

Planning Committee

**Wednesday 14 August 2019 at 5.00pm
in the Council Chamber,
at the Sandwell Council House, Freeth Street, Oldbury.**

Agenda

(Open to Public and Press)

1. Apologies for absence.
2. Members to declare any interest in matters to be discussed at the meeting.
3. To confirm the minutes of the meeting held on 3 July, 2019 as a correct record.

Matters Delegated to the Committee

Items for Decision

4. To consider whether site visits are necessary and relevant to the determination of any applications.
5. Planning Applications for Consideration.
6. Applications determined under powers delegated to the Director – Regeneration and Growth.
7. Decisions of the Planning Inspectorate.

Date of Next Meeting: **Wednesday 4 September, 2019**

David Stevens
Interim Chief Executive

Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution: –

Councillor Downing (Chair);
Councillor Hevican (Vice-Chair)
Councillors Ahmed, Allen, Chidley, S Davies, Dhallu, G Gill, P M
Hughes, M Hussain, Mabena, Millar, Rouf, Shackleton, Simms and
Trow.

Agenda prepared by Stephnie Hancock
Senior Democratic Services Officer
Democratic Services Unit
Tel No: 0121 569 3189
E-mail: stephnie_hancock@sandwell.gov.uk

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Apologies

To receive any apologies from members

Declarations of Interest

Members to declare any interests in matters to be discussed at the meeting.

Minutes of the Planning Committee

3 July 2019 at 5.00 pm
at the Sandwell Council House, Oldbury

Present: Councillor Downing (Chair);
Councillor Hevican (Vice-Chair);
Councillors Allen, Chidley, S Davies,
M Hussain, Mabena, Millar, Rouf and Simms.

Apologies: Councillors Ahmed, Dhallu, Shackleton,
Taylor and Trow.

64/19 **Minutes**

Resolved that the minutes of the meeting held on 5 June, 2019 be approved as a correct record.

65/19 **Applications Deferred Pending a Site Visit by Members of the Committee and Ward Representatives**

Resolved that consideration of planning application DC/19/62696 (Proposed 5 No. 3 bed houses and 4 No. 2 bed flats with associated access, landscaping and infrastructure. Land to rear Vicarage Road/Ebrington, Road /Arlington Road, West Bromwich) be deferred, pending a site visit by the Committee and ward representatives.

66/19 **DC/19/62842 (Proposed change of use to 8 bed, 8 person HMO (house in multiple occupation). 12 Gibson Drive, Smethwick, B66 1RW.)**

The Development Planning Manager reported that an amended plan had been received and recommended that consideration of the application be deferred, to allow the Service Manager – Highways to review the plan.

Resolved that consideration of planning application DC/19/62842 (Proposed change of use to 8 bed, 8 person HMO (house in multiple occupation). 12 Gibson Drive, Smethwick, B66 1RW) be deferred to enable analysis of amended plans by the Service Manager – Highways.

67/19

DC/19/63086 (Pursuant to planning application DC/18/61850, demolition of rear extension, proposed single and two storey rear extensions to accommodate an additional six bedsits together with bicycle parking facilities, refuse and recycling storage, external alterations with external staircase and proposed subdivision of retail unit at ground floor with new shop fronts. 598 - 600 Bearwood Road, Smethwick, B66 4BW.)

There was no applicant or objector present.

The Committee was minded to grant planning permission, subject to the conditions recommended by the Director – Regeneration and Growth.

Resolved that planning application DC/19/63086 (Pursuant to planning application DC/18/61850, demolition of rear extension, proposed single and two storey rear extensions to accommodate an additional six bedsits together with bicycle parking facilities, refuse and recycling storage, external alterations with external staircase and proposed subdivision of retail unit at ground floor with new shop fronts. 598 - 600 Bearwood Road, Smethwick, B66 4BW) be approved, subject to the following conditions:-

- 1) submission and approval of a noise report;
- 2) provision of cycle storage;
- 3) provision of bin storage;
- 4) submission and approval of a lighting scheme;
- 5) no part of the rear access stairway shall be used as a balcony, roof garden or similar amenity area;
- 6) external materials to match existing; and
- 7) the bedsits shall not be self-contained.

68/19

DC/19/62969 Proposed 80 bedroom care home with associated parking, boundary treatment and associated works. Land Adjacent Harvest Road/Dudhill Road, Rowley Regis.)

There was no objector present and the applicant did not wish to address the Committee.

The Development Planning Manager reported that an amended plan had been received, showing an increase in the roof height by 500mm to allow vehicular access. Two further conditions were also recommended requiring grounds conditions remediation works and details of bin storage.

The Committee was minded to grant planning permission, subject to the conditions now recommended by the Director - Regeneration and Growth.

Resolved that planning application DC/19/62969 Proposed 80 bedroom care home with associated parking, boundary treatment and associated works. Land Adjacent Harvest Road/Dudhill Road, Rowley Regis.) be approved, subject to the following conditions:-

- 1) approval of external materials;
- 2) approval of finished floor levels,
- 3) Transport Assessment and Travel Plan;
- 4) details of electric vehicle charging points;
- 5) Coal Authority ground conditions investigation and remediation;
- 6) details of cycle parking;
- 7) drainage, Sustainable Drainage Systems (SuDS);
- 8) glazing and ventilation scheme;
- 9) details of fixed plant equipment, and any recommended mitigation measures;
- 10) details of extraction equipment associated with the proposed kitchen and mitigation measures;
- 11) details of a site management plan limiting hours of construction to Monday to Friday 08:00 to 18:00 hours, Saturdays 09:00 to 16:00 hours with no working on Sundays and Bank Holidays (deliveries too), alongside details of wheel cleaning facilities, A statement to control dust and emissions associated with the build;
- 12) no burning of materials on site;

- 13) dropped kerb widening;
- 14) implementation of barrier;
- 15) details of boundary treatment;
- 16) details of hard and soft landscaping;
- 17) ground conditions remediation works;
- 18) details of bin storage.

69/19 **DC/18/62530 (Demolition of existing building and replacement with proposed place of religious worship. 15 - 18 South Road, Smethwick, B67 7BN.)**

The Development Planning Manager reported that reference to 22 cars in the paragraph at the bottom of page 17 of the report should read 8 cars. Condition 9 had been amended by the addition of “and implementation” and a further condition had been recommended requiring details of car parking layout.

The Committee received a letter from the applicant, which was circulated to all parties.

Objectors were present and addressed the Committee with the following points:-

- the existing Gurdwara serves the community from birth and offers many of the same services that the proposal will offer;
- the proposal will exacerbate existing parking issues;
- the proposal will split the community;
- the applicant has been approached to discuss concerns but was not forthcoming;
- the existing building is part of the original street scene of Smethwick and should not be demolished;
- there are other sites available in Smethwick;

The applicant was also present and addressed the Committee with the following points:-

- a detailed and independent parking survey was provided to highway officers there are no concerns about parking;
- there are several hundred on street parking spaces available in Smethwick and the proposal will only result in an overspill of 8 cars;
- events will be held for up to 150 people, and not 220 as suggested;

- the proposal will meet the needs of the Afghan Sikh community, whose background and religious practice is different to that of Sikhs from other parts of the world;
- 90% of the current female Afghan Sikh population in Smethwick is illiterate and the centre will support women's empowerment by offering education to these women, who have previously been oppressed;
- Afghan Sikhs have suffered a lot, and are considered refugees;
- there is a high moral burden on Sikhs and all members of the proposed centre will be vetted;
- the proposal is not just another Gurdwara but will provide education services to the community and support inter-faith relations.

The Service Manager – Highways reported that the Transport Assessment had been carried out based on the assumption that the building would accommodate 150 people and considering other similar sites. It was felt that there was sufficient on-site and off-site parking provision to accommodate the estimated number of vehicles that the proposal would generate. These assumptions had also been tested based on 220 visitors, which would generate the need for an additional 8 off site spaces, which was also considered acceptable.

In response to members' questions of the applicant, objector and the officers present, the Committee noted the following:-

- The Afghan Sikh community in West Midlands was small so the centre would not exceed 150 guests at any one time.
- The education on offer would be aimed at women who had been oppressed in Afghanistan and had never had any education.
- The building would not operate 24 hours a day.
- Social events would be in line with religious institution and there would be no loud music or alcohol.
- The proposal to open at 5am was to accommodate morning prayers.
- Any recommendations made with regards to sound reduction would be adhered to.
- The site had been chosen based on the location of the congregation and taking costs into account.
- The applicant had tried to communicate with the other Sikh communities, however, it had been ineffective.

- The niche needs of the Afghan Sikh community could only be met from the community itself and not the wider Sikh community.
- staff would be qualified to teach and a number of different languages would be available.
- The centre would be a place for everyone.

Members expressed disappointment that the two communities had not worked together to overcome disagreements but welcomed the opportunities that the development brought and were minded to approve the application, subject to the conditions recommended by the Director – Regeneration and Growth.

Resolved that planning application DC/18/62530 (Demolition of existing building and replacement with proposed place of religious worship. 15 - 18 South Road, Smethwick, B67 7BN.) be approved, subject to the following conditions:-

- 1) approval of external materials;
- 2) provision of cycle parking;
- 3) provision of electric vehicle charging bays;
- 4) approval drainage details;
- 5) archaeological desktop study;
- 6) approval of construction management plan;
- 7) car parking management plan;
- 8) no external amplification of sound and
- 9) travel plan measures and implementation;
- 10) car parking layout, grading and retention.

70/19

Applications Determined Under Delegated Powers by the Director – Regeneration and Growth

The Committee noted a report on planning applications determined by the Director - Regeneration and Growth under delegated powers.


(The meeting ended at 6.10pm following an adjournment between 5.22 and 5.30pm.)

<p><i>Contact Officer: Stephnie Hancock Democratic Services Unit 0121 569 3189</i></p>
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The Committee will consider whether a site visit would be beneficial to the determination of any of the applications for consideration.

Planning Committee

14 August, 2019

Subject:	Planning Applications for Consideration
Director:	Director – Regeneration and Growth Amy Harhoff
Contribution towards Vision 2030:	
Contact Officer(s):	<p>John Baker Service Manager - Development Planning and Building Consultancy John_baker@sandwell.gov.uk</p> <p>Alison Bishop Development Planning Manager Alison_bishop@sandwell.gov.uk</p>

DECISION RECOMMENDATIONS

That Planning Committee:

Considers the planning applications detailed in the attached appendices.

1 PURPOSE OF THE REPORT

This report is submitted to inform the Committee of the detail of planning applications for determination.

2 IMPLICATIONS FOR SANDWELL'S VISION 2030

The planning process contributes to the following ambitions of the Vision 2030 –

Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

Ambition 8 - Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

Ambition 10 - Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

3 BACKGROUND AND MAIN CONSIDERATIONS

The applications for consideration are set out in the appendices.

4 STRATEGIC RESOURCE IMPLICATIONS

- 4.1 There are no direct implications in terms of the Council's strategic resources.
- 4.2 When planning consent is refused, the applicant may appeal to the Planning Inspectorate. If the Planning Inspectorate overturns the Committee's decision and grants consent, the Council may be required to pay the costs of such an appeal, for which there is no designated budget.

5 LEGAL AND GOVERNANCE CONSIDERATIONS

The Planning Committee has delegated powers to determine planning applications within current Council policy.

Amy Harhoff
Director – Regeneration and Growth

Sandwell Metropolitan Borough Council

Planning Committee

14 August 2019

Index of Applications

Application No & Agenda Page Ref	Premises, Application and Applicant	Recommendation
DC/19/62696 Charlemont with Grove Vale VISIT 2.45pm to 3.05pm Pg. 16	Proposed 5 No. 3 bed houses and 4 No. 2 bed flats with associated access, landscaping and infrastructure. Land to the rear of Vicarage Road/Ebrington Road/Arlington Road, West Bromwich	Grant Permission Subject to Conditions
DC/19/62842 St Pauls Pg. 42	Proposed change of use to 8 bed, 8 person HMO (house in multiple occupation). 12 Gibson Drive, Smethwick, B66 1RW c/o Anjum Design Ltd	Grant Permission Subject to Conditions
DC/19/62958 Cradley Heath & Old Hill Pg. 56	Proposed dwelling. 59 Compton Road, Cradley Heath, B64 5BB Mr C Brookes	Defer for Visit
DC/19/62968 Great Barr with Yew Tree Pg. 60	Proposed two storey side extension, ground and first floor rear extensions, and porch and canopy to front. 19 & 21 Cherry Tree Avenue Walsall, WS5 4LH Mrs Zaman	Grant Permission Subject to Conditions

DC/19/63114 St Pauls Pg. 72	Proposed single storey rear/side extension. 13 Greenwood Avenue Oldbury, B68 8JF Mr Muhammad Khalil	Grant Permission with external materials
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Windyridge Property Investments Ltd.	Proposed 5 no. 3 bed houses and 4 no. 2 bed flats with associated landscaping and infrastructure. Land to The Rear Vicarage Road/Ebrington Road/Arlington Road West Bromwich
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Date Valid Application Received 19 February 2019

1. Recommendations

Approval is recommended subject to the following conditions: -

- i) Levels;
- ii) Site investigation and remediation;
- iii) Installation of sprinkler systems in all dwellings;
- iv) Provision and retention of parking spaces including parking for 129a Vicarage Road;
- v) Approval of bin storage and bin management;
- vi) Submission of details relating to additional evergreen conifer planting along the boundaries of the site and implementation of all landscaping;
- vii) Drainage including SuDs;
- viii) Approval of boundary treatment;
- ix) Full details of arrangements for refuse collection;
- x) Approval of external lighting;
- xi) Satisfactory surfacing of all hard surfaces;
- xii) Secure cycle parking provision;
- xiii) Restrictions on construction work and delivery times to avoid school drop off and pick up times;
- xiv) Removal of permitted development rights for extensions, roof alterations/enlargements and outbuildings;
- xv) Details of secure gated access; and
- xvi) Installation of vehicle charging points;

2. Observations

At your last meeting Committee resolved to visit the site.

Site Surrounding

The application refers to vacant land (0.17 hectares approx.) that is bounded by the rear gardens of houses fronting Arlington Road, Ebrington Road and Vicarage Road. The application site is irregular in shape and has a gentle slope running approximately from north to south. Natural vegetation has established itself in recent years, although the site was cleared in October 2018. For many years there was a tennis court on the site. The site has suffered from unauthorised dumping of green and household waste. Access to the site is gained via two narrow access ways leading off Ebrington Road and Arlington Road. I am advised that neighbouring residents have a legal right to use the drive ways for access to the rear gardens.

Planning History

This is the ninth application submitted since July 2011 for the residential redevelopment of the application site. The most recent approval was for 3 dwellings in a flatted arrangement on the half of the site (DC/18/61609). The planning history is as follows: -

DC/18/61609	Proposed 3 No. dwellings (outline application for access).	Approved 12/6/18
DC/17/61238:	Outline application for 5 no. Dwelling (access only) (half of the site)	Approved 25/1/18
DC/16/60101:	Outline application for 4 no. Houses (access only)	Approved 15/3/17
DC/16/60100:	Outline application for 5 no. Houses (access only)	Approved 15/3/17
DC/16/59164:	Reserved Matters for 4 no. Bungalows (appearance, Layout, scale & landscaping)	Approved 16/4/16
DC/12/55465:	Outline application for 4 no. Bungalows (revision to DC/12/54875)	Approved 27/3/13

DC/12/54875:	Outline application for 3 no. Bungalows	Approved 31/10/12
DC/11/53351:	Outline application for 2 no. Bungalow	Refused 22/07/11 Allowed on appeal 27/06/12

I can advise your Committee that when DC/11/53351 was refused by Planning Committee, contrary to officer recommendation, it was allowed on appeal and the applicant was awarded cost of £4,390. Both the appeal decision and costs decision are attached to this report.

Current Proposals

This is a full planning application for nine dwellings comprising of five, three-bed houses and four, two-bed flats. The main differences between this application and previously approved submissions is that the originally divided site has now been submitted as one larger proposal site and that there would be a new vehicular access drive off Vicarage Road, added to the access drives off Arlington Road and Ebrington Road that were previously approved.

The five, two-storey houses would be located on the east side of the site and each dwelling would have private garden space with two parking spaces per dwelling. The four, two-storey flats would be located on the west side of the site in one block. One parking space would be provided per dwelling with an additional visitor space. Construction would be in brick and the design would be traditional.

The proposed access drive, off Vicarage Road would be formed between 129a and 131 Vicarage Road, utilising part of the front and rear gardens of 129a Vicarage Road. At its widest point (entrance to Vicarage Road) it would be 4.8m wide narrowing to 3.1m as it extends into the site. There would be sufficient room at the front of the drive for two vehicles to pass. Two parking spaces would be provided within the remaining front garden of 129a Vicarage Road to serve this dwelling.

A design and access statement, planning statement, coal mining risk assessment, and transport statement have been submitted with the application.

A landscaping scheme has also been submitted with the application identifying hedging as well as heavy standard Leylandii trees positioned along part of the boundaries.

In support of the application the applicant advises that this is an improvement over the previously consented schemes in terms of proposed access arrangements. In summary, the access would comprise a shared private driveway 4.8m wide at the junction with Vicarage Road then reducing to 3.1m in accordance with Sandwell Highway design standards. No separate pedestrian footpath is proposed along the accessway. The design has been prepared and agreed at pre-application stage.

Publicity

The application has been publicised by neighbour notification. I have received 16 objection letters one of which has been submitted by Councillors Sue Phillips, Liz Giles and Liam Preece. A 107 signature petition has also been submitted. The grounds of objection are summarised as follows: -

- (i) Loss of light and privacy.
- (ii) Vicarage Road is already too busy to accommodate another access point and that the transport statement does not reflect the hazards and issues present already on Vicarage Road.
- (iii) Likelihood of cars blocking drive ways.
- (iv) Access problems.
- (v) Problems for emergency access vehicles and that sprinkler systems may not be sufficient.
- (vi) One resident considers that the new drive width has been inaccurately measured suggesting that the 3.1m width is between 2.78m and 2.85m, narrower than shown on the plan and that the drive was never intended to serve anything other than 129 and 129A Vicarage Road.
- (vii) Devaluation of house prices.
- (viii) Impact on wildlife and loss of trees.
- (ix) The houses are out of character with the area and constitute over-development of the site.

- (x) The development would increase traffic movements on roads already congested with on-street parking and close to a school, with concerns about the safety of children;
- (xi) Concern about refuse collections.
- (xii) Concern about construction traffic/disruption.
- (xiii) Secluded dwellings may lead to an increase in crime and other anti-social behaviour.

A supporting letter has also been received advising that the site has been untidy for a long time, attracting anti-social behaviour and rubbish and that the proposed housing would ensure significant environmental improvement.

Consultation Responses

West Midlands Fire Service raised no objections to all previous applications subject to the installation of sprinkler systems in each dwelling because the access drives are too narrow for a fire engine to pass through.

West Midlands Ambulance Service did not respond to the previous application and were therefore not consulted on this application. However, upon determination of earlier applications the Ambulance Service confirmed that they had no objections regarding accessibility to the site.

Highways has no objections.

Environmental Health (Contaminated Land Team) recommend desk top site investigations and remediation measures where appropriate. The Air Quality Team recommend the installation of electric vehicle changing points

From a policy perspective the principle of residential development on this site has been accepted with previous approvals and therefore the site accords to Policy SAD H2 (Windfalls). Policy ENV5 (Sustainable drainage) is relevant and the site also falls within an area of potential archaeological importance. These issues can be controlled by condition. The proposal is liable to the Community Infrastructure Levy (CIL).

Responses to Objections

In response to the individual points raised I comment as follows: -

- (i) Spatially the proposed development would not compromise nearby residential amenity because the separation distances between the proposed dwellings and existing properties exceed the minimum standards set out in the Residential Design Guide of 14m between primary and secondary elevations and 21m between primary elevations. In this case the minimum distance between all elevations is 21m. Furthermore, it is suggested that additional evergreen trees are planted along the boundaries.
- (ii) Head of Highways has no objections following the introduction of a third access point off Vicarage Road.
- (iii) Refer to point (ii) above.
- (iv) Refer to point (ii) above.
- (v) West Midlands Fire Service and West Midlands Ambulance Service have no objections.
- (vi) The measurements identified by the objector were put forward to the applicant who has submitted an amended plan showing a pinch point of 2.76m but in the main the access way would achieve a minimum width of 3.1m.
- (vii) Devaluation of house prices is not a material planning consideration.
- (viii) There is no doubt that while the site has been unused, vegetation has naturally grown along with an increase in wildlife, but the loss of this can be compensated for by new landscape planting. Furthermore, the existing trees on the site are unprotected.
- (ix) The proposals accord to the Council's adopted residential design guide in terms of living standards, spatial separation, amenity space and parking standards. Also, it is considered that the two-storey development would be in-keeping with surrounding property. The design of the development is of a traditional design that will be seen in isolation rather than in context to the adjoining street scene.
- (x) Refer to point (ii) above.
- (xi) Refuse storage arrangements can be controlled by planning condition. However, the applicant has advised that refuse collection would be undertaken by a private contractor.
- (xii) Construction hours/deliveries can be controlled by planning condition. Deliveries can be restricted to avoid school drop off/pick up times.
- (xiii) The development of the site may address existing anti-social behaviour as mentioned by the supporter of this proposal. It could be argued that the development of additional housing would aid surveillance of the area.

Determining Issues, Planning Policy and Other Material Considerations

The issues to be considered with this application are whether the proposal for 9 dwellings is acceptable and whether the additional access drive is acceptable.

With reference to the latter point, it has already been established that the site could accommodate 9 dwellings, agreed in previous planning application submissions. The suitability of the site for residential development has also been accepted by an appointed Planning Inspector, originally for 2 dwellings but where the Inspector concluded that the site could accommodate more than the originally approved two dwellings without harm. I am satisfied that the design of the dwellings is acceptable, and that the development would not cause undue harm to neighbouring residential property from loss of light, privacy or outlook.

With reference to access, under previous consents access arrangements were unsatisfactory from a Highway Safety view point but significant weight had to be attached to the views of the appointed Planning Inspector who deemed the two narrow access arrangements to be acceptable. However, with this fresh planning application pre-application discussions with Highways have taken place to provide a third, and in part wider, access drive which, used alongside the access points off Ebrington Road and Arlington Road, render the proposed access arrangements acceptable. Upon consideration of the appeal in 2011 The Inspector states "*Even if the scheme did result in more than four properties using either drive, personal safety would not be put at undue risk*". A copy of the appeal decision is attached to this report.

Conclusion

The principle of residential development has already been accepted for nine dwellings on this site through a long and complicated planning history of an appeal decision and subsequent planning applications. The new access arrangements overcome earlier highway concerns. The redevelopment of the site is therefore supported.

3. Central Government Guidance

National Planning Policy Framework promotes sustainable development.

4. Development Plan Policy

BCCS - CSP4 - Place-Making

BCCS - ENV1 - Nature Conservation

BCCS - ENV3 - Design Quality

SAD H2 – Housing Windfalls

SAD HE5 – Archaeology and Development Proposals

5. Contact Officer

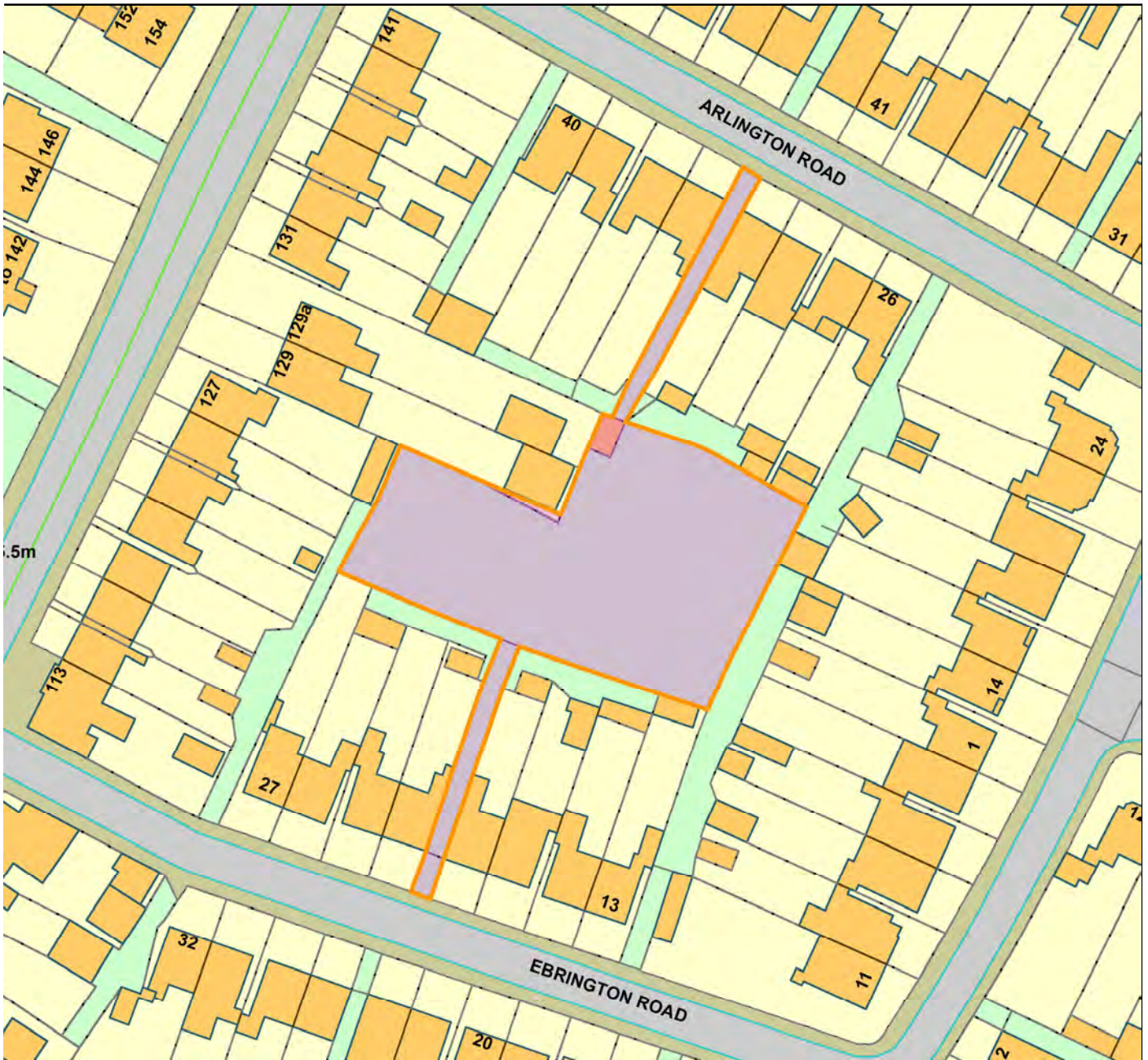
Mrs Christine Phillips

0121 569 4040

christine_phillips@sandwell.gov.uk

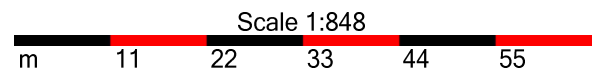
DC/19/62696

Land to the rear of Vicarage Road/Ebrington Road



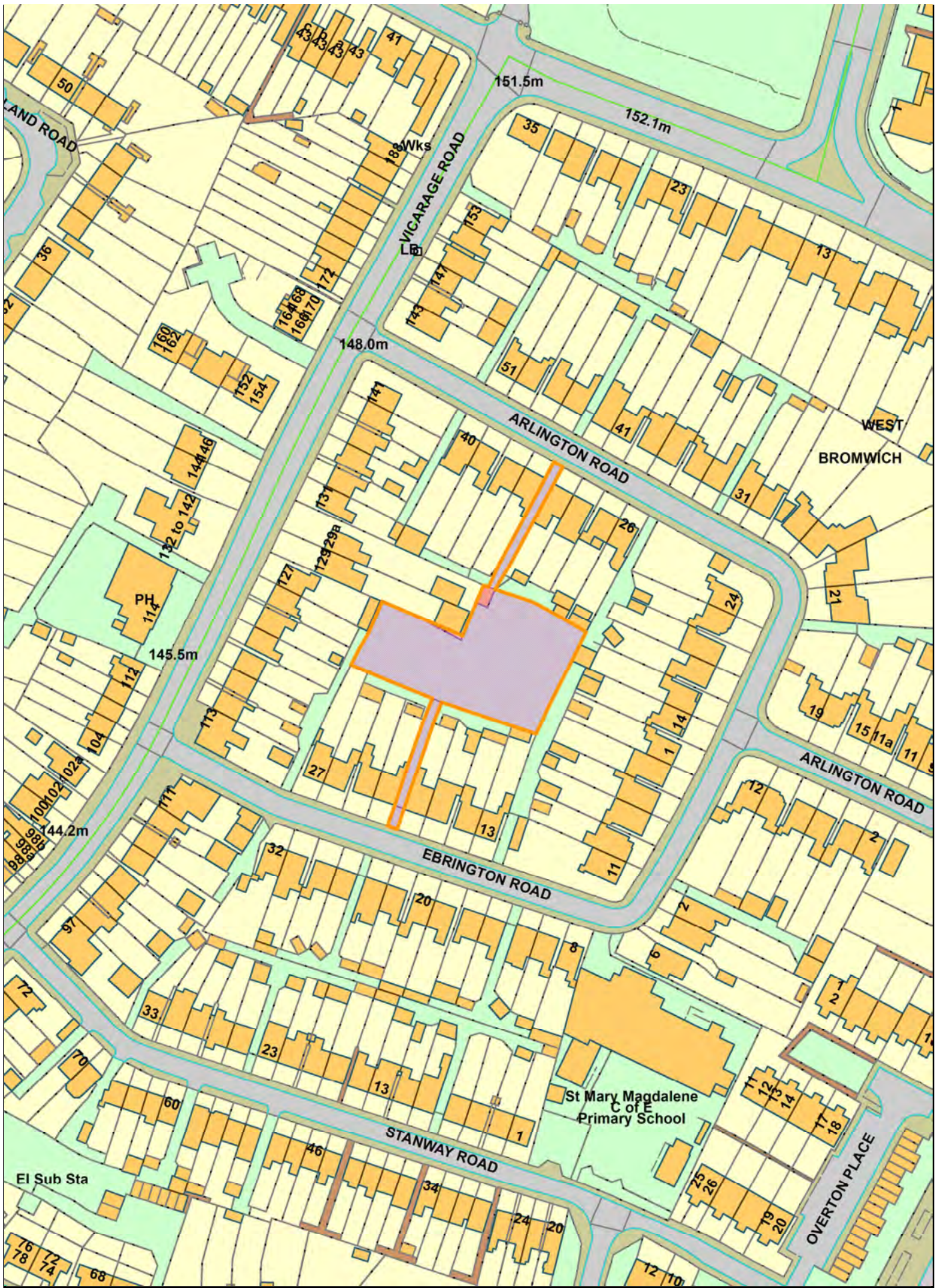
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Department	Not Set
Comments	Not Set
Date	21 June 2019
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Appeal Decision

Site visit made on 28 May 2012

by **Stuart Hall BA(Hons) DipTP FRTPI MCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2012

Appeal Ref: APP/G4620/A/11/2165538

Land to the rear of Arlington/Ebrington Road, West Bromwich, West Midlands B71 1AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Dr Beatrice Anderson against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/11/53351, dated 9 May 2011, was refused by notice dated 22 July 2011.
 - The development proposed is the erection of 2 No. single storey dwellings.
-

Application for Costs

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of 2 No. single storey dwellings at land to the rear of Arlington/Ebrington Road, West Bromwich, West Midlands B71 1AD in accordance with the terms of the application, Ref DC/11/53351, dated 9 May 2011, subject to the conditions in the Schedule attached to this decision.

Points of Clarification

3. At the site visit, a resident pointed out that the site boundary shown on submitted plans is at variance with the actual ownership boundary on a short length to the rear of 32 Arlington Road. Account is taken of this discrepancy, which is not material to the decision. Submissions include reference to the potential numbers of pedestrian visitors to a communal garden on the application site, notated on superseded plan 001 revision A as a wetland area for enhanced ecology and on replacement plan 001 revision B as a naturalistic garden. Notwithstanding those notations, the appeal application seeks permission for dwellings only, and landscaping remains reserved for the Council's later consideration. Therefore, those submissions do not bear directly on matters for determination in this appeal.
-

Main Issues

4. The outline application includes matters of access and scale for determination at this stage. The Council does not raise objection to the principle of residential development of the appeal site, or to the scale of the proposal. Having regard to the Council's reasons for refusal and to the views of local residents, there are two main issues in this appeal. These are the effects of the proposed use of existing private access drives on the personal safety of users of the accesses, and its effects on the interests of highway safety.

