

<b>Council/Committee:</b>	Planning Committee
<b>Date of Meeting</b>	10 June 2026
<b>Application Reference</b>	DC/26/71425
<b>Application Description</b>	Proposed single storey side/rear extension.
<b>Application Received</b>	4 February 2026
<b>Application Address</b>	3 Ethel Street, Smethwick, B67 5AL
<b>Report Author</b>	Lucinda McKee
<b>Lead Officer</b>	Tammy Stokes
<b>Ward</b>	Bearwood
<b>Appendices (if any)</b>	<ol style="list-style-type: none"> <li>1. ES-NO03-PA-001 Rev A - Location Plan &amp; Existing/Proposed Ground Floor Plan</li> <li>2. ES-NO03-PA-002 Rev A – Existing/Proposed Block Plan &amp; Existing/Proposed Elevations Plan</li> </ol>

## 1. Application Summary

- 1.1 The application is being reported to Planning Committee because 21 material planning objections have been received.
- 1.2 Also, at the last Planning Committee meeting the application was deferred due to requiring clarification of ownership of 3 Ethel Street, Smethwick. Confirmation of ownership has been received, and an amended Householder Application Form has been submitted which has been publicised via neighbour re-consultation letters. In addition, a follow up site visit has been carried out since the last meeting and is detailed below in section 6.
- 1.3 To assist members with site context, a link to Google Maps is provided below:

[3 Ethel Street, Smethwick](#)

## 2. Recommendations

- 2.1 That planning permission is granted subject to the following conditions relating to:
  - i) External materials to match existing.
  - ii) Demolition and construction works shall take place only between 8am and 6pm on Monday to Friday, 8am and 2pm 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.

### **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 concerns – loss of light, outlook and privacy;
- Design concerns – appearance and materials;
- Highways considerations – highways safety, parking and traffic generation;
- Environmental considerations – loss of hedges;
- Use of Planning Conditions
- Development Management Procedure Order

4.4 Non-material planning considerations have been received relating to the following:

- Building Regulations;
- Party Wall;
- Boundary issues; and
- Potential use as HMO.

### **5.0 The Application Site**

5.1 The application property is a mid-terraced dwellinghouse on the southern side of Ethel Street, Smethwick, opposite to the junction of Gladys Road, Smethwick. The character of the Ethel Street is predominantly residential in nature; however, Bearwood Primary School occupies a site in Ethel Street near to the application property. The character of the wider area is mixed use with retail/residential premises situated on Bearwood Road, Smethwick.

## 5.2 Planning History

Application No:	Description	Decision and date
DC/25/71227	Proposed single storey side extension (Lawful Development Certificate).	Refused Lawful Development Consent – 23 January 2026

## 6.0 Application Details

The proposal is for a single storey side/rear extension.

Amended plans have been received to reduce the massing and scale, and also the alteration of the roof design of the proposed extension. The plans before your committee are those of the amended scheme.

The proposed single storey side/rear extension measurements are 6.175 metres in length by 2.3 metres in width. A pitched roof is proposed to a height of 3.1 metres (2.4 metres to the eaves). The extension use will be for a kitchen, replacing the existing kitchen and outbuilding.

A site visit was undertaken by the Planning Officer on 29 April 2026 (Figs 1, 2 & 3). No external works have commenced regarding the single storey rear extension.

**Fig 1 – Site Visit Photograph - Existing kitchen and outbuilding side elevation**



**Fig 2 – Site Visit Photograph - Existing side elevation and rear garden**



**Fig 3 – Site Visit Photograph - Existing rear elevation**



## **7.0 Publicity**

The application was initially publicised on 5 February 2026 by five neighbour notification letters, and eleven objections have been received.

Upon receiving the amended proposal, the application was further publicised by 15 neighbour notification letters on 10 March 2026 with three additional objections being received.

With regards to clarification regarding the ownership of 3 Ethel Street, Smethwick, an amended Householder Application Form was submitted and publicised by 17 neighbour notification letters on 24 April 2026; seven additional objections have been received.

