

Council/Committee:	Planning Committee
Date of Meeting	18 February 2026
Application Reference	DC/25/71049
Application Description	Retention of single storey rear extension.
Application Received	23 September 2025
Application Address	76 Hales Crescent, Smethwick B67 6QS
Report Author	Lucinda McKee
Lead Officer	Tammy Stokes
Ward	Smethwick
Appendices (if any)	<ol style="list-style-type: none"> 1. 0001 Rev P02 - Location Plan 2. 0002 Rev P02 - Existing/As Built Site Plan 3. 0003 Rev P01 - Existing/As Built Floor Plan 4. 0004 Rev P01 - Existing/As Built Elevations Plan

1. Application Summary

- 1.1 At the last meeting your committee resolved to defer the application so that members could visit the site and further information was provided in relation to process and action undertaken by the housing service. Further information is provided in section 10.5.
- 1.2 The application is being reported to Planning Committee because three material planning objections have been received.
- 1.3 To assist members with site context, a link to Google Maps is provided below:

[76 Hales Crescent, Smethwick](https://www.google.com/maps/place/76+Hales+Crescent,+Smethwick/@52.3811111,-2.1444444,17z)

2. Recommendations

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

- i) Obscure glazing/non-opening window to the ground floor side elevation shower room; and
- ii) The breeze-block side elevation shall be rendered within 3 months of the date of the decision.

3. Reasons for the recommendation and conditions

The proposed development would be acceptable because it accords with design policy, has no significant impact on the amenity of the occupiers of neighbouring properties and the design and scale are appropriate to the existing property and the surrounding area.

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)
- Amenity – loss of light, outlook, privacy
- Design – external materials; loss of garden amenity space
- Environmental concerns – noise and dust from the construction works

5. The Application Site

5.1 The application property is a council-owned semi-detached dwellinghouse situated on the southeastern side of Hales Crescent, Smethwick. The character of the surrounding area is predominantly residential in nature.

5.2 Planning History

A full list of the planning history is provided below:

DC/21/65754	Proposed dormer window to rear.	Grant Permission subject to external materials condition. 27 August 2021
ENF/25/12822	Outbuilding to rear.	Pending Consideration

6. Application Details

6.1 The application is for the retention of a single storey rear extension measuring 4.2 metres in length (projection from the original rear elevation) by 6 metres in width. The extension has been built with a flat roof to a height of 2.8 metres

(3.3 metres maximum height inclusive of the roof lantern). The extension has created a lounge, shower room and utility area.

6.2 The application property is council-owned, and the applicant has carried out other building works without the consent of the housing or planning. These works include window replacement, a porch and canopy and an outbuilding. These elements do not form part of this planning application and investigation by the council's housing team is ongoing.

7. **Publicity**

The application has been publicised by four neighbour notification letters. One objection and a 29-signature petition have been received and are summarised below:

- i) Noise and dust from the construction works;
- ii) Design/external materials;
- iii) Unauthorised building works (including, window replacement, porch/canopy and an outbuilding); and
- iii) Loss of garden amenity space.

Non-material objections concerning drainage and boundary issues have also been raised.

8. **Consultee Responses**

No consultee responses were required.

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. I am of the opinion that the scheme is of an acceptable design in terms of scale and character.

9.2 **Development Plan Policy**

The following polices 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 layout and design are considered to be acceptable.

Site Allocations and Delivery Development Plan Document – (SADD)

SAD EOS 9 - Urban Design Principles – The proposal is appropriate to the location in terms of scale and design.

10. Material Considerations

10.1 Amenity – loss of light, outlook, privacy

The nearest affected property is the attached neighbour. Given this property has an existing conservatory and shed structure along the boundary, that the projection of the extension is 4.2 metres and that the height is limited due to its flat-roofed design, there is no significant impact on light and outlook to this property. The submitted plans show the 45-degree line has been incorrectly drawn (shown from the conservatory window rather than the inner window), however, the impact is limited due to the north-west facing position of the properties.

10.2 Design concerns - external materials, loss of garden amenity space

The massing and scale of the extension is proportionate to the existing dwelling and raises no concerns regarding its impact on the character of the existing property or the visual amenity of the wider area. Exposed breeze block is visible on the side elevation of the south-western boundary. A condition has been included in the recommendation to be rendered within three months of the decision notice to ensure the satisfactory appearance of the development. The rear garden is smaller than other properties on Hales Crescent; however, there is still sufficient rear garden amenity space, comparable to that of the adjoining neighbour (Fig 1 and 2).

Fig 1 - The single storey rear extension



Fig 2 – Rear garden



10.3 **Environmental concerns - noise and dust from the construction works**

The exterior construction works are complete, therefore a condition for environmental protection is not required.

10.4 **Other matters**

I note concerns regarding the unauthorised nature of works at the property. The planning act does make provision for retrospective applications under section 73A and the applicant is seeking to rectify matters by submission of this application. Replacement of windows does not require express planning consent; the outbuilding could be acceptable given the presence of similar outbuildings in the vicinity; and the front porch and canopy is a visually acceptable addition to the property. I note that a boundary wall has also been constructed (which has been reduced in height to address concerns over its scale). The wall is now effectively permitted development. However, members should note that other development should not prejudice determination of the application at hand, which only concerns the rear extension.

10.5 **Housing service update**

The Housing service have advised that there is process in place when tenants wish to make alterations to their properties. This is set out below:

- a. Council tenants have a legal right to request to make alterations or structural improvements to their properties with permission of the landlord.
- b. Requests are managed by the Housing Services Officer, who will review the request and contact the customer to discuss and arrange a home visit if required. Technical advice and assistance may be obtained from colleagues in Asset Management. The officer should then decide if we would grant permission, considering the reasons for the request.

- c. Some alteration requests will need to be discussed with Building Control and/or Planning to see what is required from their service. If building regulations and/or planning permission is required, drawn out plans of the alterations will need to be submitted before permission can be confirmed.
- d. If permission is granted the tenant will be notified with the conditions of the alterations. The housing service has a statutory duty to not unreasonably withhold permission and encourage that where possible permission is granted however reasons where we may refuse could be:
 - Does not meet Planning Regulations
 - Does not meet Building Regulations
 - Plans not submitted
 - Adverse effect on our asset
- e. If it is decided not to grant permission the customer will be notified with reasons for the refusal.
- f. In circumstances where the housing service have given permission subject to planning consent or permission has not been sought prior to the planning application and that is refused, then that would constitute a breach of tenancy conditions, which the housing service would enforce to resolve the breach.

Given that this is a retrospective application, a site visit has been arranged with both planning and housing officers in attendance on 12th February 2026. An update will be provided at your meeting.

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. Where national policy takes precedence over the development plan, this has been highlighted in paragraph 9 (National Planning Policy Framework). 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

- 12.1 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

13.1 None.

14. Background Documents

14.1 None.

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

15.1 All of our residents, including our children and young people, are active participants in influencing change – through being listened to, their opinions are heard and valued.



Relevance Check

Budget Reduction/Service Area:

Service Lead Tammy Stokes

Date:

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