

Report to Planning Committee

19 July 2022

Application Reference	DC/22/66623
Application Received	9 February 2022
Application Description	Proposed 1 No. detached two bedroom dwelling.
Application Address	Land Adj 54 Park Avenue Rowley Regis B65 9ET
Applicant	Mr Paul Taylor
Ward	Rowley
Contact Officer	Mrs Alison Bishop Alison_bishop@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to conditions relating to:

- (i) External materials;
- (ii) Parking to be implemented and retained;
- (iii) New drop kerb and re-location of lighting column
- (iv) Finished floor levels;
- (v) Boundary treatments to be implemented
- (vi) Electric vehicle charging points;
- (vii) Hard and soft landscaping scheme;
- (viii) Drainage to include surface water and foul;
- (ix) Method of working statement;



- (x) Removal of permitted development rights for enlargements to both 54 and the new dwelling;
- (xi) Refuse storage; and
- (xii) Low NOx boilers;

2 Reasons for Recommendations

- 2.1 The proposal is acceptable in terms of spatial standards and overall design and raises no material consideration that would warrant refusal.

3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – The proposal provides a good quality family home that accords with national and local policy.
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4 Context

- 4.1 The application is being reported to your committee because four material planning objections has been received.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Land Adj 54 Park Avenue, Rowley Regis](#)

5 Key Considerations

- 5.1 The site is unallocated within the development plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)
Loss of light and/or outlook
Layout and density of building
Access, highway safety, parking and servicing



6. The Application Site

- 6.1 The application site is situated to the north east of Park Avenue and forms part of the existing garden on 54 Park Avenue, Rowley Regis. The surrounding area is predominately residential.

7. Planning History

- 7.1 The existing property 54 Park Avenue was granted planning permission for a singly and two storey side extension in January 2022 (ref: DC/21/66429). These works have been carried out and the extension is now substantially complete (see photo below)



- 7.2 There is no other planning history for the site.

8. Application Details

- 8.1 The applicant proposes to construct a two bed, detached dwelling on the side garden to no. 54 Park Avenue.



8.2 The dimensions of the new house are 7.9 metres (L) by 5.4 metres (W) with a hipped roof to a maximum height of 7.6 metres. A small front porch measuring 1.3 (L) metres by 2 metres (W) with a hipped roof to a height of 3.3 metres.

One parking space is provided to the frontage and would result in the existing lighting column being relocated to provide a new drop kerb.

8.3 The existing property, no. 54, has permission for a two-storey side which will increase the property to a 3-bed property and two parking spaces are shown on the site plan to the frontage.

8.4 The rear garden amenity serving both properties is slightly below Council's standards of 70 sqm, namely 64 sqm to the new proposal and leaving 54 sqm for the existing plot. It should be noted that the existing property had an outbuilding and single storey rear extension, but both have been demolished to provide the 54 sqm of amenity space (see photo below).



8.5 Pedestrian access for bin storage/collection is provided to the side for the new property.

9. Publicity

9.1 The application has been publicised by neighbour notification and four objections have been received.

9.2 Objections

Objections have been received on the following grounds:

- i) Highway/parking concerns as follows:
 - a) Existing road rage due to parking problems this will be exacerbated;
 - b) Access is difficult already for bin lorries due to parked vehicles and will be further exacerbated;
 - c) Drivers already drive up the curb to manoeuvre through the road which is used to travel to the school and by places of work; and
 - d) The proposal is in the worst location on the bend and will be dangerous when manoeuvres occur.
- ii) The removal of the existing lighting column will cause this area to be poorly lit, resulting in safety issues;
- iii) Outlook from neighbouring property will change;
- iv) The new dwelling is out of character with the existing 1930s housing;
- v) The plot will result in the land being overdeveloped;
- vi) Foxes lived/visited the garden where the land will be developed;
- vii) Drainage concerns, the proposal states that soakaways will be provided however the street already suffers with natural springs.

