

Committee: 10th April 2019
DC/19/62650

Ward: Rowley

<p>Mr Mohammed Khan 37 Church Road Dudley DY2 0LY</p>	<p>Proposed single storey front, side and rear extension and increase in roof height to create a loft conversion with flat roof rear dormer and 3 skylights to front - (revised application DC/18/61549, to increase ground floor and reduce number of skylights). 45 Halesowen Road Cradley Heath B64 5NA</p>
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Date Valid Application Received 6th March 2019

1. Recommendations

Grant retrospective permission

2. Observations

This is a retrospective application and at your last Committee, Members resolved to visit the property.

Site Surrounding

The application site is situated on the eastern side of Halesowen Road, Cradley Heath, and relates to a detached property within a residential area.

Planning History

Members will recall that planning permission was granted by your Committee in July 2018 for a single storey front, side and rear extension, a two-storey side extension, and to increase the roof height to create a loft conversion with flat roof rear dormer and 4 skylights to front (DC/18/61549 refers).

The Planning Officer's report at the time stated that the height of the roof would be increased to a maximum height of 7.7m. Unfortunately, due to an error by the Council the amended plans were not printed to the correct scale. When printed correctly the roof height should have measured 8.0m from ground level. The applicant and residents have subsequently been informed of this error and hence accepted that the applicant could construct to a maximum roof height of 8.0m.

The applicant has now largely completed the extensions, however the maximum roof height now measures 8.4m. Therefore regardless of the error by the Council, the applicant has not been built the roof height in accordance with the original approved plan and other elements of the extension also differ from the approved plan and are detailed in the paragraph below.

Difference Between the Two Applications

The differences between the previously approved scheme and the one now before your Committee are;

- i) The overall height of the property has been increased by 400mm
- ii) The rear dormer window now sits as one instead of two, and incorporates an additional window;
- iii) The ground floor extension follows the boundary lines with 43 and 47 Halesowen Road as opposed to the previous application where elements were set away from the boundary (please see the two block plans enclosed).

Therefore, the current retrospective application is before your Committee.

Current Application

The applicant proposes to retain the altered single storey front, side and rear extensions and retain the increased roof height of 8.4m creating an enlarged loft conversion with flat roof rear dormer and 3 skylights to front.

The extended property would be of an irregular shape and measure a maximum width of 14.2m, a maximum length of 10.7m, with a maximum height of 8.4m.

Publicity

The local planning authority has made local Ward Members aware of the application as well as publicising the application by neighbour notification letters. Six responses of objection have been received. A lot of the comments received relate to the previous application and the handling of it. However, the reasons for objecting to this application can be summarised as;

- i) Information submitted to Members on the first application was incorrect,
- ii) Page 24 of the Council's adopted Supplementary Planning Document (SPD) Revised Residential Design Guide states that a clear minimum width of 1m must be maintained between opposing gable walls whether new or adjacent to existing,
- iii) Page 25 of the Council's adopted SPD states: *"...extensions must be in proportion to the scale of existing dwelling and street scene. Separation distance between opposing gable walls must be maintained to void creating a terracing effect..."* in other words the objector is stating that he is of the impression that there must be a physical gap between the two properties, 45 and 47 Halesowen Road,
- iv) The dormer extension is out of keeping with the area,
- v) The rear extension is built in such close proximity to the neighbour's gas flue (47) as to impact on the safety of the occupants of the property,
- vi) The proposal causes a significant amount of loss of light to number 41 Halesowen Road which is perpendicular to the application site,
- vii) The driveway of number 45 has been taken away to build the extension, which raises concerns over parking and highway safety,
- viii) The development has the potential to become flats or converted to a HMO,
- ix) The proposal does not fit into the design of the surrounding houses,
- x) People already park outside the application site on double yellow lines, causing obstructions to other road users, and

- xi) The proposal, results in a lack of privacy for the occupier of 1, Coxs Lane, where the garden and rooms of the property would be over looked.

Responses to objections

The points raised by the objector are addressed in order:

- i) The neighbour is correct and the height reported to planning committee should have read 8.0m and not the reported 7.7m as outlined above.
- ii) Page 19 of the SPD confirms that these standards relate to new build properties, and not proposal for domestic extensions.
- iii) In my opinion, the proposal is in proportion to the size of the plot, and no terracing effect would be created as there are only two properties within a row. Furthermore, the properties have different roof heights with building lines and house styles.
- iv) It is the opinion of the Council that the rear dormer extension is of satisfactory scale and design and the materials used within the construction are of high quality. Whilst the dormer now spans the rear roof, instead of being two separate dormers, it is still set in from the roof edges and given that it is situated to the rear it is not visible along the street frontage.
- v) As covered by the Gas Flue section of the report, this is unfortunately not a material planning consideration,
- vi) In my opinion, given the orientation of the property in relation to the application site, I do not foresee any significant issues of loss of light.
- vii) The front extension does take a small element of the front drive away from parking. However, a five-bedroom property as proposed only requires three off-street parking spaces and these can be provided on the remaining drive.
- viii) Any conversion to a HMO (6 people or less) would not require Planning Permission – whereas the conversion to flats would. The question was asked of the applicant, who states he intends to live within the property with his family.
- ix) There are no standard house types in this section of Halesowen Road. They have all been constructed at different times, with varying building styles and building materials used.

