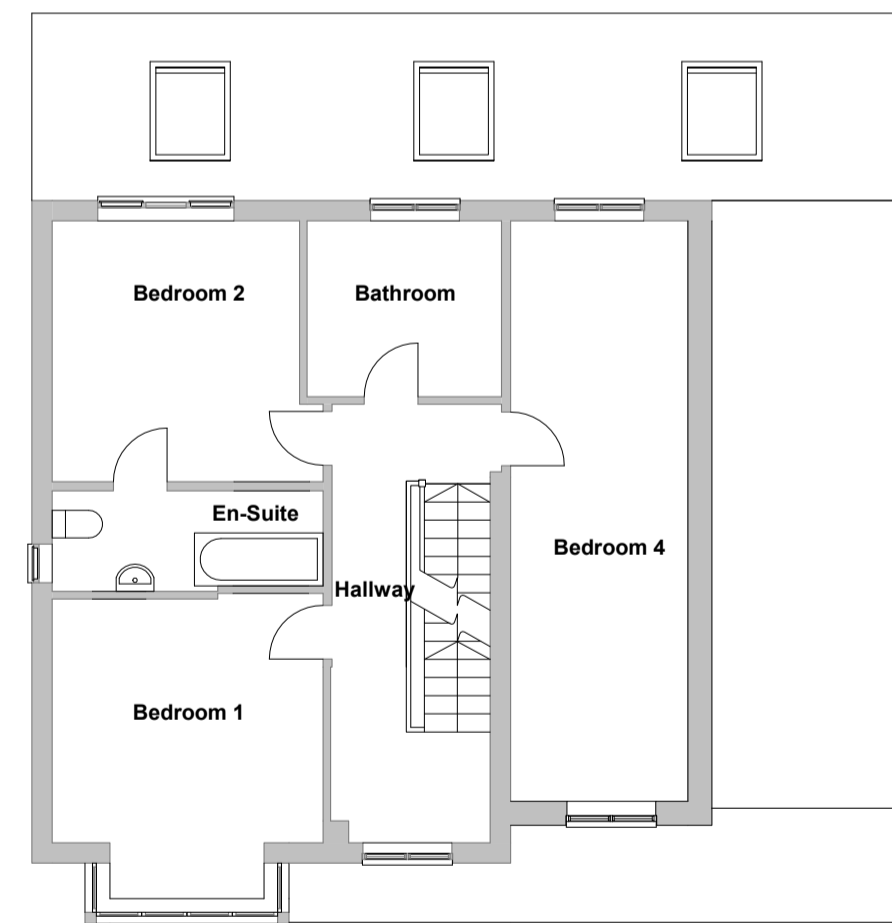
First Floor Plan - Existing  
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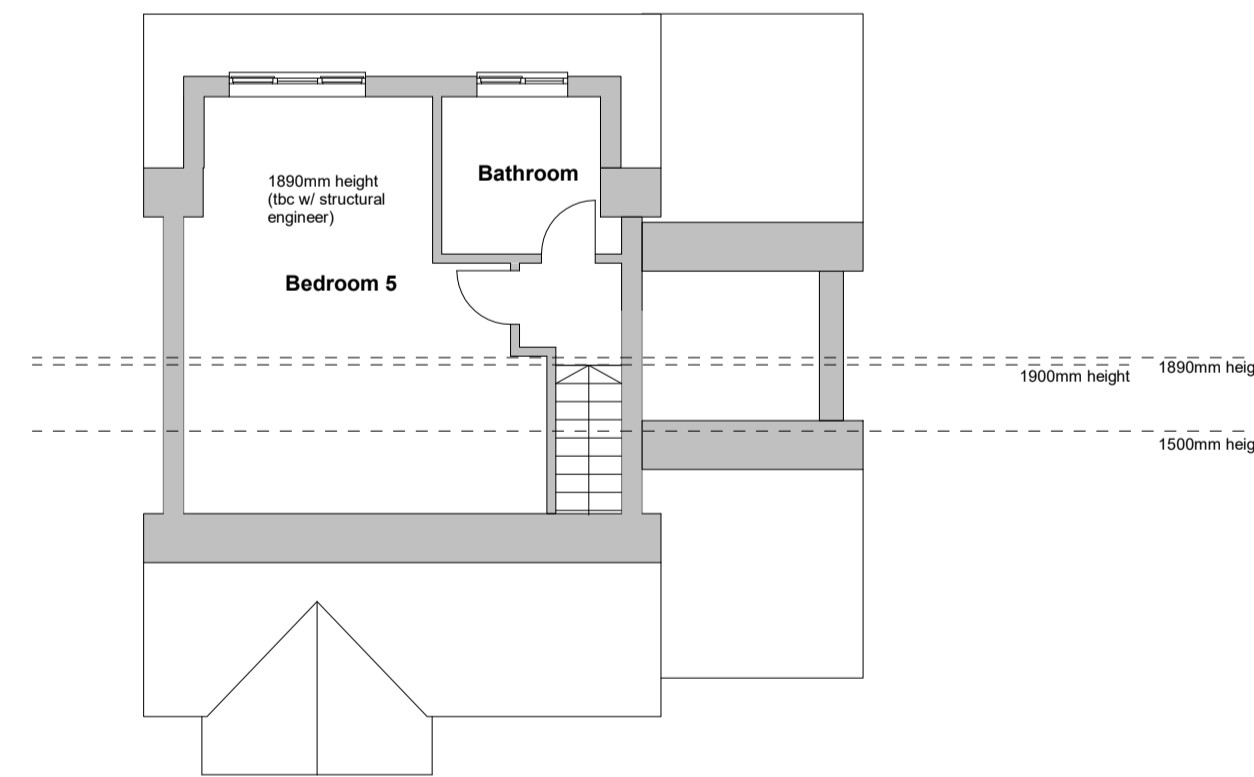
Roof Plan - Existing  
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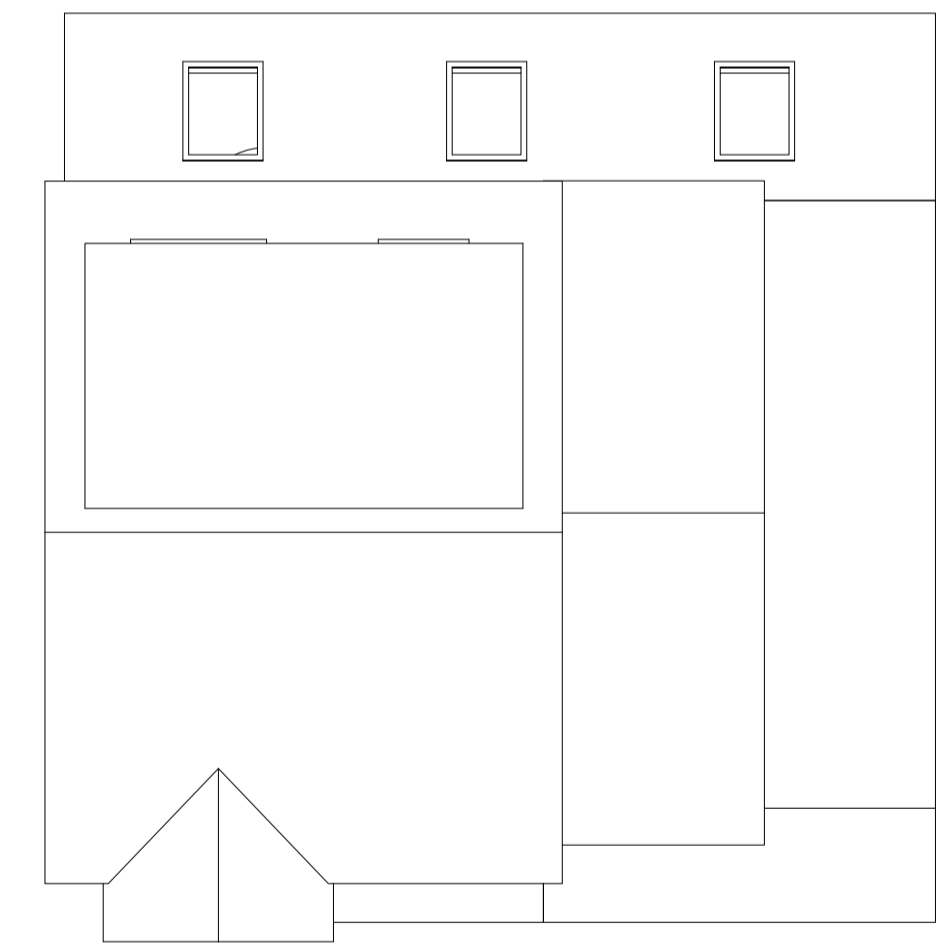
Ground Floor Plan - Proposed  
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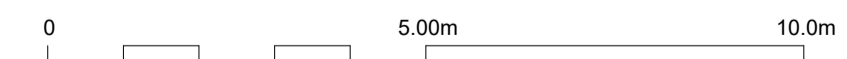
First Floor Plan - Proposed  
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Second Floor Plan - Proposed  
1 : 100



