

Council/Committee:	Planning Committee
Date of Meeting	26 November 2025
Application Reference	DC/24/69881
Application Description	Retention of extension to outbuilding for use as residential annexe and storage.
Application Received	4 September 2024
Application Address	19 Lower City Road, Tividale, Oldbury, B69 2HA
Report Author	Karamrhys Clair Karamrhys_clair@sandwell.gov.uk
Lead Officer	Tammy Stokes
Ward	Oldbury
Appendices (if any)	1. Location Plan - 1 2. Block plan - 2 3. Prop General Layout/Elevation/Roof Plan – 3

1. Application Summary

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

[19 Lower City Road, Oldbury](#)

2. Recommendations

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

- i) The building shall be used as ancillary accommodation to the main dwelling and not as a separate dwelling.

3. Reasons for the recommendation and conditions

A detached outbuilding to the rear was approved in 2012 under application DC/12/54792. The use of the outbuilding as an ancillary residential annexe would be considered lawful development that would not require formal planning permission. The side enlargement to the outbuilding, however, would require formal planning permission as it would not be considered permitted

development. Nevertheless, given that the massing, scale, use of materials and design of the enlargement is considered subservient to the existing outbuilding with no significant neighbouring amenity or highway impact, the development is considered acceptable in accordance with policy ENV3 of the Black Country Core Strategy and policy SAD EOS9 of The Site Allocations and Delivery Development Plan Document.

4. Key Considerations

- 4.1 The site is not allocated in the development plan.
- 4.2 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.
- 4.3 The material planning considerations which are relevant to this application are:
- Government policy (NPPF)
 - Planning history
 - 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
 - Highways considerations - traffic generation, access, highway safety, parking and servicing
 - Environmental concerns – noise, light pollution, general disturbance and waste management

5. The Application Site

- 5.1 The outbuilding is sited in the rear garden of a two-storey detached dwelling situated on the northwest side of Lower City Road, Oldbury. The character of the surrounding area is residential.

5.2 Planning History

Planning permission was granted for the detached outbuilding in 2012 under DC/12/54752. A full list of the planning history is provided below:

DC/12/54792	Proposed first floor front and rear extensions and rear garden outbuilding	Grant permission with external materials – 17.08.2012
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	(Resubmission of DC/12/54484).	
DC/15/58321	Rear conservatory.	Granted permission - 27.08.2015
DC/16/59855	Proposed first floor rear and side extension, canopy extension to front, and boundary wall with gate and railings.	Granted permission subject to conditions - 04.11.2016
DC/20/63853	Retention of increase to roof height, front extension and rear dormer (amendment to previously approved application DC/16/59855).	Granted retrospective permission - 02.01.2020

6. Application Details

- 6.1 The applicant built the outbuilding shortly after it received consent as noted above. It was used as a gym/office until it was converted in 2024 to habitable use. A side extension was also added for storage use. An amended plan has clarified the internal layout to show lounge/office use, with a bed shown, and a toilet/shower room. The outbuilding is 5.6m deep by 7.4m width with an eaves and ridge height of 2.7m and 3.6m, respectively. The existing store to the eastern side boundary is set down from the main outbuilding sitting flush with the boundary (c. 2.1m eaves height and 2.5m ridge height) and offset by 1.0m from the western side boundary.
- 6.2 The applicant has confirmed that the outbuilding is used as a home office during the day and sleeping accommodation thereafter. I noted from my site visit that the layout was in accordance with the submitted plans. It was also confirmed that the outbuilding did not include a kitchen and therefore the annexe is not self-contained.
- 6.3 The outbuilding is accessed through the side entrance to the main dwelling. It was noted that the front driveway could facilitate three off-street parking spaces.

7. Publicity

- 7.1 The application has been publicised by seven neighbour notification letters. Three objections have been received and are summarised below:
- i) Loss of privacy;
 - ii) Disturbance from noise and light pollution;
 - iii) Access, highway safety and parking; and
 - iv) Waste management.

These matters will be discussed below under paragraph 10 – Material Considerations.

8. Consultee Responses

8.1 Highways

Highways raise no objection to the application on re-consultation. It is recognised that the outbuilding does not constitute a separate dwelling and, as the additional sleeping accommodation effectively provides a fifth bedroom, the existing off-street parking meets the council's design requirements for a dwelling with this number of bedrooms (a total of three spaces are required for a five-bedroom property).

9. Relevant Planning Policy Considerations

9.1 National Planning Policy Framework (NPPF)

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

Design

The framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts. Taking into account the existing layout of the host property, massing, scale, roof design and external materials used, the existing built form is well-built with adequate materials that assimilate into the overall form of the site's surroundings.

Highway safety

The framework 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. Given the existing parking arrangements, it is not considered that the development would have a significant impact on highway safety.