9.3 Responses to objections

I respond to the objector's comments in turn:



- (i) Several concerns have been raised regarding highway issues, much of these concerns relate to the existing nature of the road and existing on street parking. The proposal and the existing property provide parking provision as per the Council's standards. I am therefore of the opinion that the proposal would not change the existing situation or worsen it. In addition, Highways have no objections to the proposal refer to 10.2 below.
- (ii) The lighting column will be re-positioned and not removed. This would be undertaken with highway consent and the most suitable new location found to ensure acceptable lighting levels are provided.
- (iii) It is accepted that the introduction of this new dwelling will alter the outlook from neighbouring property, however the proposal lines up with the existing street frontages and so will not have any direct impact in terms of outlook.
- (iv) The dwelling has been designed to include a hipped roof and is broadly of the same width, length and height of adjoining properties. It is therefore considered that the design compliments the existing street frontage.
- (v) Overdevelopment is defined as a cramped development which would result in insufficient internal and external space. Whilst the garden area is marginally short of the adopted standards of 70 sqm, it still provides an acceptable garden area and in all other respects complies with adopted policy.
- (vi) It is not uncommon to have foxes visit urban gardens, whilst there may be some disruption during the construction phase, a new garden will be provided therefore providing a habitat along with adjoining gardens for foxes and other wildlife.
- (vii) The provision of sustainable drainage is a requirement of any new development, this proposal refer to natural soakaways being provided. Full drainage details will need to be submitted with the overall aim of reducing drainage issues and limiting the flow of surface water to the existing drainage system. This can be conditioned to ensure that any natural springs are not compromised by this layout.



10. Consultee responses

10.1 Planning Policy

The site is a housing windfall site and the design and layout should be judged against relevant design, drainage and air quality standards.

10.2 Highways

No objection subject to a new drop kerb along with relocation of the lighting column.

10.3 Public Health (Air Quality)

No objection subject to mitigation measures in the form of low NOx boilers, an electric vehicle charge point, and a construction method statement to manage dust/pollution arising from the development.

10.4 Public Health (Contaminated Land)

No objection there are no ground condition concerns given that the land is garden land and there are no records of contamination in this area. If any contamination is however found to arise from the site this should be reported, and mitigation identified.

10.5 Public Health (Air Pollution and Noise)

No objection subject to a construction method statement to include hours of work, parking for contractor and welfare facilities.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.



11.2 The Framework also refers to highway matters stating that developments should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe. In this instance, the development is modest only providing one additional 2 bed dwelling with off road parking to serve both the existing and proposed development. This meets the Council's parking standards with the adopted Revised Residential Design Guide. Highways raise no objections and I am therefore satisfied that the development would not cause a severe highway safety issue.

12. Local Planning Policy

12.1 The following polices of the council's Development Plan are relevant:

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV8: Air Quality

SAD H2: Windfalls.

SAD EOS9: Urban Design Principles

12.3 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed layout and design are acceptable being of a similar character to existing properties and complying with spatial standards, excepting the marginal shortfall in garden amenity.

12.4 Sustainable drainage (ENV5) is a key to reducing surface water flooding given climate change, the proposal has indicated that natural soakaways will be incorporated into the scheme, these can be conditioned.

12.5 Electric charge points and NOx boilers along with construction method statement are recommended conditions to mitigate against air quality (ENV8).



12.6 Housing windfalls, refers to site being on previously developed land, not leading to a reduction in employment land and compatibility with other policies. The site forms part of an existing garden, so is broadly defined as previously developed land and is not allocated for employment land. Turning to compatibility with other policies, these are referred to above and with appropriate conditions, will ensure that the design and layout is of good design and mitigates any harmful impacts.

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 Loss of outlook

The site will not have a direct impact on adjoining neighbours due to its siting which sits to the frontage of the existing road. The nearest property is a single storey building to the rear which is used for residential use ancillary to the main house, however there is a large screen of conifer surrounding this boundary and hence outlook will not be affected.

13.3 Layout and density of building/character

The footprint is of suitable size within the plot, providing a good quality living space, garden amenity and parking provision. The development incorporates a hipped roof which follows the pattern of the other properties on Park Avenue and is of a similar proportion in width and depth and is the same storey height.

13.4 Access, highway safety, parking and servicing

As indicated above, paragraph 11.2, refusal on highway safety/parking should only be cases where it would result in a severe issue. In terms of



design the layout for parking is acceptable and a new drop kerb and re-location of the street lamp would be deemed to be acceptable and can be conditioned accordingly.

14 Alternative Options

14.1 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 polices and there are no material considerations that would justify refusal.