Reasons

5. The appeal site, surrounded by dwellings and their rear gardens, is at the centre of a roughly rectangular block of suburban residential development bounded to the west by Vicarage Road and on its other sides by Arlington Road and Ebrington Road. Anecdotal evidence is that it once contained lock-up garages and, until more recently, a number of mature trees. There are no significant trees now, and the site is now overgrown with nettles, brambles and similar vegetation. The site can be accessed from opposite directions via two narrow private drives, one from Arlington Road and one from Ebrington Road, each of which appears to enable access to the rears of up to eight dwellings. Whilst details of layout are not for determination now, submitted plans indicate that each proposed dwelling would have access to both drives. Details of access are considered on that basis.

Personal safety of access users

6. There are two aspects to this issue. The first, and primary concern of the Council, is the site's practical accessibility to emergency services. It is common ground that the private drives off Arlington Road and Ebrington Road are respectively some 39 metres (m) and 37 m long, are no more than 2.9 m and 2.73 m wide, and have minimum pinch point widths of 2.47 m and 2.34 m, the latter measurements having been checked at the site visit. Both drives are too narrow to permit access by a fire appliance. However, *Manual for Streets* explains that a layout with otherwise inadequate access could be acceptable if buildings are equipped with sprinkler systems. The West Midlands Fire Service confirms that such systems would enable compliance with its standards, and a planning condition could require their installation.
7. Whilst it is not disputed that the drives and their openings to the highway are sufficiently wide to enable an ambulance to reach the site, each drive would be difficult to negotiate. Therefore, progress would be correspondingly slow. However, there is no evidence to suggest that the location is on the edge of the catchment of the nearest ambulance base. Accordingly, there is no reason to suppose that normally it would take longer for an ambulance to reach the proposed dwellings than is deemed an acceptable response time with regard to other dwellings served by that base. Another vehicle negotiating a drive could cause a brief obstruction. However, 11 of the dwellings with potential rear access have off-street frontage parking. Only three, all on Arlington Road, appear to make significant use of their drive. I conclude that the risk of obstruction is slight.
8. The second aspect concerns the safety of pedestrians, taking into account that Nos 32 and 34 Arlington Road have pedestrian access immediately to the rear

of their dwellings from the drive running between them. Whilst the drives are wide enough for cars, they are also narrow enough to require drivers to be cautious irrespective of the presence of people on foot. Visibility along the drives is unhindered, and both vehicle and pedestrian movements are likely to be infrequent. The risk of personal injury is slight, less than if all potential rear accesses were in use.

9. The drives have less width than the 3 m sought by the Council. Even so, though this is a commonly adopted yardstick, the justification for requiring 3 m at this site is unclear in the absence of a locally adopted policy explanation. It would not enable two vehicles to pass. Implications for emergency services are addressed above. A 3 m width would allow a car driver to pass a pedestrian, but the inability to do so would be an infrequent and minor inconvenience. The case for rigorous application of the standard is not compelling.
10. More than four properties sharing a private drive would be contrary to advice, albeit lacking reasoning, adopted in 2004 in *Residential Design*, the Council's Supplementary Planning Guidance. However, more recent guidance in *Manual for Streets* does not refer to private drive standards. Further, at Arlington Road one sprig appears to be little used, and is partially gated. The other, also gated, is used by three of the four properties it adjoins. At Ebrington Road, both sprigs are overgrown and the drive, gated close to the highway, appears to be largely disused. This relative lack of use is borne out by surveys submitted on behalf of the appellant. It seems unlikely that this will change, in view of the prevalence of frontage parking. Even if the scheme did result in more than four properties using either drive, personal safety would not be put at undue risk.

Highway safety

11. The block of dwellings around the site, and those facing across Arlington and Ebrington Roads, are designed so that almost all are potentially served by rear access drives. Whilst many occupiers may make little or no use of them, the large majority also have off-street frontage parking, which limits the need for residents to park on the highway. Except for short periods when the rear access to a primary school on Ebrington Road is used as a drop-off/pick-up point, it is unlikely that the two Roads are subject to serious congestion or abnormal risk to safety. Some 60 dwellings face the roads around the appeal site. Additional car movements would have no readily discernible effect on general traffic conditions in the area.
12. Delivery vehicles would probably not enter the site, but would have to wait in the highway. However, this applies to almost all the nearby dwellings. The much greater length of carry would cause longer waiting times, but their infrequency would not significantly increase the limited inconvenience, and possible risk, that occurs now. Whilst visibility at the exit onto Ebrington Road is restricted, the risk to highway safety is substantially mitigated by the likely low volume and slow speeds of passing vehicles. On-street parking has a greater adverse effect on visibility from many frontage parking areas, from several of which it is likely that cars are frequently reversed onto the highway. Reversing movements from the drives would be rare, as the low frequency of movements in them is unlikely to cause vehicle conflict. These points strongly suggest that increased activity arising from the scheme would not materially affect traffic conditions in close proximity to the access drives.

Conclusions on main issues

13. Bearing the above points in mind, and taking full account of the petition of objection signed by some 90% of local households, the substantive evidence does not support withholding permission on the grounds that the Council's normal yardsticks are not met. That evidence leads me to conclude that the scheme would not have a materially adverse effect on the personal safety of access users or on the wider interests of highway safety. Rather, it would achieve the acceptable level of accessibility and safety required by Policy TRAN2 of the recently adopted *Black Country Core Strategy*, and in this respect would similarly comply with the thrust of earlier saved development plan policies related to highway safety.

Other matters

14. Doubts as to whether the proposed development would prove to be financially viable are matters for the appellant and do not bear on the planning merits of the scheme. Refuse collection arrangements, whether with the Council or a private contractor, are likely to inconvenience future occupiers rather than other residents or the collection agency. Whilst some inconvenience and disturbance during construction works is likely, given that materials may well have to be unloaded from the highway, such adverse effects would be temporary and would not cause prolonged harm.
15. Concerns about security, should the gates across the Ebrington Road drive be removed, are acknowledged. However, residential occupation of the site would increase natural surveillance, and the site owner's right of access remains whether or not the appeal scheme is built. The limited permanent increased use of the drives is unlikely to cause undue disturbance to the fenced properties to each side. Whilst layout details are not for determination at this stage, illustrative plans demonstrate that a separation distance of some 40 m could be achieved between facing elevations of existing and new dwellings. This would ensure adequate privacy standards. The single storey scale of the proposed dwellings is acceptable in principle and would further help to safeguard the privacy of adjacent occupiers.

Overall conclusion

16. Full account is taken of the force and extent of opposition to the appeal scheme from those living closest to the site, as it is of local representations in favour of the re-development of this allegedly previously developed but now derelict land. However, the concerns expressed regarding personal and highway safety, though supported by the Council following the Committee's visit to the site, are not borne out by the balance of substantive evidence. My conclusions on the main issues, based on that evidence, outweigh the sum of all other matters raised. Whilst policies in the recently published *National Planning Policy Framework (NPPF)* have also been considered, in light of the facts in this case the NPPF does not alter those conclusions. It follows that the appeal should succeed.

Conditions

17. Regard is had to the conditions suggested by the Council in this event, in the light of advice in *Circular 11/95 The Use of Conditions in Planning Permissions*.

Though the Council lists "scale" among the matters to be reserved for future determination, approval to that aspect of the scheme is sought now and is granted by the terms of this decision. Details of external materials and landscaping relate to matters that are still reserved. Control over means of site enclosure will help to protect privacy, and provision of car parking prior to occupation will serve highway safety interests. A condition requiring installation of sprinkler systems in the dwellings is added, as proposed by the appellant. For the avoidance of doubt, and in the interests of the proper planning of the area, a further condition specifies the plans hereby approved.

Stuart Hall

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping, and layout, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing No 001 revision B so far as it relates to access, and drawing No 002 so far as it relates to scale.
- 5) Prior to the first occupation of each dwelling hereby permitted, that dwelling shall be fitted with a sprinkler system, details of which shall be first submitted to and approved in writing by the local planning authority.
- 6) Prior to the first occupation of any dwelling hereby permitted, all driveways, car parking areas and spaces for vehicles to turn so that they may leave the site in a forward gear shall be constructed in accordance with details which shall be first submitted to and approved in writing by the local planning authority.
- 7) Prior to the first occupation of any dwelling hereby permitted, all walls, fences and any other means of enclosure shall be erected in accordance with details which shall be first submitted to and approved in writing by the local planning authority.



Costs Decision

Site visit made on 28 May 2012

by **Stuart Hall BA(Hons) DipTP FRTPI MCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2012

**Costs application in relation to Appeal Ref: APP/G4620/A/11/2165538
Land to the rear of Arlington/Ebrington Road, West Bromwich, West
Midlands B71 1AD**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Dr Beatrice Anderson for a full award of costs against Sandwell Metropolitan Borough Council.
 - The appeal was made against the refusal of outline planning permission for the erection of 2 No. single storey dwellings.
-

Decision

1. The application for an award of costs is allowed in part in the terms set out below.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. With reference to paragraph A3 of the Circular, the applicant was encouraged by pre-application discussions with some Council officers, and the Council's submission that no such discussions were held with those responsible for framing the recommendation is disputed. However, those discussions could not fetter the Council's decision or guarantee a favourable outcome. The fact that the decision was contrary to the pre-application advice is not in itself evidence of unreasonable behaviour. In relation to paragraph B29, nor is the submission that other schemes had been allowed with narrow accesses, as no two cases are identical and each stands to be determined on its individual merits.
 4. However, the first reason for refusal, that the scheme would involve more than four dwellings being served from private drives contrary to Supplementary Planning Guidance (SPG), is merely a statement of fact. It gives no indication of consequential harm. Whilst the SPG is a material consideration, it appears to offer no explanation as to why as a matter of principle no more than four dwellings should be permitted. It is also advisory, and lacks the status and commensurate weight of development plan policy.
-

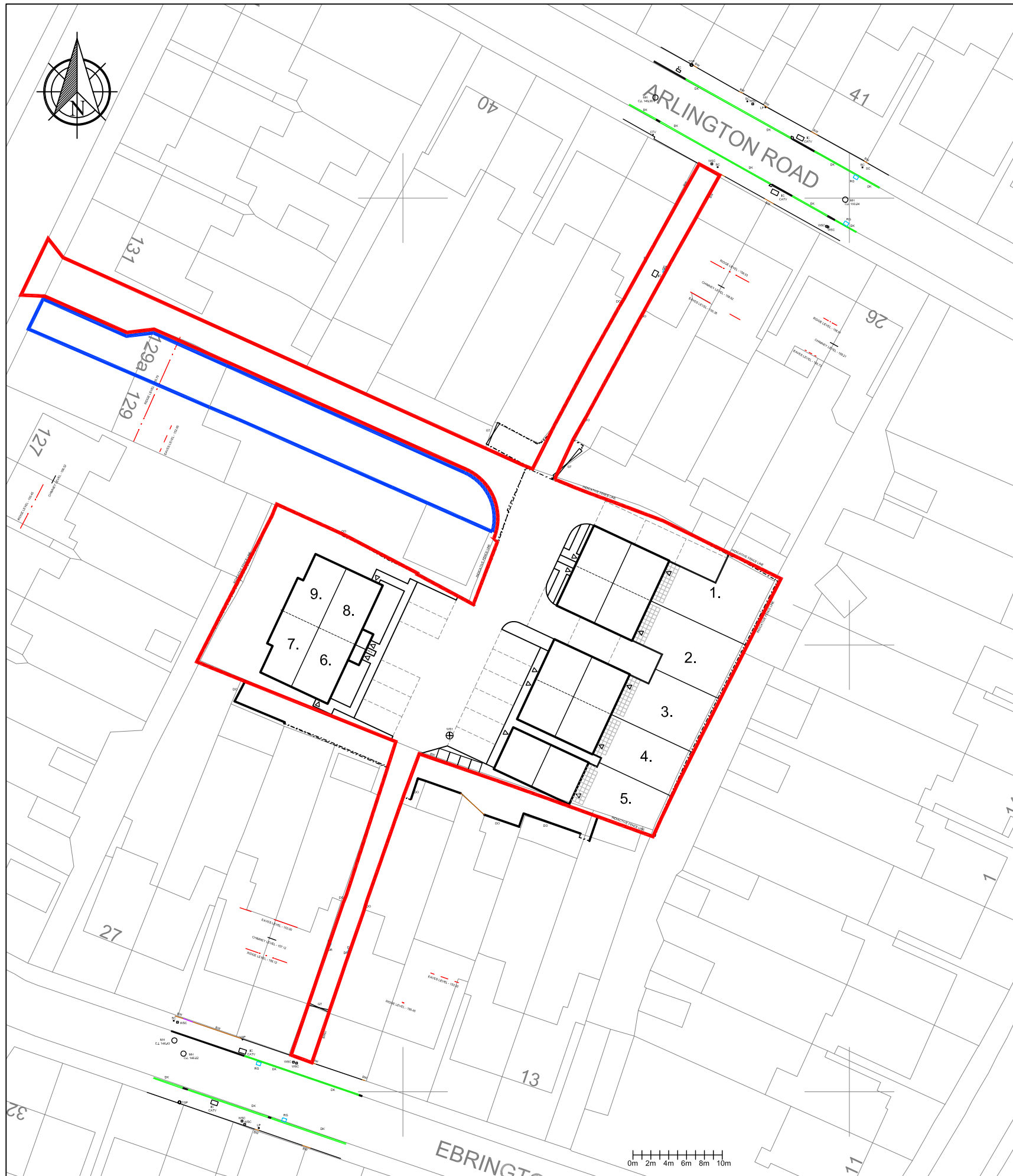
5. In the face of the applicant's detailed survey of existing movements on the drives, which the Officers' report does not mention, the reason for refusal does not explain why strict adherence to the guidance is imperative in this case. The Council provides no appeal evidence to justify that adherence, relying only on its statement that it is Council policy, notwithstanding its acknowledgement that the guidance has not been universally applied. With regard to paragraphs A3 and B16 of the Circular, I conclude that this first reason for refusal does not stand up to scrutiny, and is not substantiated by evidence. Therefore, I further conclude that in these respects the Council acted unreasonably.
6. With reference to paragraph A22, the failure to inform Councillors of proposed refuse collection arrangements does not bear directly on the reasons for refusal and, therefore, on the need to appeal. The same is true of reference to an access width standard that is not formally adopted but which is commonly applied. The absence of reference to sprinkler systems does not relate to the Council's main concern, evident in the officers' report and the second reason for refusal, that access for ambulances would not be safe and convenient. Whether these and other alleged omissions amount to maladministration is not for determination here.
7. In relation to the second reason for refusal, though there are inconsistencies in the officers' report it is not the case that information demonstrating that an ambulance could access the site was ignored. Rather, the report states that the narrow access would "clearly result in the ambulance having to travel at very slow speeds". That is a reasoned conclusion and is not in dispute. Councillors visited the site before making their decision. Whilst neither party appears to have consulted the relevant authority, the facts available entitled the Council to form the opinion that such access would not be sufficiently safe and convenient, and to determine the weight to be attached to this conclusion.
8. The safety of future occupiers can be a material planning consideration. Therefore, lack of reference to a specific development plan policy in this reason for refusal does not undermine that entitlement. The reasoned basis for the objection, and its meaning, are clear. The reason is also consistent with the thrust of concerns expressed by the Council's highways adviser. Whilst the Council's stance does not prevail in the appeal decision, there is a respectable basis for it. I conclude that in relation to the second reason for refusal the Council did not behave unreasonably.
9. There is no substantive evidence of undue delay in the appeal process as a consequence of the Council's actions, and delay itself does not necessarily result in additional cost. The Council's inaction, in not attending the appeal site visit first arranged for 17 April 2012, did cause the applicant additional costs of attendance on the re-arranged date. However, there is no cause to doubt the Council's submission that non-attendance was accidental, arising from non-receipt of the notification, and was not unreasonably deliberate.
10. Omitting the first reason for refusal would not have removed the need to appeal. However, the need to address it has added to the cost of the process to the applicant. Therefore, to that limited extent I find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated and that a partial award of costs is justified.

Costs Order

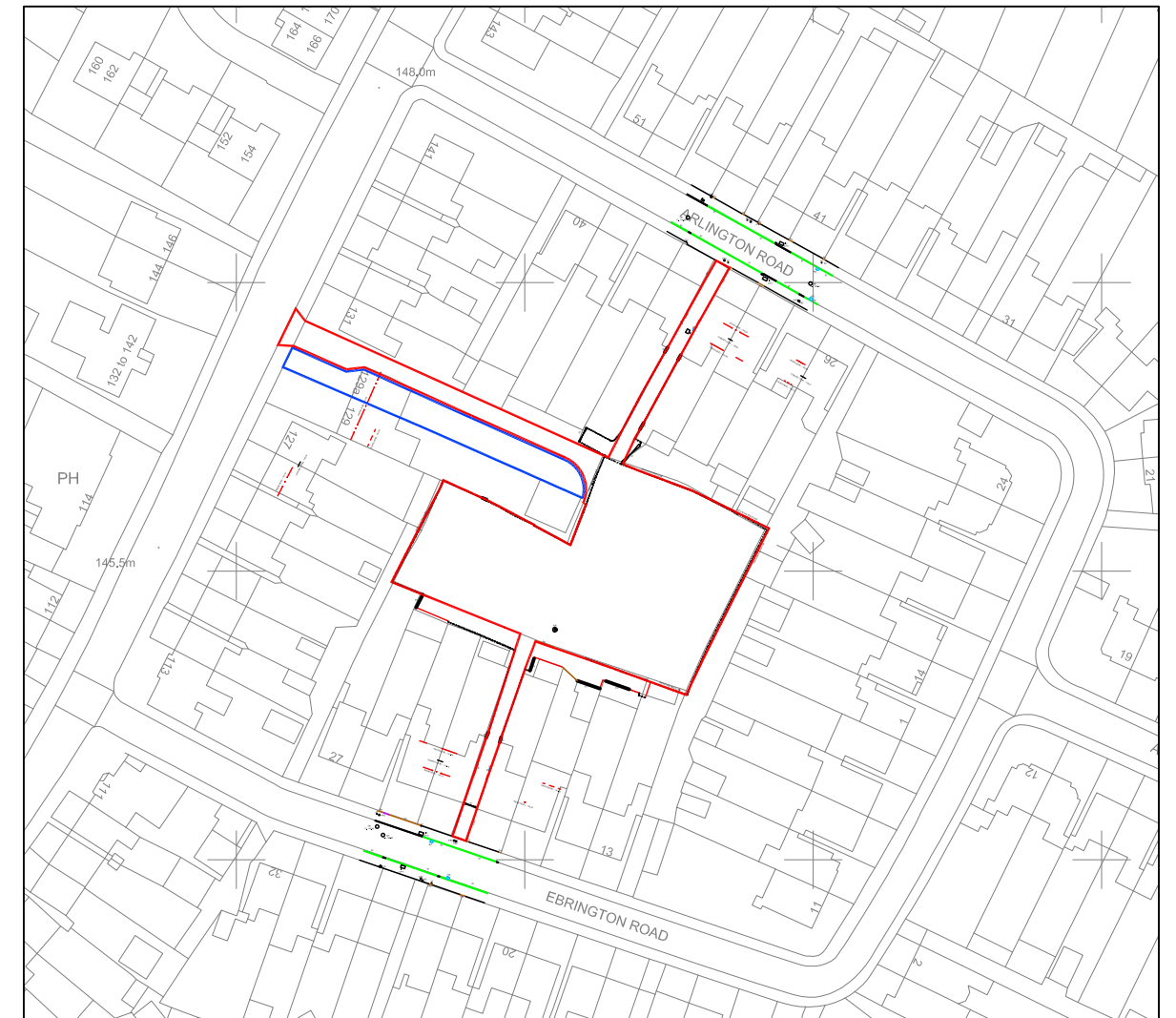
11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Sandwell Metropolitan Borough Council shall pay to Dr Beatrice Anderson, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in addressing reason for refusal No. 1.
12. The applicant is now invited to submit to Sandwell Metropolitan Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Stuart Hall

INSPECTOR



PROPOSED SITE PLAN @ 1:500



LOCATION PLAN @ 1:1250

REVISIONS		
C	10/04/19	Updated as per Client Request
B	21/03/19	Updated as per Client Request
A	11/03/19	Revised boundary

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TEL: 01543 262444
WEB: WWW.NBA.CO.UK

CLIENT:
WINDYRIDGE PROPERTY LTD

PROJECT:
LAND TO THE REAR OF 14 - 27 EBRINGTON RD
WEST BROMWICH

DRAWING TITLE:
LOCATION PLAN AND PROPOSED SITE PLAN

PRELIMINARY

SCALE AS NOTED	SHEET A3
DATE AUG 2018	DRAWN BY JAB

DRAWING NO 30697	REV. 00	REV. C
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The contractor is to check and verify all site and building dimensions, levels and sewer invert levels prior to commencement of the works.

The contractor must comply in full with all current building legislation, such as British Standard Specifications, Building Regulations etc., whether or not specifically stated on this drawing.

This drawing is not intended to show foundation details, ground conditions or ground contamination. The contractor must investigate each area of land relied upon to support any structure - a suitable method of foundation should be provided to allow for existing ground conditions. Any suspect fluid ground, contaminants on or within the ground, should be further investigated by a suitable expert. Any earthwork constructions shown indicate typical slopes for guidance only and should be further investigated by a suitable expert.

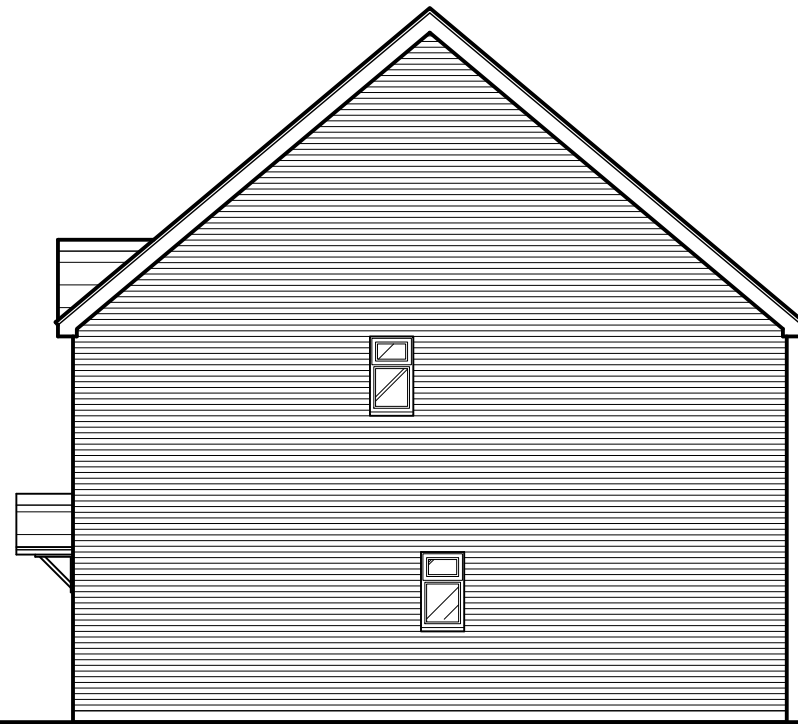
Where existing trees are shown to be retained they should be subject to a full Arboricultural Inspection for safety.

All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided in order to accommodate the proposed tree planting.

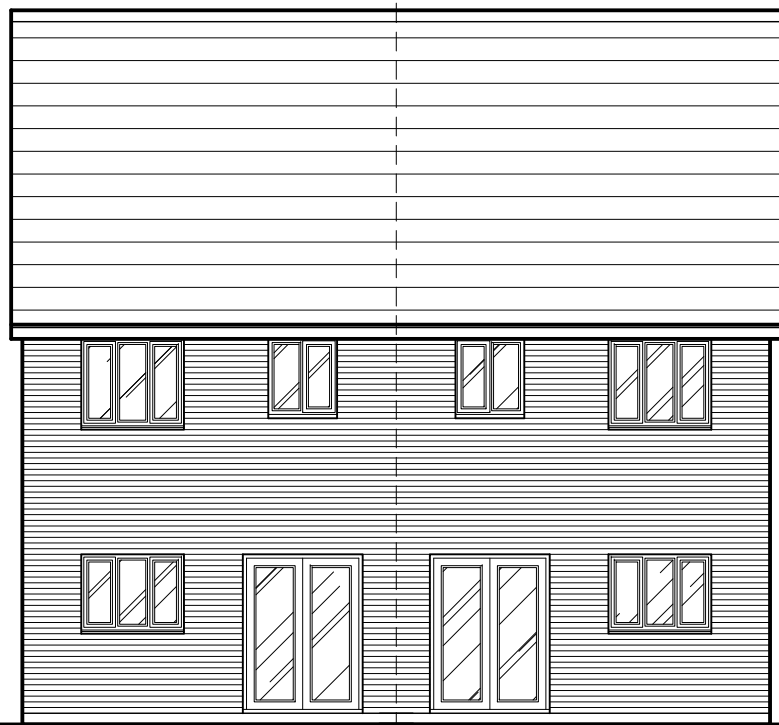
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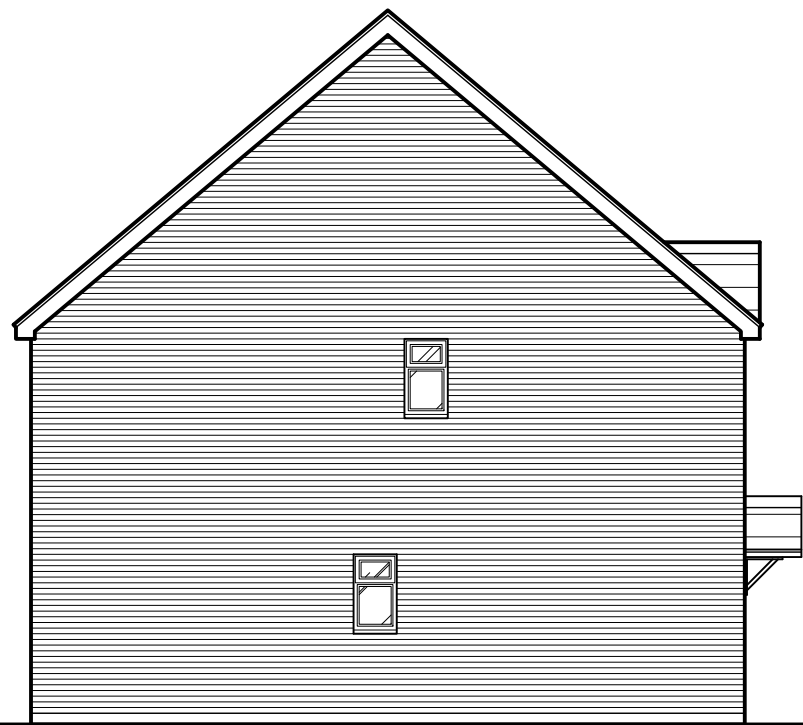
Proposed Front Elevation



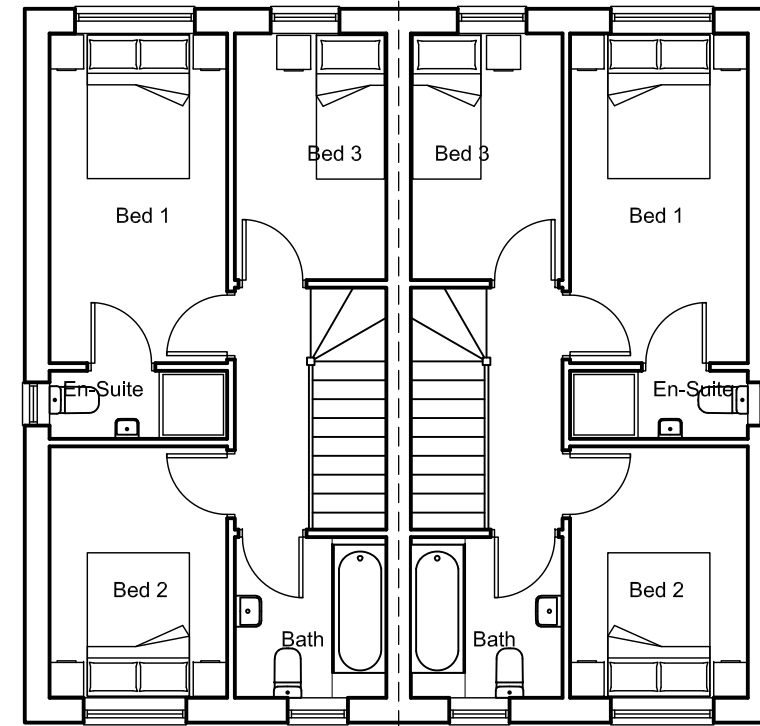
Proposed Side Elevation



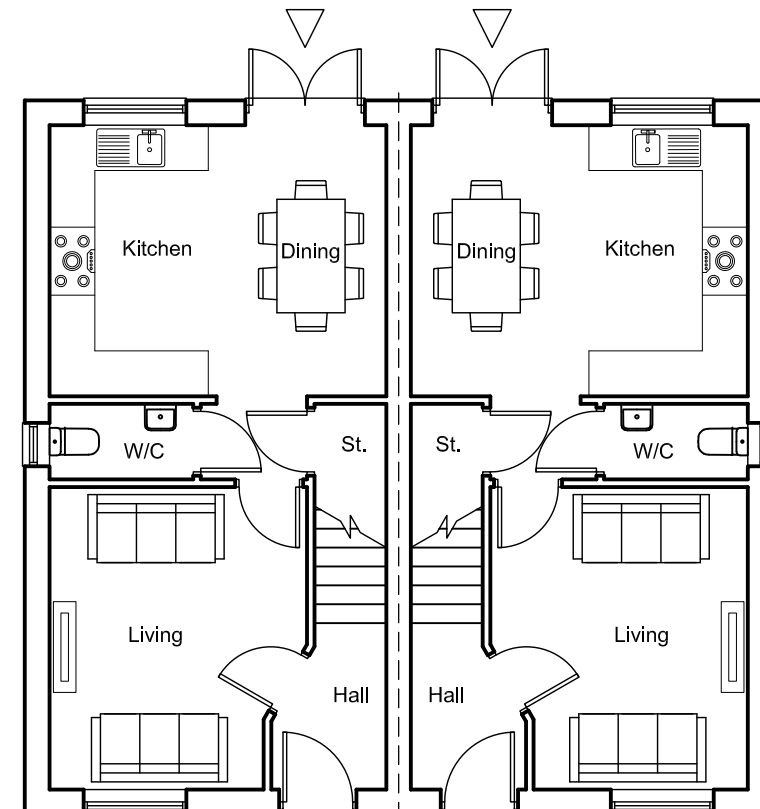
Proposed Rear Elevation



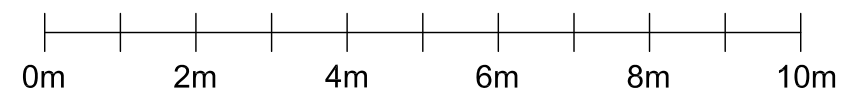
Proposed Side Elevation



Proposed First Floor Plan



Proposed Ground Floor Plan



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All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided in order to accommodate the proposed tree planting.

