

Report to Planning Committee

2 April 2025

Application reference	DC/24/69924
Application address	28 Holly Lane, Smethwick, B66 1QN
Application description	Proposed single and two storey rear extension.
Application received	14 October 2024
Ward	St Pauls
Contact officer	Lucinda McKee lucinda_mckee@sandwell.gov.uk

1. Recommendations

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

- i) External materials to match existing, and
- ii) Restriction of construction working hours

2. Reasons for Recommendations

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

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 as three material planning objections have been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[28 Holly Lane, 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);
 - Amenity concerns – loss of privacy, light and outlook;
 - Design concerns – overdevelopment, contrary to character of surrounding area; contrary to policy;
 - Highways considerations - parking;
 - Environmental concerns – noise, cooking smells, refuse bin storage.

6. The Application Site

- 6.1 The application relates to an existing two bedroom end terraced residential property situated on the north-eastern side of Holly Lane, Smethwick (near to the eastern junction of St Pauls Road). The character of the surrounding area is predominantly residential in nature; however, Sandwell PCT, Holly Lane Clinic, 162 Holly Lane, Smethwick occupies the site directly opposite to the applicant property.

7. Planning History

7.1 There is no planning history associated with this site.

8. Application Details

8.1 The applicant is proposing to erect a single and two storey rear extension.

8.2 The proposed ground floor extension would measure 4.4 metres in length, a maximum width of 8.3 metres (at the widest part) to 5.3 metres in width and 2.9 metres in height (flat roof). The proposed first floor would measure 2.9 metres in length and 4.8 metres in width with a pitched roof. The proposal would create a kitchen and living area at ground floor and one additional bedroom at first floor, which would result in the property having three bedrooms in total. It is noted that a new window installation is shown on the rear elevation first floor serving the new bathroom; this would be considered permitted development, and is common for these to be obscurely glazed.

8.3 Amended plans have been received to reduce the massing and scale of the extensions as originally proposed; the originally proposed rear dormer has been removed from the proposal and the ground, and first floor footprints have also been reduced. The plans before your committee are those of the amended scheme.

9. Publicity

9.1 The application has been publicised by ten neighbour notification letters and they were written to again following the receipt of amended plans (see point 8.3 above). Three objections have been received.

9.2 Objections have been received on the following grounds:

- i) Loss of light, privacy and outlook (tunnel effect);
- ii) Massing and scale;
- iii) Overdevelopment/over-intensification;
- iv) Out of character with surrounding area;
- v) Poor design;
- vi) Contrary to Policy;
- vii) Parking;
- viii) Setting a precedent;

- ix) Noise;
- x) Cooking smells and odours; and
- xi) Limited amenity space for refuse bins storage.

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

9.3 Non-material objections have been raised regarding loss of property value, party wall and boundary/ownership issues.

10. Consultee responses

10.1 Highways

Highways have raised no objections to the amended proposal having noted there would be an increase in the number of bedrooms from two to three which would require an additional car parking space. However, Highways did not consider the proposal would have a severe impact on vehicle parking on surrounding streets.

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.

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 design is considered to be acceptable in terms of its massing and scale 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:

Amenity concerns – loss of privacy, light and outlook;

13.2 It has been demonstrated on plan that the proposal (at both ground and first floor level) would not breach the 45-degree code to the habitable room windows of the attached dwelling. The first floor is set back and would not project beyond the attached neighbour's rear elevation. Given the projection beyond the rear wall with the attached neighbour would be single storey for one metre, the Council does not consider that a tunnelling effect would take place.

13.3 In terms of impact to the occupants of properties on St Pauls Road. The separation distance between the applicants' existing side wall and the rear elevations of properties on St Pauls Road is 6 metres. The amended proposal (which removed a side facing bedroom window due to privacy concerns and set the extension in from the side by 4 metres) has a separation distance of 12.5 metres from the rear elevations. It is also noted that the application property is located on a lower ground level than the properties on St Pauls Road which are also positioned at an oblique angle. The Councils adopted Revised Residential Design Guide SPD recommends a separation distance of 14 metres between windowed rear elevations and blank two storey side elevations for new build dwellings. The proposal is slightly deficient in separation distance from properties on St Pauls Road achieving 12.5 metres. However, taking into consideration the application property is on a lower ground level coupled by the fact the existing arrangements have a separation distance of 6 metres, I am satisfied the 12.5 metre separation would be acceptable and cause no significant harm to occupants of the properties on St Pauls Road.

13.4 To protect privacy, ideally a condition for the bathroom window to be obscurely glazed and non-opening up to a height of 1.7m above the internal floor would be recommended, however this window would be permitted development and is not for consideration by Members.

13.5 Below are various photographs of the site in question:

Rear elevation



Adjoining neighbouring property rear/side elevation



Rear gardens/rear elevations of neighbouring properties on St Pauls Road when viewed from the application site.