15 Implications

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

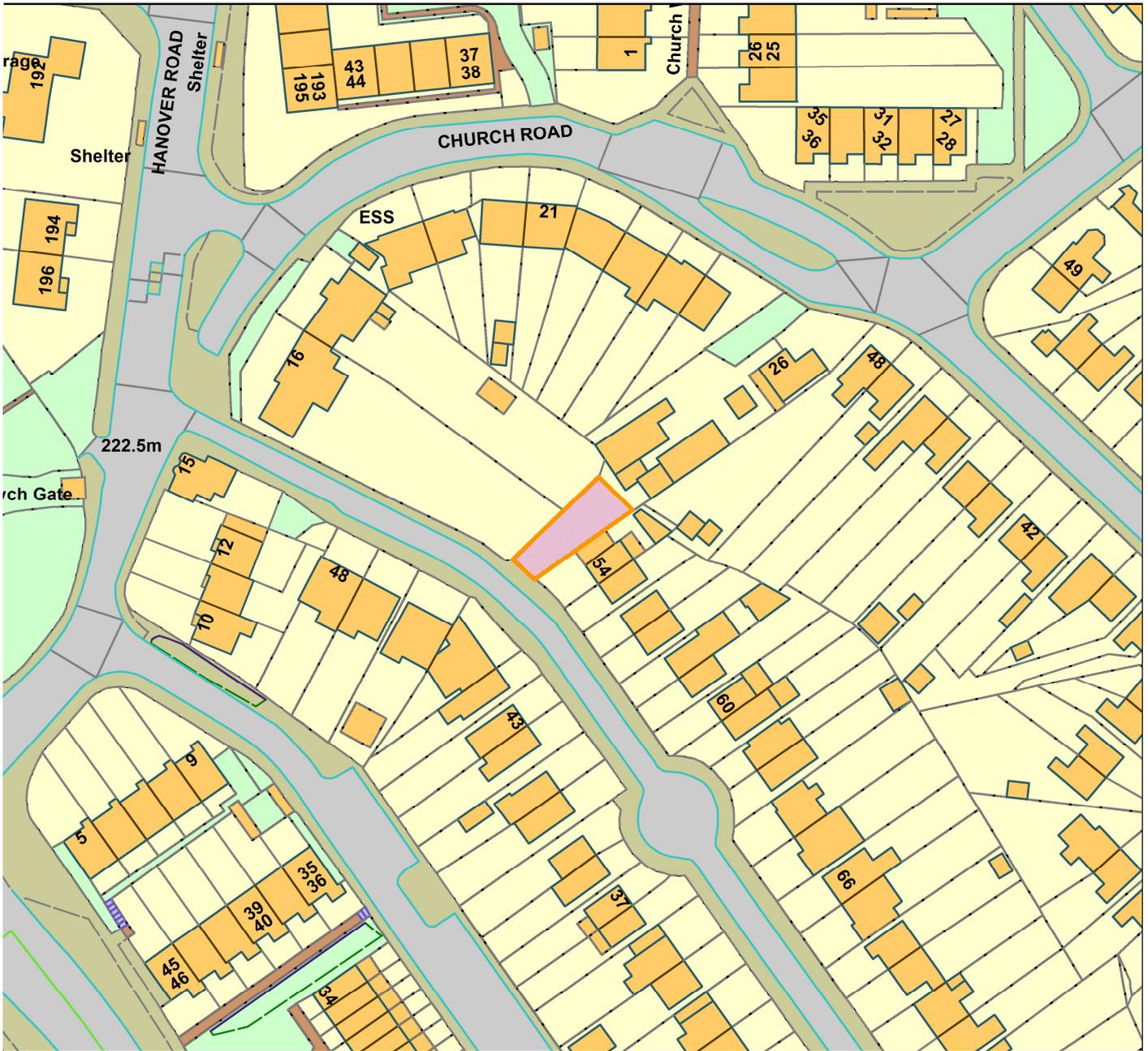
16. Appendices

Location Plan
Context Plan
22009 PO4 Rev B
22009 PO1 Rev B
22009 PO2
22009 PO3



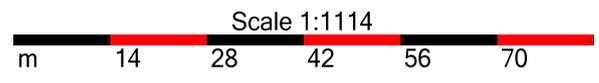
DC/22/66623

Land Adj 54 Park Avenue, Rowley Regis



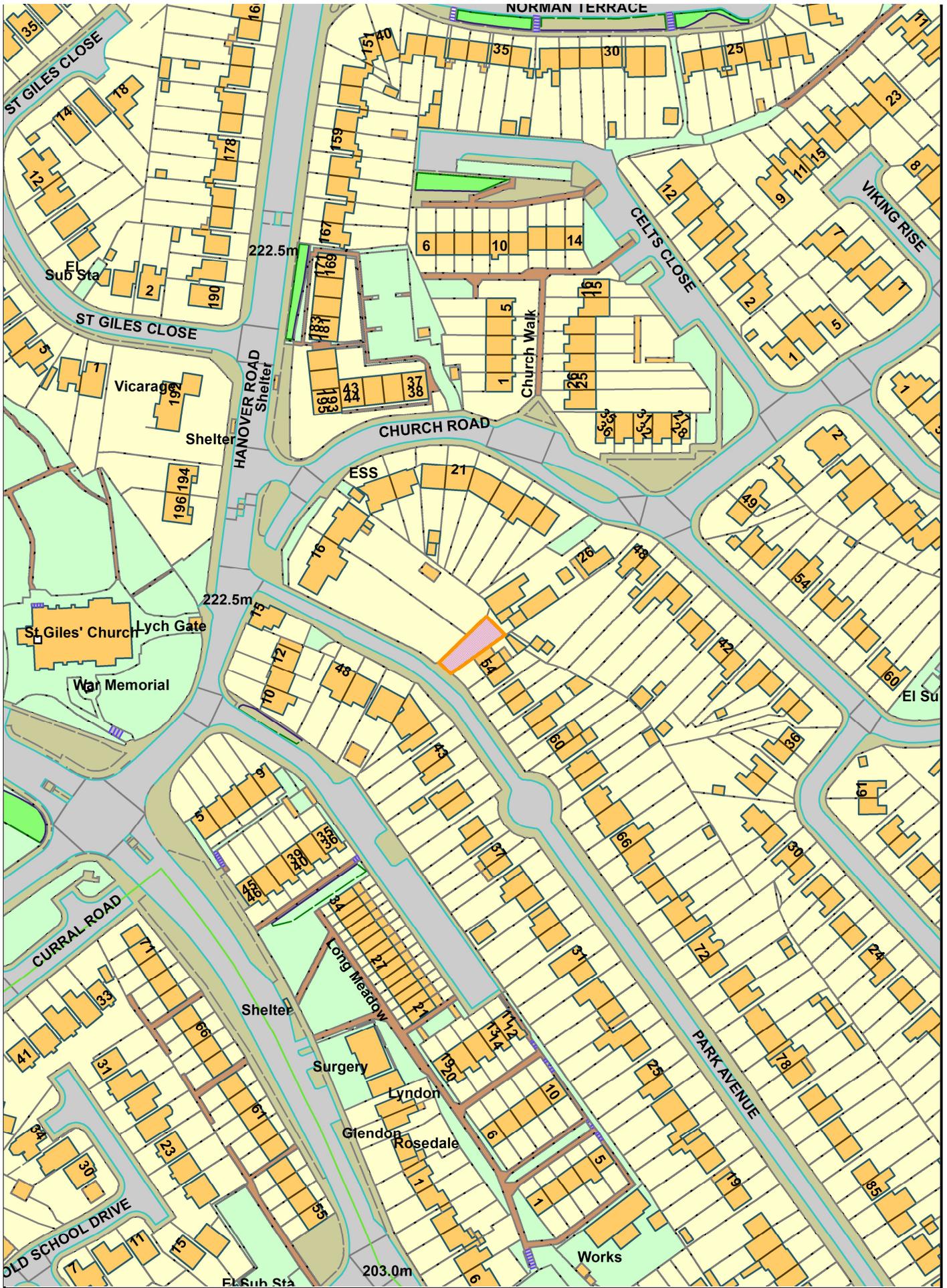
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	07 July 2022
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- Client to check that proposals do not contravene or affect covenants or encroach boundaries and that they have good title to land upon which the work is to be done on their behalf.
- All our proposals are subject to confirmation following liaison with the relevant local authorities.