REVISIONS

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TEL: 01543 262444
WEB: WWW.NBA-A.CO.UK

CLIENT:
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PROJECT:
LAND TO THE REAR OF 14 - 27 EBRINGTON RD
WEST BROMWICH

DRAWING TITLE:
PLOTS 1-4
PROPOSED FLOOR PLANS & ELEVATIONS

PRELIMINARY

SCALE 1:100	SHEET A3
DATE JAN 2019	DRAWN BY JAB

DRAWING.NO 30697	REV. 02
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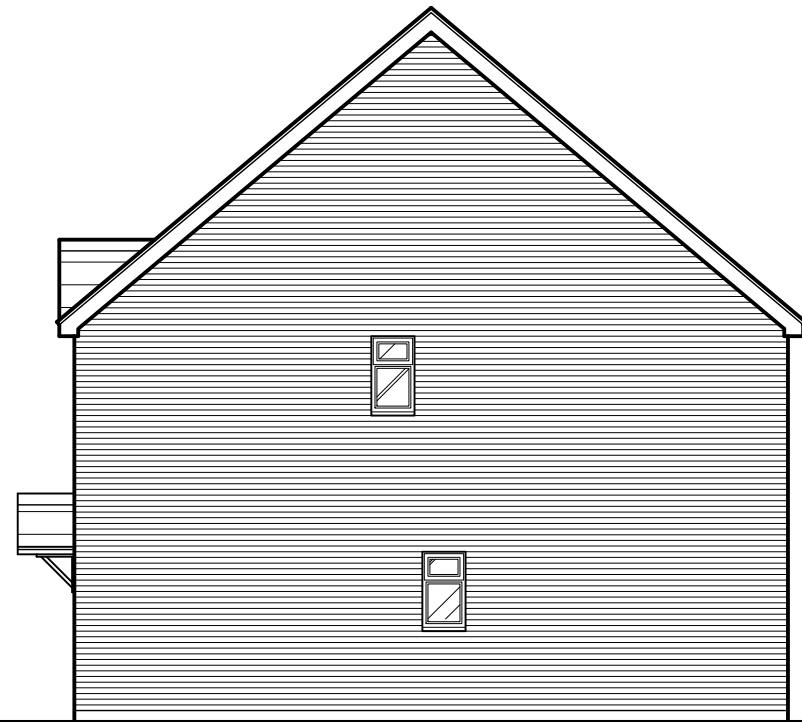
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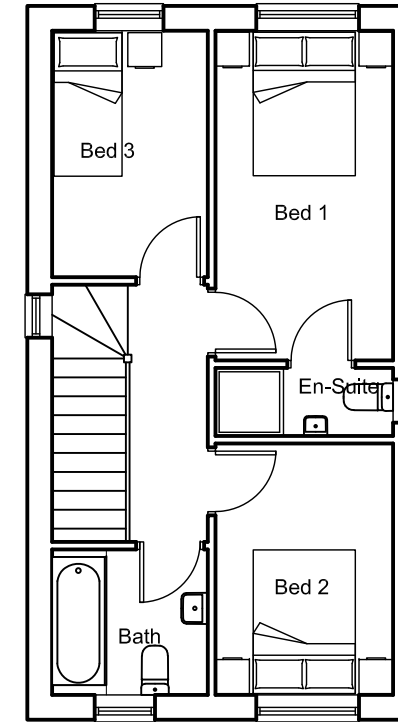
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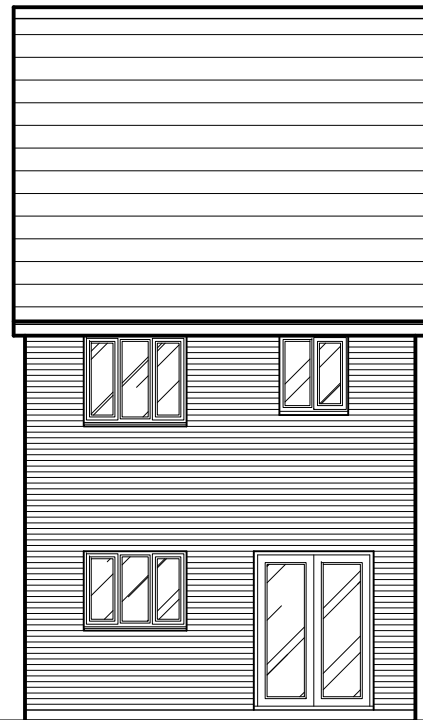
Proposed Front Elevation



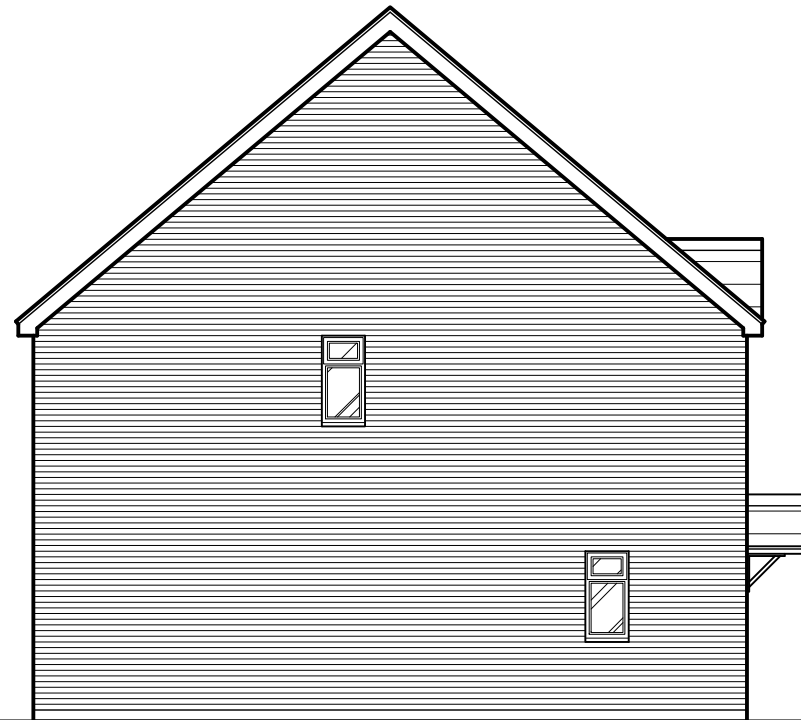
Proposed Side Elevation



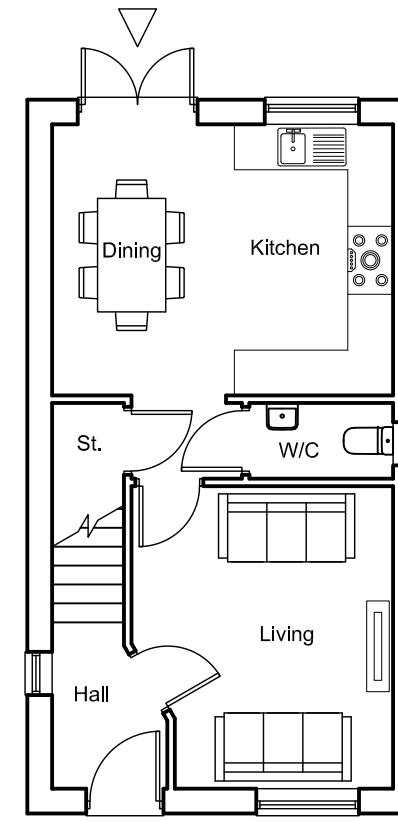
Proposed First Floor Plan



Proposed Rear Elevation



Proposed Side Elevation



Proposed Ground Floor Plan

REVISIONS

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PROJECT:
LAND TO THE REAR OF 14 - 27 EBRINGTON RD
WEST BROMWICH

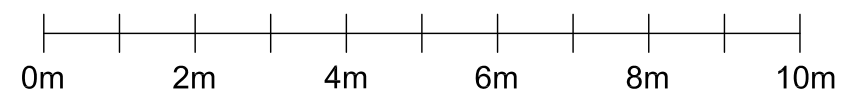
DRAWING TITLE:
PLOT 5
PROPOSED FLOOR PLANS & ELEVATIONS

PRELIMINARY

SCALE 1:100	SHEET A3
DATE JAN 2019	DRAWN BY JAB

DRAWING.NO 30697	03	REV.
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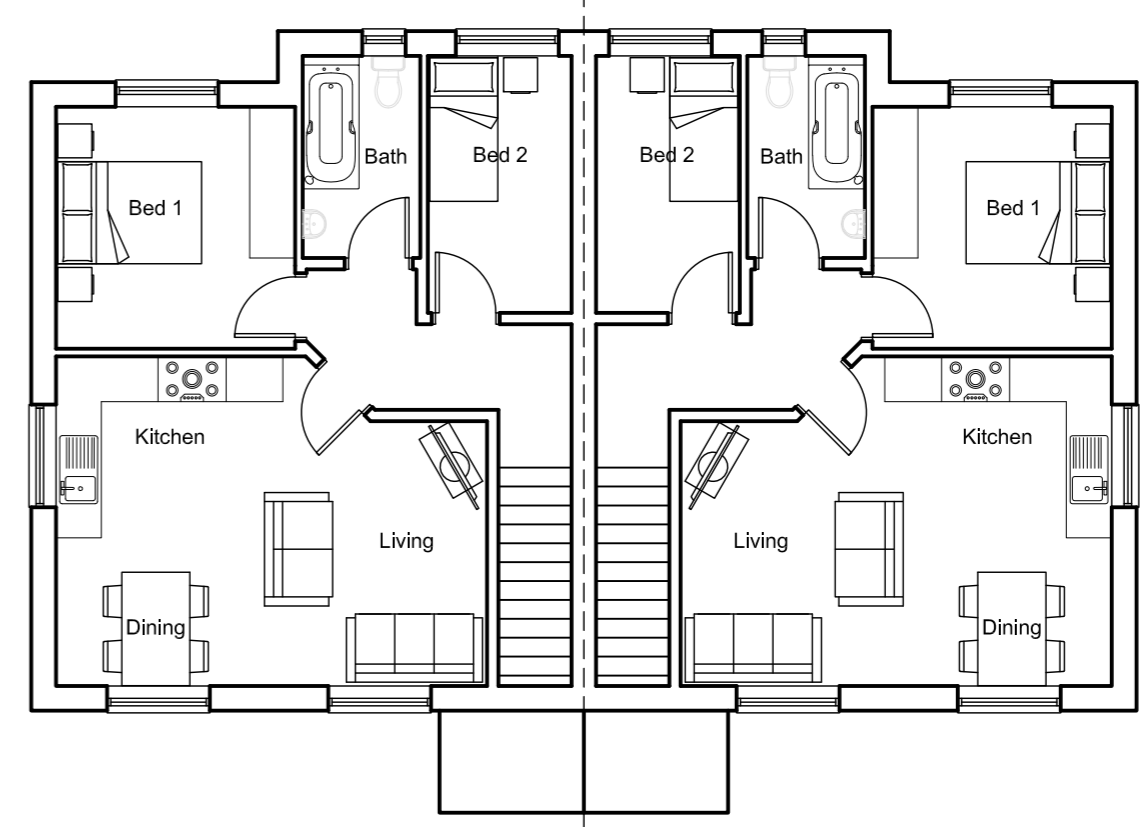
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Proposed Front Elevation

Proposed Side Elevation

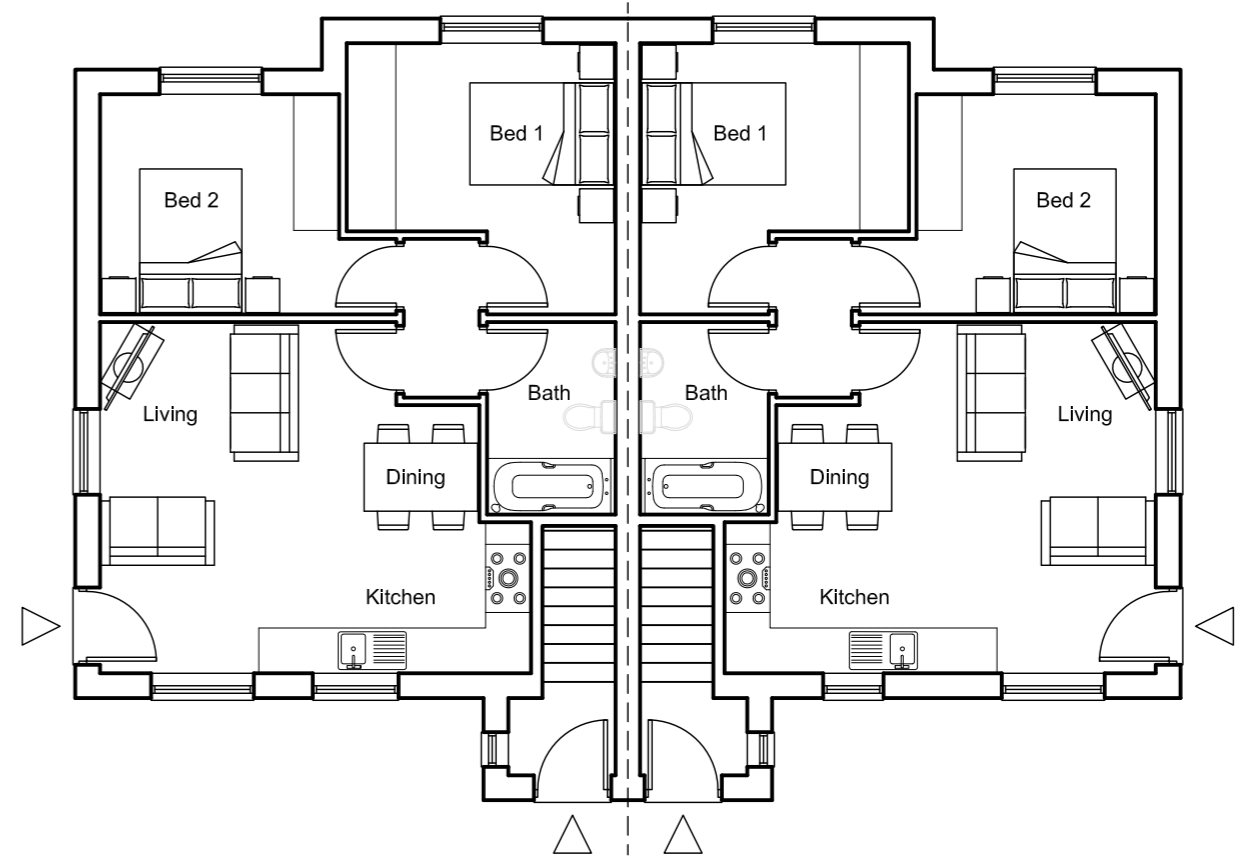


Proposed First Floor Plan



Proposed Rear Elevation

Proposed Side Elevation



Proposed Ground Floor Plan

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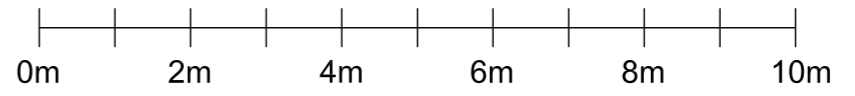
PROJECT:
LAND TO THE REAR OF 14 - 27 EBRINGTON RD
WEST BROMWICH

DRAWING TITLE:
PLOTS 6-9
PROPOSED FLOOR PLANS & ELEVATIONS

PRELIMINARY

SCALE 1:100	SHEET A2
DATE JAN 2019	DRAWN BY JAB

DRAWING.NO 30697	04	REV.
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- Notes**
1. Do not scale this drawing. All dimensions must be checked/ verified on site. If in doubt ask.
 2. This drawing is to be read in conjunction with all relevant architects, engineers and specialists drawings and specifications.
 3. All dimensions in millimetres unless noted otherwise. All levels in metres unless noted otherwise.
 4. Any discrepancies noted on site are to be reported to the engineer immediately.

Legend

Large Car (2016)
 Large Car (2015)
 Width: 1.8m
 Height: 1.5m
 Turning Radius: 5.0m

Rev	Date	Details of issue / revision	Draw	Rev
P5	09.04.19	PRELIMINARY ISSUE	JF	LT
P4	09.04.19	PRELIMINARY ISSUE	JF	LT
P3	04.04.19	PRELIMINARY ISSUE	JF	LT
P2	27.03.19	PRELIMINARY ISSUE	JF	LT
P1	27.03.19	PRELIMINARY ISSUE	JF	LT

Issues & Revisions

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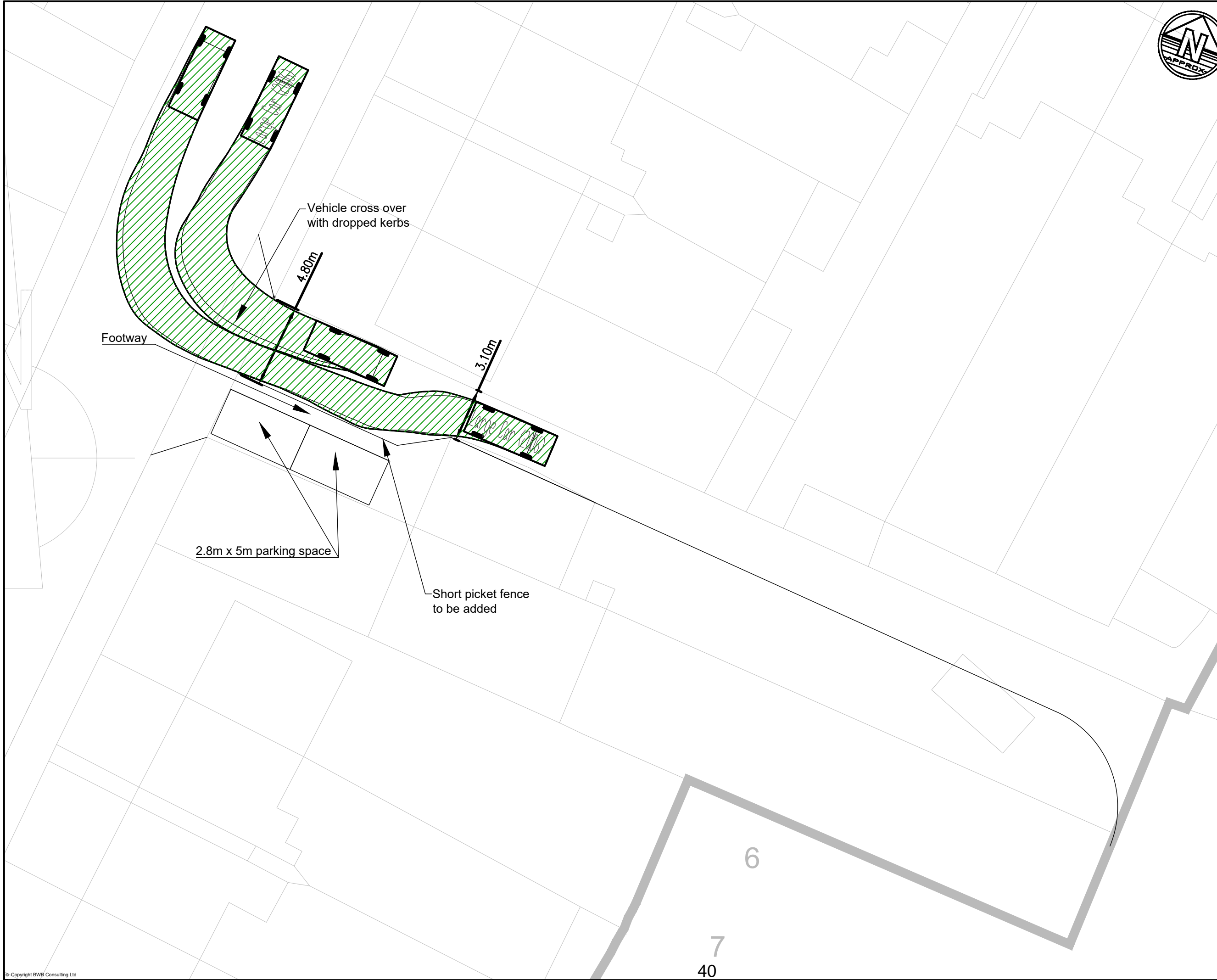
Project Title
**EBRINGTON ROAD,
 WEST BROMWICH**

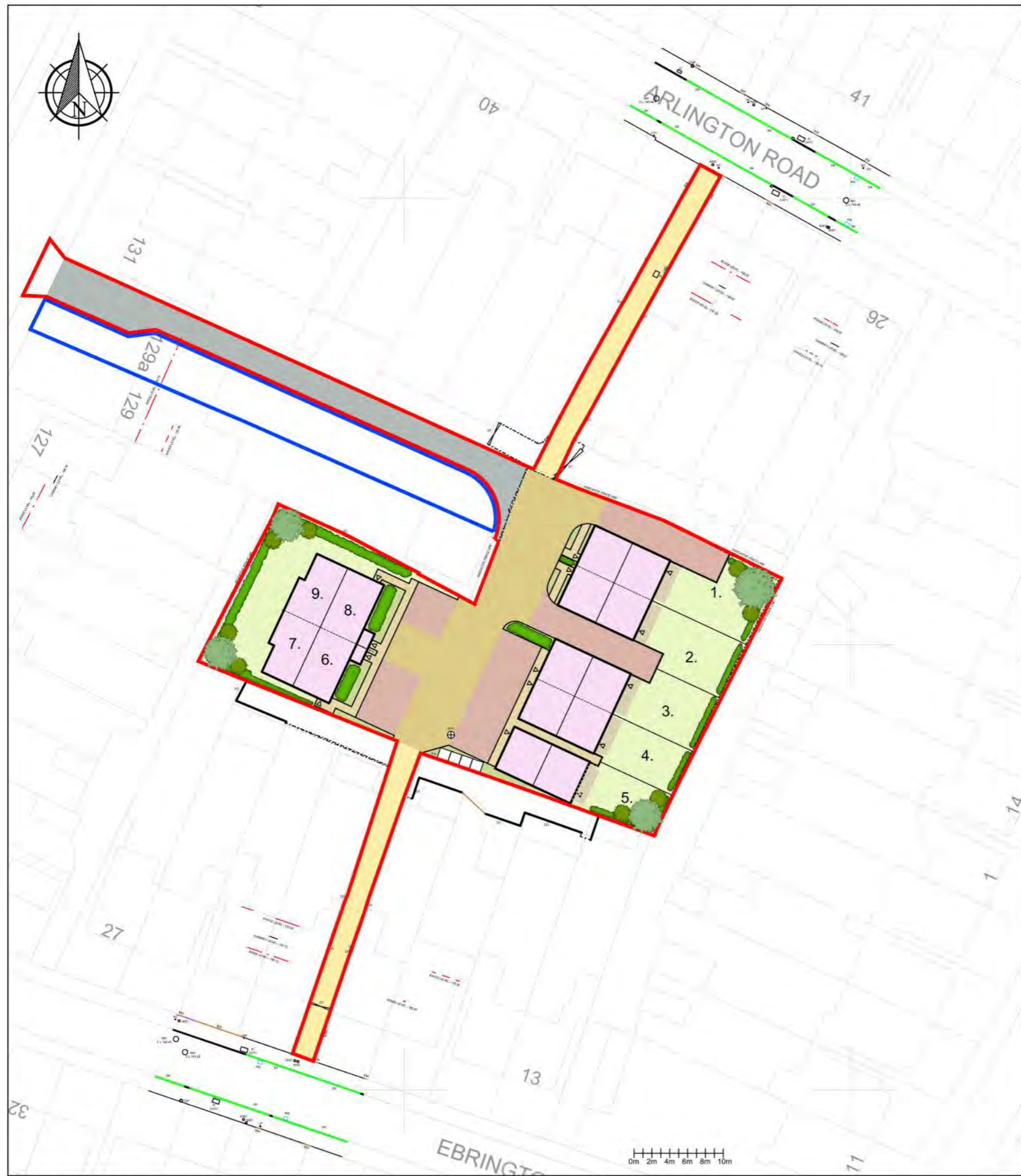
Drawing Title
**ALTERNATIVE PROPOSED
 ACCESS ARRANGEMENTS**

Drawn:	J. Farrell	Reviewed:	L.Thomas
BWB Ref:	BMT 2279	Date:	27.03.19
		Scale@A3:	1:200

Drawing Status
PRELIMINARY

Project - Originator - Zone - Level - Type - Role - Number
ARL-BWB-GEN-XX-DR-TR-123 S2 P5




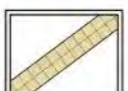
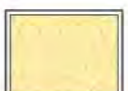






PROPOSED SITE PLAN @ 1:500

KEY

HARD LANDSCAPE KEY

-  BUILDING
-  COLOURED BLOCK PAVING SURFACING TO ROAD
Colour to suit adjacent hard surface areas e.g. buff
-  BLOCK PAVING TO FRONT
-  SLAB PAVING TO PATHS AND PATIOS
-  PERMEABLE GRAVEL
-  FENCE
-  TARMAC

SOFT LANDSCAPE KEY

-  **HEAVY STANDARD TREES**
Cupressusocyparis
Laylandii
10-12cm girth
5L Pot
-  **SPECIMEN SHRUBS**
(300mm depth of topsoil)
Species Supply Size Size
Hamamelis mollis 600-800mm 10L
Viburnum x burkwoodii 600-800mm 10L
-  **PROPOSED HEDGEROW**
(300mm depth of topsoil)
NATIVE HEDGE
Planted at 450mm centres in a double staggered row.
Rows to be 400mm apart.
% Species Supply Size Age Root
100% Carpinus betulus 600-800mm 1+1 OG
-  **ORNAMENTAL HEDGE**
Planted at 400mm centres in a single row.
% Species Supply Size Pot Size
100% Escallonia 'Apple Blossom' 400-600mm 3L
-  **PROPOSED ORNAMENTAL PLANTING**
(300mm depth of topsoil)
Species Supply Size Pot Size Spacing
Anemone x hybrida 'Honore Jobert' Strong Clump 2L 500mm c/s
Bergenia 'Silberlicht' Strong Clump 2L 400mm c/s
Cornus alba 'Sibirica' 600-800mm 3L 600mm c/s
Cornus stolonifera 'Kelseyi' 400-600mm 3L 450mm c/s
Geranium macrorrhizum 'Album' Strong Clump 2L 400mm c/s
Helleborus orientalis Strong Clump 2L 400mm c/s
Liriope muscari 'Big Blue' Strong Clump 2L 400mm c/s
Lonicera pileata 300-400mm 2L 500mm c/s
Pachysandara terminalis 150-200mm 2L 400mm c/s
Persicaria affinis 'Darjeeling Red' Strong Clump 2L 300mm c/s
Rosa 'Kent' 300-400mm 3L 450mm c/s
Sarcococca hookeriana var. humilis 200-300mm 2L 400mm c/s
Vinca minor 'Bowles Variety' 200-300mm 2L 400mm c/s
-  **PROPOSED MOWN GRASS TO FRONT OF PRIVATE PROPERTY**
(150mm depth of topsoil)
-  **PROPOSED MOWN GRASS TO REAR OF PRIVATE PROPERTY**
(150mm depth of topsoil)
-  **SITE BOUNDARY**

The contractor is to check and verify all site and building dimensions, levels and sewer invert levels prior to commencement of the works.

The contractor must comply in full with all current building legislation, such as British Standard Specifications, Building Regulations etc., whether or not specifically stated on this drawing.

This drawing is not intended to show foundation details, ground conditions or ground contamination. The contractor must investigate each area of land relied upon to support any structure - a suitable method of foundation should be provided to allow for existing ground conditions. Any suspect fluid ground, contaminants on or within the ground, should be further investigated by a suitable expert. Any earthwork constructions shown indicate typical slopes for guidance only and should be further investigated by a suitable expert.

Where existing trees are shown to be retained they should be subject to a full Arboricultural Inspection for safety.

All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided in order to accommodate the proposed tree planting.

REVISIONS

B	24/04/19	Materials updated
A	10/04/19	Revised to match site plan

neil boddisson associates ltd



architecture planning land

POOL HOUSE, 30 DAM STREET, LICHFIELD, WS13 6AA
TEL: 01543 262444
WEB: WWW.N-B-A.CO.UK

CLIENT:
WINDYRIDGE PROPERTY LTD

PROJECT:
LAND TO THE REAR OF 14 - 27 EBRINGTON RD
WEST BROMWICH

DRAWING TITLE:
LANDSCAPING PLAN

PRELIMINARY

SCALE AS NOTED	SHEET A3
DATE AUG 2018	DRAWN BY JAB

DRAWING.NO 30697	01	REV. B
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Committee: 14th August 2019 **Ward:** St Pauls

DC/19/62842

c/o Anjum Design 435 Stratford Road Shirley B66 1RW	Proposed change of use to 8 bed, 8 person HMO (House in multiple occupation) 12 Gibson Drive Smethwick B66 1RW
--	--

Date Valid Application Received 4th March 2019

1. Recommendations

Grant approval subject to;

- i) Implementation of parking layout and retained;
- ii) Implementation of landscaping and drainage scheme;
- iii) Details of enclosed bin storage area;
- iv) Details of covered storage for cycle provision.

2. Observations

At your last committee, your members resolved to defer the application pending amended plans showing an acceptable parking layout.

This application had been brought to your committee because the application had originally received four objections. Subsequent to the last meeting a petition letter with 28 signatures has been received which is summarised below and the petition letter is also attached to this report

The application relates to an end-of-terrace dwellinghouse on the south-eastern side of Gibson Drive. The property sits within a modern housing development which was built around the turn of the century.

The application is for the conversion of the existing 5-6 bedroom property into an 8 bedroom HMO. This would include the

reconfiguration of the interior layout and the conversion of the existing garage. The ground floor would include three bedrooms and a laundry room. The first floor would include a fourth bedroom and a substantial communal area of over 35sqm incorporating a lounge, dining area and kitchen. The second floor would include four further bedrooms. Each bedroom would have a private en-suite shower room.

Publicity

The application was publicised by neighbour notification letters and along with receipt of five individual responses, a petition letter has been received with 28 signatures from 28 individual households. A letter has also been received by John Spellar which refers to the concerns expressed by his constituents in particular the impact on the immediate area but also the precedent for the estate which is very largely family properties. The objections are summarised below:-

- (i) The residents have made reference to Birmingham City and Wolverhampton City Council's HMO policy and question why Sandwell does not have a similar policy. In particular reference made to policies within Wolverhampton's document, namely parking, bin storage, anti-social behaviour and character and appearance;
- (ii) Reference is also made to the government's report 'Evidence Gathering – Housing in Multiple Occupation (DCLG 2008)' which recognises the problems associated with HMOs;
- (iii) Impact on traffic – the introduction of the HMO will put pressure on the area which already struggles from a shortage of car parking;
- (iv) Safety for pedestrians – the parking areas is already uses as a rat run between Berry Drive and Gibson Drive and residents are concerned that the proposed parking layout would acerbate this further;
- (v) Adverse effect on the environment – increased or larger bins for the property which would be unsightly, and potential poor management of rubbish and increased frequency of collections generating noise and disturbance;
- (vi) Increase in crime – the residents refer to the concerns of the police regarding adding to fear of crime. The uncertainty of the occupants, will they be ex-offenders etc.
- (vii) Need for family accommodation vs single accommodation – the residents understand the need for one bed properties but

consider that there is a high demand for family homes given recent development in the area. They state that there are already two HMOs in Brindley Village;

- (viii) Out of character, poor design and overdevelopment;
- (ix) Loss of privacy;
- (x) Disruption from the conversion works;
- (xi) Queries about the HMO licence process;
- (xii) Loss of value to property and changes to their Council Tax;
- (xiii) Boundary queries;
- (xiv) Enquired as to the site owner and
- (xv) The possibility of a precedent being set.

Responses to objections

- (i) With regard to policies at other local authorities, both Birmingham and Wolverhampton have introduced Article 4 Directions to restrict permitted changes for small HMOs of 3-6 people. This is due their high student populations in some areas, in particular for Birmingham, Selly Oak, Edgbaston and Harborne. Sandwell, does not suffer from a high student population and hence the imposition of an Article 4 Direction, whilst being reviewed, has not been introduced. It should however be noted that such a direction would not have prevented this proposal as the direction only relates to small HMO of 3-6 people. It is accepted that Wolverhampton have produced a wider policy document, however much of the content is found in national policy and Sandwell's Residential Design Guide and therefore these matters are given consideration by Sandwell prior to the determination of large HMO proposals. These matters are addressed more fully in the points (iii) to (vi), (viii) and (ix) below;
- (ii) The DCLG's 'Evidence Gathering Document's purpose was to identify areas that manage to cope with high concentrations, particularly occupied by students. Therefore as with (i) above this is not a known problem to Sandwell and hence not relevant to the determination of this application;
- (iii) Impact on traffic – members will recall that the proposal was deferred due to concerns regarding the proposed parking layout. An amended parking layout has been received and is attached which shows four parking spaces, secure cycle storage in the rear garden and associated landscaping. It is however noted that parking pressures are prevalent within this area, however the revised layout has been reviewed by the Head of Highways and his has no further objections.

- (iv) Safety for pedestrians – A 6 bedroom house requires 3 parking spaces and hence it is considered that one additional space would not significantly increase vehicles within this area and as indicated in (iii) above;
- (v) Adverse impact on the environment – it is accepted that poor management on any property whether a HMO or a family home can have a detrimental effect on the amenity of an residential area, however the revised drawing has shown clearly marked out area for bins which is secure and hidden from street frontage. The number of bins is no greater than a normal domestic household and would be collected in the same way. Therefore it is considered that these changes would not have a detrimental effect on residential amenity through additional nuisance or untidy land.
- (vi) Increase in crime – this is a material planning consideration and further consideration is given to this in relation to the statutory response from West Midlands Police;
- (vii) Need for family houses verses HMOs, it is accepted that there is a shortage of housing provision within Sandwell, and work is on going to identify further sites for new homes. It is however also recognised that there is also a need for homes in multiple occupation, for single people who are unable to afford rents for flats and houses. Therefore the merits of this proposal can not be judged on housing demand alone;
- (viii) The proposal, in terms of design, does not make any significant changes to the external appearance of the original property, namely a change of a garage door to a window. Such changes have occurred to many properties on the Brindley Village estate. With regard to over development, the proposal is to create eight single bedrooms so would house a maximum of eight occupants. The existing 5-6 bedroom house could reasonably be expected to accommodate a family of eight;
- (ix) As referred to in (viii) there are limited external changes to the property and hence this would not create any overlooking additional to the previous use a family home;
- (x) Disruption during the construction process, if members are so minded the hours of construction work could be conditioned;
- (xi) Residents have queried the HMO licensing process but this is not a planning consideration and will be dealt with by Private Sector Housing; The amount of works needed to implement this proposal would not be considered likely to cause unreasonable disturbance to neighbours.