- x) Parking on yellow lines is covered by other legislation and is for the police to enforce.
- xi) Whilst the house faces Coxs Lane, the front door of the objector's house is at the side facing the rear gardens of the 45 and 47 Halesowen Road. The main windows of the objector's property look out onto Coxs Lane and their own garden. The only main window that faces towards the application site is a dormer window, where one could argue this overlooked the applicant's property. However, the occupier of 1 Coxs Lane benefits from a garage acting as a physical barrier between the rear garden of the application site and the private amenity space of no 1. Therefore I do not consider that there are any significant privacy issues associated with the proposal.

Gas Flue

The occupier of the adjacent property (47 Halesowen Road) has a boiler that vents onto the applicant's property. The previously approved rear extension did not follow the boundary line and allowed the neighbour's extraction equipment to vent directly onto the applicant's land. However, the applicant has now built along the fence line, potentially impacting on this ventilation which has raised concerns from British Gas. Whilst it can be argued that one should not vent onto third party land, the proximity of the flue is not a material planning consideration.

In terms of Environmental Health protection their duty of care relates to emissions from flues which would harm neighbouring properties and hence their powers do not apply in this situation.

With regard to Building Regulations, this relates to Part J of the Approved Documents (amended 2002) which states that a flue outlet needs to be at least 600mm from a boundary (the owner of 47 Halesowen Road has stated that his flue is only 50mm from the now built extension). I am advised that certain boilers can operate with less free air around them, which is possibly the case with this boiler given that British Gas have stated that there must be no structures within 300mm of the vent, but it is recognised that the distance is now substantially below this also.

Whilst the neighbour's extension may result in the boiler being unsafe, the Council's Building Control Team has stated that the boiler location doesn't comply with the current regulations, and

that the boiler is likely to have been installed before the 2002 regulations came into effect.

As indicated above, this is not a material planning consideration, members may recall that the applicant did offer to relocate the flue at the Planning Committee meeting of 4th July 2018. Subsequently it is understood that the flue cannot be diverted via a periscope and therefore the only alternative is to relocate the boiler or to install a new boiler that can be fitted with a diverter. Unfortunately whilst this situation is regrettable, the options which are available to the neighbour to resolve this situation fall outside the powers of local planning authority and cannot be controlled by condition.

Planning Policy and Other Material Considerations

An extension, roof alterations and dormer to the property has already been established by your Committee. The differences as stated relates to the height of the building, having one dormer window to the rear instead of two, and the ground floor extension now running adjacent to the side boundaries of the adjacent properties.

It is considered that the proposal accords with paragraph 130 of the National Planning Policy Framework, which states:

...where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

The Council's own Residential SPD states that poor domestic extensions which require planning consent that do not fit in visually or are clearly out of keeping with their surroundings will be resisted. I am of the opinion, the applicant has taken a standard detached property, extended, and modernised the property, finished off in cream render that compliments the adjoining detached property.

Conclusion

It is my view, that the changes to the previously approved application accords with the National Planning Policy Framework, the Black Country Core Strategy policy ENV3 (Design Quality) and the Council's own Site Allocation Plan policy SAD ES09

(Urban Design Principles) in that the proposal is of satisfactory design and it does not cause any significant loss of light, outlook or privacy issues to occupiers of the adjoining properties.

I therefore recommend the grant of retrospective planning approval.

3. Relevant History

DC/18/61549 - Proposed single storey front side and rear extensions, two storey side extension, and increase in roof height to create a loft conversion with flat roof rear dormer and 4 skylights to front (revised application- DC/17/61270) - Grant Permission with external materials – 27/07/2018

DC/17/61270 - Proposed two storey side/rear extension, single storey front extension and increased roof height to facilitate loft conversion with rear dormer - Application Withdrawn – 16/01/2018