Roof Plan - Proposed  
1 : 100



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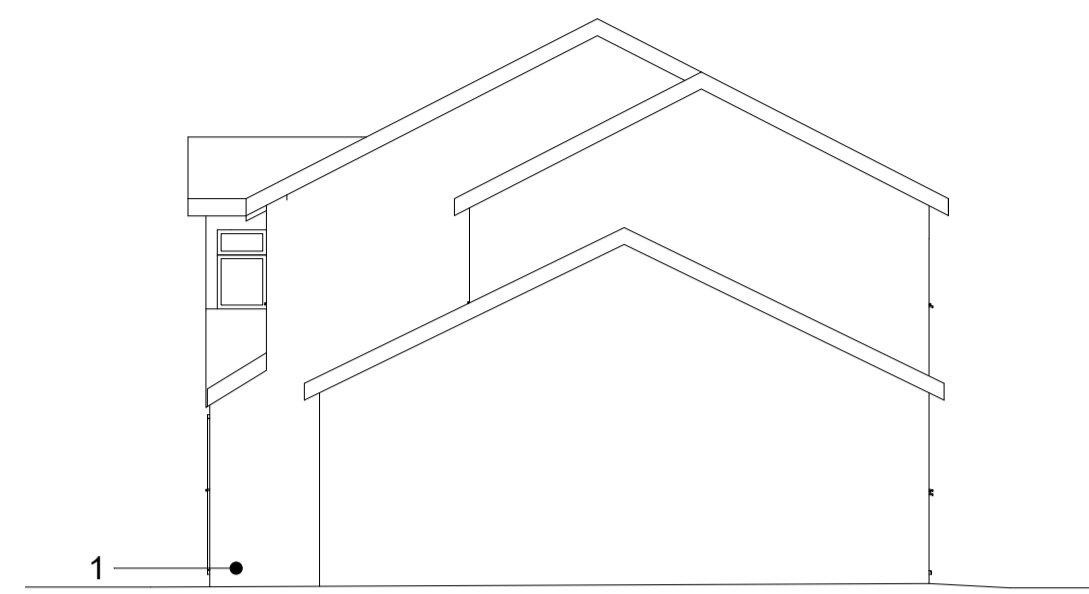
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<p>Minesh Patel Architects</p>	<p>PROJECT: 0148 4 Walnut Dr</p>	<p>DRAWING TITLE: Plans</p> <p>DRAWING NO: <b>-D00</b></p> <p>REV NO:</p>
	<p>STAGE:</p> <p>SCALE: 1 : 100 @A1</p>	<p>ISSUE DATE:</p> <p>DRAWN BY: Author</p>



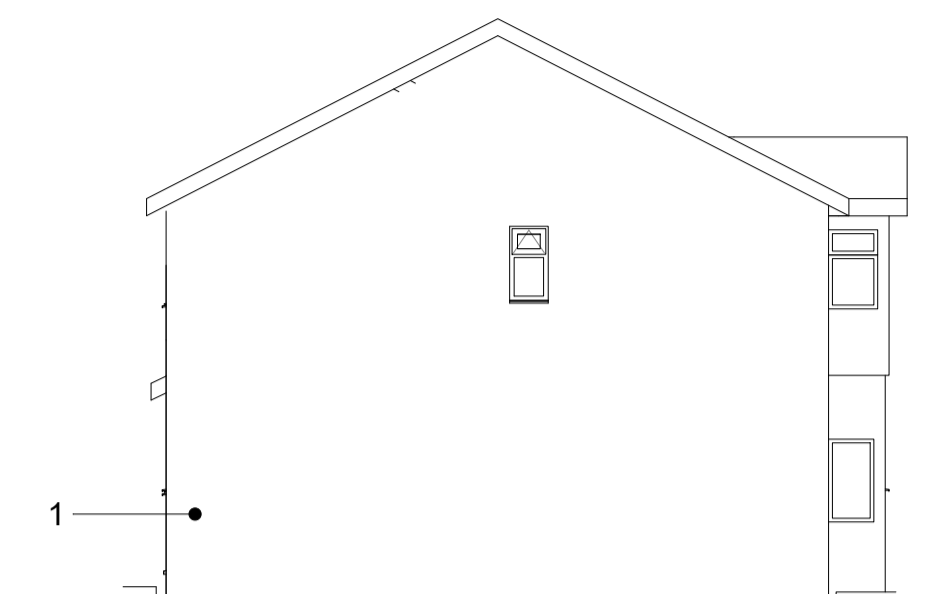
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Right Elevation - Existing  
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Rear Elevation - Existing  
1 : 100