Design concerns – overdevelopment, over-intensification, out of character with surrounding area poor design, setting a precedent, contrary to policy

13.6 The application has been significantly amended from the originally proposed scheme. The rear dormer has been removed; the footprint of the first floor element has been reduced by 1 metre in length and also by 0.9 metres and 4 metres in width. The two storey flat roof has been replaced with a pitched roof. The footprint of the ground floor extension has been reduced by 0.8 metres. The amended proposal is considered to be good design.

13.7 Following receipt of the amendments, the case officer is satisfied the scale and massing of the amended extensions would be proportionate to the existing dwelling and would cause no undue harm to the visual amenity of the surrounding area.

13.8 The proposal is not overdevelopment of the site and sufficient private amenity space to the rear would remain. To ensure the satisfactory appearance of the proposal, a condition for the external materials to match the existing property has been included in the recommendation.

Highways considerations – parking

13.9 The Head of Highways has reviewed the proposal and raises no objection to the application on vehicle parking or highway safety grounds. Highways commented that the increase in bedrooms at the property from two to three would not have a severe impact on vehicle parking on surrounding streets.

Environmental concerns – noise, cooking smells and odours, and refuse bin storage

13.10A condition has been included in the recommendation to restrict hours of construction. These hours are:

Demolition and construction works shall take place only between 08:00 to 18:00 on Monday to Friday, 08:00 to 13:00 on 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.

13.11 It is unlikely that there would be any significant impact on the amenities of occupants of adjacent properties regarding cooking smells and odours above what is normally associated with a residential property.

13.12 The applicant has sufficient rear amenity space to store the existing bins which can be accessed via the existing rear entry to the side of the property.

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'. To summarise: the proposal should be approved unless any adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed against development plan policies or, where those policies are out of date, the NPPF as a whole. Where national policy takes precedence over the development plan, this has been highlighted in paragraph 11 (National Planning Policy Framework).
- 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

Resources:	There are no direct implications in terms of the Council's strategic resources. If the Planning Inspectorate overturns the Committee's decision and grants consent, the Council may be required to pay the costs of such an appeal, for which there is no designated budget.
Legal and Governance:	The Planning Committee has delegated powers to determine planning applications within current Council policy. Section 78 of the Town and Country Planning Act 1990 gives applicants a right to appeal when they disagree with the local authority's decision on their application, or where the local authority has failed to determine the application within the statutory timeframe
Risk:	There are no risks associated with this report.

Equality:	There are no equality implications associated with this report.
Health and Wellbeing:	There are no health and wellbeing implications associated with this report.
Social Value	There are no implications linked to social value with this report.
Corporate Parenting	None.