4. Central Government Guidance

NPPF – Promotes sustainable development

5. Development Plan Policy

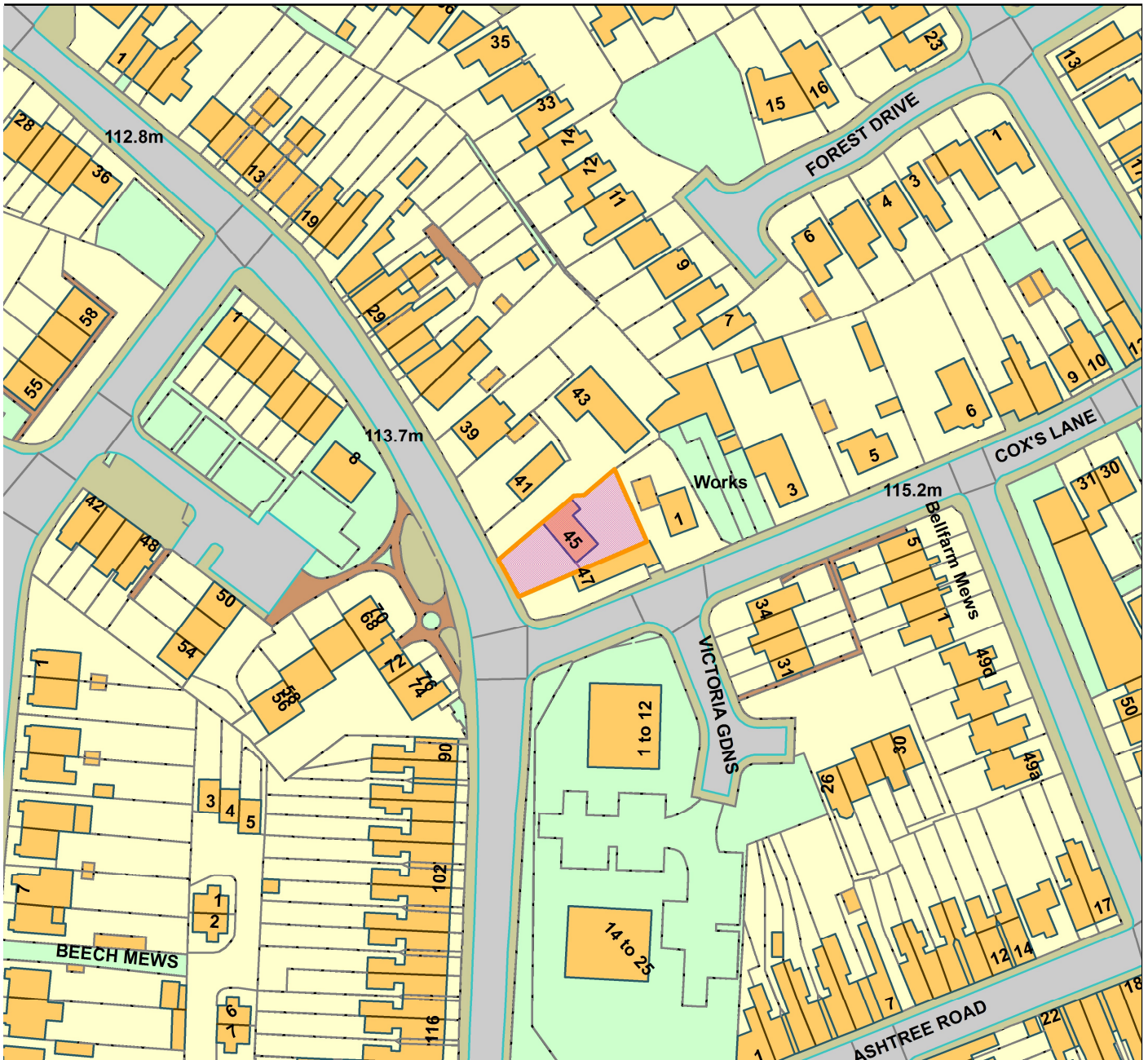
ENV3 – Design Quality

SAD ESO9 – Urban Design Principles

6. Contact Officer

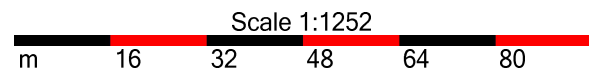
Mr William Stevens
0121 569 4897
william_stevens@sandwell.gov.uk