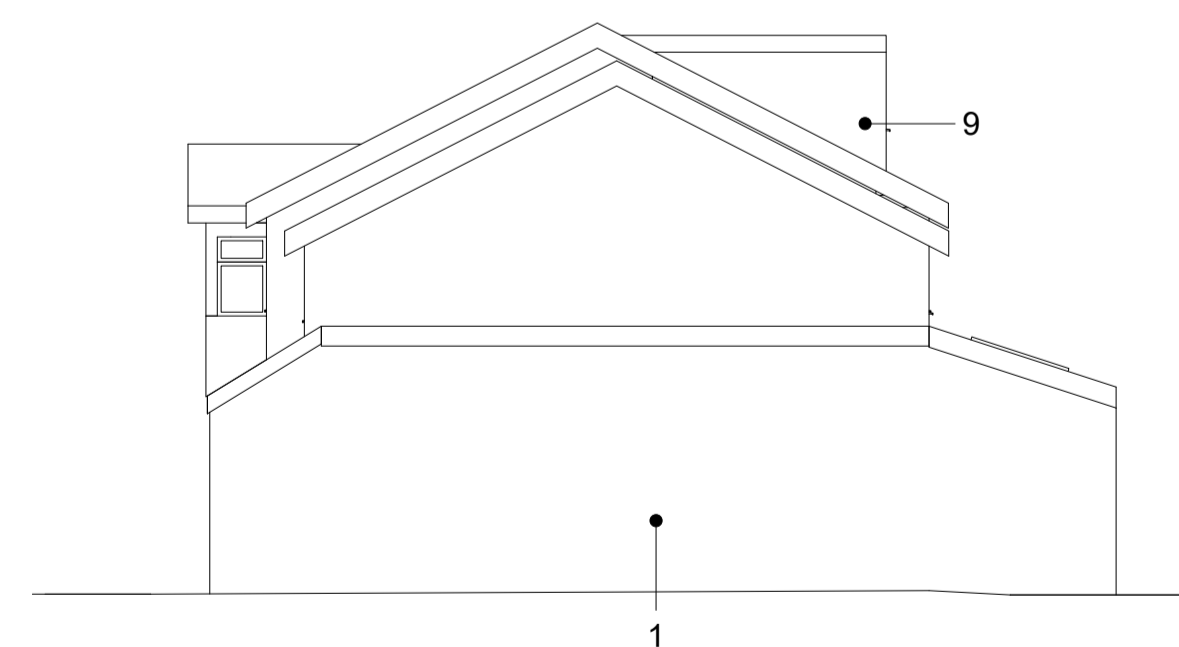
Left Elevation - Existing  
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### Materials Key