LOCATION PLAN

-  Application land within ownership of applicant.
-  Land within ownership of applicant outside of application.

Rev B - 07.07.22 - Red line amended.
 Rev A - 11.04.22 - Blue line site area corrected at rear between 54 Park lane and 48 Church Road.

54 Park Avenue
 Rowley Regis
 B65 9ET

Location Plan

Scale : 1:1250 @ A4

Date : Feb 2022

Drawn : STB

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Drawing No. :

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Rev B - 11.04.22 - Red line amended, site area updated, second car parking space added to number 54.
 Rev A - 11.04.22 - Width of site increased, site area amended to suit.

54 Park Avenue
 Rowley Regis
 B65 9ET

Proposed Site Plan

Scale : 1:200 @ A3
 Date : Feb 2022
 Drawn : STB
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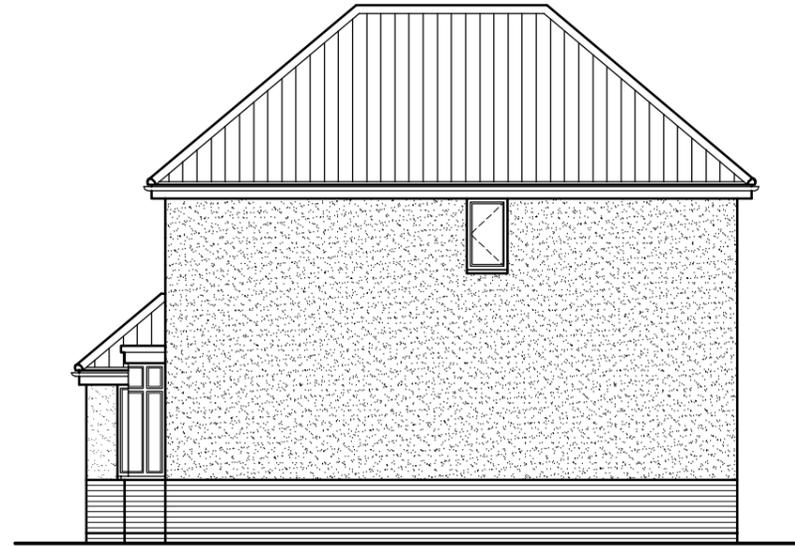
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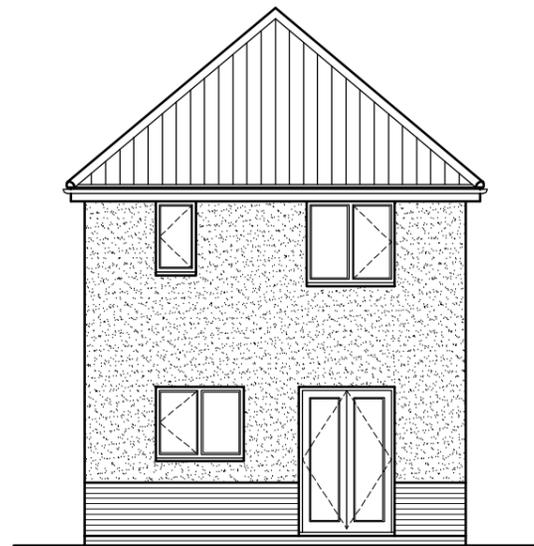
FRONT ELEVATION