DC/19/62650
45 Halesowen Road



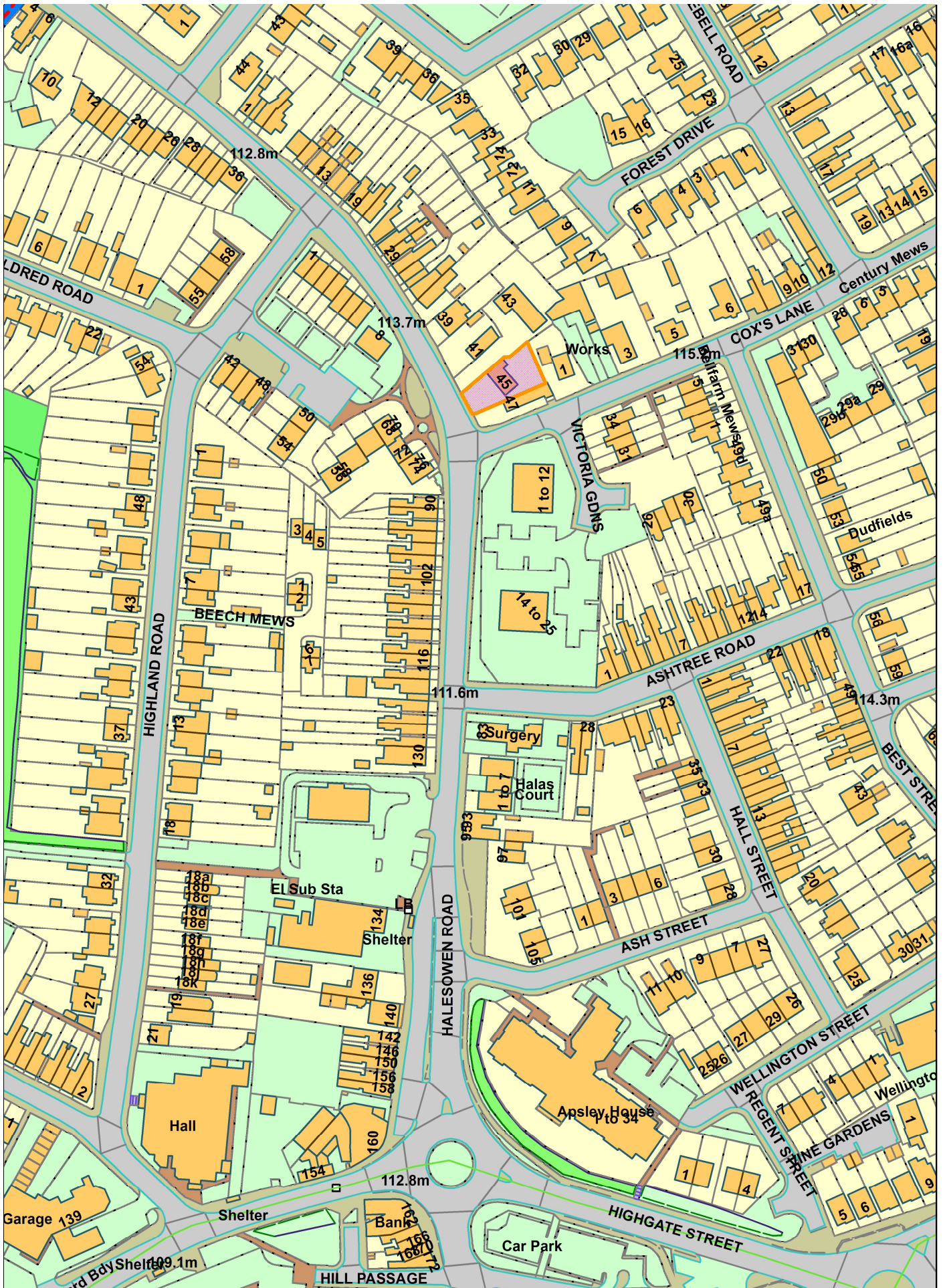
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Comments	Not Set
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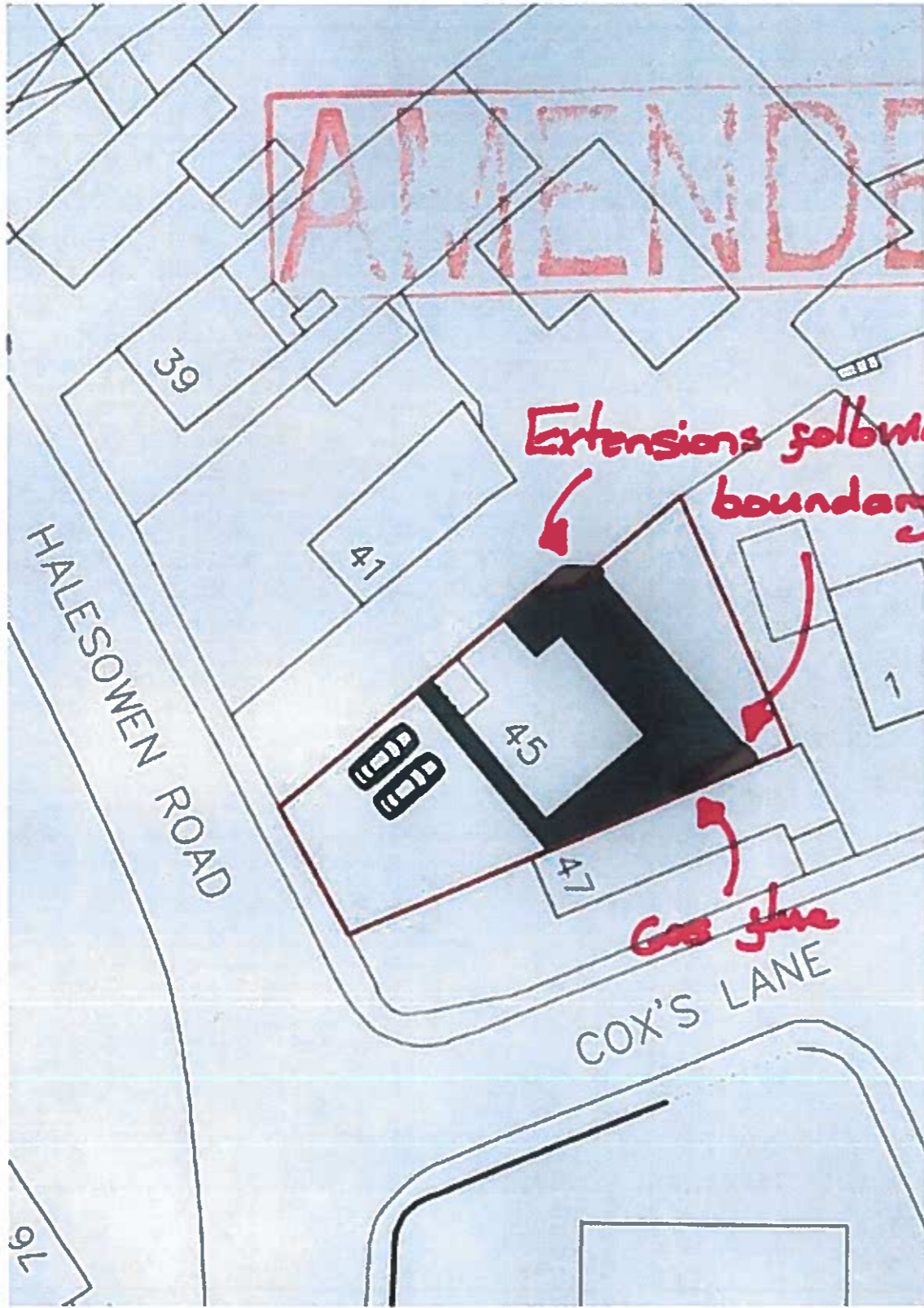