The remaining points (xii) to (xv) are not material planning considerations

Statutory Consultee Responses

Private Sector Housing

Private Sector Housing raised objections based on fire precaution works, sound, ventilation, emergency lighting and licencing. None of these are material planning considerations and are controlled by building regulations and licencing. They also commented that refuse storage areas are not shown, however subsequent amended plans show the location of waste bins relocated to the rear of the property.

Transportation Planning

Transportation Planning requested a covered cycle storage area.

Planning Policy

Planning Policy had no concerns.

Highways

The amended plans are acceptable and Head of Highways has no further objections.

West Midlands Police

West Midlands Police objected to the application. This objection was based on an assumption that the owners could run the HMO poorly and there would be a consequential increase in fear of crime. They correctly point out that fear of crime is referred to in the NPPF as a material planning consideration. However, consideration should also be given to guidance from recent decisions by the Planning Inspectorate. A recent appeal against the refusal of permission for a number of HMOs on Bearwood Road was upheld. The refusals were partly attributable to West Midlands Police concerns about fear of crime. The inspector commented;

“there is no substantive evidence to suggest that the proposals would lead to a significant increase in on-street parking in the vicinity of the sites. Even if parking were to significantly increase, despite the

concerns raised by the police, there is no evidence that such an increase in parking would result in an actual or perceived increase in car crime.”

And;

“there is no substantive evidence that the proposed HMOs would attract or be likely to be occupied by persons more likely to commit crimes or to carry out anti-social behaviour.”

In case of this application, no evidence has been provided to demonstrate that any increased fear of crime would occur as a result of this proposal.

This appeal decision led to a substantial claim for costs.

Conclusions

This proposed HMO would provide good quality accommodation for eight adults. The rooms sizes would exceed housing’s standards and a particularly large amount of communal space would be provided.

It must also be considered that a change of use from a single family dwelling to a 6 person HMO can be done without the need for a planning application, and therefore with no Council control. This application is for an 8 person HMO. Therefore the consideration of this application should focus on the additional impact that the 2 additional occupants would have.

The off-street parking provision would meet Sandwell’s parking requirements.

There is no evidence that the proposal would increase crime or fear of crime.

There are no policy impediments to this proposal.

Conditional approval is therefore recommended.

3. Relevant History

DD/96/32443 - Residential development (outline consent).

DC/98/34284 - The construction of 156 new dwellings, roads, sewers and associated works and new public open space.

4. Central Government Guidance

National Planning Policy Framework (NPPF) refers to good design, fear of crime and sustainable development

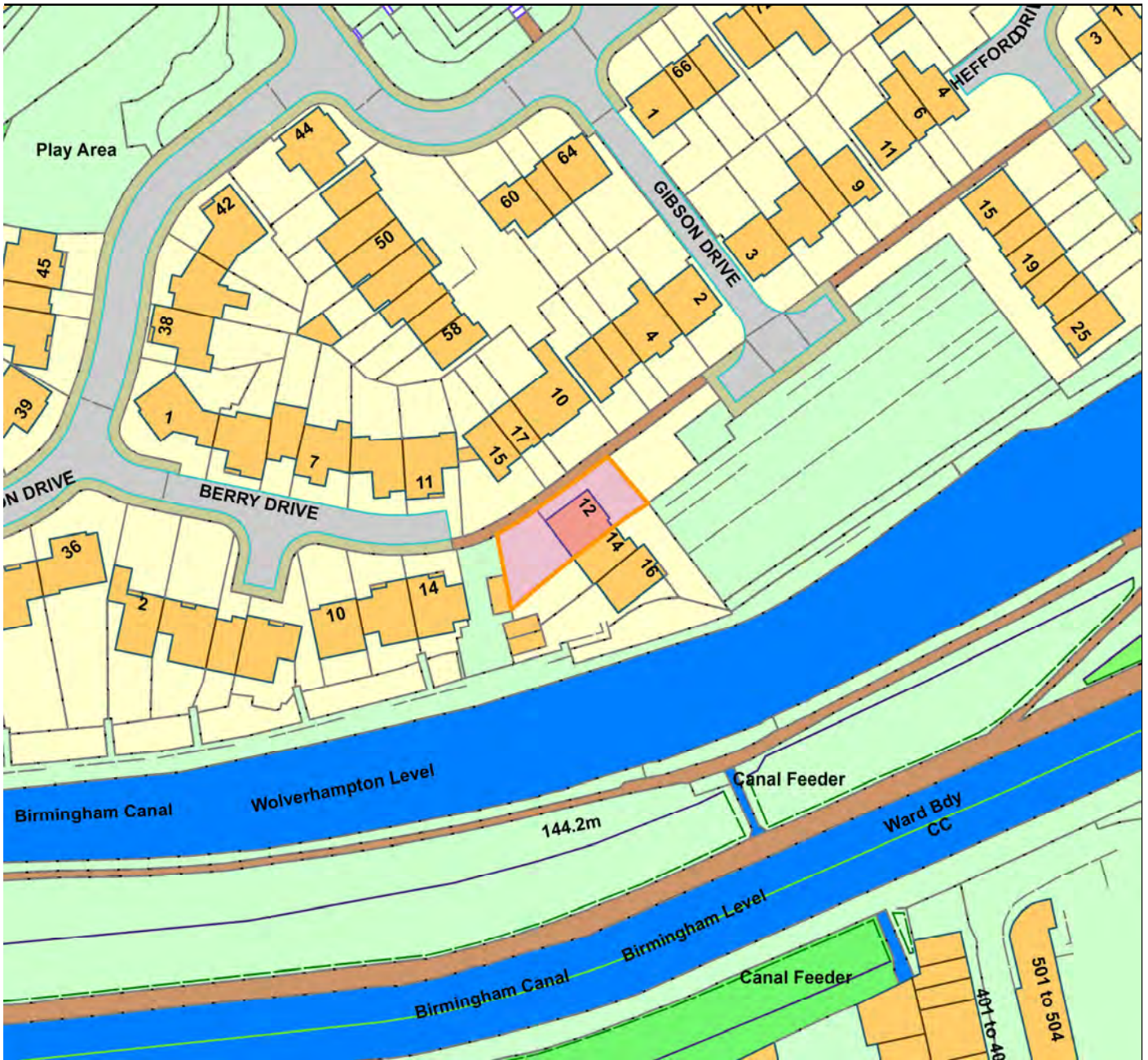
5. Development Plan Policy

ENV3 – Design Quality
SADD EOS9 – Urban Design Principles

6. Contact Officer

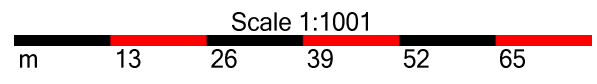
Mr David Paine
0121 569 4865
david_paine@sandwell.gov.uk

DC/19/62842
12 Gibson Drive



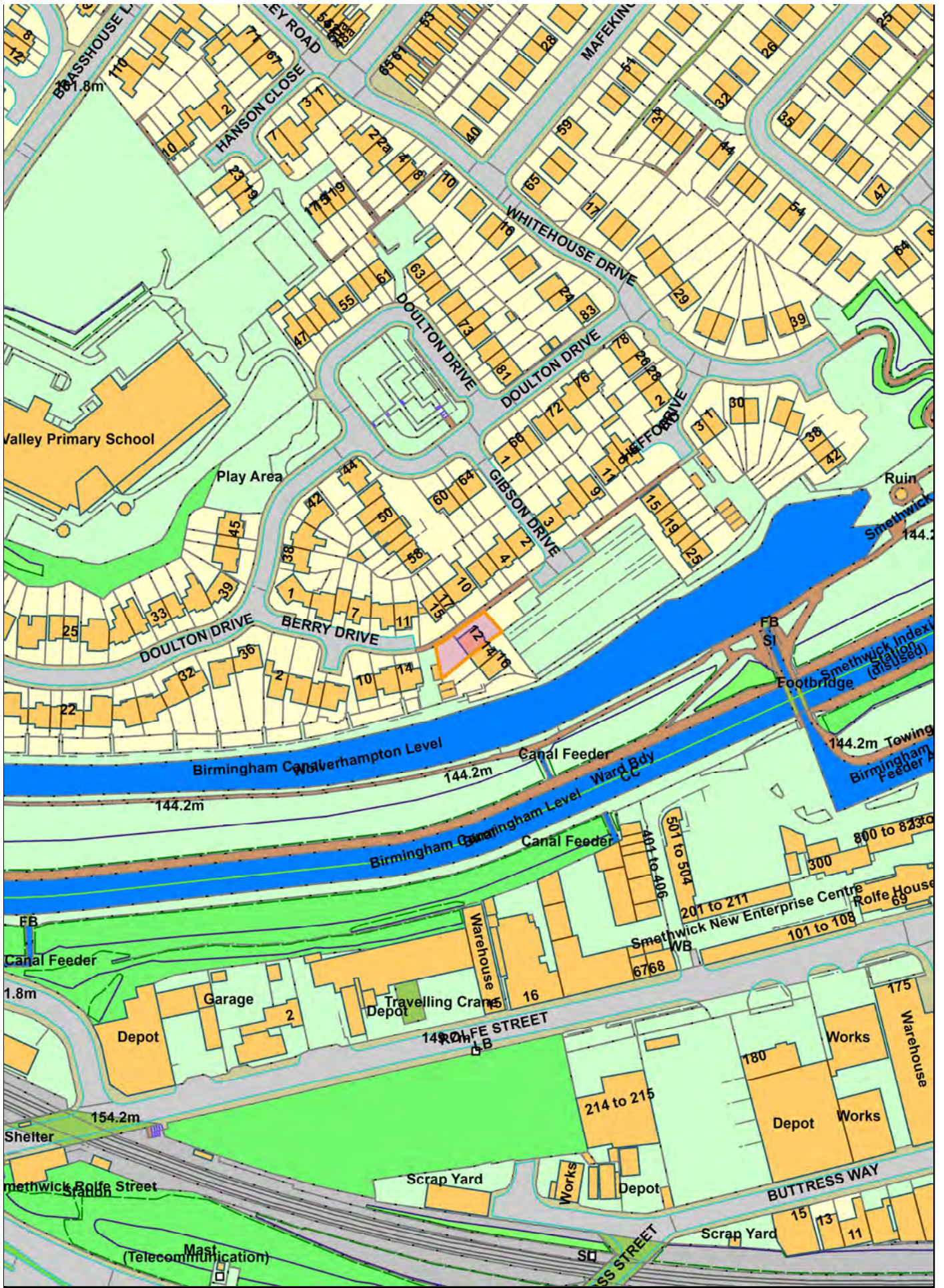
Legend

Scale 1:1001



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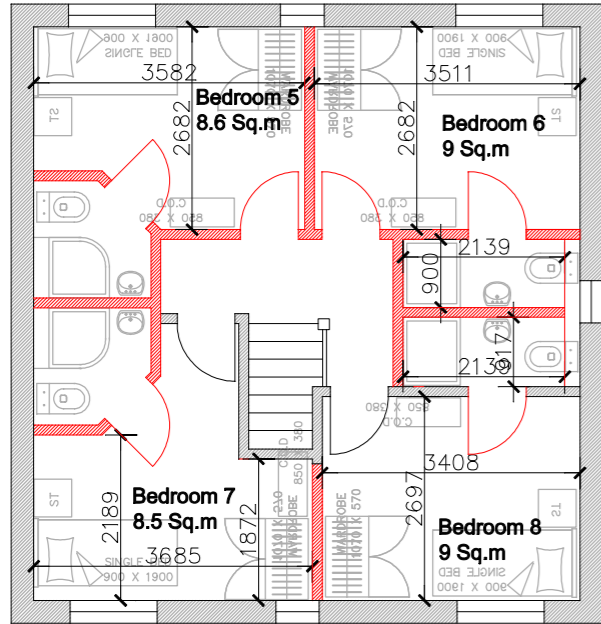
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Comments	Not Set
Date	22 May 2019
OS Licence No	



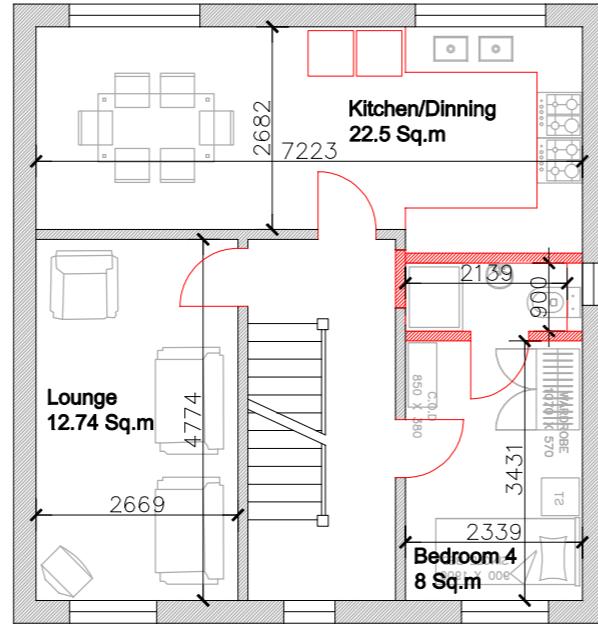
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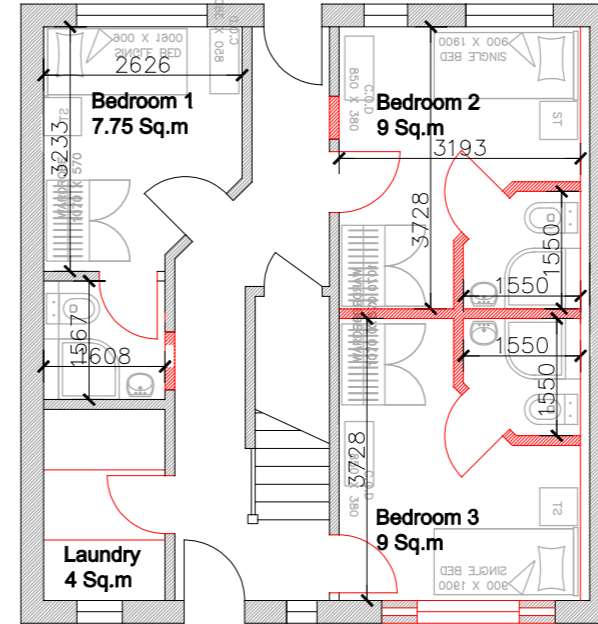




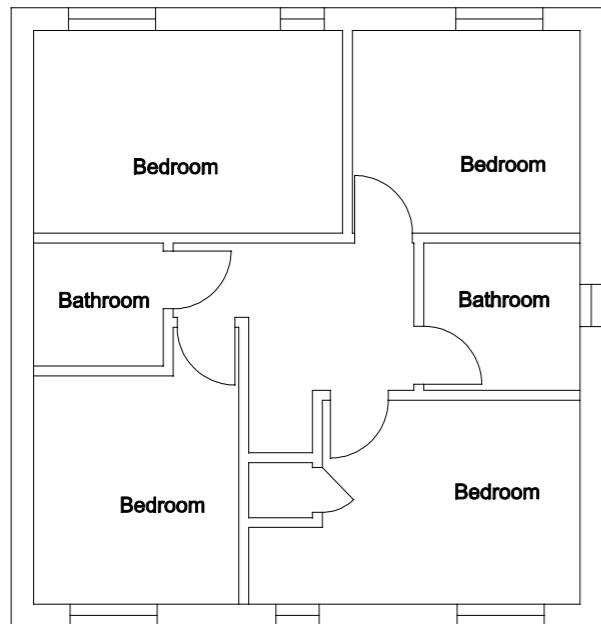
Second Floor
Scale 1:100



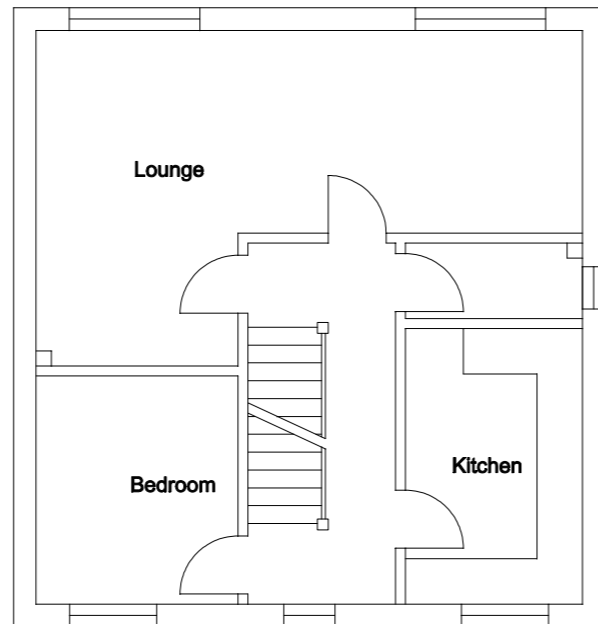
First Floor
Scale 1:100



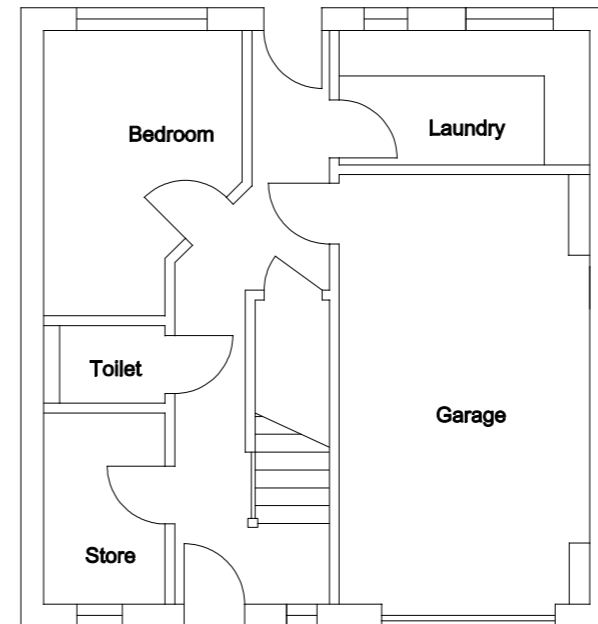
Ground Floor
Scale 1:100



Second Floor
Scale 1:100



First Floor
Scale 1:100



Ground Floor
Scale 1:100

Rev	Description	Date	chkd
			
Anjum Design Limited, 435 Stratford Road Shirley, Solihull B90 4AA TEL: 0121 364 7650 E: info@anjumdesign.co.uk			
Project: 12 Gibson Drive, Smethwick B66 1RW 8 Bedrooms HMO Conversion			
Scale:	Drawn by:	Date:	Status:
As shown @ A3		Feb 2019	Planning
Title: Existing & Proposed FloorPlans			
Drg. No. PL02			Rev:

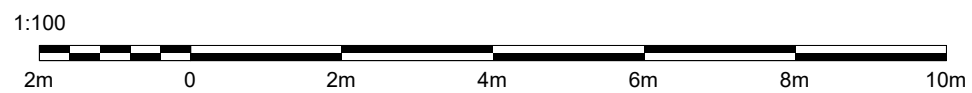


Proposed Front Elevation
Scale 1:100



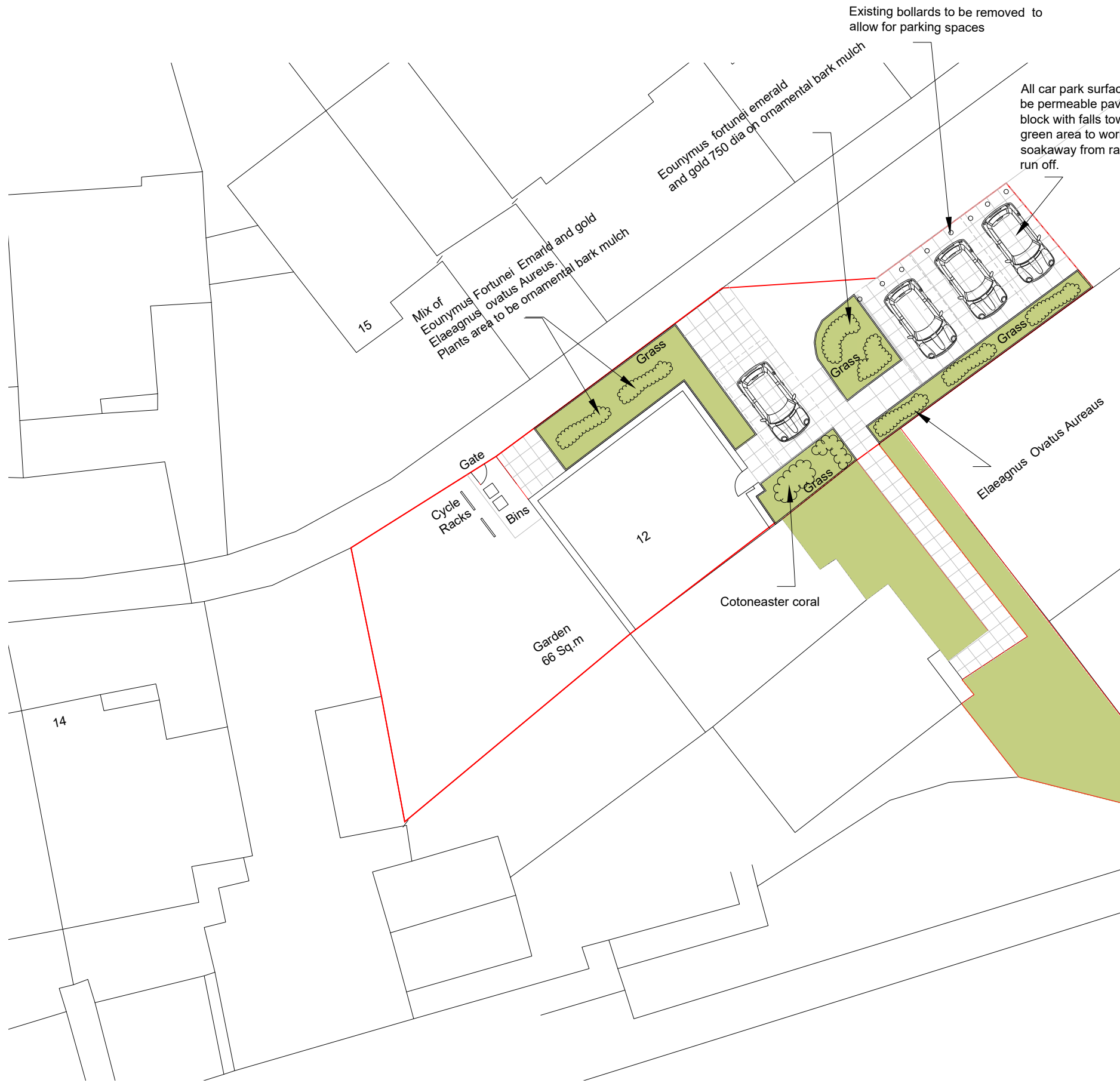
Existing Front Elevation
Scale 1:100

Existing garage door replace with infill brick wall and upvc window matching existing



SCALE BAR 1:100

Rev	Description	Date	chkd
			
Anjum Design Limited, 435 Stratford Road Shirley, Solihull B90 4AA TEL: 0121 364 7650 E: info@anjumdesign.co.uk			
Project: 12 Gibson Drive, Smethwich B66 1RW 8 Bedrooms HMO Conversion			
Scale:	Drawn by:	Date:	Status:
As shown @ A3		Mar 2019	Planning
Title: Existing & Proposed Elevations			
Drg. No.			Rev:
PL03			



Location Plan
Scale 1:1250

North

To comply with sustainable drainage regulations rainfall run-off will be managed by landscaped green areas which will act as soakaway for the run-off

All car park surfaces to be permeable paving block with falls towards green area to work soakaway from rain fall run off.

Site Plan
Scale 1:200

Rev	Description	Date	chkd
			
Anjum Design Limited, 435 Stratford Road Shirley, Solihull B90 4AA TEL: 0121 364 7650 E: info@anjumdesign.co.uk			
Project: 12 Gibson Drive, Smethwich B66 1RW 8 Bedrooms HMO Conversion			
Scale:	Drawn by:	Date:	Status:
As shown @ A3		Feb 2019	Planning
Title: Location Plan and Site Plan			
Drg. No.			Rev:
PL01			E



To: David Paine c/o Alison Bishop

cc: John Speller MP, Councillor Babu Singh Bawa, Councillor Zahoor Ahmed, Councillor Samyeh Akter

Re: DC/19/62842 - Planning application & change of use for 12 Gibson Drive, Smethwick, B66 1RW

Page 1/6

We, the families of Brindley Village, object to plans to change the 5/6 bedroom family townhouse located on the Piazza, to an 8 bed, 8 person HMO. Brindley Village is made up of 2, 3, 4, and 5/6 bedroom houses which are occupied by multi-generational families and former/new residents of Smethwick, many of whom moved into the estate when it was first built 20 years ago. We believe the planning department is not fully aware of the strength of feeling amongst families, some of whom may contact you in addition to signing this petition. Below are the reason for our objections. These are not listed in order of priority but based on conversations with signatories, many of whom were not aware of the planning application & change of use proposal because a notification letter was not sent out to them or because English is not their first language. We would be grateful if our objections could be heard and taken into consideration during the planning meeting on 14th August 2019.

We understand that Birmingham Council has an HMO policy, which is under review; however, Sandwell Council does not have a similar policy. As part of the West Midlands Combined Authority, we believe Sandwell Council should consider following best practice and introduce its own policy to ensure that number of HMOs are appropriately managed. There are already two HMOs in Brindley Village and as the estate is close to the border of Birmingham and not protected by An Article 4 Direction, we are concerned that our area will become a natural stepping stone for Birmingham HMOs as well as Sandwell HMOs. In view of this and the lack of guidance available, the principles set out in "House in Multiple Occupation (HMO) Planning Guidance, February 2018" (Wolverhampton Council), key issues to consider when determining HMO proposals relate to the following (listed below) and our collective concerns relate to these issues amongst others:

- a) Character and appearance;
 - i. Section 1.12 - A proposed HMO should not result in parking dominated frontages or loss of rear garden land. Atypical garden arrangements, unduly prominent bin storage areas or an intensification of the use resulting in increased comings and goings in a quiet street/area may all have a detrimental impact on the character of an area.
 - ii. Section 1.13 - Significant alteration of the external appearance of the building or the immediate space around it may harm the existing character of an area.
- b) Crime and anti-social behaviour;
 - i. Section 1.20 - A proposed HMO should not increase the potential for anti-social behaviour, crime and the fear of crime. Evidence from neighbours and the Police will be taken into account.
- c) Parking and the potential impact on highway safety;
 - i. Section 1.24 - A HMO should not cause significant detriment to pedestrian safety and the safe and free flow of road traffic.
 - ii. Section 1.28 - In areas where houses rely on on-street parking only, the Council will determine whether the proposed use will generate a greater parking demand or vehicle trips than the existing house. Where it would significantly add to congestion, there should be off-street parking provided or the proposal is likely to be refused.
 - iii. Section 1.29 - Tandem off-street parking bays are not acceptable for HMOs, as they can be difficult to manage for occupants who are unrelated. Bays could be underutilised and result in additional on-street parking.
 - iv. Section 1.30 - The provision of off-street parking may result in the replacement of traditional front gardens with open hard standing and the removal of front and side boundary walls, these elements often add to local distinctiveness. This often creates a negative impact on the existing character of the street and, in some cases localised flooding, and will, therefore, be resisted.
 - v. Section 1.31 - Detriment can be caused by off-street parking areas in rear gardens of properties. This increases noise disturbance to adjacent neighbours, who can expect a more tranquil environment in private amenity areas.

We understand in 2008 the Government published the final report "Evidence Gathering – Housing in Multiple Occupation and possible planning responses" (DCLG 2008) which recognised the problems associated with HMOs and identified issues that were common to local authorities, and the impacts that need to be managed:

- Through high levels of occupation and transient residents, imbalanced and unsustainable communities
- Negative impacts on the housing stock and physical appearance of properties
- Increased on-street parking pressures arising from shared households
- Loss of stock of family homes
- Residents can feel marginalised and isolated as permanent residents, leading to the demoralisation of established residents and the change in nature of local communities

To: David Paine c/o Alison Bishop

cc: John Speller MP, Councillor Babu Singh Bawa, Councillor Zahoor Ahmed, Councillor Samiya Akhter

Re: DC/19/62842 - Planning application & change of use for 12 Gibson Drive, Smethwick, B66 1RW

Page 2/6

In direct relation to application DC/19/62842, our collective issues relate to:

1. Impact to traffic and existing parking for residents.

The proposed conversion of the property into an 8-bedroom HMO will have a negative impact on existing parking pressures. There is already a shortage of adequate parking for existing families and visitors including those who live at 10, 8 and 6 Gibson Drive, resulting in ongoing issues with double parking and with access. This is currently being managed through good will. We are concerned that this problem will be exacerbated if the number of parking spaces for the property is increased over and above the original number of parking spaces allocated for the 5/6-bedroom family dwelling.

2. Safety of pedestrians.

We strongly believe that this development will have a negative impact on pedestrian safety. The proposals submitted indicate additional parking space to the side of the property, which is adjacent to a public path linking Berry Drive to Gibson Drive. Currently, there is an ongoing problem as this path is being used as a 'rat run'; where vehicles are mounting the footpath in order to access Gibson Drive from Berry Drive (or vice versa). This footpath is regularly used throughout the day by the residents, including school children, mums with pushchairs and pensioners. We are concerned this problem will be exacerbated as this is a direct route to the proposed parking. There is also a greater risk of collision with a streetlight, and with parked cars at 10 Gibson Drive, 15 Berry Drive and 17 Berry Drive which are within their respective boundaries.

3. Adverse on the Environment.

We believe that this development will have an adverse effect on the environment. We are not only concerned about refuse storage facilities and the need of bigger bins, but these will be 'unsightly' for families whose living rooms overlook the planned location of bins. We are also concerned about an increase in rubbish each time tenants move in or out of the property, and whether or not there will be additional collections to manage rubbish generated, together with access by refuse vehicles. Noise and disturbance is also of concern for families adjoining the property.

4. Increase in crime.

We understand that the police have already raised concerns about an increase in crime as a result of development. We agree with the police and would like to add 'fear of crime' to their concerns. The nature of the proposed development, when considering the density of accommodation, the room sizes, and basic facilities being proposed has added to our anxiety about the introduction of a 'safehouse', of a 'rehabilitation facility', of student accommodation, of ex-offender accommodation, and of short-term lets with a potential high turnover of tenants. Studies carried into HMO lettings have indicated that single tenants tend to be under 30 years of age, with active social lives, a disregard to their neighbours, add to noise pollution and have a tendency of receiving a greater number of late-night visitors. There is already low level anti-social behaviour on the Piazza at night including noise and drug use, which we are controlling. We have tried to reach out to the Agent to understand their plans for the HMO, but they have not been forthcoming. We are completely in the dark about intended use, vetting processes and the management of the planned HMO.

5. Need for Family accommodation vs Single accommodation

We understand that there is a need for one-bedroom properties but there is also a greater need for suitable family accommodation of varying sizes. The Crocketts Lane development is offering high quality purpose-built one-bedroom units. The Galton Lock development has added a number of new family homes, both private and social and all properties within this development are sold. This highlights the desire for family accommodation within area. This development will result in the unnecessary loss of a family dwelling which is aimed at the larger family, create a circular problem for families like us who have invested in the regeneration of North Smethwick and made Brindley Village their home, and, by creating an HMO on the Piazza will set a dangerous precedent for Brindley Village which already has two HMO properties.

In summary, we the families of Brindley Village object to the proposed planning application to convert a 5/6-bedroom property to an 8-bedroom HMO property on the grounds that the development will:

- Impact on the character and the appearance of the estate
- Lead to an increase of crime and anti-social behaviour and noise
- The potential impact on highway safety due to lack of suitable available parking as a direct result of the proposals and issues relating to tandem offstreet parking
- Potentially impact on pedestrian safety

Finally, we the families of Brindley Village agree that if the property is renovated and let as a family home, we would support the proposal.