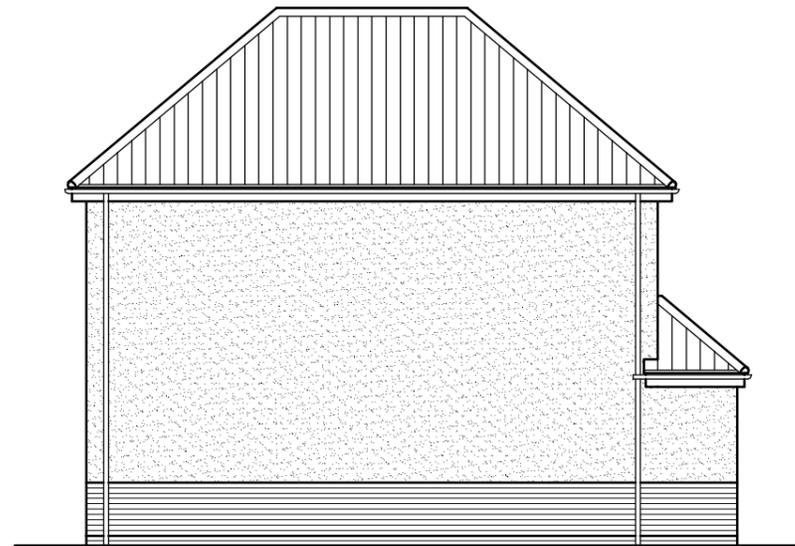
SIDE ELEVATION

Materials

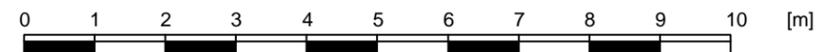
1. grey plain roof tiles.
2. cream rendered blockwork walls.
3. red/brown facing brickwork
4. white upvc windows and doors.
5. white plastic gutters and downpipes.
6. white upvc fascias and soffits.



REAR ELEVATION



SIDE ELEVATION



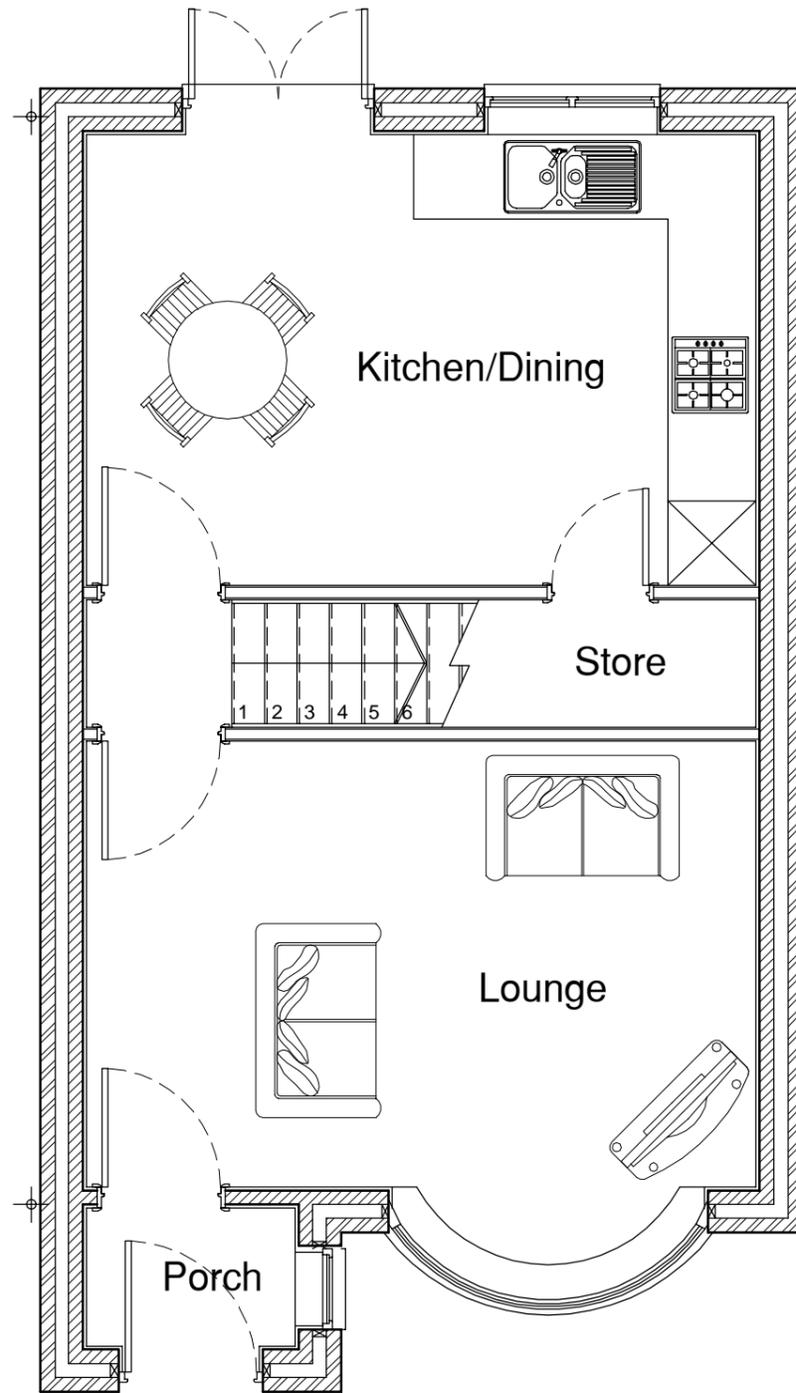
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Proposed Elevations