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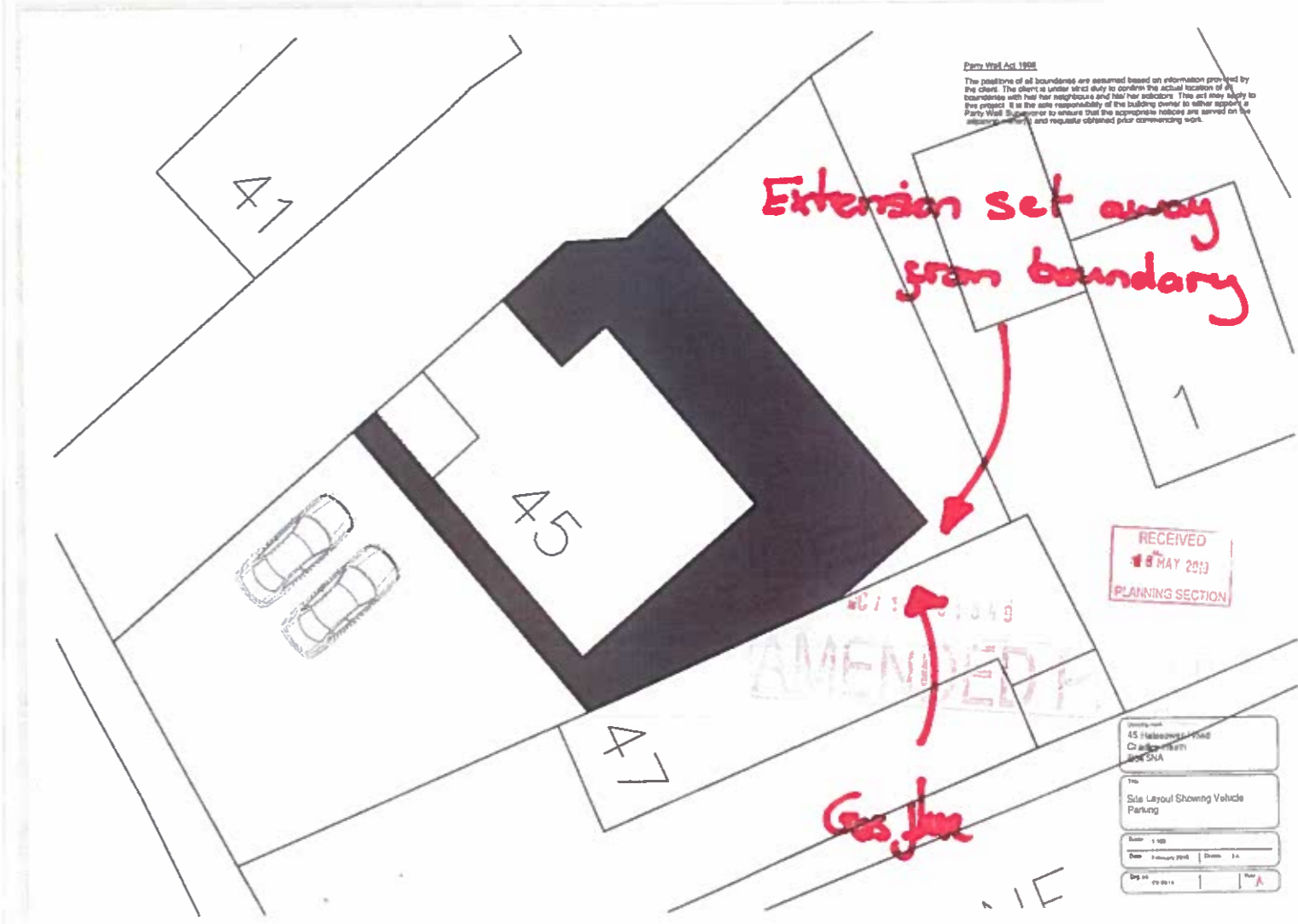
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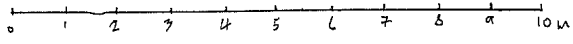


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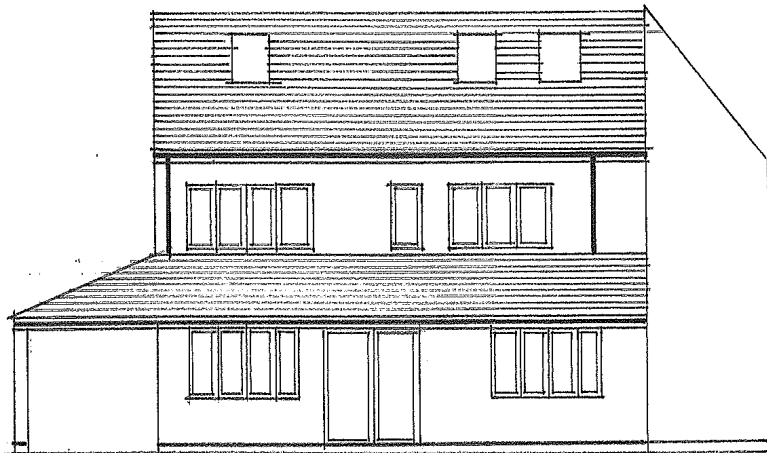