9.2 Development Plan Policy

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

Black Country Core Strategy (BCCS)

ENV3 – Design Quality - Refers to well-designed schemes that provide quality living environments. The proposed design is subservient with no concerns raised over the side enlargement. The proposed layout and design are

considered to be acceptable given the minor alterations to the existing structure (i.e. side enlargement for storage). The other elements have previously been approved, nonetheless, the use of materials and design is considered generally well-built in cohesion with the existing extensions to the main house.

Site Allocations and Delivery Development Plan Document – (SADD)

SAD EOS 9 - Urban Design Principles – The proposal for the side enlargement alterations to the existing detached outbuilding is appropriate to the location in terms of scale and design as it would be considered a subservient feature. The alterations are also not visible in the existing street scene.

10. Material Considerations

10.1 Planning history

The existing outbuilding was granted planning permission in 2012 under DC/12/54484 for a gym and garden store (incidental purpose) with no conditions restricting its use. As of last year, the detached outbuilding was converted for sleeping accommodation and enlarged to the side for storage. The use was then reported to and investigated by the planning enforcement team under ENF/24/12387 for '*outbuilding used for living accommodation*' in May 2024. The applicant then sought to regularise the changes under the current application received in October 2024.

- 10.2 Discussions were held with the applicant relating to the use of the outbuilding after a site visit was conducted to review the internal layout of the outbuilding in January 2025, with revised plans received in February 2025 to indicate the sleeping arrangements. During the following months reviewing case law, discussions were held to identify which elements required formal planning permission. As evidenced from the site visit, the outbuilding is being used as additional residential accommodation in association with the existing residential plot. No material change of use has occurred as the planning unit has not been separated into an independent, self-contained unit (i.e. with its own amenities, access, parking, garden space etc). Whilst the outbuilding was originally built and used as an office/gym, there is no restriction on activities as long as they remain ancillary to the main house. I have also considered whether the use of the outbuilding meets the 'Gravesham test' for self-contained accommodation, however, it lacks the basic amenity of a kitchen and as such does not constitute self-contained accommodation. Even in the event a kitchen is installed, providing the outbuilding is used in association with the main house as explored above, the use as a residential annexe would not require planning permission and is not a breach of planning control. As no separate dwellinghouse has been created, the extension to the outbuilding is all that I can factor into the determination. However, it is

considered that the minor floor space the extension has added to the outbuilding and its storage function would have a negligible impact on the surrounding area.

- 10.3 On this basis, the application is to regularise the side enlargement to the outbuilding only – not the use. The enlargement to the approved outbuilding (extended to the side for storage) would not be considered permitted development under Class E of the GPDO (as amended). Therefore, planning permission would be required to authorise the retrospective enlargement. Given the enlargement is considered a minor subservient addition to the existing outbuilding with no significant amenity impact, the enlargement would be considered acceptable in this instance.

10.4 **Amenity concerns**

Having established that the extension to the outbuilding is the only material factor in this case, nevertheless, I find that the development does not result in a loss of privacy for neighbouring properties taking into account the outbuilding would be located a minimum distance of c. 19.0m from neighbouring first floor windows to the rear elevations and 16.0m from any ground floor windows to the rear elevations. Furthermore, in terms of side enlargement, no light, overshadowing or outlook impacts are considered significant given the limited massing and scale of the extension.

10.5 **Design concerns**

The minor massing, scale, footprint and lean-to roof design is considered acceptable given the siting of the outbuilding to the rear of the existing garden and does not have a significant, cumulative impact when viewed against the context of the outbuilding as a whole. The site is not visible in the existing street scene and the anthracite cladding materials used on the side enlargement would generally match the existing fenestration and door panel materials used in the front elevation.

10.6 **Highways considerations**

To note, highways initially objected based on suspected commercial use of the outbuilding; however, after a subsequent site visit and clarifications of the existing layout and planning history, the use of the outbuilding as a residential annexe is accepted by highways. As noted above, parking provision for the existing property (three off-street parking spaces for the existing five-bed layout) is considered acceptable.

10.7 **Environmental concerns**

Environmental concerns raised include noise, disturbance, light pollution and waste management. Given the distance between the outbuilding and neighbouring properties and the ancillary, residential nature of the annexe, I do not consider there to be any substantial material difference in noise or disturbance as opposed to an incidental use of the detached outbuilding previously approved. In terms of light pollution, the same factors of separation distance, limited existing external lighting features and existing internal blinds behind fenestrations to the front elevation within the annexe would reasonably mitigate any substantial light pollution. Additionally, in terms of waste management, the existing arrangements for waste disposal would apply without signalling the need for additional or alternative waste management strategies.

11. Conclusion

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. 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.

12. Legal and Governance Implications

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.

13. Other Relevant Implications

None.

14. Background Documents

Site visit photographs attached.

15. How does this deliver the objectives of the Strategic Themes?

Not relevant.

Relevance Check**Budget Reduction/Service Area:****Service Lead: Tammy Stokes****Date: 13/11/2025**

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service that you provide?

N/A

Is a Customer Impact Assessment needed? No

Site Visit – 15.01.25 (Photographs)