17. Appendices

17.1 Plans for consideration

Context plan

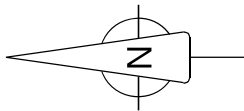
C1034/001 – Location plan

C1034/002 Rev B – Proposed site/block plan

C1034/003 Rev A – Existing ground floor/first floor/roof and elevations
Plan

C1034/004 Rev B – Proposed ground floor/first floor/roof and elevations
Plan

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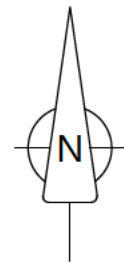
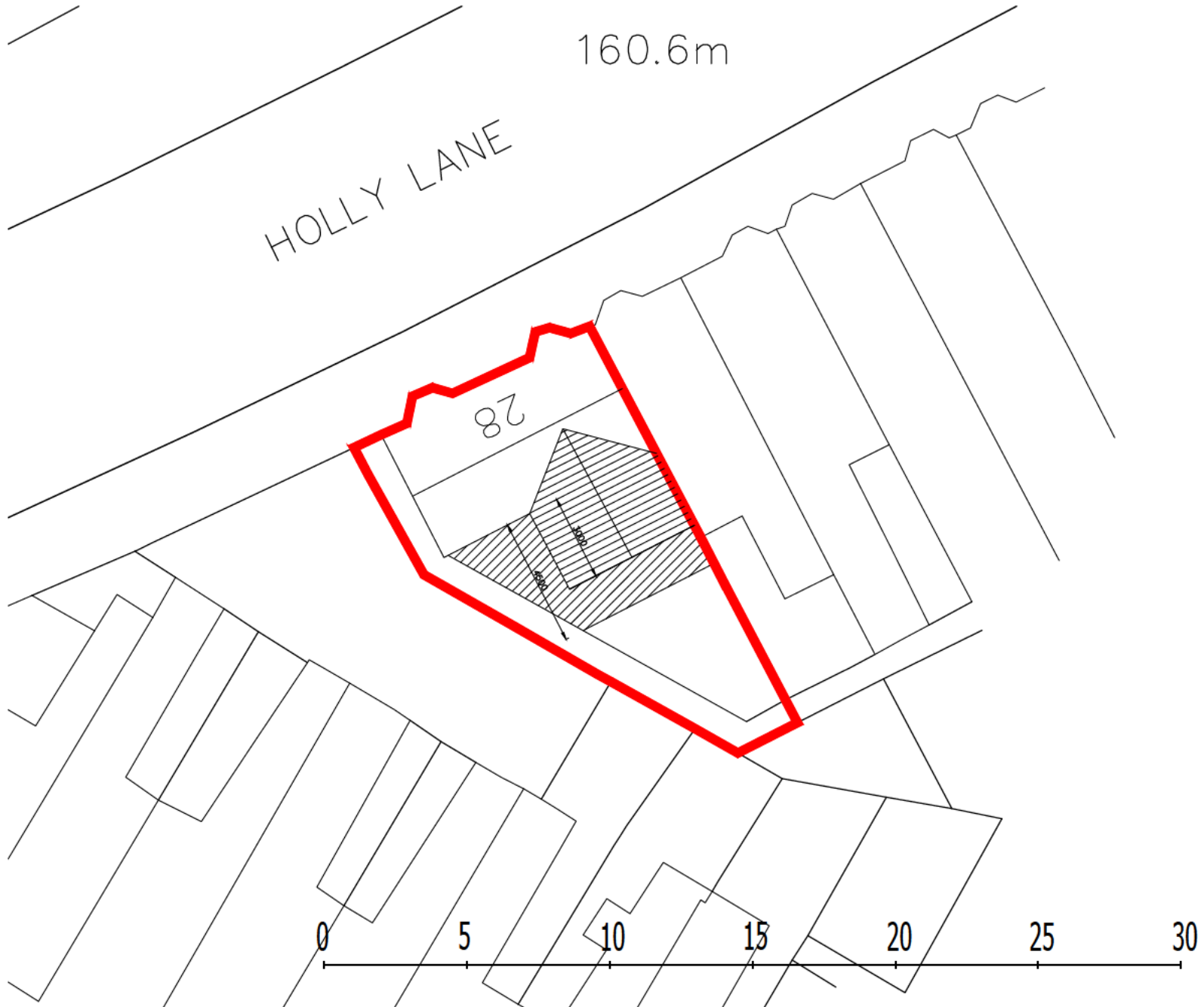
PLANNING

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SCALE: 1/4" = 1'-0"
 DATE: 04/20/24
 DRAWN: KSN
 CHECKED: KSN

JOB TITLE: Location Plan
 DRAWING TITLE: Location Plan
 DRAWING NO.: C10347.001

Location Plan



Site - Block Plan

Rev B - 13.03.2025 - Separation distances added. KSN
 Rev A - 20.01.2025 - Single along rear and double along front extension
 reduced and Corner Loft conversion added. KSN

REVISIONS

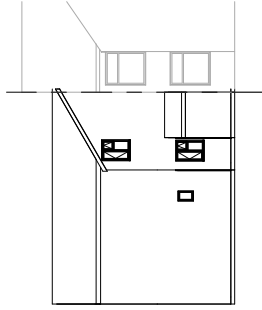
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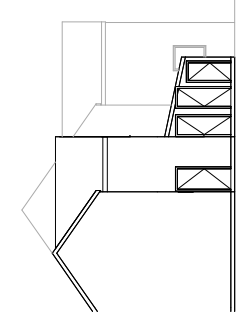
ARCHITECTURAL CONSULTANTS
 20 Wycher Avenue, Birmingham, B14 6LQ
 t: 0121 4120704

SCALE @ A4	1:200	CLIENT	Wycher Avenue and Side Extension and Corner Loft Conversion
DATE	Sep 2024	JOB TITLE	Site - Block Plan
DRAWN	KSN	DRAWING TITLE	C1034 / 002 Rev B
CHECKED	KSN	DRAWING NO.	

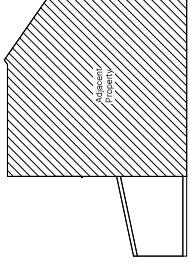
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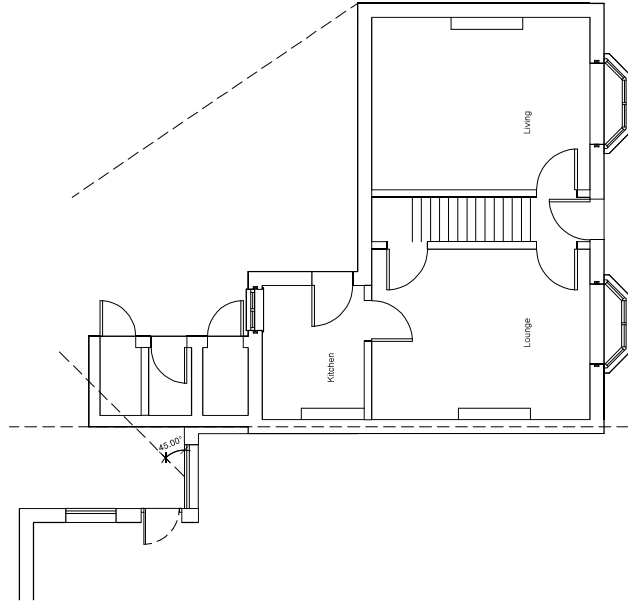
Existing Rear Elevation