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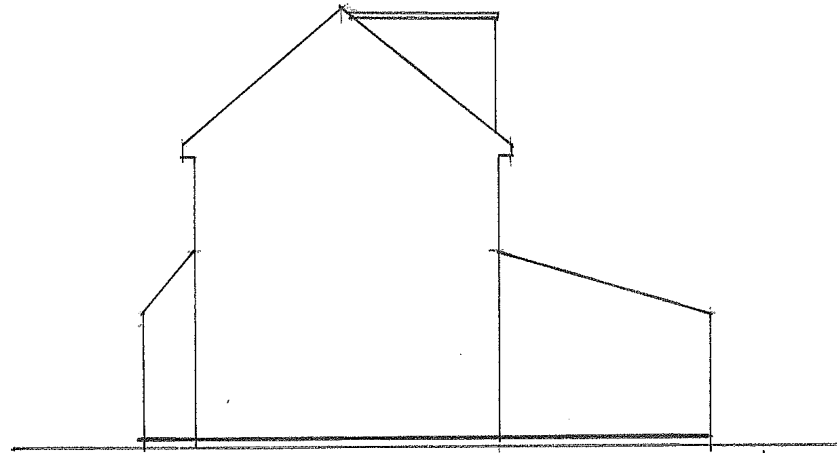




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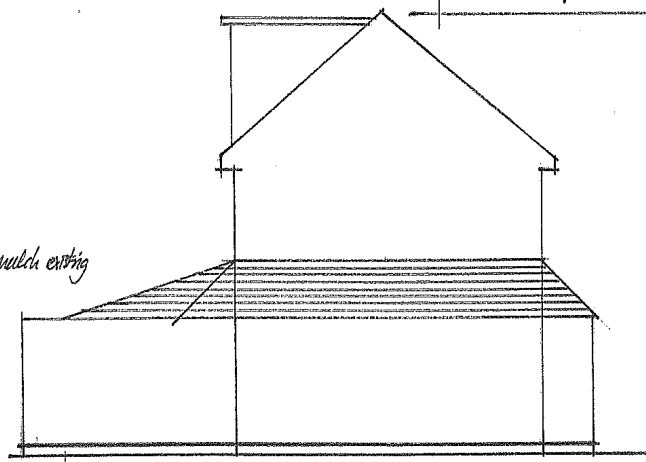
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