The objections received are summarised below:

- i) Overdevelopment/over-intensification/disproportionate/scale and massing;
- ii) Out of character of the surrounding area;
- iii) Highways safety (parking, increased traffic, congestion);
- iv) Removal of hedges on boundary;
- v) Overlooking and loss of light;
- vi) Reduction in garden amenity space;
- vii) Noise during construction works;
- viii) Development Management Procedure Order

Non-material objections raised were:

- i) Building Regulations (internal structural alterations, chimney breast removal, loft conversion, dormer window, creation of an HMO);
- ii) Party Wall/Boundary issues;
- iii) Potential use as a House in Multiple Occupation (HMO) (including noise/disturbance/disruption, anti-social behaviour, waste management issues, loss of a family home); and
- iv) Use of Planning Conditions to restrict HMO use/Sandwell's Emerging Local Plan/HMO Density;

## **8.0 Consultee Responses**

### **8.1 Highways**

No objections from Highways – there is no increase in the number of bedrooms, only an increase in the size of the kitchen, therefore the proposed extension would not cause any issues on the highway or pose any severe concern.

## **9.0 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.

#### **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 layout and design are considered to be acceptable with no concerns being raised from the urban design team.

#### **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.

## **10.0 Material Considerations**

### **10.1 Amenity concerns – Overlooking, loss of outlook and reduction in garden amenity space.**

The proposed extension would be a sufficient distance from neighbouring properties as to raise no significant concerns regarding its impact on light, outlook and privacy.

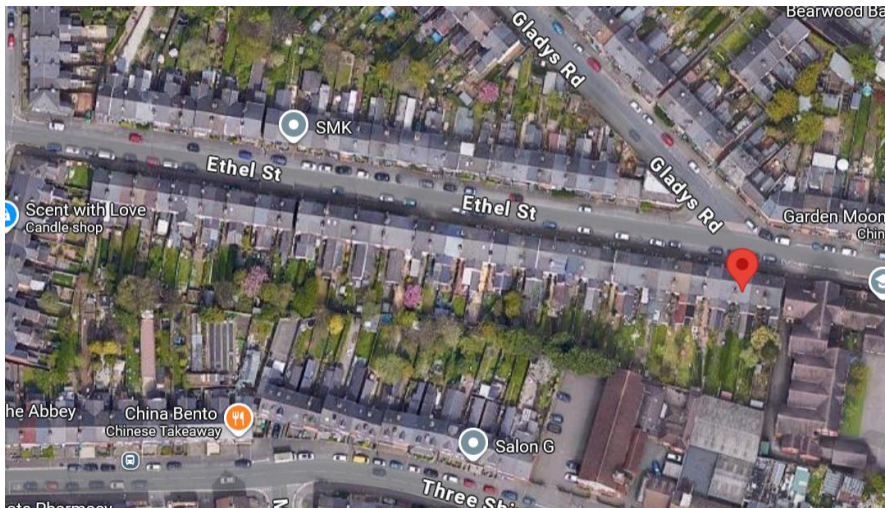
The proposed extension footprint will extend by an additional 0.8 metres in width compared to that of the existing footprint width, therefore, there would be sufficient rear garden amenity space, comparable to that of the adjoining and other nearby neighbouring properties.

### **10.2 Design concerns - Over-development/over intensification/ disproportionate, scale and massing and out of character of the surrounding area.**

The proposed extension is not considered to be over-development nor over-intensification; the scale and massing of the proposed extension would proportionate to the existing dwelling.

The development is not considered to be out of character with the surrounding area; it is noted that there are several similar rear extensions within the immediate local area (see Google Earth Aerial View below).

**Fig 5 – Google Earth Aerial View**



The development raises no concerns regarding its impact on the character of the existing property and the visual amenity of the wider area.

**10.3 Highways considerations - Parking, increased traffic and congestion.**  
Highways have reviewed the application and have raised no objections to the application. There is no increase in the number of bedrooms, only an increase in the size of the kitchen.