Mr C Brookes 57, Cole Street, Netherton, DY2 9PA	Proposed dwelling. 59, Compton Road, Cradley Heath, B64 5BB
---	---

Date Valid Application Received: 5th June 2019

1. Recommendations

That Members Visit the Site

2. Observations

This application has been reported to your Committee to enable Members to visit the site. The application site relates to part of the former Rainbow Upholstery works on the northern side of Compton Road, Cradley Heath. The site currently has unrestricted business use within a now predominately residential area.

This parcel of land has been subject to numerous enforcement cases over recent years. The applicant proposes to erect a detached dwelling on part of the site, in part, to resolve recent complaints.

This is a summary report and does not seek to assess the proposal. A full report will be prepared for your Committee meeting in September 2019.

The application has been publicised by neighbour notification letters. Consultations have also been carried out with internal consultees.

If your Committee are so minded, a visit to the site may be appropriate, following which a full report will be presented to your next Planning Committee in September 2019.

3. Relevant History

DC/14388 - Profile cutting – Grant Retrospective Approval – 10th February 1982

DC/04955 - Extension to Workshop - Grant Permission subject to Conditions – 11th May 1977

DC/04954 - Workshop for profile cutting - Grant Permission subject to Conditions – 11th May 1977

Recent Planning Enforcement Cases

ENF/11/7977 - second business being operated from property

ENF/12/8617 - Derelict factory and untidy land

GS/16/10201 - Untidy land

ENF/19/10858 - Unauthorised metal fencing

4. Central Government Guidance

National Planning Policy Framework promotes sustainable development

5. Development Plan Policy

To be advised.

6. Contact Officer

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

DC/19/62958
59 Compton Road, Cradley Heath



Legend

Sc 1:1251



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	31 July 2019
OS Licence No	



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Application no. DC/19/62968

Applicant: Mrs Zaman 19-21 Cherry Tree Avenue Walsall WS5 4LH	Proposal Address: 19-21 Cherry Tree Avenue Walsall WS5 4LH.
---	---

Date Valid Application Received: 29.03.2019.

1. Recommendations

Approval subject to the following conditions;

- i) The approval of external materials & implementation thereafter;
- ii) Retention of existing off-road parking.

2. Observations

This application is being brought to the attention of your Committee as 4 objections have been received.

The Application Site

The application premises are a pair of terraced properties, specifically nos 19 & 21, located on the southern side of Cherry Tree Avenue at the corner with Cedar Close. The surrounding area is residential in character.

Planning History

There is no previous planning history for either of the two properties.

Current Application

Various additions are proposed to both properties; a two-storey side extension to number 21 along with a front porch and canopy. Furthermore two-storey extensions are proposed to the rear of both properties.

These two properties are to be combined into a large single family dwelling and the extensions would create additional living space for the extended family.

The rear extensions would enlarge the family and utility rooms at ground floor level, and create larger bedrooms at first floor level. The two-storey side extension would form a study at ground floor level and an additional 7th bedroom at first floor level. Additional w/c facilities would also be created on both floors. An existing conservatory at the rear of property would be demolished to facilitate the construction of the two-storey element.

Proposed dimensions are;

- a) 3.7m (w) by 6m (d) by 6.8m (h) to the maximum height of the dual pitched roof. (Two storey side extension).
- b) 2m (w) by 1.5m (d) by 3.25m (h) (Front Porch).
- c) A maximum of 3.3m (d) by 8.6m (w) by 6.8m (h) to the maximum height of the dual-pitched roof. (Two storey rear extension).

Publicity

The application has been publicised by neighbour notification letter with 4 responses received from the occupiers of nos 15 & 24 Cherry Tree Avenue, 2 Cedar Close and 1 Brooklands. Their points of concerns are summarised as follows;

- (i) Loss of light to their property. (No 2 Cedar Close)
- (ii) Possible loss of outlook;
- (iii) Insufficient off-road parking provision;
- (iv) The extended property may be changed in the future to an educational facility/Madrassa.

Statutory Consultee Responses

This Householder application has not been subject of any statutory consultation.

Responses to objections

- (i) it is considered that the proposal would not result in any appreciable loss of light to neighbouring properties. No. 2 Cedar Close is situated to the south of the application site and therefore the proposals would not result in any overshadowing. Furthermore, the window in the northern side elevation of no 2 Cedar Close is obscurely glazed and appears to serve either a bathroom or landing.
- (ii) With regards to loss of outlook, it is considered that neighbouring dwellings would not be affected. As stated previously the window in the side elevation of no 2 Cedar Close is obscure glazed. Furthermore, the main two storey rear extension would be located centrally and would not appreciably harm outlook from no. 23 Cherry Tree Avenue.
- (iii) With regards to concerns about parking, the parking requirement for a 7 bedroom property is 4 spaces. In view of this, it is noted that there are already 4 off-road parking spaces within the curtilage of both properties – 2 at the front of no 21 and another 2 at the rear of no 19. There is existing access (dropped kerb) for these areas, and the applicant could also provide additional parking space at the front of number 19.
- (iv) This is not material to the determination of this application. The proposals have been submitted under a Householder application and the applicant has confirmed his intention that the houses, as extended, will form one large family unit. This is indicated in the submitted plans, and should your Committee be minded to approve the application, the proposal must be constructed in accordance with approved drawings.

There is no evidence to suggest that that the properties will be used for anything other than residential purposes, and a D1 use (Non Residential Institutions) would require a separate planning application.

Planning Policy and Other Material Considerations

The proposed extensions are proportionate in scale to the existing dwellings, do not harm the residential character of the

area and are of satisfactory design which adheres to Policies ENV3 (Design Quality) and EOS9 (Urban Design Principles).

Conclusion

The proposals comply with adopted design policies and would not appreciably harm neighbouring properties. The application is therefore recommended for approval subject to appropriate conditions.

3. Relevant History

None applicable

4. Central Government Guidance

National Planning Policy Framework promotes sustainable development

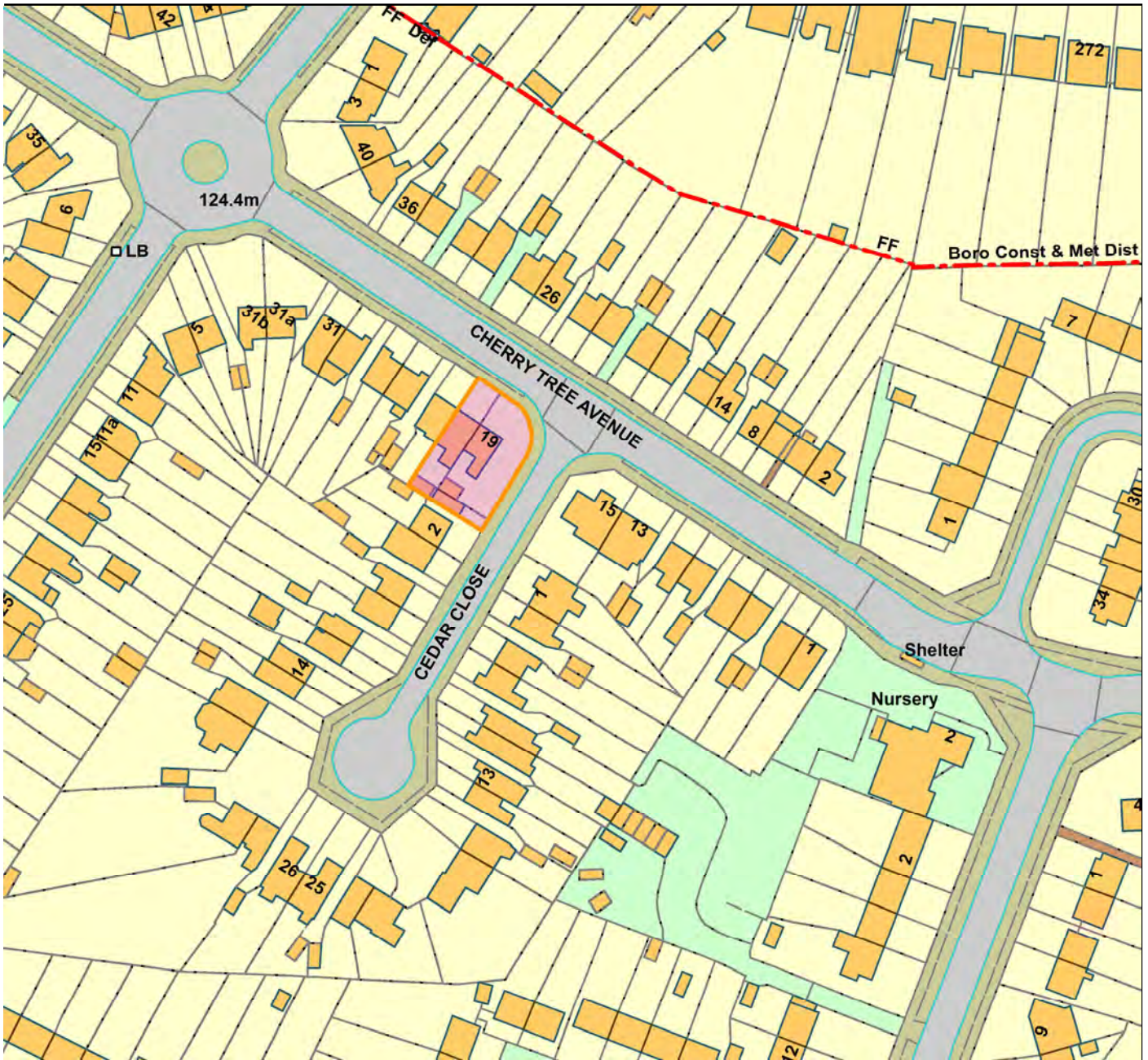
5. Development Plan Policy

BCCS: ENV3 Design Quality
SADD: EOS9 Urban Design Principles

6. Contact Officer

Mr Anjan Dey
0121 569 4896
anjan_dey@sandwell.gov.uk

DC/19/62968
19 Cherry Tree Avenue



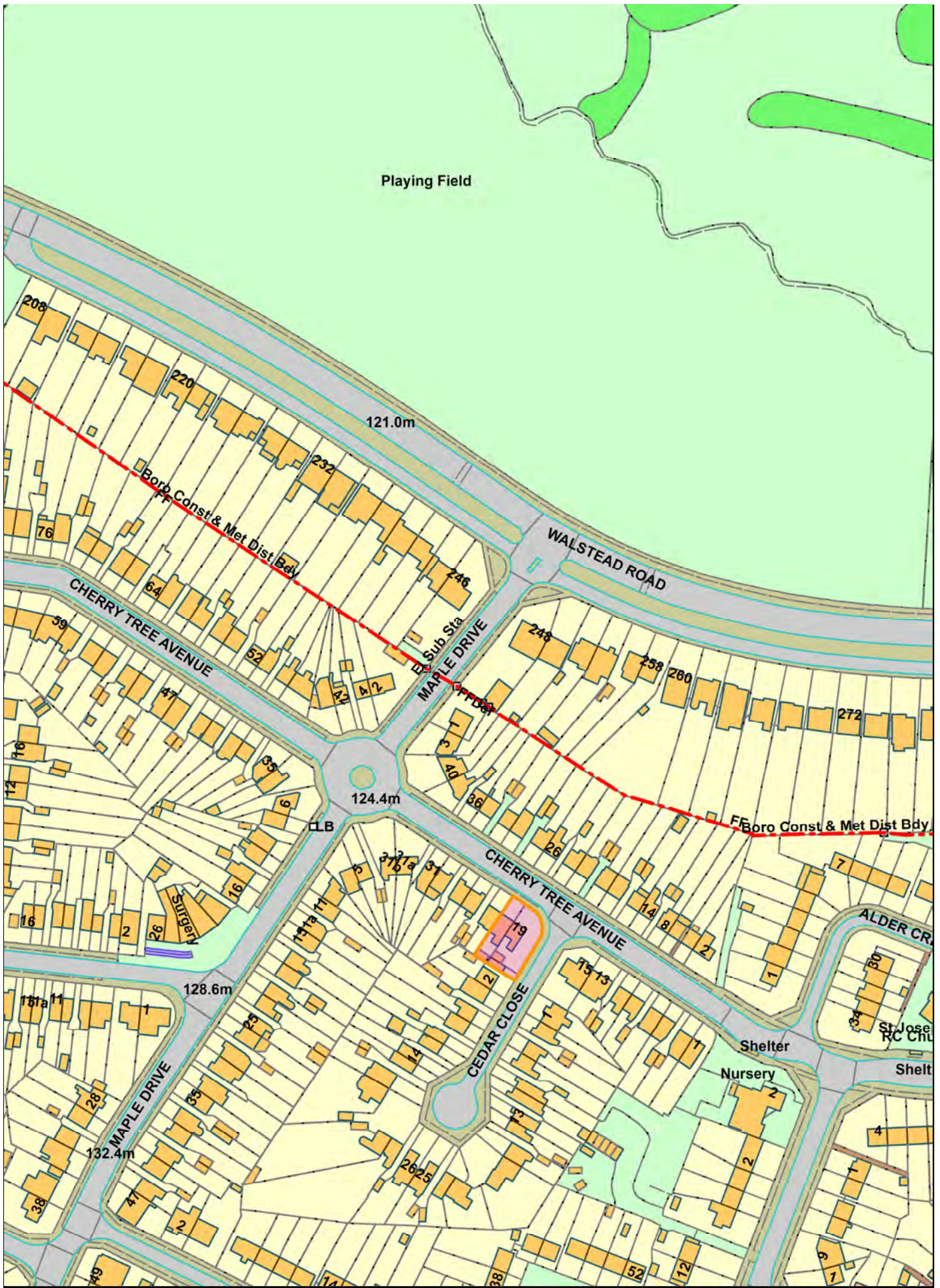
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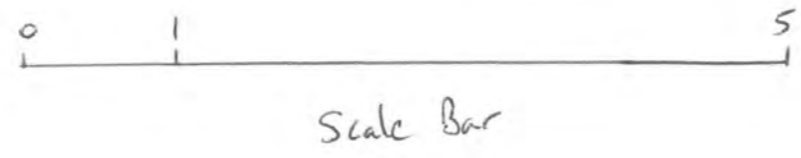
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Department	Not Set
Comments	Not Set
Date	31 July 2019
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Client: Mr Zaman
 19/21 Cherry Tree Avenue
 Walsall
 WS5 4LH
 2 STOREY SIDE/REAR & SINGLE
 STOREY REAR EXTENSION
 Existing Ground Floor
 Scale 1:50

DC / 19 / 62968

23 MAY 2019

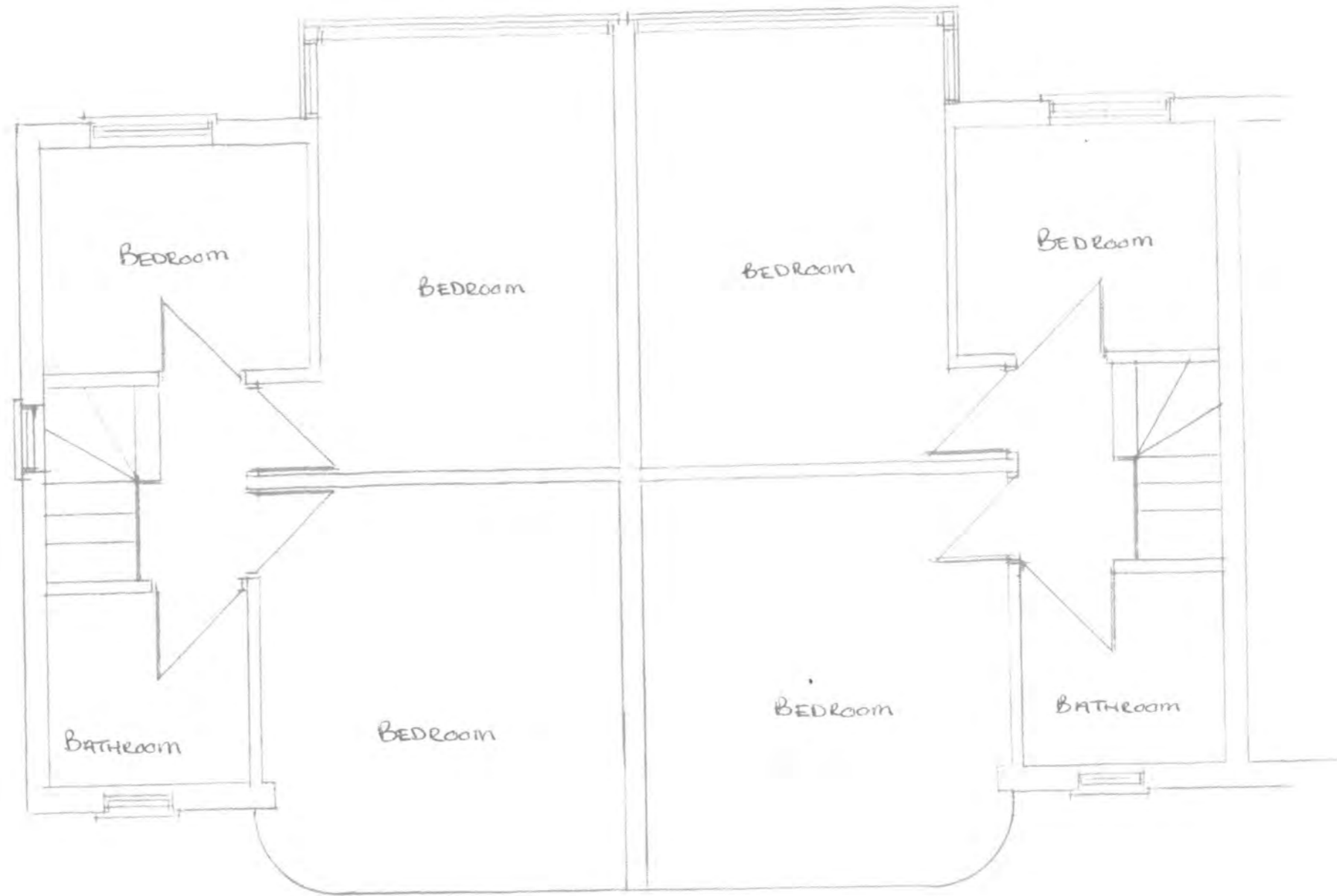


BOUNDARY

DC / 19 / 62968

23 MAY 2019

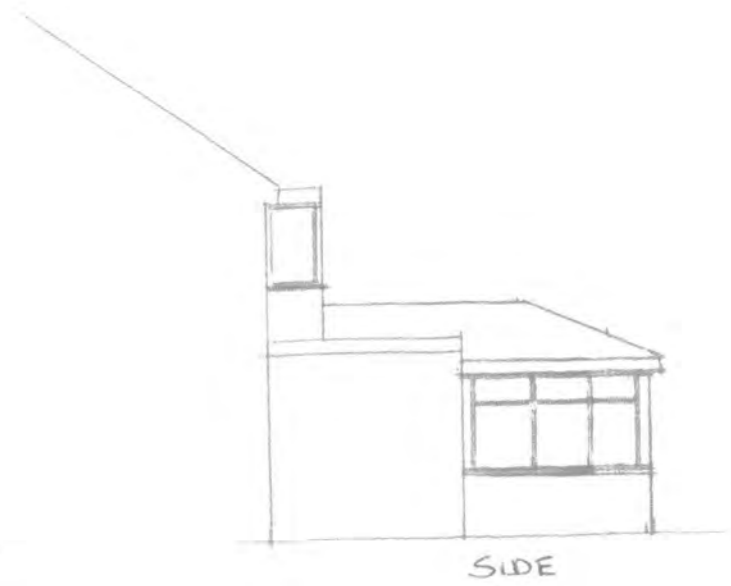
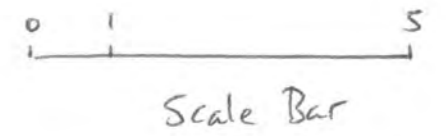
Client: Mr Zaman
19/21 Cherry Tree Avenue
Walsall
WS5 4LH
2 STOREY SIDE/REAR & SINGLE
STOREY REAR EXTENSION
Existing First Floor
Scale 1:50

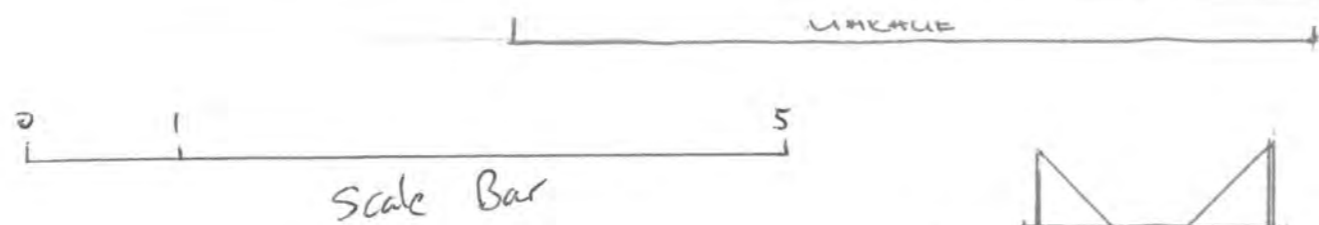


DC / 19 / 62968

23 MAY 2019

Client: Mr Zaman
19/21 Cherry Tree Avenue
Walsall
WS5 4LH
2 STOREY SIDE/REAR & SINGLE
STOREY REAR EXTENSION
Existing Elevations
Scale 1:100

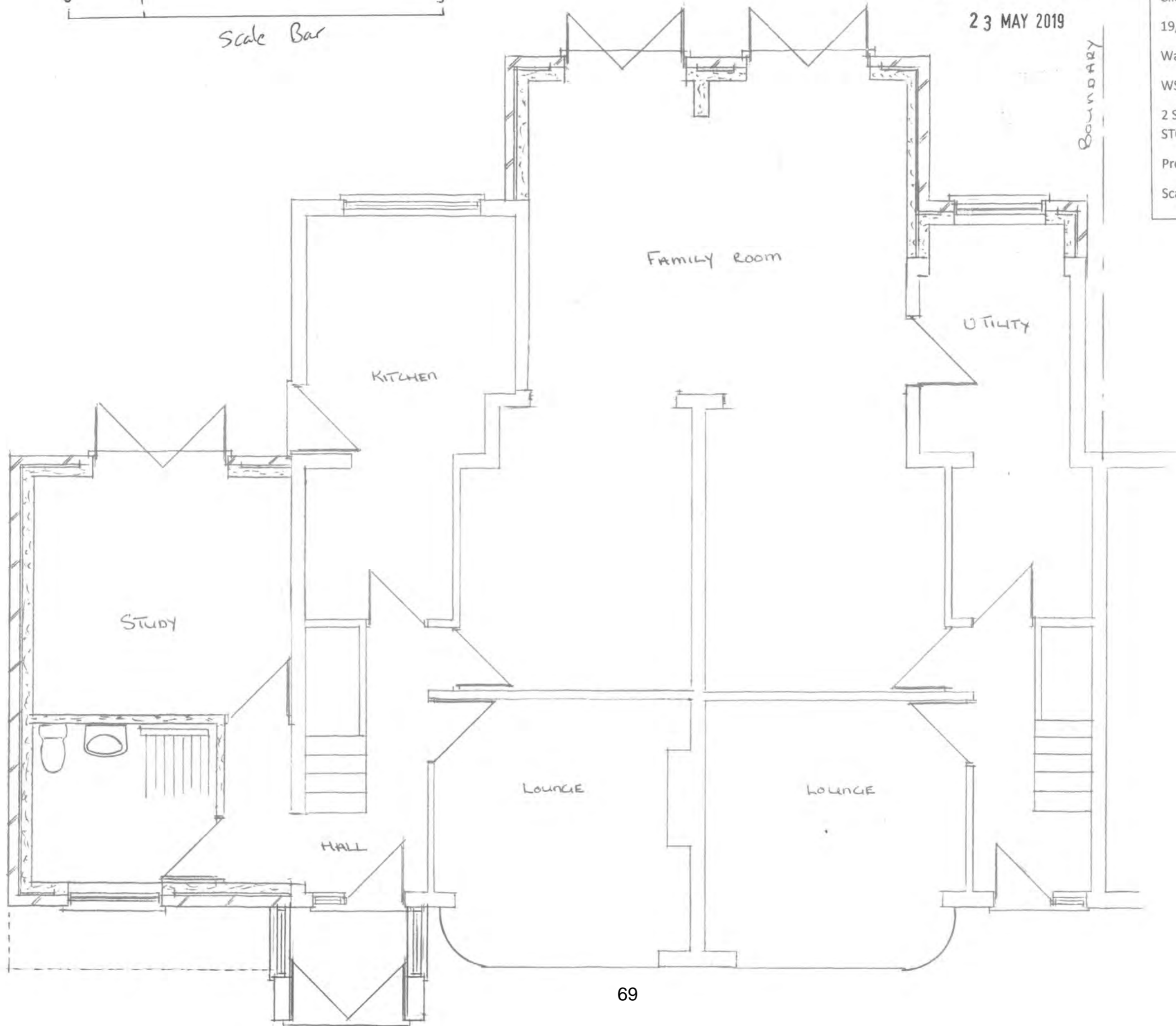




DC / 19 / 62968

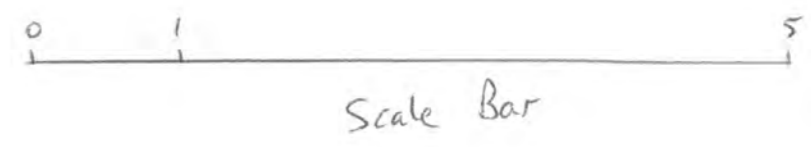
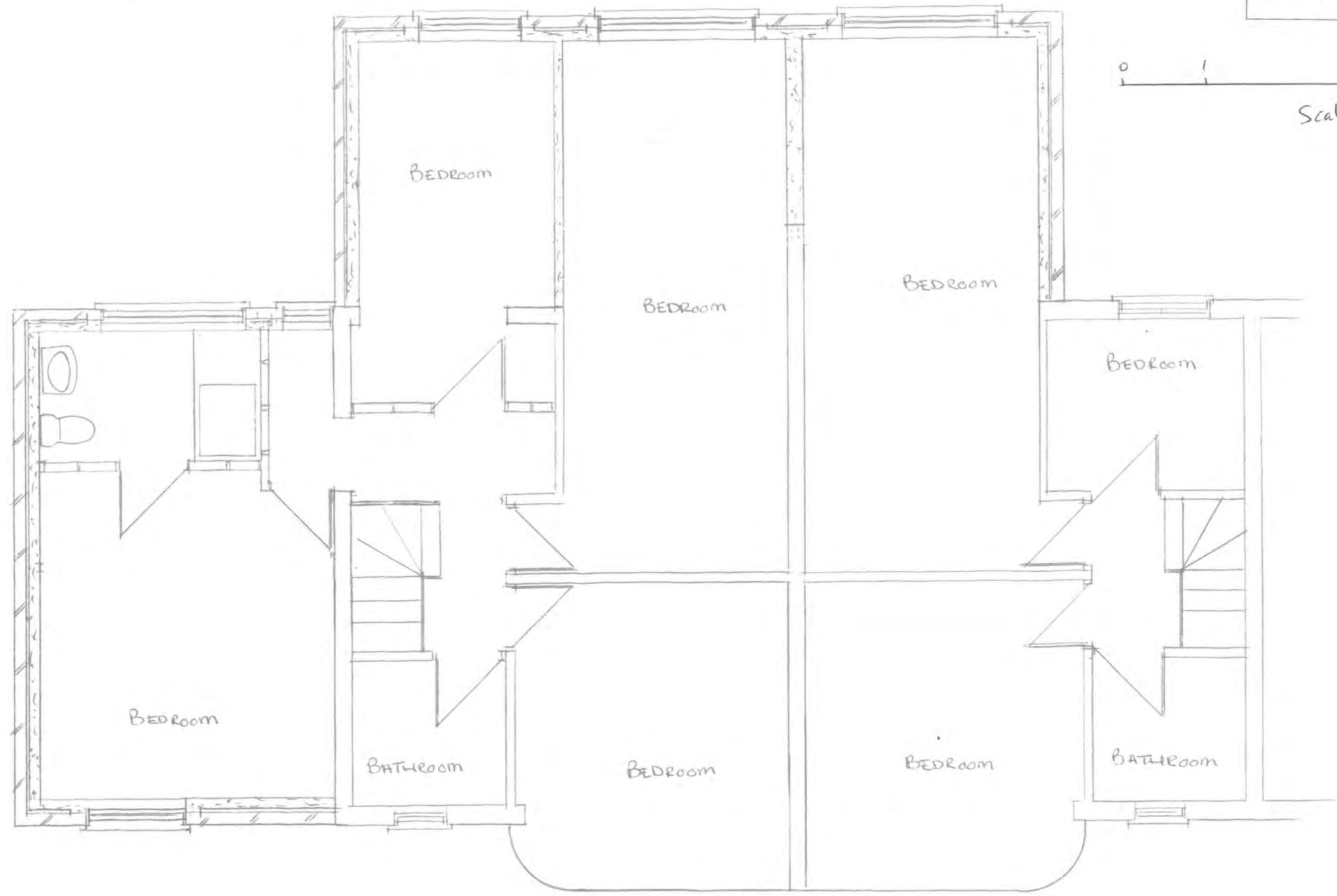
23 MAY 2019

Client: Mr Zaman
19/21 Cherry Tree Avenue
Walsall
WS5 4LH
2 STOREY SIDE/REAR & SINGLE
STOREY REAR EXTENSION
Proposed Ground Floor
Scale 1:50



DC / 19 / 62968

Client: Mr Zaman
19/21 Cherry Tree Avenue
Walsall
WS5 4LH
2 STOREY SIDE/REAR & SINGLE
STOREY REAR EXTENSION
Proposed First Floor
Scale 1:50



DC / 19 / 62968

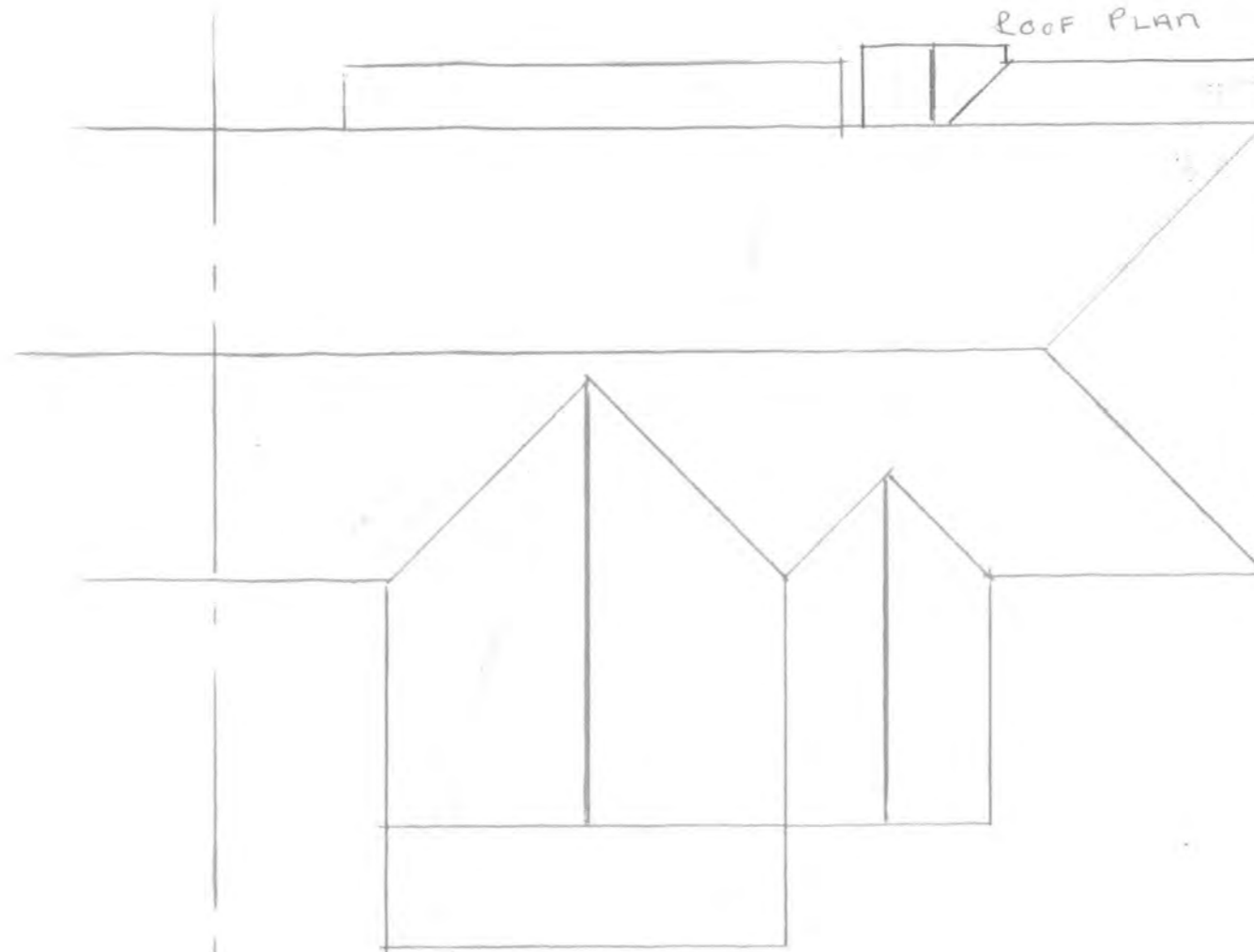
23 MAY 2019

Client: Mr Zaman
19/21 Cherry Tree Avenue
Walsall
WS5 4LH

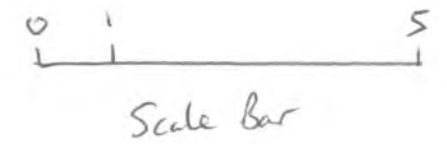
2 STOREY SIDE/REAR & SINGLE
STOREY REAR EXTENSION

Proposed Elevations & Roof Plan

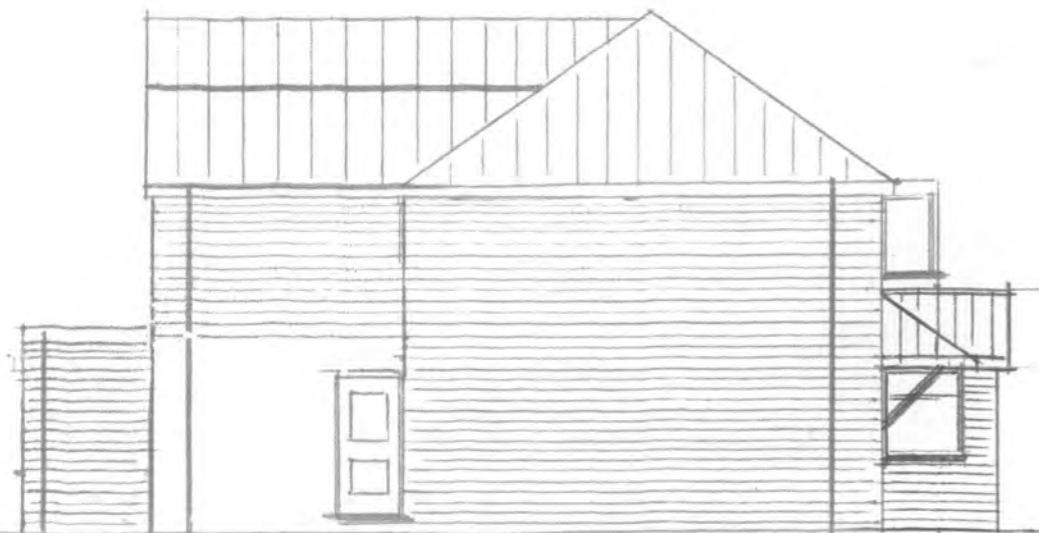
Scale 1:100



FRONT



Scale Bar



SIDE



REAR

SIDE

Committee: 14th August 2019

Ward: St Pauls

DC/19/63114

Mr Tayyab Tasleem 45 Arcot Road Birmingham B28 8LY	Proposed single storey rear/side extension 13 Greenwood Avenue Oldbury B68 8JF
---	--

Date Valid Application Received 7th May 2019

1. Recommendations

Grant approval subject to external materials to match with the existing property.