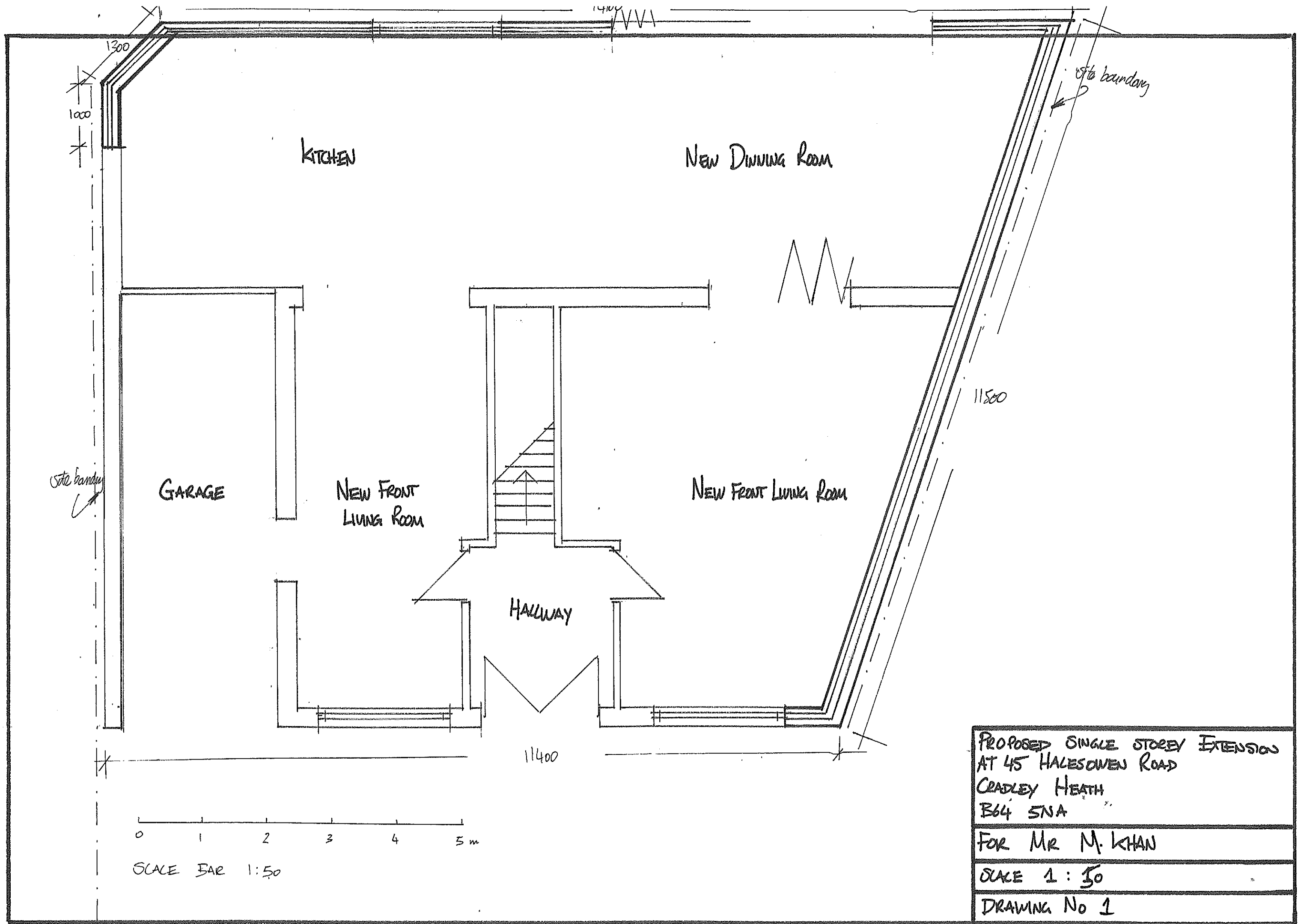


PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

<p>PROPOSED SINGLE STOREY EXTENSION AT 45 HALESOWEN ROAD CRADLEY HEATH, B64 5NA</p>
<p>FOR MR. M. KHAN</p>
<p>SCALE 1:100</p>
<p>DRAWING No 4</p>