**10.4 Environmental concerns - Removal of hedges on boundary and noise during construction works.**  
In respect of the removal of hedges on the boundary, the hedges do not warrant specific protection, and the owner is entitled to remove them from their own land.

Concern was raised regarding noise from the construction works. As indicated above, a condition has been included in the recommendation for a restriction on construction working hours.

**10.5 Town and Country Planning Act 1990 and Development Management Procedure Order 2015 (DMPO) - (Householder Planning Application Form/Ownership enquiry, pre-application advice, validation requirements – scale bars/dimensions on submitted plans)**

The Planning Committee deferred decision due to requiring clarification of ownership (Refer to 1.2 above). This is a procedural matter and ownership of the land.

The applicant did not seek pre-application advice. The applicant previously submitted a Lawful Development Certificate application as detailed in 5.2 above.

In accordance with the DMPO, the submitted plans meet the requirements for a Planning Application submission. Scale bars have been included on the submitted plans. Design and distance are material planning considerations for the decision-making process and have been considered by the Planning Officer in assessing this application.

## **11. Non material considerations**

Planning decisions should be based on material planning considerations and those relevant to the permission that is being sought. Several concerns have been raised by residents which are detailed below and so for completeness these are addressed. But it should be emphasised that these matters cannot be considered when reaching a planning decision for this application. Whilst we are satisfied at this time that there are no planning breaches, the council will investigate any further complaints and take relevant action if this is required. This however does not affect the determination of this application as these matters are separate.

### **11.1 Non-Material (Other) matters – Building Regulations, Party Wall and Boundary Issues, and Potential use as a HMO (including: noise/disturbance/ disruption, anti-social behaviour, waste management issues and loss of a family home).**

It is not disputed that a Building Regulations application has been submitted. Sandwell MBC has received an Initial Notice from the Approved Inspector who has been appointed as the Registered Building Control Approver. The Council has no control over the Approved Inspector process. Most of the elements included in the Building Regulations Initial Notice do not require planning permission and are permitted development subject to certain conditions. This has been checked and confirmed that the proposed dormer is within permitted development rights, as is the conversion to an HMO which would serve less than 6 people.

Whilst Building Regulations (internal structural alterations, chimney breast removal, creation of an HMO, fire door compartmentation, loft conversion/rear dormer), Party Wall and boundary concerns have been raised, they are not material planning considerations in this instance, and the applicant is

expected to comply with Building Regulations and Party Wall requirements in respect of these matters.

At present there is no breach of the planning rules, and the current planning application (DC/26/71425) seeks a determination for a proposed single storey side/rear extension for which planning permission is required.

Building Regulations Initial Notice Ref No:	Description:
26/0092/MULIN	Single storey rear infill extension, full width rear extension, loft conversion with rear dormer, internal alterations and reconfiguration to create 6 bedroom HMO with installation of new windows

## **11.2 Use of Planning Conditions to restrict HMO use/Sandwell's Emerging Local Plan/HMO Density**

The application before the Committee is for a 'proposed single storey side/rear extension'.

Planning Conditions must satisfy 6 tests (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects). A condition requiring the applicant property to remain C3 dwelling house use would not meet the requirements of these tests. It is not necessary or relevant to the permission being applied for, namely a domestic extension to a C3 dwelling and so could not be enforced and is therefore also not reasonable in all respects.

Turning to emerging planning policy with the Sandwell Plan, this refers to new HMOs policies proposed, but yet to be adopted. Even if these policies were adopted, they have no relevance to the planning application submitted which is not for conversion to a HMO which would require planning consent.

## **12.0 Conclusion**

- 12.1 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 9 (National Planning Policy Framework).

- 12.2 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.

**13. 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.

**14. Other Relevant Implications**

None.

**15. Background Documents**

None.

**16. How does this deliver the objectives of the Strategic Themes?**

- 16.1 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.