2. Observations

This application is being brought to your committee because the applicant is an employee of Sandwell MBC.

Site Surrounding

The application relates to a semi-detached house on the north side of Greenwood Avenue. This is a residential area in character.

Current Proposal

The application is for a single storey rear and side extension, measuring 4.5m deep by 3.9m wide by 3.5m high (2.8m to the eaves).

Publicity

The application has been publicised by neighbour notification letters with no responses received.

Planning Policy and other material considerations

The dual pitched roof to a height of 2.8m is appropriate in scale and design and would adhere to Policies ENV3 (Design Quality) and EOS9 (Urban Design Principles).

With regard to the impact of the proposal of the amenities of the adjoining neighbour, the rear extension on the neighbouring property, number 15, benefits from a large end window providing the primary source of light to that room. Furthermore the gardens are orientated to face north so there would be little direct sunlight onto rear facing windows.

Conclusion

I therefore recommend this application for approval subject to the external materials matching with the existing property.

3. Relevant History

None

4. Central Government Guidance

National Planning Policy Framework (NPPF)

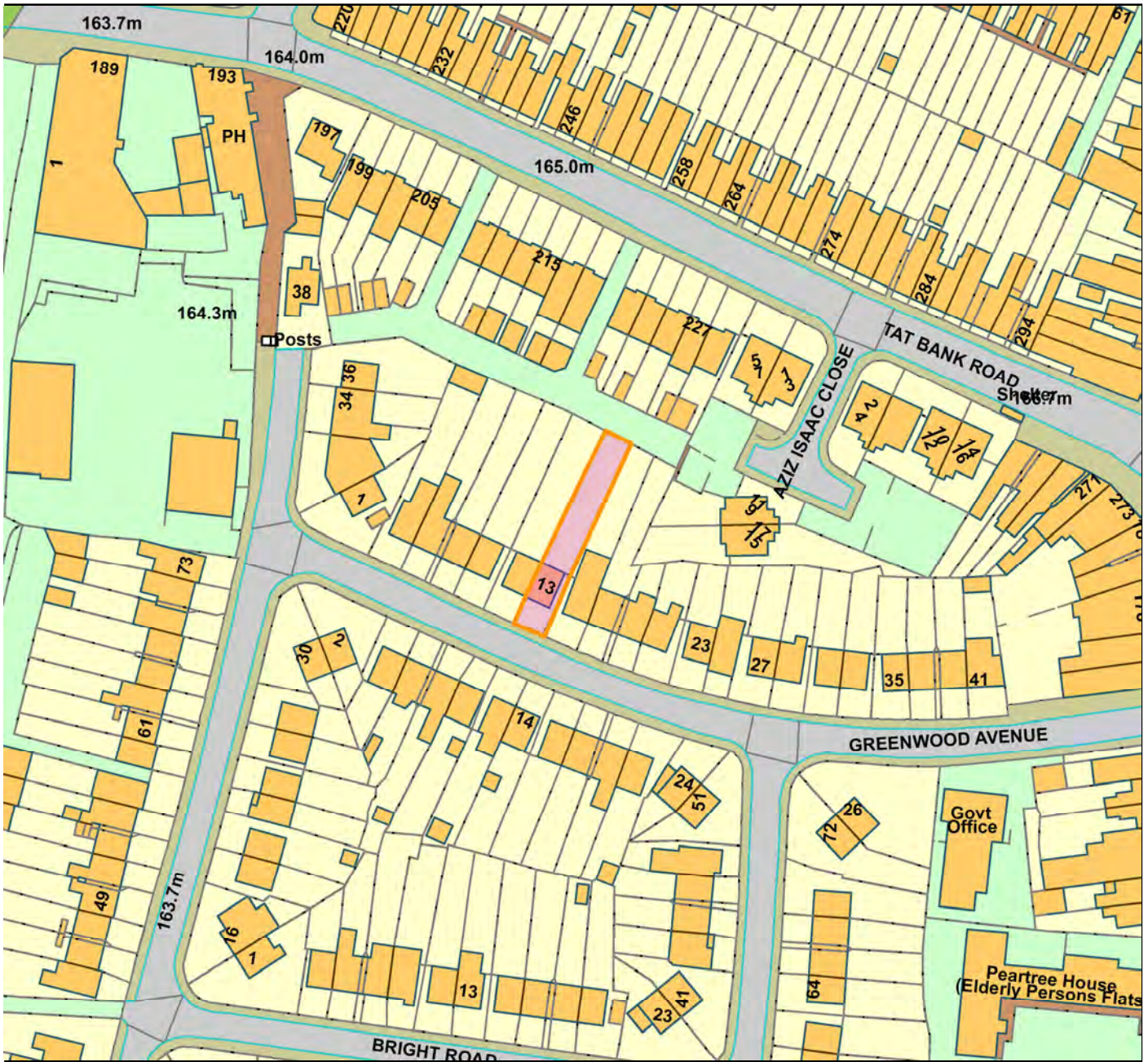
5. Development Plan Policy

ENV3 – Design Quality
SADD EOS9 – Urban Design Principles

6. Contact Officer

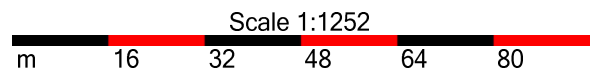
Mr David Paine
0121 569 4865
david_paine@sandwell.gov.uk

DC/19/63114
13 Greenwood Avenue



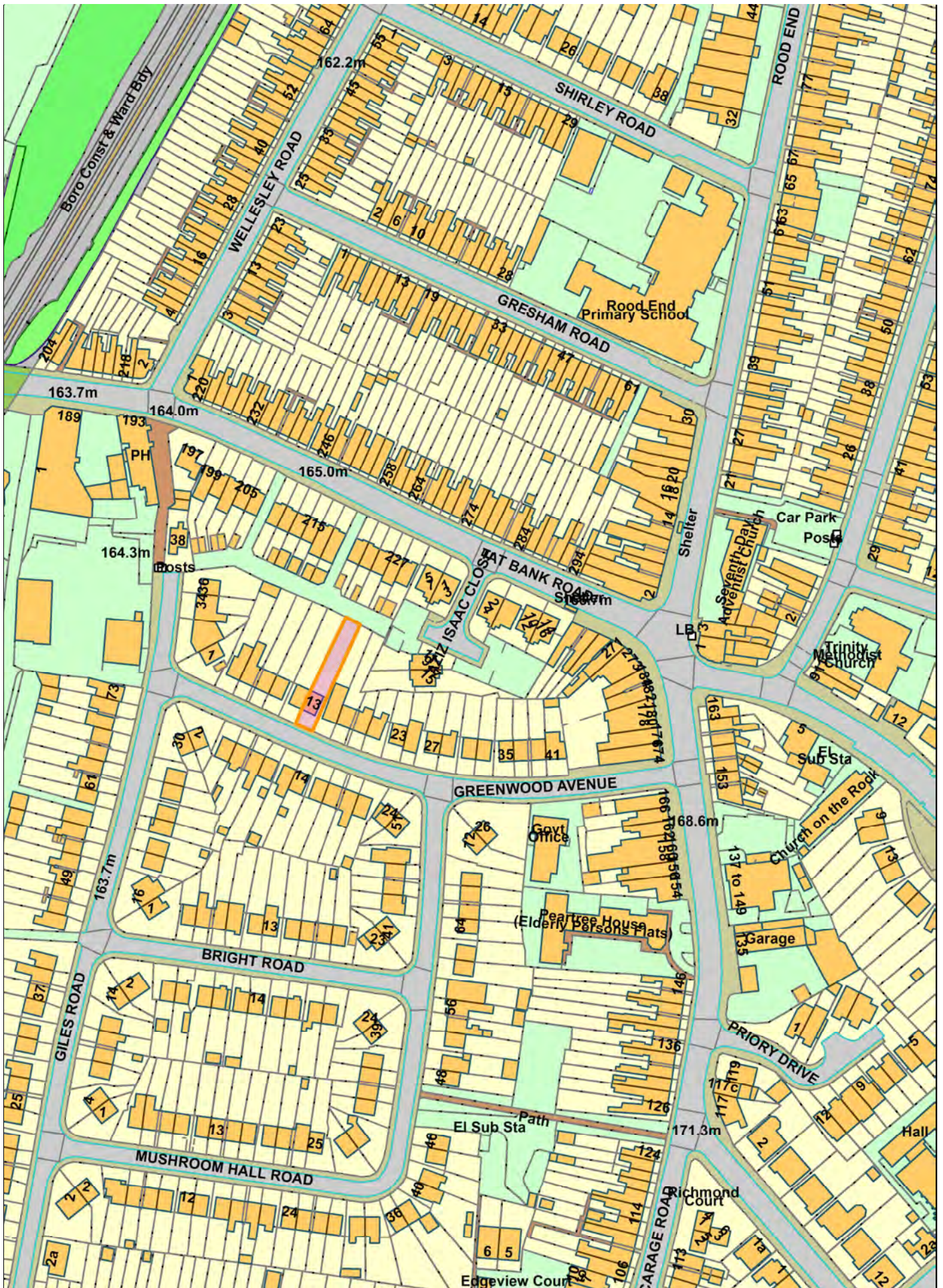
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Department	Not Set
Comments	Not Set
Date	31 July 2019
OS Licence No	

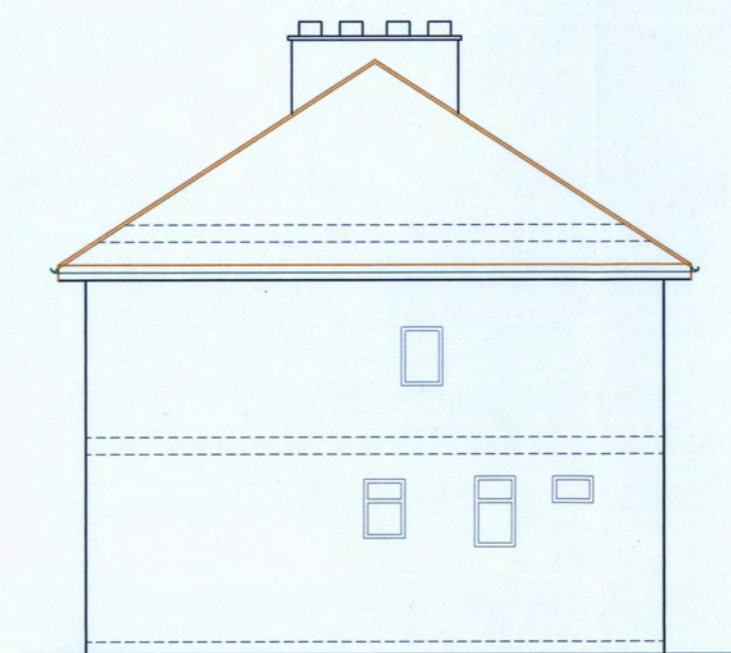
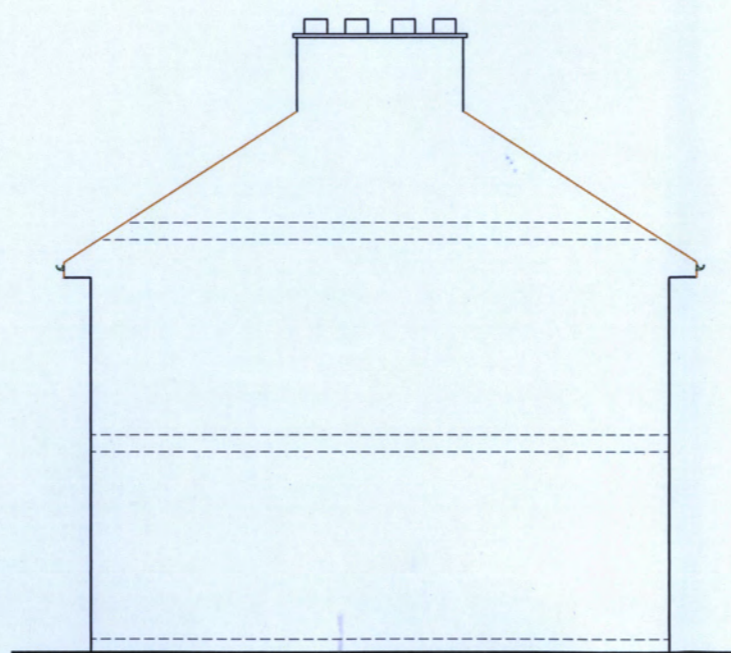
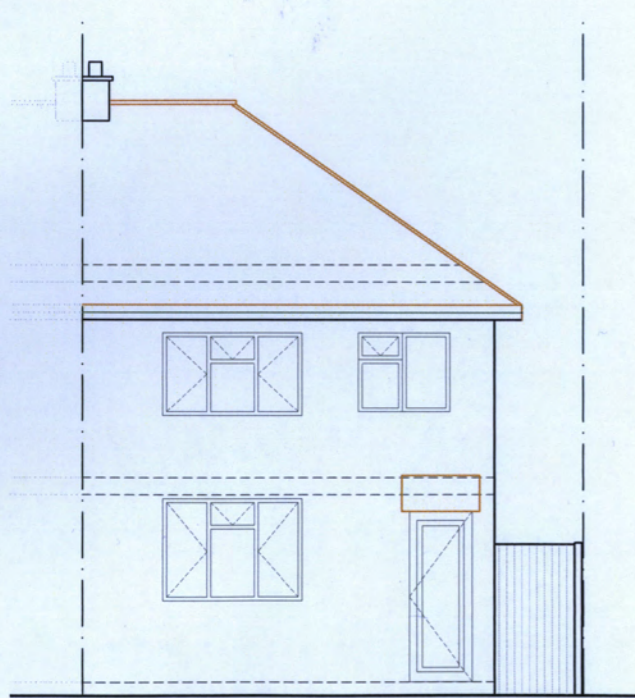
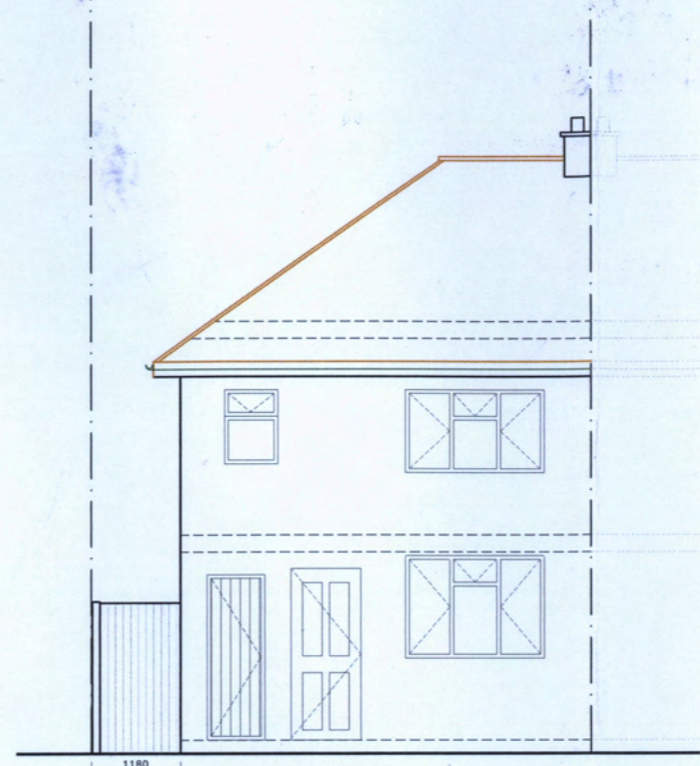
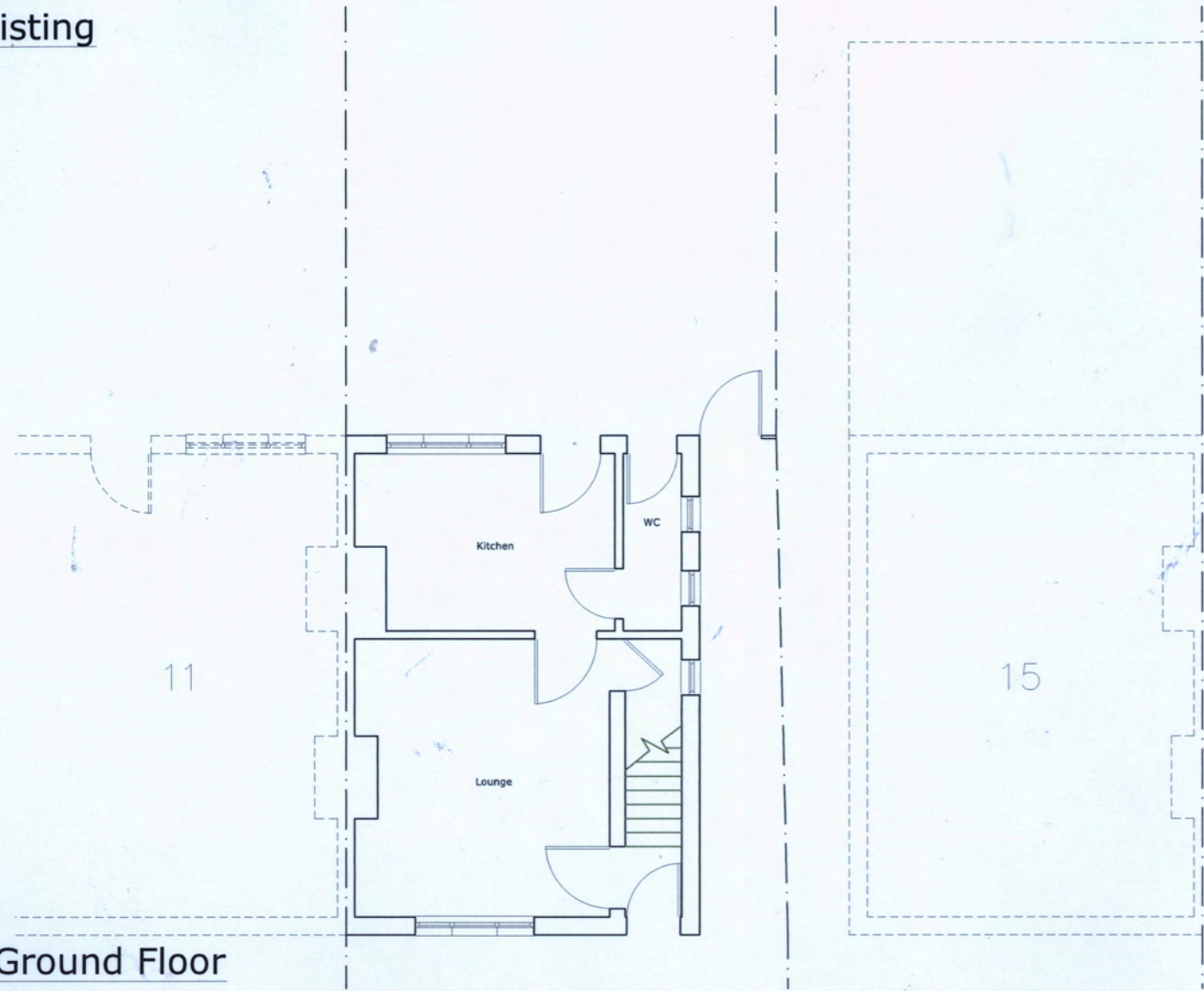


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Existing



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REVISIONS

DC / 19 / 63114

- 7 MAY 2019

CLIENT:

Mr Muhammad Khalil

JOB:

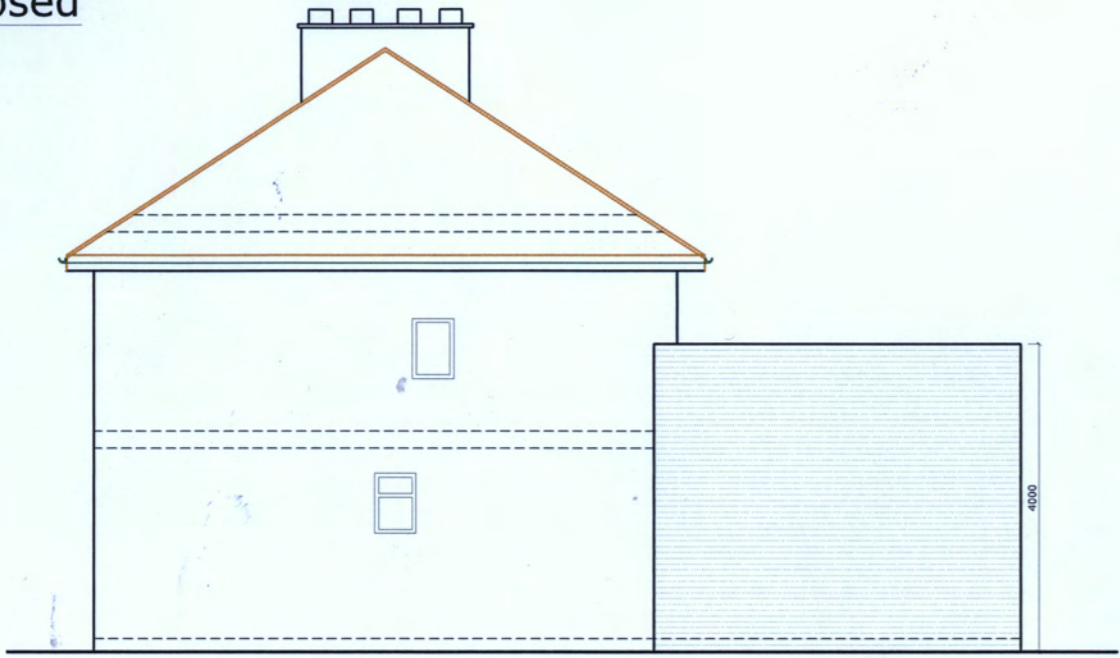
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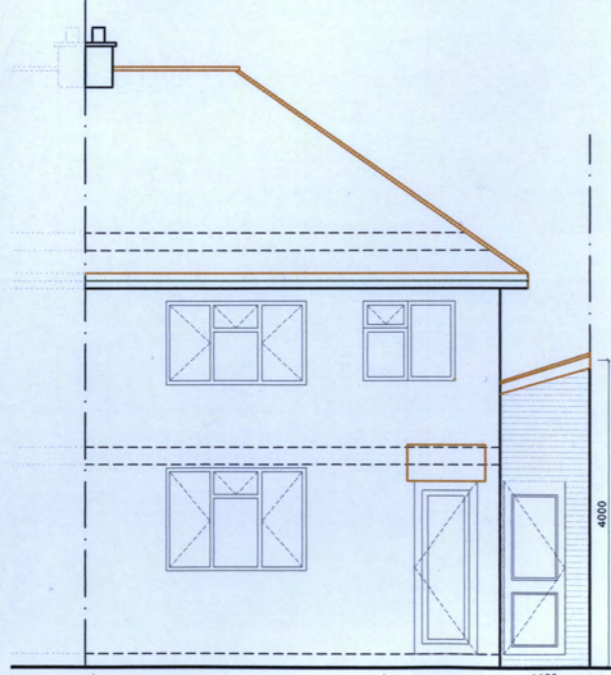
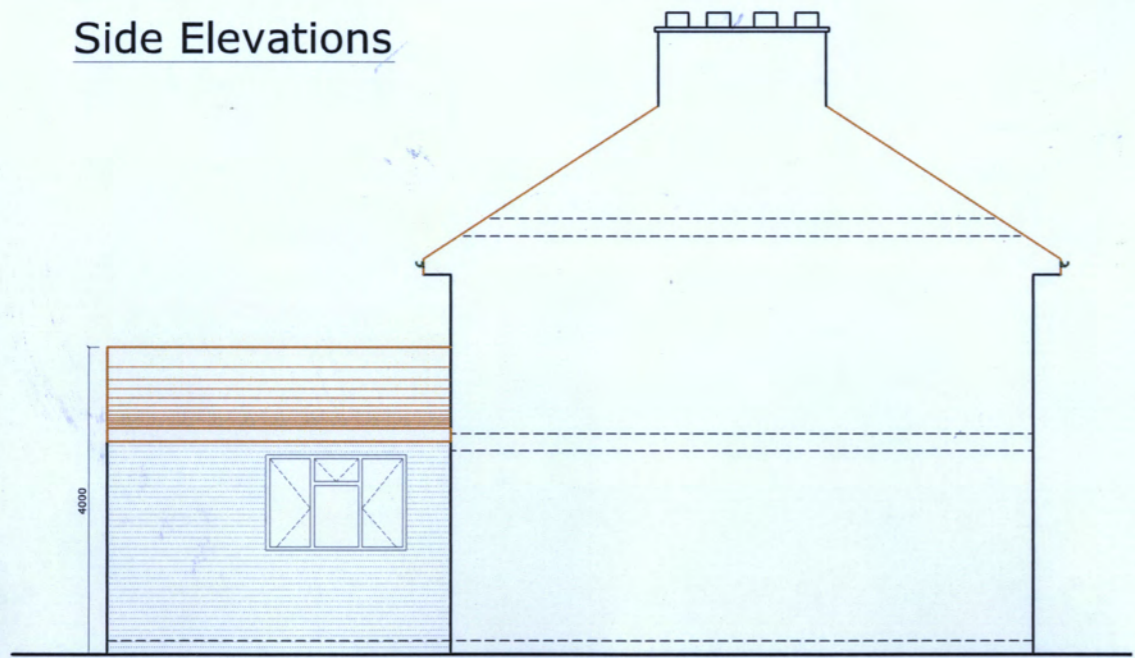
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2019-02/	01	A3
DATE: Apr' 2019	SCALE: 1:100	