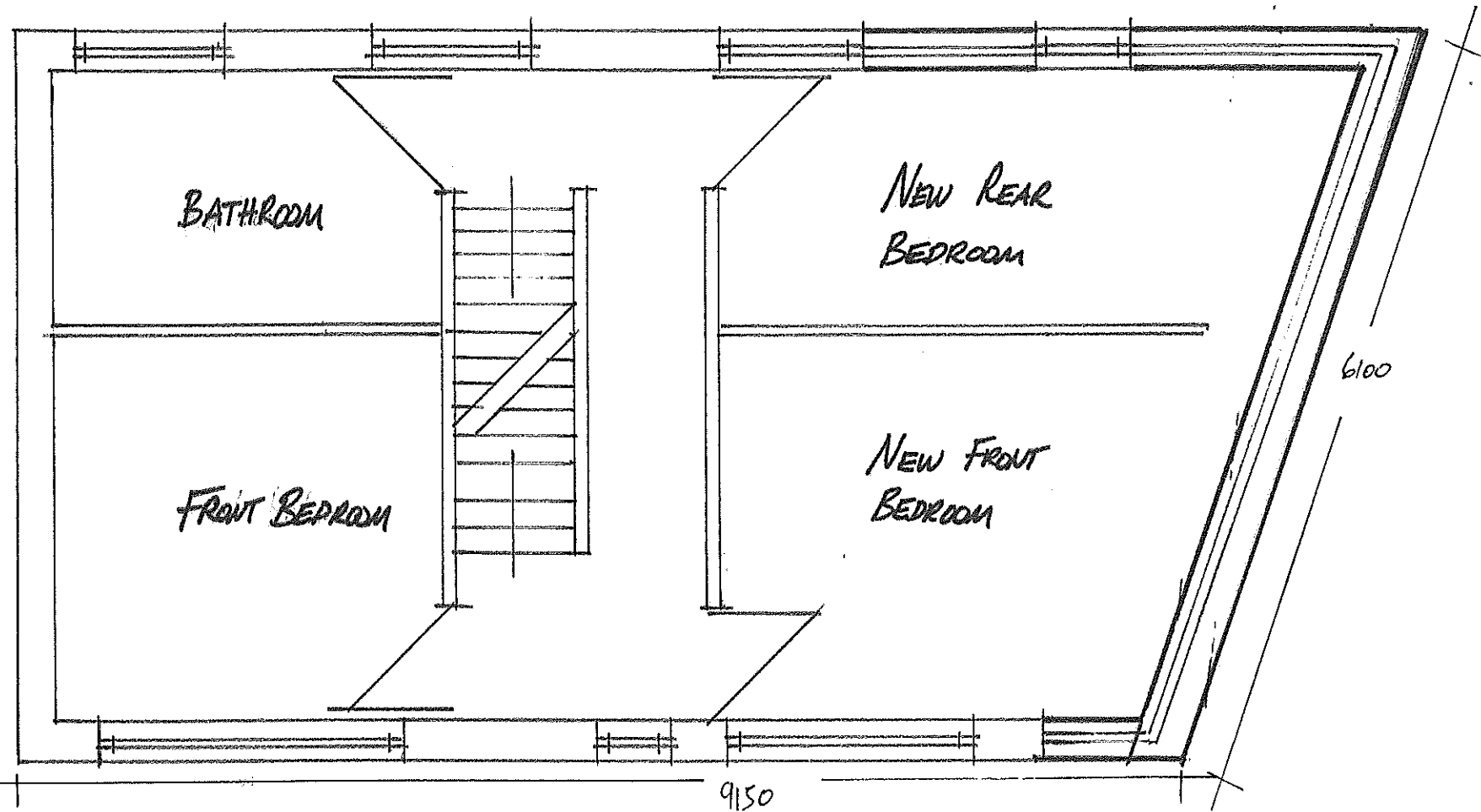


PROPOSED SINGLE STOREY EXTENSION
 AT 45 HALESOWEN ROAD
 CRADLEY HEATH
 B64 5NA

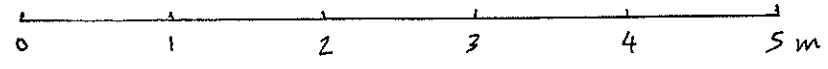
FOR MR M. KHAN

SCALE 1:50

DRAWING No 1

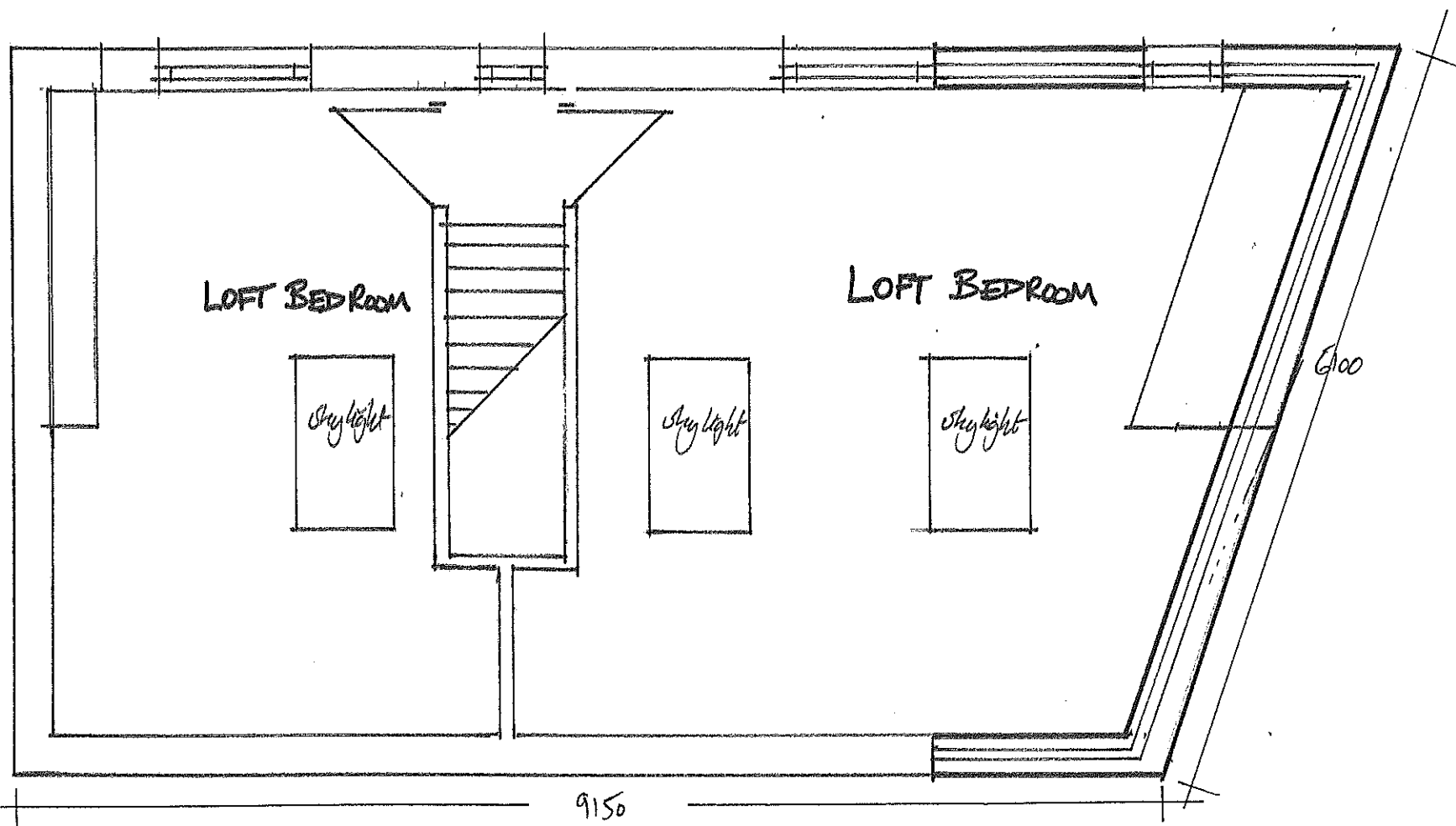


PROPOSED FIRST FLOOR



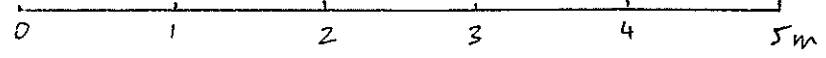
SCALE BAR 1:50

PROPOSED SINGLE STOREY EXTENSION AT 45 HALESOWEN ROAD CRADLEY HEATH B64 5NA
FOR MR. M. KHAN
SCALE 1:50
DRAWING No 2



PROPOSED SECOND FLOOR

9150



SCALE BAR 1:50

PROPOSED SINGLE STOREY EXTENSION AT 45 HALESOWEN ROAD CRADLEY HEATH B64 5NA
FOR MR M KHAN
SCALE 1:50
DRAWING NO 3