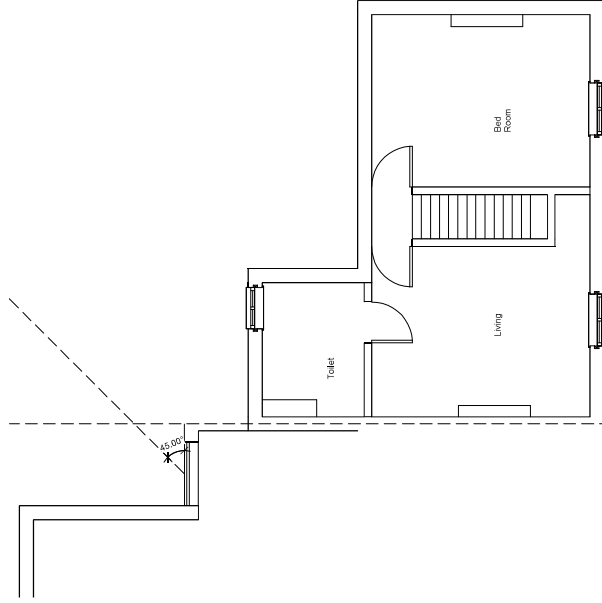
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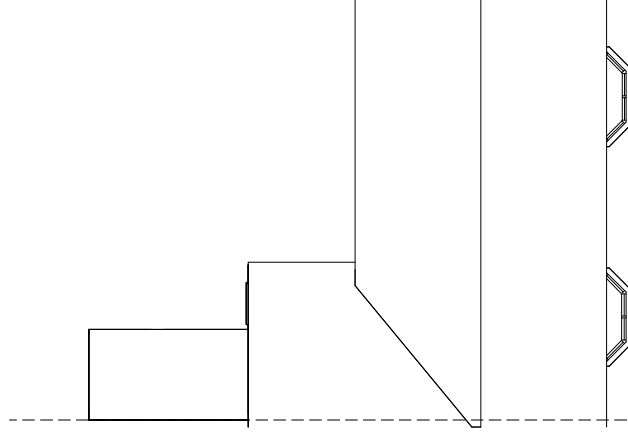
Existing Side Elevation