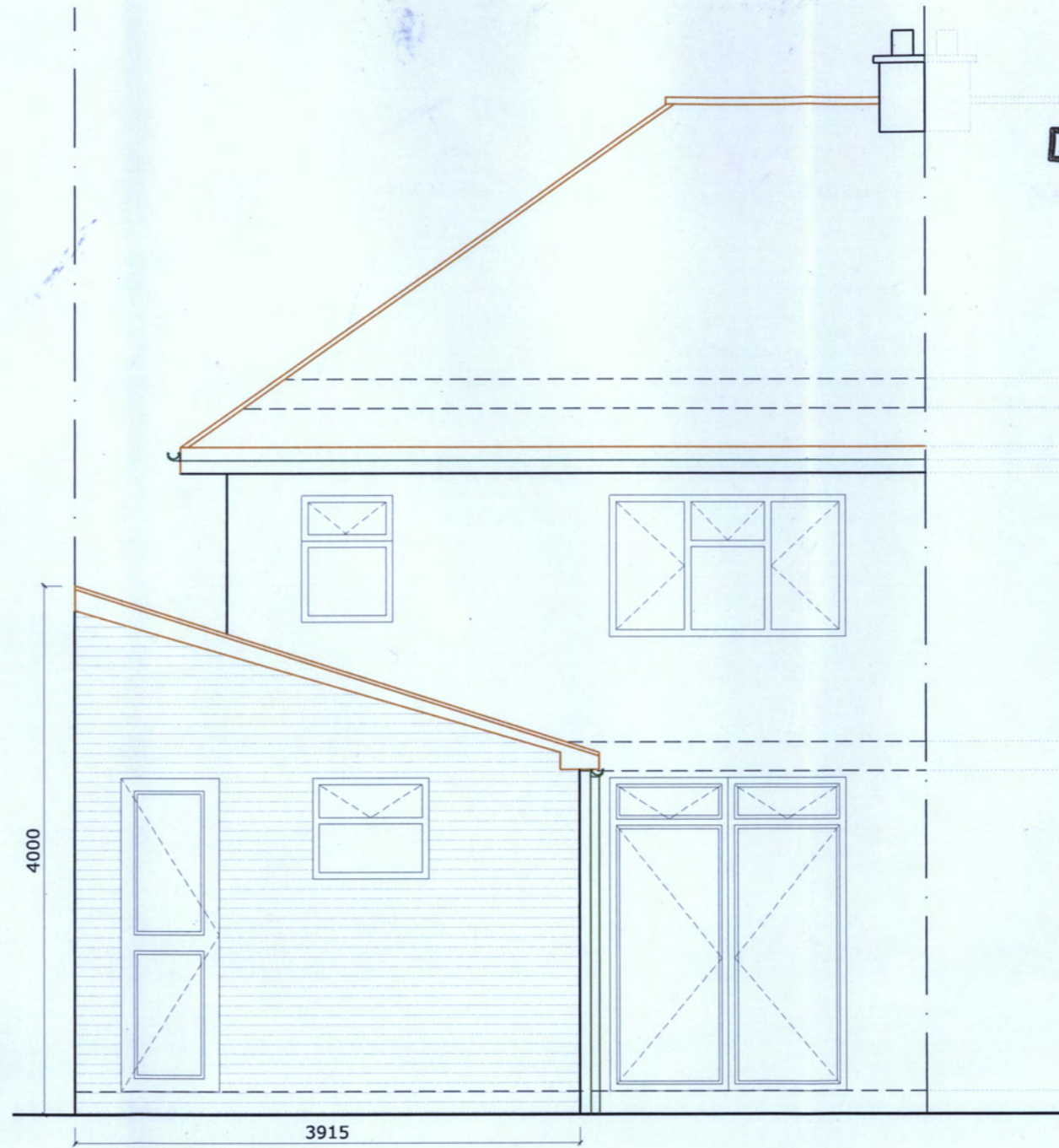
Proposed



Side Elevations



Front Elevation



Rear Elevation

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REVISIONS

DC / 19 / 63114

-7 MAY 2019

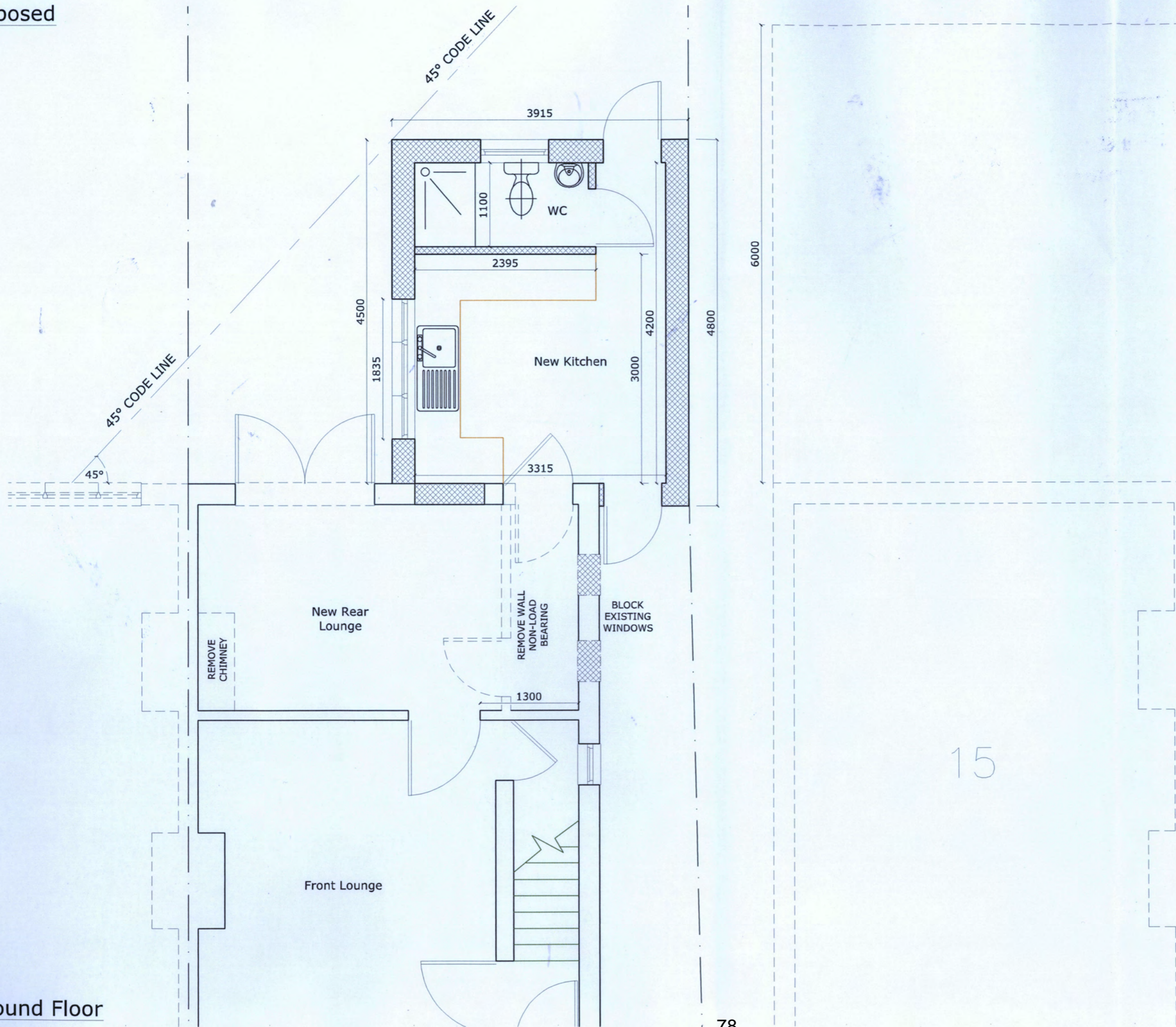
CLIENT:
 Mr Muhammad Khalil

JOB:
 13 Greenwood Avenue, Oldbury, B68

DRG TITLE:
 Proposed Elevations

DRG NO.	REV.	Paper
2019-04/	01	A3
DATE: Apr' 2019		SCALE: 1:100

Proposed



Ground Floor

78

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REVISIONS

DC / 19 / 63114

-7 MAY 2019

CLIENT:

Mr Muhammad Khalil

JOB:

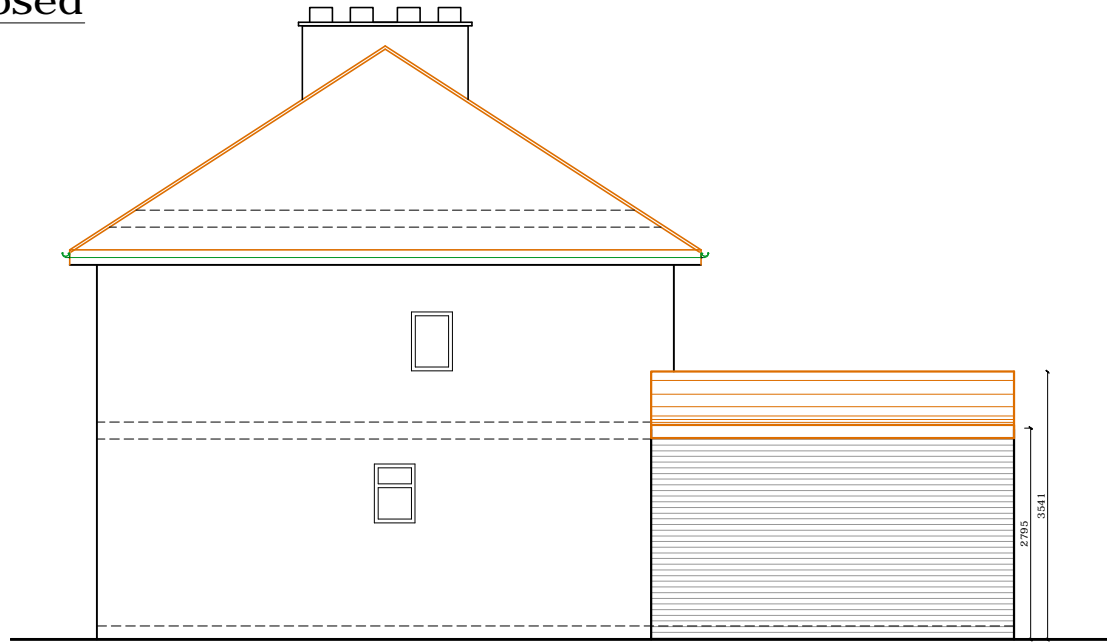
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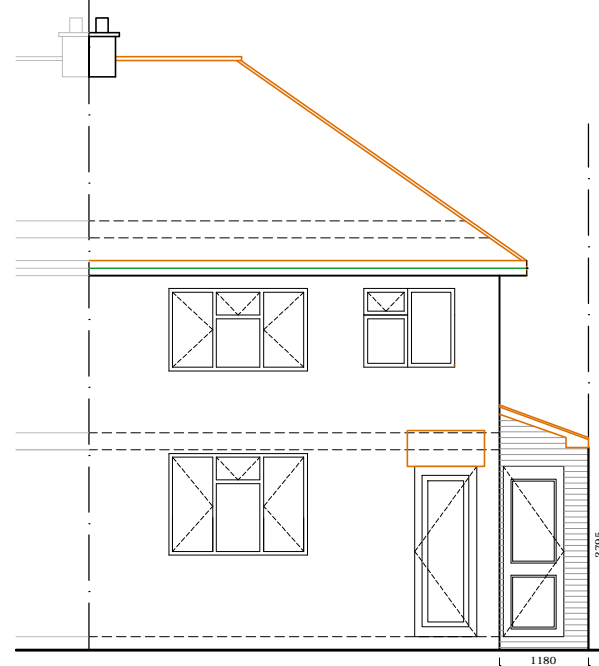
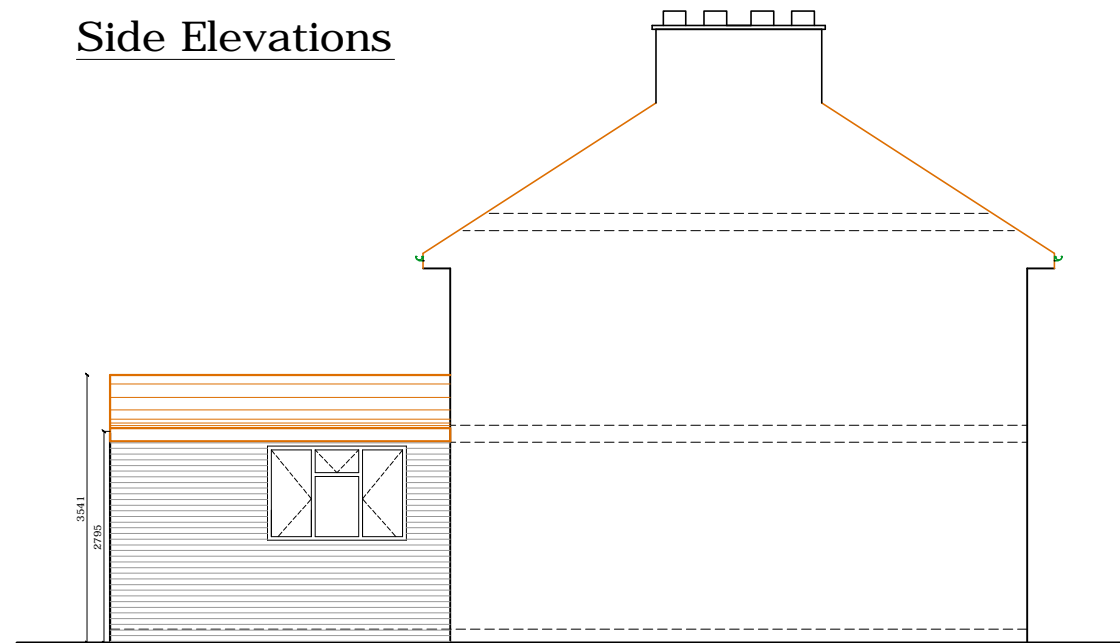
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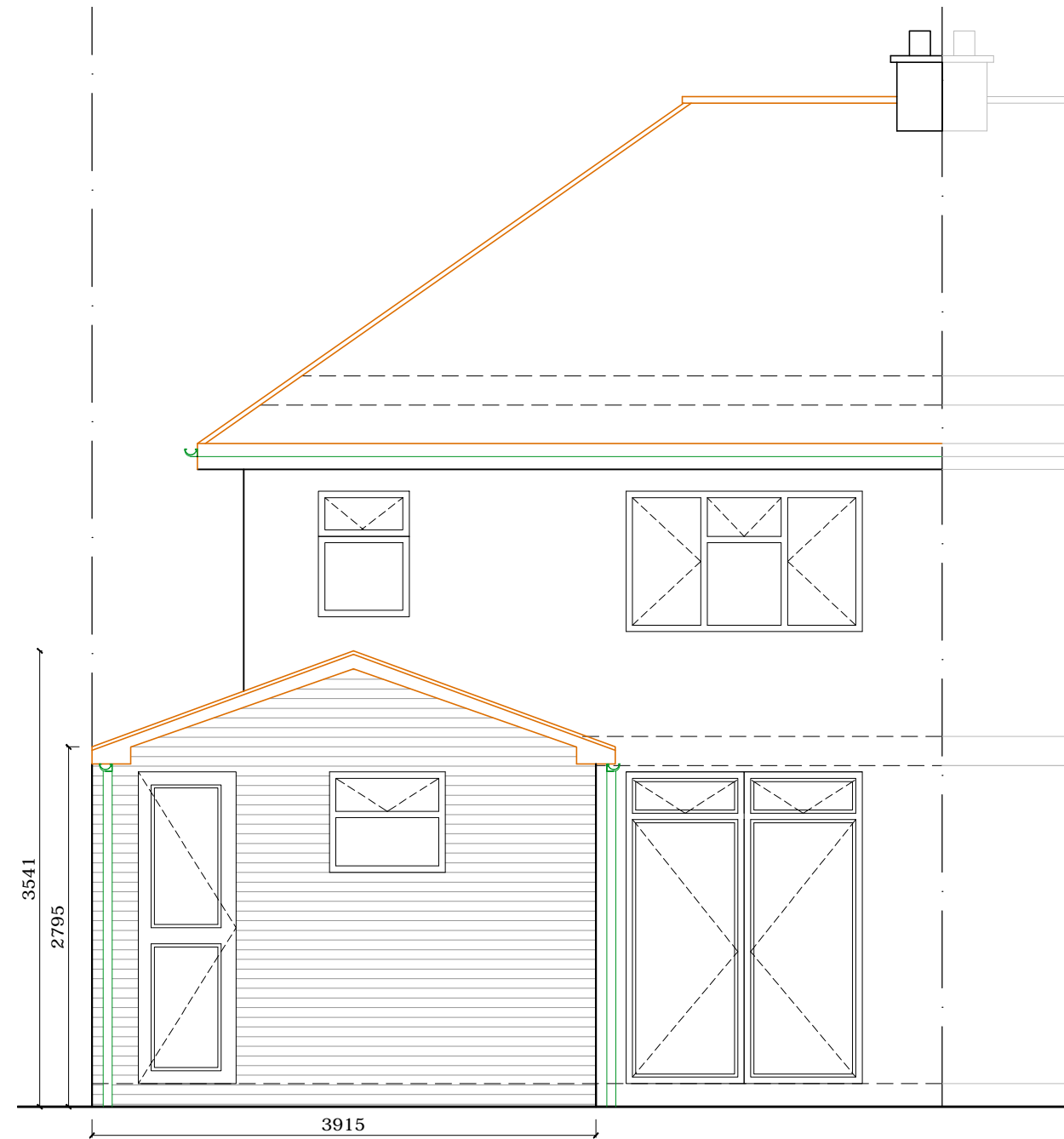
Proposed



Side Elevations



Front Elevation



Rear Elevation

NOTES:

Do not scale from this drawing.
 All contractors must visit the site and be responsible for taking and checking dimensions
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REVISIONS

CLIENT:

Mr Muhammad Khalil

JOB:

13 Greenwood Avenue, Oldbury, B68


DRG TITLE:

Proposed Elevations

DRG NO.	REV.	Paper
2019-04/	02	A3
DATE: Jul' 2019	SCALE: 1:100	

Planning Committee

14 August, 2019

Subject:	Applications Determined Under Delegated Powers
Director:	Director – Regeneration and Growth Amy Harhoff
Contribution towards Vision 2030:	
Contact Officer(s):	<p>John Baker Service Manager - Development Planning and Building Consultancy John_baker@sandwell.gov.uk</p> <p>Alison Bishop Development Planning Manager Alison_bishop@sandwell.gov.uk</p>

DECISION RECOMMENDATIONS

That Planning Committee:

Notes the applications determined under delegated powers by the Director – Regeneration and Growth set out in the attached Appendix.

1 **PURPOSE OF THE REPORT**

This report is submitted to inform the Committee of the decisions on applications determined under delegated powers by the Director – Regeneration and Growth.

2 IMPLICATIONS FOR SANDWELL'S VISION 2030

The planning process contributes to the following ambitions of the Vision 2030 –

Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

Ambition 8 - Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

Ambition 10 - Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

3 BACKGROUND AND MAIN CONSIDERATIONS

The applications determined under delegated powers are set out in the Appendix.

4 STRATEGIC RESOURCE IMPLICATIONS

There are no implications in terms of the Council's strategic resources.

5 LEGAL AND GOVERNANCE CONSIDERATIONS

The Director – Regeneration and Growth has taken decisions in accordance with powers delegated under Part 3 (Appendix 5) of the Council's Constitution.

Amy Harhoff
Director – Regeneration and Growth

SANDWELL METROPOLITAN BOROUGH COUNCIL
PLANNING COMMITTEE

Applications determined under delegated powers by the Director – Regeneration and Growth since your last Committee Meeting

REPORT FOR INFORMATION PURPOSES ONLY

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/14/56917 Soho & Victoria	Chunky Chick-Inn 51 Cape Hill Smethwick B66 4SF	Retention of use as hot food take-away at ground floor, and new shop front.	Grant Conditional Retrospective Consent 9th July 2019
DC/17/60637 Great Barr With Yew Tree	10 Low Avenue Great Barr Birmingham B43 6JL	Proposed single storey rear and two storey side/rear extensions, roof extension with side and rear dormers to accommodate loft conversion, and porch and canopy to front.	Grant Permission with external materials 21st July 2017
DC/19/62591 Abbey	Site Of Former New Talbot 457 Hagley Road Smethwick B66 4AU	Proposed 22 apartments (outline application with all matters reserved).	Grant Outline Permission with Conditions 4th July 2019
DC/19/62748 Blackheath	58 Powke Lane Rowley Regis B65 0AG	Proposed two storey side and single storey rear extension, porch and canopy to front, alterations to front bay window, and rendering and cladding to property.	Grant Permission Subject to Conditions 3rd July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/62881 Abbey	10 Lightwoods Hill Smethwick B67 5EA	Proposed single storey rear/side extension and raised terrace area to rear.	Grant Permission Subject to Conditions 9th July 2019
DC/19/62917 Wednesbury South	9 Isaac Walton Place West Bromwich B70 0LT	Proposed two storey side extension, single storey rear extension and front porch extension.	Grant Permission with external materials 11th July 2019
DC/19/62941 Charlemont With Grove Vale	52 Pear Tree Road Great Barr Birmingham B43 6JA	Proposed two storey side/rear extension, single storey rear extension and detached building (gym) in rear garden.	Grant Permission Subject to Conditions 16th July 2019
DC/19/62971 Oldbury	Fountain Business Park Fountain Lane Oldbury	Proposed change of use of first floor from industrial unit to martial arts academy.	Refuse permission 8th July 2019
DC/19/62983 Soho & Victoria	156 Gilbert Road Smethwick B66 4PY	Retention of storage outbuilding in rear garden.	Grant Conditional Retrospective Consent 2nd July 2019
DC/19/62997 Soho & Victoria	Units 2 And 3 Britannia Works Engine Street Smethwick B66 3DT	Proposed demolition of existing boundary wall and construction of five apartments.	Refuse permission 8th July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63002 Hateley Heath	144 Hargate Lane West Bromwich B71 1PL	Retention of outbuilding and single storey rear extension.	Grant Conditional Retrospective Consent 1st August 2019
DC/19/63007 Charlemont With Grove Vale	8 Boscobel Road Great Barr Birmingham B43 6BB	Proposed two storey rear, first floor side and single storey front extensions, with new roof and loft conversion.	Grant Permission with external materials 1st July 2019
DC/19/63010 Old Warley	216 Wolverhampton Road Oldbury B68 0TF	Proposed loft conversion with dormers to front and rear.	Grant Permission with external materials 2nd July 2019
DC/19/63027 Bristnall	72 Brandhall Road Oldbury B68 8DT	Proposed single storey rear and side extension.	Grant Permission with external materials 11th July 2019
DC/19/63035 Smethwick	137 Londonderry Lane Smethwick B67 7EL	Proposed change of use to school including 1.8m high timber fencing, gates and parking (resubmission of application DC/18/62489).	Refuse permission 8th July 2019
DC/19/63041 Smethwick	6 Old Chapel Road Smethwick B67 6JA	Retention of outbuilding at rear.	Grant Conditional Retrospective Consent 2nd July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63047 Langley	117 Parkfield Road Oldbury B68 8PT	Proposed single storey rear extension.	Grant Permission with external materials 3rd July 2019
DC/19/63048 St Pauls	20 Victoria Road Oldbury B68 9UH	Proposed single storey front, side and rear extensions and two storey rear extension.	Grant Permission with external materials 2nd July 2019
DC/19/63051 Hateley Heath	5 Nelson Street West Bromwich B71 1EE	Proposed two storey side extension and single storey rear extension.	Grant Permission Subject to Conditions 5th July 2019
DC/19/63052 Greets Green & Lyng	13 Emily Street West Bromwich B70 8LH	Proposed single storey rear extension.	Grant Permission with external materials 19th July 2019
DC/19/63054 Charlemont With Grove Vale	19 Hollyhedge Road West Bromwich B71 3BP	Proposed single and two storey side extension, single storey rear extension and roof alterations to accommodate loft conversion.	Grant Permission with external materials 30th July 2019
DC/19/63055 Greets Green & Lyng	33 Bailey Street West Bromwich B70 9UF	Proposed two storey side, single storey rear extensions and front porch.	Grant Permission with external materials 3rd July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63057 Abbey	Unit 2 Turner House Beakes Road Smethwick B67 5RS	Proposed change of use to dog grooming and training services.	Grant Permission Subject to Conditions 2nd July 2019
DC/19/63060 Cradley Heath & Old Hill	8 - 11 Lower High Street Cradley Heath B64 5AB	Proposed two storey garage and ancillary space.	Grant Permission Subject to Conditions 3rd July 2019
DC/19/63066 Great Barr With Yew Tree	3 Lochranza Croft Great Barr Birmingham B43 7AA	Proposed two storey side extension and single storey rear extension.	Grant Permission with external materials 2nd July 2019
DC/19/63074 Great Barr With Yew Tree	50 Queslett Road Great Barr Birmingham B43 6PH	Proposed single storey rear extension.	Grant Permission 12th July 2019
DC/19/63071 Bristnall	105 Barnford Crescent Oldbury B68 8PR	Proposed single storey rear extension.	Grant Permission with external materials 17th July 2019
DC/19/63081 Charlemont With Grove Vale	Red Lion 190 All Saints Way West Bromwich B71 1RH	Proposed retractable glazed awning structure at rear with full-height timber barrier to improve seating area.	Grant Permission 19th July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63094 Tipton Green	71 Victoria Road Tipton DY4 8SW	Retention of single storey rear extension.	Grant Permission with external materials 1st July 2019
DC/19/63099 Cradley Heath & Old Hill	Unit 20 Waterfall Lane Trading Estate Cradley Heath B64 6PU	Retention of boiler house, silo and dust extraction.	Grant Conditional Retrospective Consent 12th July 2019
DC/19/63103 Charlemont With Grove Vale	5 Pear Tree Drive Great Barr Birmingham B43 6HR	Proposed single storey rear extension.	Grant Permission with external materials 11th July 2019
DC/19/63107 Cradley Heath & Old Hill	99 High Haden Road Cradley Heath B64 7PN	Proposed single storey front extension and two storey side extension.	Grant Permission with external materials 2nd July 2019
DC/19/63113 Abbey	11 Beakes Road Smethwick B67 5RS	Conversion of dwelling house into 2 No. flats.	Grant Permission 26th July 2019
DC/19/63118 Cradley Heath & Old Hill	28 High Street Cradley Heath B64 5HG	Proposed change of use to beauty training academy at ground floor and a 2 bedroom apartment at first floor.	Grant Permission Subject to Conditions 12th July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63112 Soho & Victoria	51 - 52 Windmill Lane Smethwick B66 3ES	Proposed change of use to rear of ground floor to hair salon/dress making unit including new pitched roof, first floor rear extension and loft conversion with dormer window to front.	Grant Permission Subject to Conditions 19th July 2019
DC/19/63115 Bristnall	Londonderry Baptist Church Bristnall Hall Road Oldbury B68 9NF	Proposed temporary portacabin in rear garden.	Grant Conditional Temporary Permission 15th July 2019
DC/19/63119 Langley	105 - 107 Swan Crescent Oldbury B69 4QQ	Proposed single storey front extension, first floor side and rear extensions.	Grant Permission with external materials 3rd July 2019
DC/19/63120 West Bromwich Central	Serenity 3D Astle Park West Bromwich B70 8NS	Proposed change of use from beauty tanning salon (Sui Generis) to retail (Class A1).	Grant Permission 31st July 2019
DC/19/63122 Newton	21 Holland Road Great Barr Birmingham B43 5EX	Proposed single and two storey rear extensions, and porch to front.	Grant Permission with external materials 11th July 2019
DC/19/63124 Blackheath	127 Uplands Avenue Rowley Regis B65 9PT	Proposed lawful development certificate for a hip to gable loft enlargement with a dormer window to rear.	Grant Lawful Use Certificate 2nd July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63125 Blackheath	127 Uplands Avenue Rowley Regis B65 9PT	Proposed first floor rear extensions.	Grant Permission Subject to Conditions 5th July 2019
DC/19/63127 Old Warley	3 Hadzor Road Oldbury B68 9LA	Proposed two storey side and rear extensions, extending canopy to front.	Grant Permission Subject to Conditions 8th July 2019
DC/19/63131 Great Barr With Yew Tree	55 Maple Drive Walsall WS5 4JX	Proposed two storey side extension, single storey front and rear extensions, boundary wall and gates.	Grant Permission Subject to Conditions 29th July 2019
DC/19/63129 Tividale	Little Chef Wolverhampton Road Oldbury B69 2BH	Proposed change of use from cafe/restaurant (Class A3) to veterinary surgery (Class Sui Generis).	Grant Permission Subject to Conditions 5th July 2019
DC/19/63133 Great Barr With Yew Tree	2 Peak House Road Great Barr Birmingham B43 7SA	Proposed first floor side extension.	Grant Permission with external materials 11th July 2019
DC/19/63135 Great Bridge	8 Darbys Way Tipton DY4 7NY	Retention of garage conversion.	Grant Retrospective Permission 8th July 2019
DC/19/63136 Blackheath	32 Moor Lane Rowley Regis B65 8DH	Proposed new dwelling.	Refuse permission 30th July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63137 Great Barr With Yew Tree	17 Carter Road Great Barr Birmingham B43 6JR	Proposed two storey side/rear and single storey rear extension, porch to front and outbuilding in rear garden.	Grant Permission Subject to Conditions 11th July 2019
DC/19/63138 Wednesbury South	Metro Centre Potters Lane Wednesbury WS10 0AR	Proposed portable building (consent required for period of 2 years).	Grant Conditional Temporary Permission 12th July 2019
DC/19/63139 Abbey	606 Bearwood Road Smethwick B66 4BW	Proposed change of use of upper floors with single storey rear extension to create a 6 bedroom HMO, together with bicycle parking facilities, refuse and recycling storage and external alterations.	Grant Permission Subject to Conditions 2nd July 2019
DC/19/63141 Abbey	62 Beechwood Road Smethwick B67 5EQ	Retention of shed to front garden.	Grant Permission Subject to Conditions 5th July 2019
DC/19/63142 Charlemont With Grove Vale	32 Hollyhedge Road West Bromwich B71 3AA	Proposed single storey side and rear extensions.	Grant Permission with external materials 4th July 2019
DC/19/63144 Old Warley	233 Wolverhampton Road Oldbury B68 0TG	Proposed single storey rear extension.	Grant Permission with external materials 4th July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63147 Friar Park	14 Stonehouse Crescent Wednesbury WS10 0DQ	Proposed first floor side extension.	Refuse permission 19th July 2019
DC/19/63148 St Pauls	10 Berry Drive Smethwick B66 1RN	Proposed garage conversion.	Grant Permission with external materials 15th July 2019
DC/19/63149 St Pauls	114 Holly Lane Smethwick B67 7LA	Proposed single storey rear extension.	Grant Permission with external materials 2nd July 2019
DC/19/63152 Oldbury	2 Mayfly Close Oldbury B69 2GQ	Proposed single storey rear extension with outbuilding in rear garden.	Grant Permission Subject to Conditions 18th July 2019
DC/19/63153 Abbey	79 Trinder Road Smethwick B67 5NX	Proposed lift to front of property with retaining wall.	Grant Permission Subject to Conditions 17th July 2019
DC/19/63156 Oldbury	8 Twydale Avenue Tividale Oldbury B69 2HP	Proposed two storey side/rear extensions and single storey rear extension.	Grant Permission with external materials 12th July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63158 Abbey	Rear Of 289 Bearwood Road Smethwick B66 4DR	Proposed 3 bed detached dwelling.	Grant Permission Subject to Conditions 30th July 2019
DC/19/63159 Bristnall	41 Goode Close Oldbury B68 9NT	Proposed single storey side and rear extensions.	Grant Permission with external materials 12th July 2019
DC/19/63161 Old Warley	48 Kingsway Oldbury B68 0PZ	Proposed first floor rear extension.	Grant Permission with external materials 16th July 2019
DC/19/63162	390 Bearwood Road Smethwick B66 4EX	Proposed variation of condition 3 of planning permission DC/13/56059 (Proposed change of use from retail shop to hot food take away at ground floor only and installation of extraction flue at rear (resubmission DC/09/50695)) to allow additional operating hours between 20:.00 and 23:00 Monday to Sunday.	Grant Conditional Temporary Permission 19th July 2019
DC/19/63164 Greets Green & Lyng	Lyng Primary School Horton Street West Bromwich B70 7SQ	Proposed outbuilding to be used as a classroom.	Grant Permission Subject to Conditions 26th July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63166 Wednesbury North	Ormidale House 41 Wood Green Road Wednesbury WS10 9QS	Proposed change of use from care home (Class C2) to house of multiple occupation with 11 rooms (Class Sui Generis).	Grant Permission Subject to Conditions 19th July 2019
DC/19/63167 Tipton Green	37 Manor Road Tipton DY4 8PS	Proposed single storey rear extension.	Grant Lawful Use Certificate 23rd July 2019
DC/19/63170 Wednesbury North	23 Oakeswell Street Wednesbury WS10 9AH	Lawful development certificate for single storey rear extension.	Grant Lawful Use Certificate 17th July 2019
DC/19/63171 Princes End	75 Eastfield Road Tipton DY4 0TE	Retention of detached garage in front garden.	Grant Retrospective Permission 11th July 2019
DC/19/6627A Langley	Advertisement Hoarding 264301 Causeway Green Road Wolverhampton Road Oldbury	Proposed replacement of an existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display.	Grant Conditional Advertisement Consent 15th July 2019
PD/19/01186 Princes End	21 Coronation Road Tipton DY4 0YA	Proposed single storey rear extension measuring: 6.0m L x 3.3m H (2.4m to eaves)	P D Householder not required 8th July 2019
DC/19/63174 Abbey	175 Milcote Road Smethwick B67 5BP	Lawful development certificate for dormer roof extension to rear.	Grant Lawful Use Certificate 19th July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63175 Oldbury	19 Macdonald Close Tividale Oldbury B69 3LD	Proposed front porch and extend front and side boundary fence.	Grant Permission with external materials 18th July 2019
DC/19/63176 Oldbury	Land Adj To No 7 Charlotte Close Oldbury B69 2LZ	Proposed new detached dwelling.	Grant Permission Subject to Conditions 31st July 2019
DC/19/63178 Great Barr With Yew Tree	17 Hillcrest Road Great Barr Birmingham B43 6LU	Proposed ground and first floor side extension.	Grant Permission with external materials 1st August 2019
DC/19/6629A West Bromwich Central	Unit 4 The Farley Centre High Street West Bromwich B70 7QU	Proposed 4 No. internally illuminated fascia signs and 4 No. vinyl window signs.	Grant Advertisement Consent 4th July 2019
DC/19/63188 Cradley Heath & Old Hill	12 Heathfield Close Cradley Heath B64 6QT	Proposed single storey front extension.	Grant Permission Subject to Conditions 16th July 2019
DC/19/63190 West Bromwich Central	92 Dartmouth Street West Bromwich B70 8BS	Proposed loft conversion with dormer windows to front and rear.	Grant Permission with external materials 29th July 2019


Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63191 Smethwick	63 Basons Lane Oldbury B68 9SL	Proposed two storey side extension, and single and two storey rear extension (amendment to approved application DC/18/62184).	Grant Permission with external materials 19th July 2019
DC/19/63192 Wednesbury South	66 Tame Crossing Wednesbury WS10 0DT	Proposed loft conversion with dormer to side.	Grant Permission with external materials 26th July 2019
DC/19/63197 Oldbury	27 Embassy Road Oldbury B69 2GD	Renewal of expired planning application DC/15/58465 for proposed single storey side and rear extension.	Grant Permission with external materials 19th July 2019
DC/19/63195 Wednesbury South	J And J Siddons Limited Siddons Factory Estate Howard Street West Bromwich B70 0SU	Proposed extension to existing industrial facility for the storage and recycling of metal.	Grant Permission Subject to Conditions 19th July 2019
DC/19/63199 Oldbury	6 Hellier Avenue Tipton DY4 7RN	Proposed single and two storey rear extension (Revised application DC/18/62383)	Grant Permission Subject to Conditions 19th July 2019
PD/19/01198 Langley	9 The Lenches Shelsley Avenue Oldbury B69 1BF	Proposed single storey rear extension measuring: 7m L x 4m H (4m to eaves)	P D Householder not required 8th July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/63211 Blackheath	2 Admirals Way Rowley Regis B65 8BL	Proposed first floor side extension.	Grant Permission with external materials 24th July 2019
PD/19/01205 Smethwick	Devonshire Literary Centre Auckland Road Smethwick B67 7AT	Proposed demolition of redundant and derelict sports hall and swimming baths complex.	Grant Demolition Consent 1st July 2019
PD/19/01206 Blackheath	Sandwell MBC Britannia Centre Greenwood Avenue Rowley Regis B65 9NF	Proposed demolition of two storey building - former Science Block.	Grant Demolition Consent 1st July 2019
DC/19/6630A West Bromwich Central	Bus Shelter To The Front Of 17 Carters Green West Bromwich B70 9QP	Proposed installation of a double sided digital illuminated advertising panel on the departure end of bus shelter.	Grant Advertisement Consent 4th July 2019
DC/19/6631A West Bromwich Central	Bus Shelter Opposite Retail Car Park 32 - 36 Carters Green West Bromwich B70 9LW	Proposed installation of a double sided illuminated digital advertising panel on the departure end of the shelter.	Grant Advertisement Consent 4th July 2019
DC/19/6632A West Bromwich Central	Bus Shelter 305784 438 - 450 High Street West Bromwich	Proposed display of double-sided digital illuminated advertising panel on bus shelter.	Grant Advertisement Consent 4th July 2019

Application No. Ward	Site Address	Description of Development	Decision and Date
DC/19/6634A Wednesbury North	Stuart Bathurst Catholic High School College Of Performing Arts Wood Green Road Wednesbury WS10 9QS	Proposed 3 No. fascia crest and lettering signs to front elevation, various vinyl window signage to front and side elevations, and 1 No. free standing totem sign.	Grant Advertisement Consent 19th July 2019
PD/19/01220 Wednesbury North	12 Terrace Street Wednesbury WS10 9ET	Proposed single storey rear extension measuring: 6.0m L x 4.0m H (3.0m to eaves)	P D Householder not required 24th July 2019

Planning Committee

14 August, 2019

Subject:	Decisions of the Planning Inspectorate
Director:	Director – Regeneration and Growth Amy Harhoff
Contribution towards Vision 2030:	
Contact Officer(s):	<p>John Baker Service Manager - Development Planning and Building Consultancy John_baker@sandwell.gov.uk</p> <p>Alison Bishop Development Planning Manager Alison_bishop@sandwell.gov.uk</p>

DECISION RECOMMENDATIONS

That Planning Committee:

Notes the decisions of the Planning Inspectorate as detailed in the attached appendices.