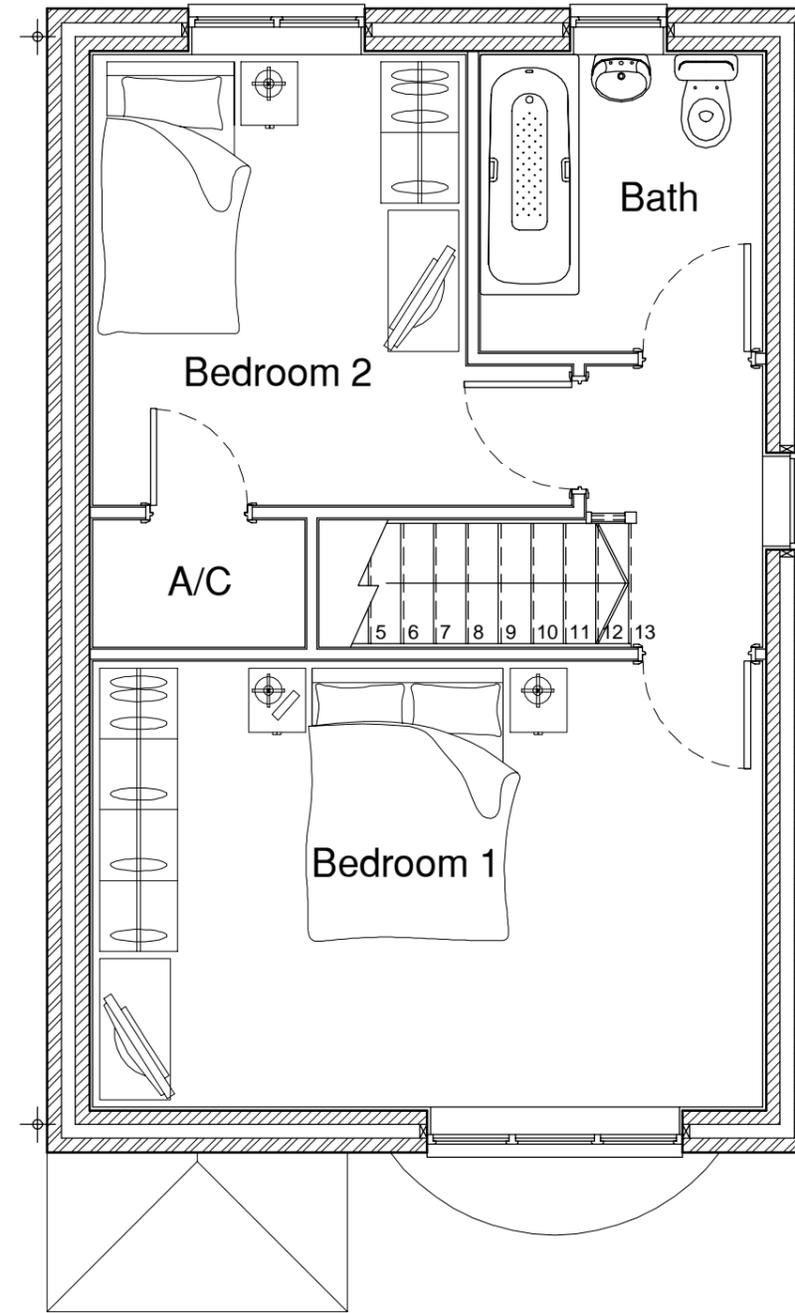
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GROUND FLOOR
G.I.A. - 37sq.m / 398sq.ft



FIRST FLOOR
G.I.A. - 35sq.m / 376sq.ft



54 Park Avenue
Rowley Regis
B65 9ET

Proposed Floor Plans

Scale : 1:50 @ A3
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