Existing Ground Floor Plan



Existing First Floor Plan



Existing Roof Plan

Rev. A - 15.05.2025 - Drawing amended as per Planning Officer's comments, KSN

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t. 01773 560785

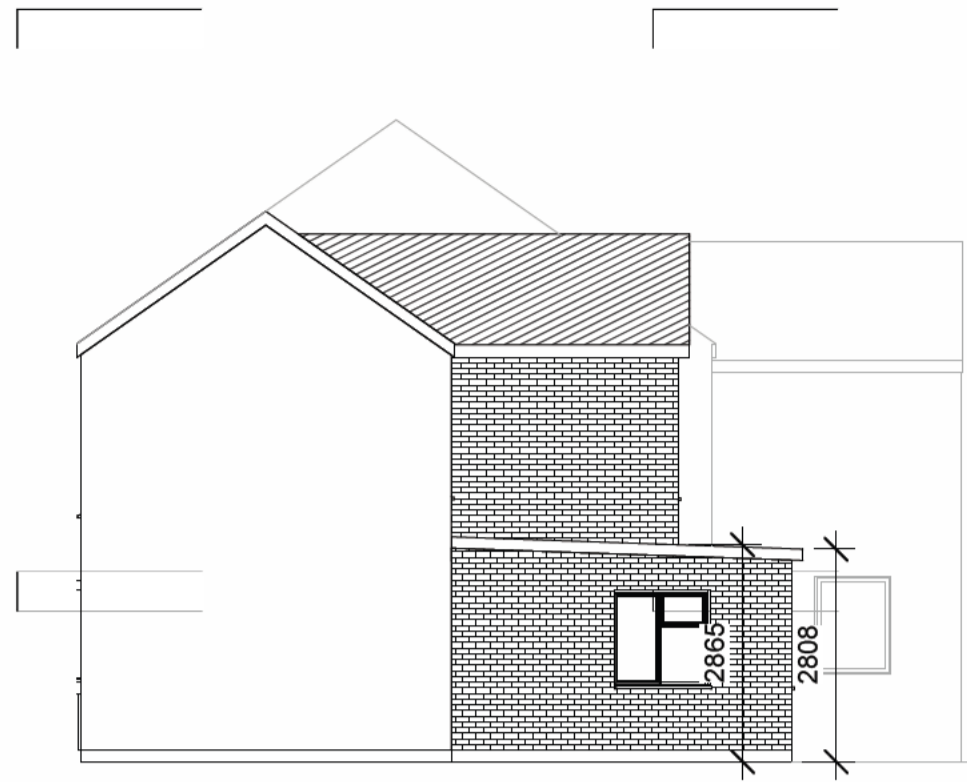
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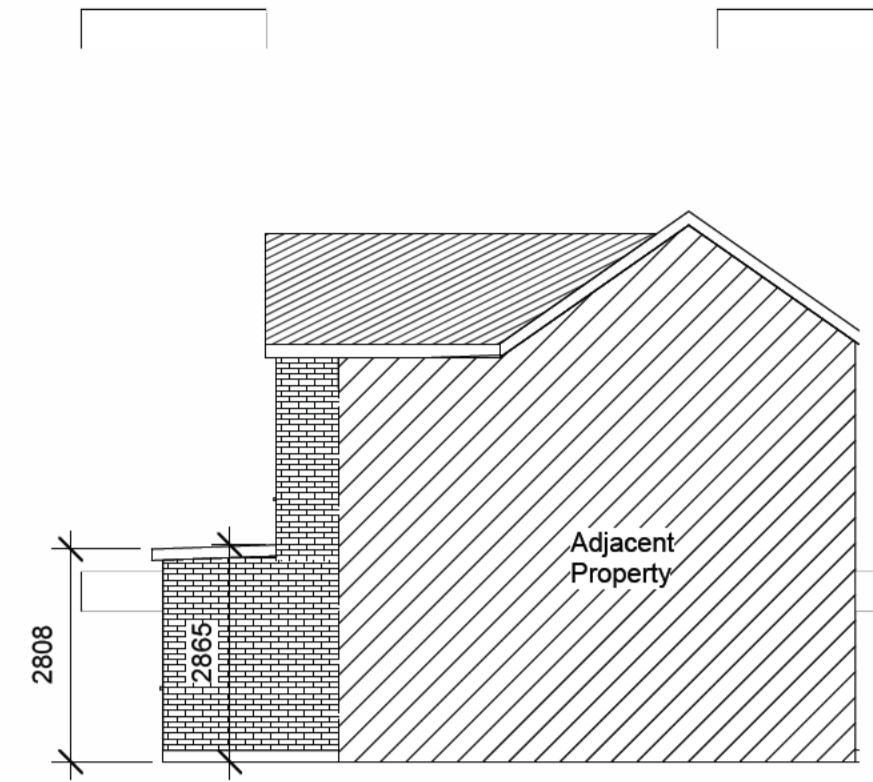
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Feb 2025
ZA
KSN
Single Storey Rear and Double Storey Rear Extension and Dormer Loft
Roofing for Plans and Elevations
C1034 / 003 Rev A