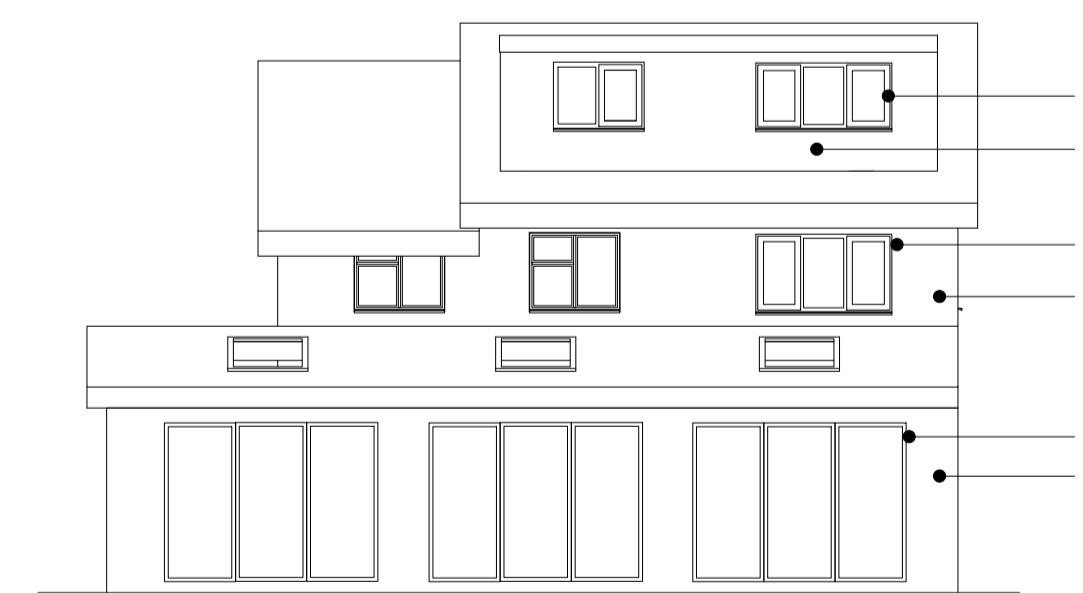
- 1. red brick
- 2. white upvc
- 3. brown upvc
- 4. tiled roof
- 5. tiled roof to match existing
- 7. dark grey windows and doors
- 8. white timber effect cladding
- 9. tiled cladding
- 10. white metal garage door



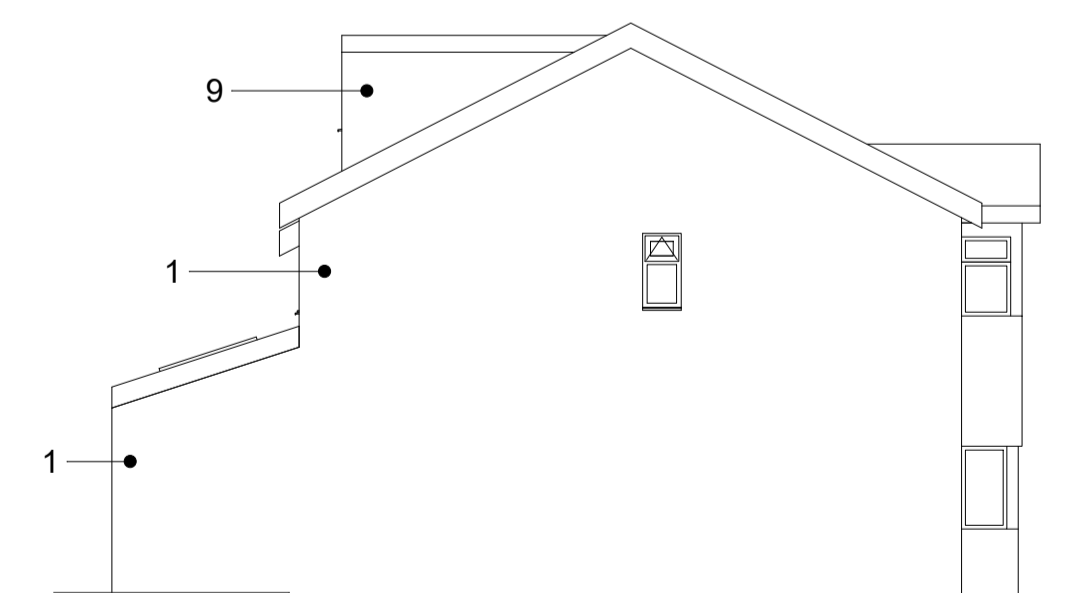
Front Elevation - Proposed  
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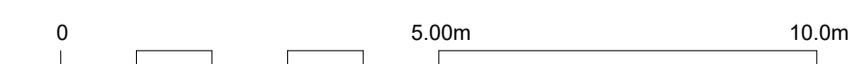
Right Elevation - Proposed  
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Rear Elevation - Proposed  
1 : 100



Left Elevation - Proposed  
1 : 100



KEY:	GENERAL NOTES: USE FIGURED DIMENSIONS ONLY DO NOT SCALE OFF DRAWINGS CHECK ALL DIMENSIONS ON SITE COPYRIGHT MINESH PATEL ARCHITECTS	NOTES:	REVISION:	Minesh Patel Architects	PROJECT: 0148 4 Walnut Dr	DRAWING TITLE: Elevations	REV NO:
						STAGE:	ISSUE DATE:
					SCALE: 1:100 @A1	DRAWN BY: Author	

## **DC/24/69604**

### List of conditions

- 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) No glazing to be inserted into the south-west facing side elevation.