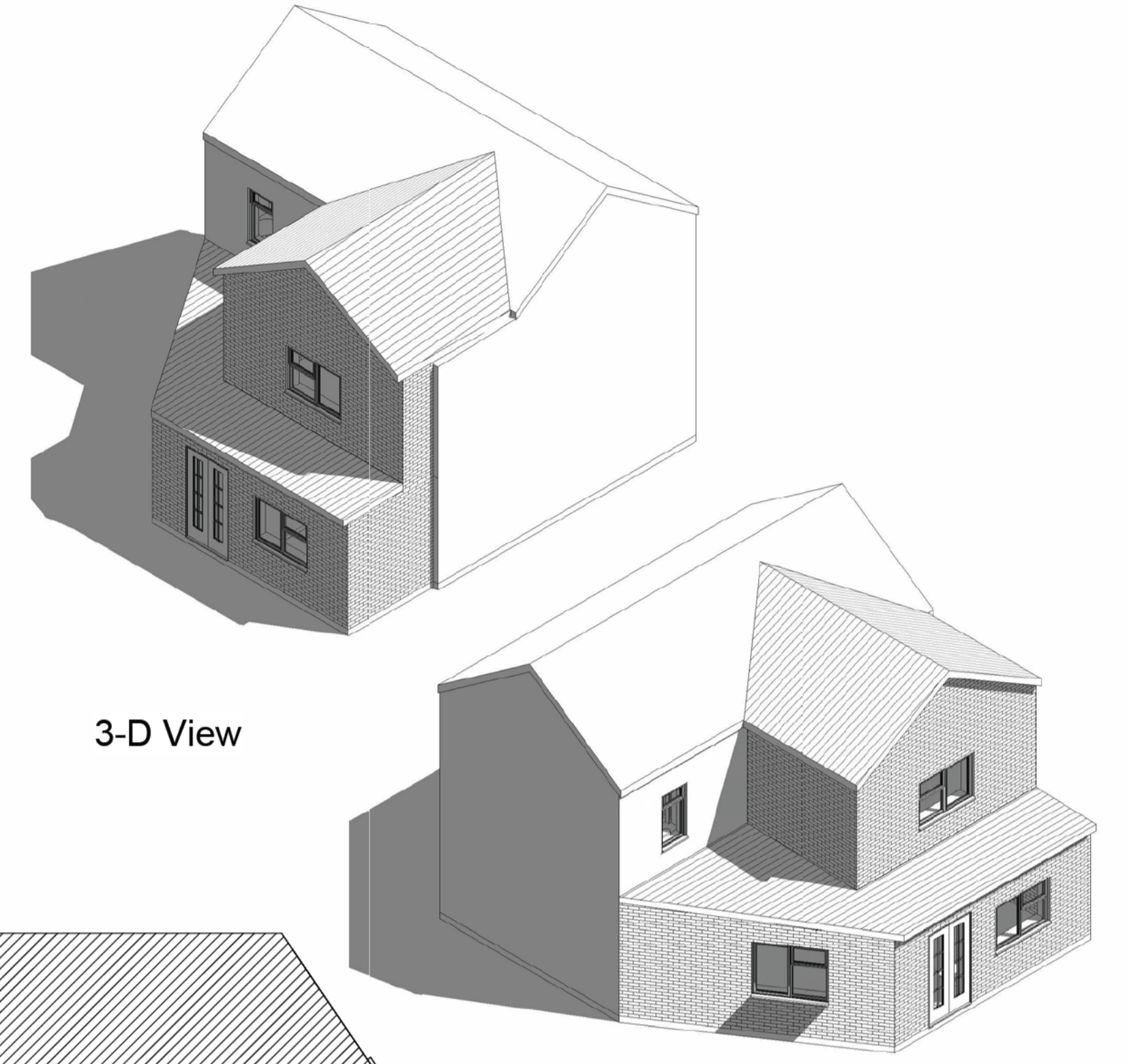
Proposed Rear Elevation



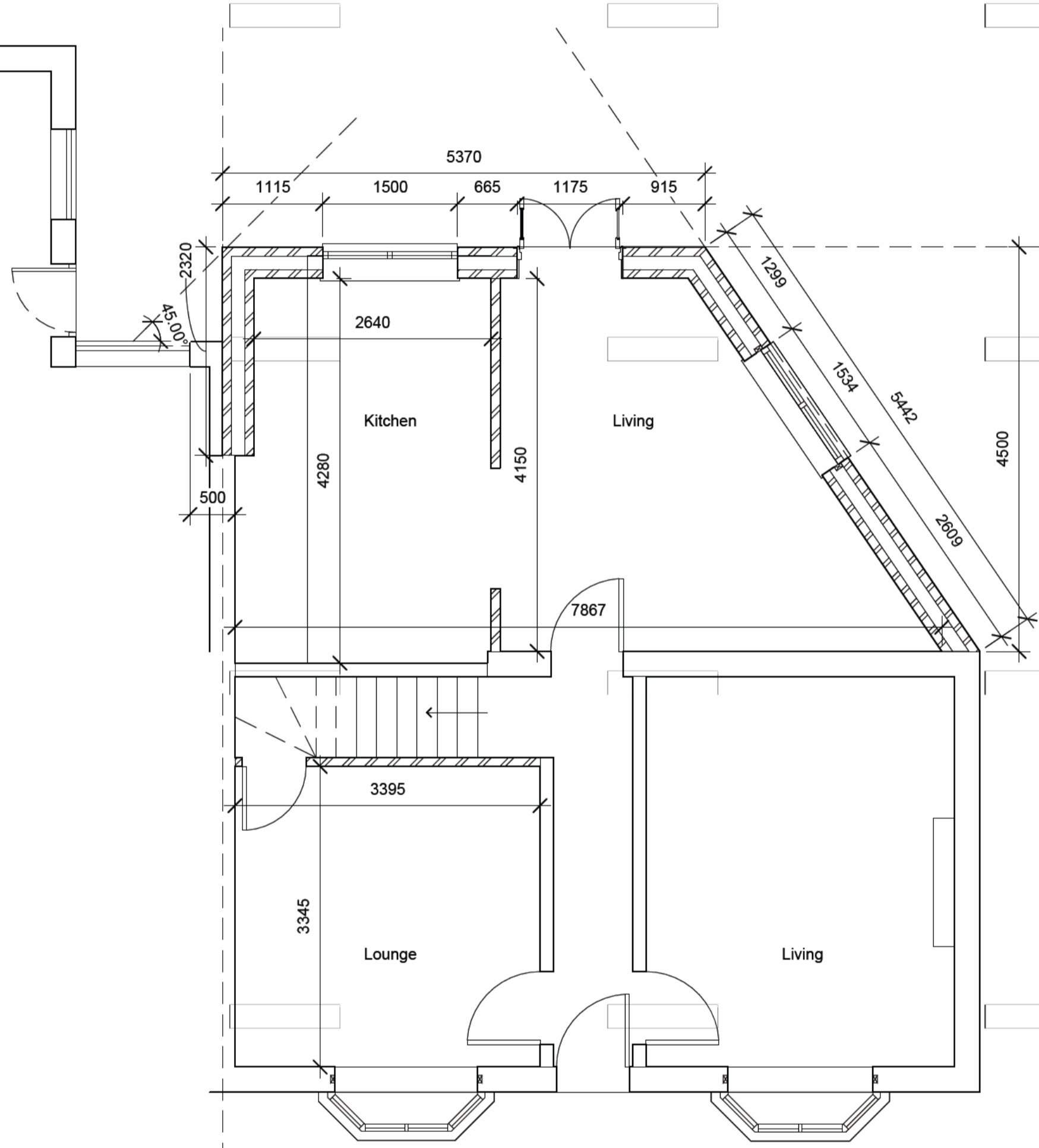
Proposed Side Elevation



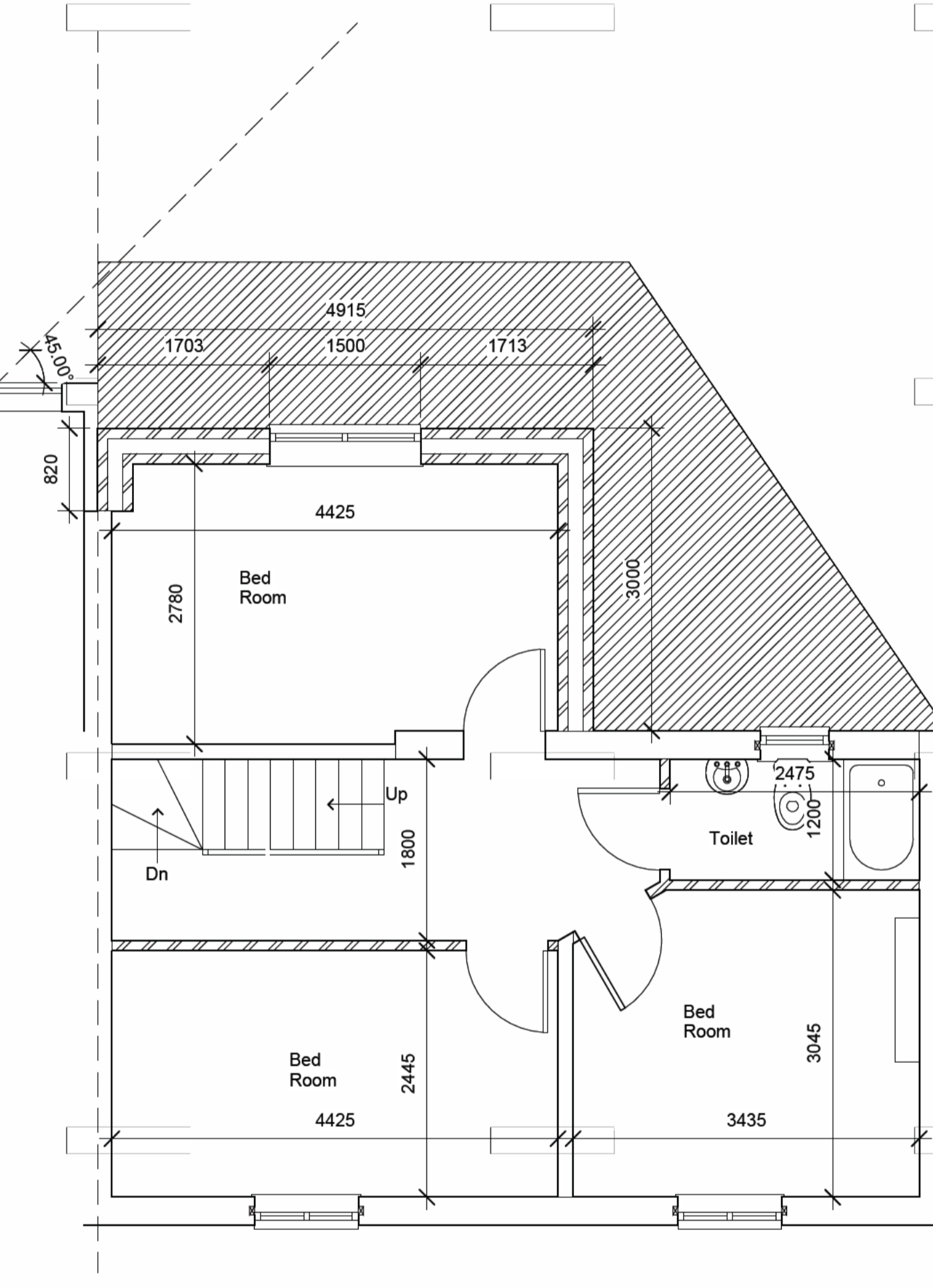
Proposed Side Elevation



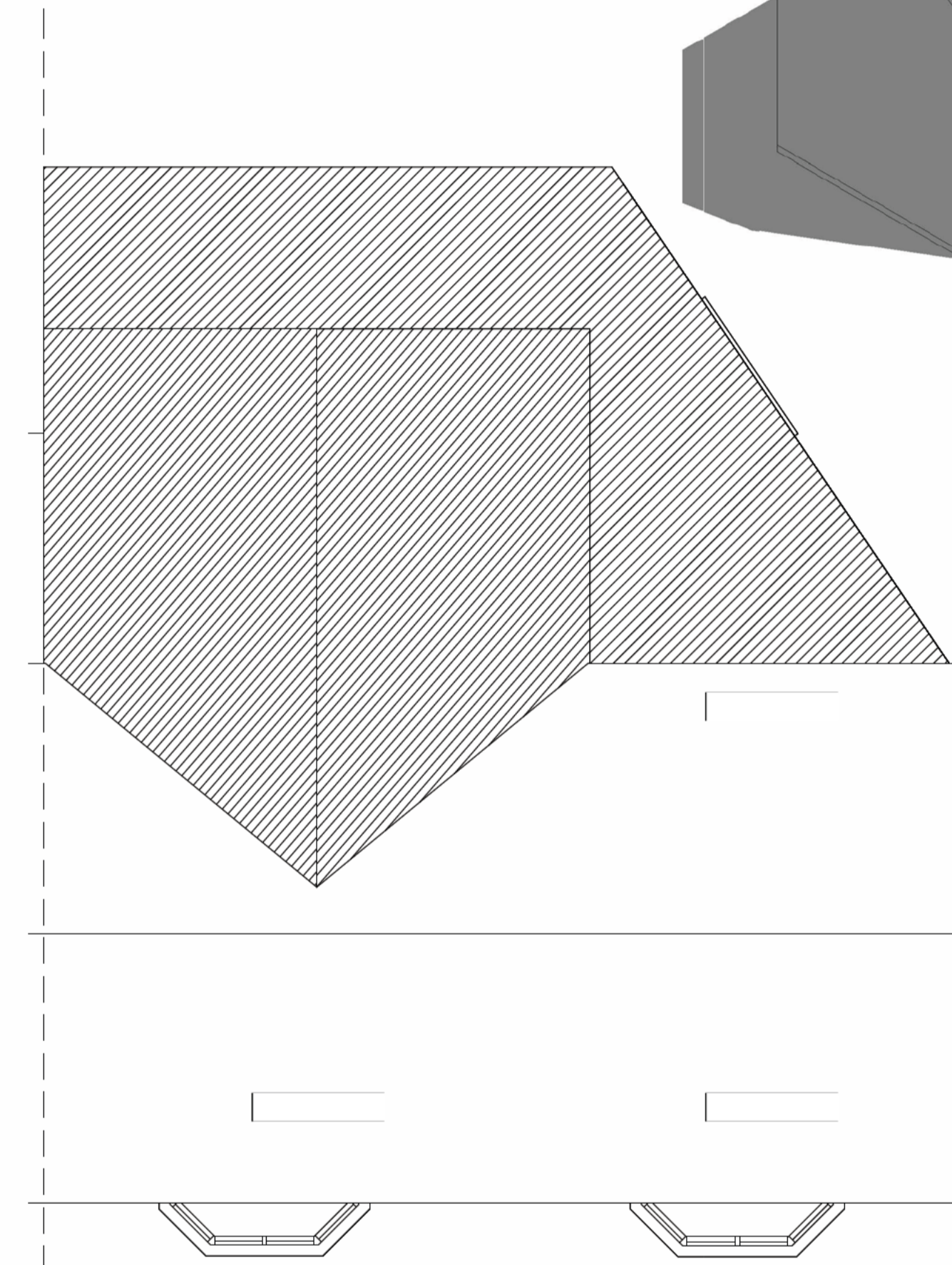
3-D View



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Roof Plan

Rev B - 12.02.2025 - Drawing amended as per Planning Officer's comments. KSN

Rev A - 20.01.2025 - Single storey rear and double storey first extension reduced and Dormer Loft conversion omitted. KSN

REVISIONS

PLANNING



ARCHITECTURAL CONSULTANTS
26 Wyche Avenue, Birmingham. B14 6LQ
t: 07771 560785

CLIENT: [Redacted]
JOB TITLE: Single Storey Rear and Double Storey Rear Extension and Dormer Loft Conversion
DRAWING TITLE: Proposed Floor Plans and Elevations
DRAWING NO.: C1034 / 004 Rev B

SCALE @ A1: 1:50, 1:100
DATE: Jan 2025
DRAWN: ZA
CHECKED: KSN

DC/24/69924

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 and before the development commences, a Commencement Notice must be submitted.
- 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. Demolition and construction works shall take place only between 08:00 to 18:00 on Monday to Friday, 08:00 to 13:00 on 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.