1 PURPOSE OF THE REPORT

This report is submitted to inform the Committee of the outcomes of appeals that have been made to the Planning Inspectorate by applicants who were unhappy with the Committee's decision on their application.

2 IMPLICATIONS FOR SANDWELL'S VISION 2030

The planning process contributes to the following ambitions of the Vision 2030 –

Ambition 7 – We now have many new homes to meet a full range of housing needs in attractive neighbourhoods and close to key transport routes.

Ambition 8 - Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

Ambition 10 - Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people’s lives and communities.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 Applicants who disagree with the local authority’s decision on their planning application may submit an appeal to the Planning Inspectorate. An appeal may also be made where the local authority has failed to determine the application within the statutory timeframe.
- 3.2 Appeals must be submitted within six months of the date of the local authority’s decision notice.
- 3.3 Decisions on the following appeals are reported, with further detailed set out in the attached decision notices:-

Application Ref No.	Site Address	Inspectorate Decision
DC/18/61760	Scott Arms Shopping Centre, Walsall Road, Great Barr, Birmingham B42 1TQ	Dismissed Costs Refused
DC/18/62117	The Sportsman, St Mark’s Road, Tipton DY4 0SZ	Allowed with conditions Costs Refused
DC/18/62464	29 Seymour Road, Tipton DY4 0EP	Dismissed

4 STRATEGIC RESOURCE IMPLICATIONS

- 4.1 There are no direct implications in terms of the Council's strategic resources.
- 4.2 If the Planning Inspectorate overturns the Committee's decision and grants consent, the Council may be required to pay the costs of such an appeal, for which there is no designated budget.

5 LEGAL AND GOVERNANCE CONSIDERATIONS

- 5.1 The Planning Committee has delegated powers to determine planning applications within current Council policy.
- 5.2 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.

Amy Harhoff
Director – Regeneration and Growth

Appeal Decision

Site visit made on 3 April 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15th July 2019

Appeal Ref: APP/G4620/W/19/3220040

Scott Arms Shopping Centre, Walsall Road, Great Barr, Birmingham
B42 1TQ

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by London and Cambridge Properties Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application, ref. DC/18/61760, dated 17 May 2018, was refused by notice dated 10 August 2018.
 - The development proposed is an outline application for the construction of 5 dwellings with all matters reserved.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline, with appearance, layout, scale, access and landscaping as reserved matters. The Council made their decision based upon a Design and Access Statement, a location plan¹, a noise report,² and a transport report³. These reports, statement and plan reflect the description of the development. As the Council had regard to these in determining the application, I have dealt with the appeal on the same basis.
3. Whilst I note that access is a matter that is reserved for later approval, in assessing the principle of development there appears to be some confusion between both parties with regards to which access might be used to serve the development. Bromford Walk (which is currently aligned with bollards at the appeal site) is indicated as the access for vehicles in the appellants' design and access statement which supported the application. The council assessed the basis of access from a service road (Newton Road) and this is confirmed in the appellants statement of case that vehicular access would be from Newton Road and pedestrian and cycle access would be from Bromford Walk. I have therefore assessed the access on this basis having regard to the implications of the shared route.

¹ Location Plan, Proposed new residential Scheme, Drawing No 17/2267/03, By GH Design, May 2017

² Scott Arms, Great Barr External Building Fabric Assessment, By RBA Acoustics 21 July 2017

³ Residential Scheme at Scott Arms Shopping Centre Transport Statement. By IMA Transport Planning, August 2017

Application for costs

4. An application for costs was made by the appellant against Sandwell Metropolitan District Council. This application is the subject of a separate decision.

Main Issues

5. The main issues are:
 - Whether there is a suitable access to serve the proposed development;
 - Whether or not future occupants of the proposed development would have acceptable living conditions with regard to outlook, noise and odours; and
 - The safety and convenience of users of the highway as a result of loss of vehicular parking.

Reasons

Access

6. The appeal site is a hard surfaced car park that is located to the rear of the Scott Arms Shopping Centre (SC). Whilst this car park serves the SC, another car park is located to the front of the SC, having recently been reconfigured to allow an increase in parking spaces.
7. Whilst the appellant considers that access was not a justified reason for refusal, it is clearly necessary to test the planning merits of the proposal in principle and acceptability by establishing whether a suitable access can be provided. The Design and Access Statement is quite clear that the development is to provide five car parking spaces for five dwellinghouses which is in accordance with the description of the development.
8. The location plan submitted with the original application shows that the only possible ways that the site could be accessed would be from Bromford Walk (which was stated in the Appellant's Design and Access Statement as the access route), a no-through road which ends in concrete bollards where vehicles are prevented from accessing the appeal site. The other possible access would be the current situation which consists of a private service road which currently accesses the car park and the service yard to the rear of the SC, as well as some residential flats which were constructed as part of the SC development.
9. In assessing the principle of whether the site can be accessed appropriately, the Sandwell Council *Revised Supplementary Residential Design Guide Appendix 3* (RDG) states that shared accesses for car parks and parking courts cannot be used to jointly serve car parking for individual dwellings, and that family dwellings will need their own distinctive drive or private access to provide full separation from any shared parking areas. The guidance makes it clear that there is a distinction between 'family dwellings' and general residential development such as flatted schemes. Whilst I acknowledge comments that the accesses already serve both residential and commercial uses, none of the developments are recent with the policy position having changed considerably since then. The residential units in question above the SC are also flatted schemes, rather than family dwellinghouses which are specifically referenced in the RDG as requiring their own distinct access.

10. It is clear to me that based on the evidence presented and from what I saw on my site visit that neither of the 'available' accesses would comply with this criterion as specified by the RDG for family dwellinghouses. Whilst I appreciate that the RDG is guidance rather than policy, so there may be exceptions based on circumstances, the Council considers that the site does not have a suitable access for family dwellinghouses. It follows that the current situation is one where none of the available accesses are suitable to provide access for the proposed development of five family dwellinghouses.
11. Whilst the Reason for Refusal No1 has not been supported by a planning policy, the relevant policies at the end of the Decision Notice states Policy SAD EOS 9 of the *Sandwell Site Allocations and Delivery Development Plan Document 2012* (DPD) and Policy ENV3 of the *Black Country Core Strategy 2011* which both seek that high quality design and placemaking is supported to provide a high quality public realm and an attractive, safe and permeable movement network which is based upon urban design principles. These policies are supported by the RDG which amongst others, provides guidance as to the design of shared private drives and accesses to family dwellinghouses.

Living conditions of future occupiers

12. The Appellant feels aggrieved by the Council for the reason for refusal No2 regarding noise, outlook and odour as in their opinion this constitutes 'layout' which would be a reserved matter. However, it is reasonable to assess the planning merits of a case in outline stage with regards to how the proposed use would be compatible with surrounding uses to determine if the principle is appropriate.
13. According to the Council, the service yard to the SC has no time restrictions so commercial vehicles can access the service yard 24 hours a day, 7 days a week. Whilst a transport report and noise report have been submitted, there is no information with regards to the type of commercial vehicle accessing the service yard, their frequency or timings.
14. I note comments with regards to the Sandringham Court development adjacent to the appeal site which was approved in 2003.⁴ The appellant argues that this approved application extends past the same service yard with no issues being raised during the application regarding amenity of future occupiers. However, the Sandringham Court development is an entirely flatted scheme with no family dwellinghouses present. The scheme also has its own separate access from Walsall Road, and does not share an access with the service road. I do not consider the Sandringham Court scheme is analogous to the appeal site and therefore give the approval of this scheme little weight in this decision.
15. It is clear to me that the Council treats flatted schemes differently to family dwellinghouses, where family dwellinghouses would be expected to have rear garden spaces and designs which would meet the criterion as specified in the RDG. I agree that internal spaces could be satisfactorily conditioned to ensure that they meet noise regulations, however these considerations would also include the enjoyment of the residents in their private amenity space which the noise report does not address.

⁴ Sandwell Council Planning Ref No: DC/03/40310

16. I am not convinced that the noise report tells the full story of potential impacts caused to the future occupiers of the proposed dwellinghouses. A total of two noise surveys were undertaken, one on a Thursday between 16:00-19:00 and another the following Thursday between 21:00-0:00 whilst a live music event was taking place at the adjacent Great Barr Conservative and Unionist Club. Whilst I acknowledge the Council's concerns that the reports are outdated and reflect a previous scheme, the report also does not appear to assess peak timings, and is predominantly focussed upon the members club adjacent to the property. The noise surveys were carried out on a Thursday which does not include logically busier times of Friday and Saturday nights. The survey also does not assess the use of the service yard which may include activity during the middle of the night where sound and disturbance is much more perceptible than during the day.
17. It is clear to me that the proposed dwellinghouses would be in close proximity to a commercial service yard which is utilised by commercial vehicles without any restrictions, as well as being adjacent to the Great Barr Conservative and Unionist Club which hosts live music. Whilst noise is a concern, there are also concerns from the Council with regards to the air quality as a result of this scheme and the exposure of future residents to pollution, and smells from the surrounding commercial area which have not been addressed by the appellant. Whilst I agree that concerns regarding outlook could be adequately resolved by condition and layout during reserved matters, the issues of exposure of future occupiers as a result of noise, pollution, and odour establish the principle of acceptability of the use of the development and are not matters which could be adequately resolved by conditions within the reserved matters stage.
18. Consequently, I consider that the proposed development would not provide acceptable living conditions for future occupiers as a result of exposure to noise, pollution and odours from the surrounding environment. The Council in its reason for refusal has not cited any policies that consider the impact of noise, or pollution. However, paragraph 170 of the National Planning Policy Framework (the Framework) does seek that new developments do not contribute to or are being put at unacceptable risk from unacceptable levels of air or noise pollution and the proposed development would fail to achieve this.

Loss of car parking spaces

19. According to the Transport Statement the Appeal site has 90 car parking spaces (81 useable) and the front car parking area has 72 car parking spaces. The survey results that were taken on Friday 14 July 2017 and Saturday 15 July 2017 showed that the highest amount of parking of the appeal site over either day was at 22% at 11:00 on Saturday, and that the highest amount of parking of the front car park was 56% on the Friday at 12:00. When both car parks were combined, the report showed that the highest levels of parking amounted to 79% of the full capacity of the car park on both days.
20. Based upon these surveys it is demonstrated that the car park to the front could reasonably cater for the displacement of car parking spaces as a result of the loss of the appeal site to residential development. I acknowledge the Council's concerns that the transport report is outdated and reflects a previous scheme which was refused planning permission for a larger number of dwellings. This does highlight some flaws within the submitted report. I appreciate that the parking conditions I experienced on my site visit was only a snapshot of the

parking at this particular time, however I have also considered the evidence submitted by both main parties and, in the light of this, I am satisfied that what I saw represents typical conditions as reflected in the submitted transport report.

21. The report shows that as a result of the level of use of the rear car park that it is likely that the displaced vehicles would be able to be accommodated in the front car park. As such, this would not lead to the displacement of vehicles onto the public highway and would be unlikely to be detrimental to the safety and convenience of users of the highway. Whilst the Reason for Refusal No3 has not been supported by a planning policy, the relevant policies at the end of the Decision Notice states Policy SAD EOS 9 of the DPD and Policy ENV3 of the CS which both seeks amongst others, that developments have a safe and permeable movement network which is based upon urban design principles.

Planning Balance and Conclusion

22. I note comments from the Appellant regarding the benefits of the development which includes that the site is within a sustainable location; has high connectivity to public transport; is on existing brownfield land; and would result in a decrease of vehicular movements from those which would have previously accessed the car park to the rear. Whilst these benefits favour the scheme they do not outweigh the harm I have identified.
23. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR



Costs Decision

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 15th July 2019

Costs application in relation to Appeal Ref: APP/G4620/W/19/3220040
Scott Arms Shopping Centre, Walsall Road, Great Barr, Birmingham
B42 1TQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by London and Cambridge Properties Limited for a full award of costs against Sandwell Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for an outline application for the construction of 5 dwellings with all matters reserved.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant suggests that the Council has behaved unreasonably because based on the positive pre-application advice from the Council there was a reasonable expectation that the scheme would be approved.
4. The PPG confirms that unreasonable behaviour may be demonstrated by an Authority as part of procedural issues even before the appeal was undertaken, however any costs must be related to the appeal itself. Paragraphs 39-46 of the National Planning Policy Framework (the Framework) specifically encourage the front loading of the planning system via the preliminary engagement with the Council. Whilst the purpose is meant to deliver a more fluid and transparent planning process, pre-application advice does not bind a Council to a particular decision. The PPG makes it clear that pre-application advice provided by the Council cannot pre-empt the democratic decision making process or a particular outcome, in the event that a formal planning application is made.
5. Based upon the information submitted, I am minded to agree with the Council that inaccurate information was submitted by the appellant which does not assist in generating accurate pre-application advice. The Council mention that during pre-application that there was confusion of the accesses and that clarification was sought as Bromford Walk was not able to be used as a vehicular access. The Design and Access Statement submitted with the application and as part of the appeal documents state at Section 2.2 and 6.9 that the vehicular access to the site would be from Bromford Walk which was 'an existing access road currently serving the car park.' This was shown not to

be correct as only the service road (Newton Road) has vehicular access to the site. Section 2.5 of the appellant's final comments on the appeal stated that it was always the intention that vehicular access would be from the service road which further evidences the inaccuracies in information, which are still present within this appeal. It is clear that the Council has not frustrated the case as their advice can only be as accurate as the information they are given and that information was inaccurate. As such I do not consider that the Council has acted unreasonably in their advice given which was based upon the information made available.

6. Whilst I have not been presented with a copy of the pre-application advice relating to a previous refusal on the appeal site, the Planning Officer's Report and the Appellant's Appeal Statement submitted highlight the previous reasons for refusal of a previous scheme involving a larger number of residential family dwellinghouses.¹ The reasons for refusal No2 and 3 for this prior refusal sight the access not being suitable for family dwellinghouses as well as the proximity of the service yard causing problems relating to noise, outlook, odours and general disturbance.
7. In dealing with a new application on the same site and type of development (albeit reduced from 9 dwellings to 5), it is reasonable that the previous reasons for refusal would need to be adequately addressed. It is clear from the submitted documents which accompanied the application as well as utilised to support this appeal did not address these matters sufficiently. Both the noise report and transport report were not updated to reflect the new scheme, and did not adequately address matters of noise, odours and disturbance in order to comply with planning policy and ensure that the scheme was appropriate in principle.
8. These matters existed in the previous refusal and the most recent refusal and are inherent to the principle of the scheme and do not entirely fall away because they are removed from the outline application considerations. I do not agree that these matters are 'presumptions' and could have been addressed by conditions in the reserved matters stage. The Council made its decision based upon the information available to them within the submitted reports, the location plan and design and access statement as these issues were clearly inherent to the planning merits of the case which would determine its appropriateness in principle. Given the previous reasons for refusal and the current reasons for refusal, a consistent approach has been adopted. Consequently, in accordance with the PPG, the Council has not acted unreasonably in this respect.
9. I note comments from the appellant which introduces a second ground for costs where there is a belief that the Council have introduced a new and unjustified reason for refusal which has resulted in unnecessary expense to the appellant and wasted time. The only new reason for refusal from the previous refusal was reason No3 which related to the lack of information presented to justify the loss of car parking. The transport report presented was the same as previously submitted to a previously refused scheme and did not reflect the new scheme. The Council was justified in seeking an updated report which reflected the current conditions under consideration to base their decision upon.

¹ Sandwell Council Planning Ref: DC/17/60943

10. The Council acted reasonably in seeking clarification through a revised report and as such the reason for refusal citing a lack of adequate information is reasonable. Despite this, the appellant still relied on this outdated survey during this appeal and as such was not put to any additional expense in defending this appeal. The appeal was not purely based on this additional new reason for refusal and the appeal could not have been avoided due to the need to defend two other refusal reasons in any event. As such I do not consider that the Council has acted unreasonably in introducing this new reason for refusal and that the appellant has not been put to any additional expense.
11. I also note comments from the appellant which introduce a third ground for costs in which it is stated that the Council has not produced any evidence to support their reasons for refusal and not referred to the Framework. The Council have submitted a statement of case which along with the officer's report explains and justifies the reasons for refusal. The Council in determining a planning application are required to assess whether the scheme is in accordance with the development plan unless there are material considerations that indicate otherwise.
12. Whilst not specifically referring to the Framework in their decision, this is not required given that the Council viewed the scheme to be contrary to the development plan. I consider that the Council has given appropriate weight to the sustainability of the scheme, however this is not the only matter to have regard to in assessing the planning merits of the appeal site. The Council assessed the scheme based upon the information available to them and have not acted unreasonably in this regard.

Conclusion

13. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

J Somers

INSPECTOR



Appeal Decision

Site visit made on 10 June 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2019

Appeal Ref: APP/G4620/W/19/3225427

The Sportsman, St Mark's Road, Tipton DY4 0SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Stubley, on behalf of Heron Foods Ltd, against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/62117, dated 6 August 2018, was refused by notice dated 12 November 2018.
 - The development proposed is the re-development and extension of existing Public House to provide a new Class A1 local food store along with associated car parking and servicing.
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Decision

1. The appeal is allowed. Planning permission is granted for the re-development and extension of an existing Public House to provide a new Class A1 local food store along with associated car parking and servicing, at The Sportsman, St Mark's Road, Tipton DY4 0SZ, in accordance with the terms of the application DC/18/62117 dated 6 August 2018, and subject to the attached schedule of conditions.

Procedural Matters

2. The Council did not refer to development plan policies on the Decision Notice. However, both parties have made reference to policies [from both the Black Country Core Strategy 2011 \(CS\) and the Sandwell Site Allocations and Delivery Development Plan Document 2012 \(SADDPD\)](#) in evidence which are of relevance to the appeal. I will also take into account the National Planning Policy Framework (The Framework) as a material consideration in line with paragraph 212 of the Framework.
3. The appellant has made a minor adjustment to the plans associated with the access onto Eastfield Road, drawing: Proposed Site Plan 12187/DB3-B01-00-DR-A-90-003 rev A. This is a minor alteration, showing that vehicles would **enter from Eastfield Road and egress onto St Mark's Road** and includes sweep path analysis. The Council has commented on this further evidence. Also, the nature of concerns of consultees are clear from the original set of plans, I do not consider that their interests would be prejudiced if I take this amended plan into account. I shall therefore determine the appeal based on the plans referred to on the decision notice as well as the revised access details submitted as part of this appeal.

Application for costs

4. An application for costs was made by Heron Foods Limited against Sandwell Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are:
 - The effect of the proposal on highway safety, with particular regard to the use of the Eastfield Road access, for delivery vehicles, and
 - The effect of the proposed use on the living conditions of adjacent residential properties, particularly 14 Eastfield Road (No 14), in terms of noise and disturbance.

Reasons

Highway safety

6. The appeal site is within a commercial area and adjacent to residential areas. As a result, on-street parking demand is relatively high. This was confirmed during my visit where local highways, especially Ridgeway Road, were heavily occupied with parked cars.
7. The proposal seeks to provide a one-way system for delivery vehicles. **St Mark's Road is wide and** would present no difficulties when delivery vehicles egress. Eastfield Road and Ridgeway Road offer a more awkward access. However, on-street parking is relatively common in the area, as supported by **the appellant's surveys**. Therefore, existing delivery vehicles must already navigate these roads to service the existing public house and other local commercial and residential properties. The appellant identifies that a maximum of three delivery vehicles would attend the site daily. These would therefore be relatively infrequent. Subsequently, I am content that safe access can be achieved to the rear of the site provided that the proper care and attention is paid by road users.
8. Furthermore, the Framework explains that development should only be refused if there would be an unacceptable impact on highway safety, or if the cumulative effects would be severe. The current use of the site entails the movement of delivery vehicles, and the proposal would result in only a moderate increase of such movements with a limited impact on highway safety. Although, I have identified some potential difficulty this would be insufficient to amount to unacceptable harm to highway safety or result in a severe impact. A condition, preventing the egress of delivery lorries onto Eastfield Road would further reduce the residual effects of the proposal in these regards. Also, the access onto Eastfield Road, as depicted on the Revision A version of the site plan, would ease turning into the site and thus improve this arrangement to some extent. Therefore, in regard to the above, the proposal would not represent significant harm to highway safety, and as a result would not conflict with the Framework in this regard.
9. I have found that the proposal would comply with policy TRAN2 of the Black Country Core Strategy 2011 (CS), which seeks to resist development that would have significant transport implications. The proposed development would

also comply with policy SAD TRAN3 of the Site Allocations and Delivery Development Plan Document 2012 (SADDPD), which amongst other things seeks proposals to address the road safety implications of development.

Living conditions

10. The appeal site consists of a public house with car parking at its front and rear. It is bounded by three highways. Vehicular access is gained from both **St Mark's Road and Eastfield Road. The western boundary is adjacent to a row of dwellings and a medical centre.** A nursery, Tipton Sure Start Centre and library are to the east of the site, over Ridgeway Road. The surrounding area is a mix of residential, commercial and community activities and uses. The garden of No 14 is adjacent to the service bay and goods delivery door of the existing public house.
11. Paragraph 180 of the Framework requires development to mitigate and reduce to a minimum any potential adverse impacts resulting from noise from new development. The Guidance explains that when considering noise effect, it is necessary to identify whether the noise exposure is above or below the significant observed adverse effect level¹. Furthermore, the explanatory note to the Noise Policy Statement for England², states that significant adverse effects would result in an effect to the health and quality of life of an individual.
12. The **appellant's** noise report³ applies the BS4142 standard to assess and rate the associated commercial noise levels. Baseline noise data was collected from a point adjacent to the garden of No 14. The background noise level, at the noise sensitive receptor, was 50 dB LA90, 15min. The report explains that all deliveries would take place in the daytime and be limited to 3 a day. The report also finds that the associated external plant zone would create noise levels no greater than 29 dB LAeq,1hr. Also, the daily exposure of delivery vehicle noise would be 51 dB LAeq,102mins.
13. These conclusions accord with my general findings on my visit and the noise report appears to be reasonable. The existing lawful use could cause noise disturbance into the late evening, whereas the proposed use would be more likely to be busier in the daytime. This would reduce noise disturbance in less sociable times of the day. I am therefore satisfied that the noise effect of the proposal would be only slightly higher than the existing background noise. Furthermore, any noise effect would be further mitigated by the adherence to the attached conditions that would enclose the plant area and improve the acoustic properties of the boundary fence. Consequently, noise levels would not be appreciably different to the existing arrangement and would therefore not result in significant effects. No contradictory evidence in these regards has been submitted sufficient to challenge substantially the findings of the report.
14. Moreover, the servicing arrangement for the existing building would be retained as part of the proposed development, being located to the side of the building and adjacent to the boundary of no 14. Delivery vehicles are proposed to enter **from Eastfield Road and egress onto St Mark's Road.** Whereas, I understand that the existing servicing arrangement requires delivery vehicles to manoeuvre on site and enter and exit via Eastfield Road. Therefore, in

¹ Paragraph: 004 Reference ID: 30-004-20140306

² Department for Environment, 21 January 2015

³ Noise Impact Assessment, Environmental Noise Solutions Ltd, 19 March 2019

contrast to the existing arrangement, the proposed servicing would provide a simpler access arrangement, with a reduced need to manoeuvre on site, and a consequent reduction in the amount of noise and disturbance caused by such manoeuvres. The substantive evidence before me indicates that the proposal would avoid significant adverse noise effects. Accordingly, these considerations lead me to the conclusion that the proposed development would avoid material harm to the living conditions of the occupiers of No 14 and surrounding adjacent properties.

15. I have subsequently found that the proposal would comply with paragraph 127 of the Framework which seeks development creates places that are safe, inclusive and accessible and create a high standard of amenity for existing and future users.

Other matters

16. The substantial objection to the planning application included three petitions and 230 letters in opposition. Beyond issues relating to highway safety, representations mostly raised concerns in regard to the loss of the public house as a community facility. Furthermore, the local community has applied to register the building as an Asset of Community Value (ACV). The Council has recently stated that the property is proposed to be designated an ACV, meaning that it is considered to further the well-being of the local community. However, despite being prompted the Council has been unable to confirm when the designation will be confirmed.
17. I sympathise with the concerns of the local community and recognise the value that residents must place on this facility. However, the site is within the St Mark's Local Centre and being under 500 sqm would satisfy **the Council's retail** policy for the location of new retail activity. Consequently, the principle is supported in the development plan. Furthermore, no development plan policy seeking to retain public houses has been drawn to my attention during the course of the appeal. Moreover, even if the property is formally designated an ACV this would only have a limited bearing on my decision as its greatest effect would be to prevent the sale of the asset until it had been offered to the community for a protected period of 6 months. The appellant has declared on the appeal form that Heron Foods owns the property and as such the benefits of being designated an AVC would be limited in this case.
18. Representations have also raised the effect of the proposal on local retailers. However, no substantive evidence is before me that illustrates whether or how local retailers would be directly affected. Furthermore, it is unlikely that a single retail unit, of under 500 sqm and being of relatively modest scale, would have a significant effect on an individual retailer. In any event, commercial considerations such as these are essentially private matters and therefore do not have a material bearing on my **assessment of the proposal's planning** merits.
19. Representations have been made in reference to the effect of additional lorries and cars in regard to pollution levels and the safety of local road users (including children and elderly residents). However, traffic levels would be unlikely to significantly differ from the lawful use of the premises. In any event, most traffic would use the **access from St Mark's Road with a limited effect** on the living conditions of nearby residents.

Conditions

20. I have considered the use of conditions in line with the advice set out in the **Government's Planning Practice Guidance**. I shall impose some of the Council's suggested conditions and have altered the wording where relevant in the interests of clarity and precision.
21. I have added a condition to limit the commencement of development to three years and to list the approved plans, both of which are necessary in the interests of certainty [1 and 2]. I have added conditions regarding delivery hours and in regard to the fence on the western boundary and the plant enclosure, in accordance with the recommendations/assumptions of the noise report. I have also added a condition that would prevent delivery vehicles from leaving the site onto Eastfield Road, to reduce conflicts on the relatively narrow roads to the rear and side of the site. I am satisfied that no party would be prejudiced by these additional conditions as the first two are recommended by the Framework, the following two were assumptions in the appellant's noise report and the final condition has been agreed in the appellants statement of case. I have also combined the two matters relating to construction disturbance.
22. I have also attached the following conditions; to protect the living conditions of adjacent occupiers and address the conclusions of the noise report [3, 4 and 8]; to safeguard the character and appearance of the area [5]; to satisfy the requirements of the Black Country Air Quality Supplementary Planning Document 2016 [6]; and to ensure the safe servicing of the site [7].

Planning balance and conclusion

23. The proposal would not have a material effect on the living conditions of adjacent residents or cause substantial harm to highway safety. The proposed retail use would include new employment opportunities and represent positive investment in the site and building. Although the loss of the community facility would be of moderate weight in the planning balance, this would not outweigh the benefits of the proposal in its overall compliance with the development plan policies drawn to my attention and the Framework. For the above reasons, and having taken into account all matters raised, the appeal is allowed.

Ben Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be constructed in accordance with the following approved plans: Proposed Site Plan 12187/DB3-B01-00-DR-A-90-003 rev A, Location Block Plan 12187/DB3-B01-00-DR-A-90-002, Proposed Basement and First Floor Plans 12187/DB3-B01-00-DR-A-20-006, Proposed Elevations [sheet 1 of 2] 12187/DB3-B01-00-DR-A-20-004, Proposed Elevations [sheet 2 of 2] 12187/DB3-B01-00-DR-A-20-005 and Proposed Ground Floor Plan 12187/DB3-B01-00-DR-A-20-003.
- 3) The retail use hereby permitted shall only take place between the following hours: 0800 to 2000 hours Mondays to Sundays (including Bank Holidays). All deliveries shall only take place between the following hours: 0800 to 1830 hours Mondays to Sundays (including Bank Holidays).
- 4) Prior to the occupation of the approved use, details of the repair and (where agreed) replacement of the western boundary fence and plant enclosure fence (in accordance with the Noise Impact Assessment by Environmental Noise Solutions Ltd dated 19 March 2019), shall be submitted to and approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before the building is first occupied and shall be retained thereafter.
- 5) Prior to the commencement of above ground development, details of all materials to be used externally shall be submitted to and approved in writing by the local planning authority. The development shall be built in accordance with the approved materials.
- 6) Prior to the first occupation of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority that indicate the location and specification of two vehicle charging points. The vehicle charging points shall be fully installed in accordance with the approved details, shall be operational before the use hereby approved commences, and shall be retained thereafter.
- 7) Delivery vehicles shall not exit the site onto Eastfield Road at any time.
- 8) Construction works and all activities associated with the development of the site shall only take place between 07.30 to 18.00 Mondays to Fridays and 08.00 to 14.00 on Saturdays, with no such work/activities on Sundays and Bank Holidays. There shall be no bonfires on site at any given time. Dust, during demolition, site clearance and construction shall be controlled through dust control measures at all times.

End of Conditions



Costs Decision

Site visit made on 10 June 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2019

Costs application in relation to Appeal Ref: APP/G4620/W/19/3225427 **The Sportsman, St Mark's Road, Tipton DY4 0SZ**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Paul Stubbley, on behalf of Heron Foods Limited, for a full award of costs against Sandwell Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the re-development and extension of existing Public House to provide a new Class A1 local foodstore along with associated car parking and servicing.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The costs application essentially relies on the fact that Council officers recommended that planning permission be granted for the proposal, but that the Council Members reached a different conclusion. The applicant alleges that the Committee did so without adequate reason to do so. The applicant also contends that Members did not pay regard to the advice they were given by officers and provided no supporting explanation or evidence to demonstrate the reasons for refusal.
4. The Council has explained that Members undertook a site visit and paid regard to the concerns expressed from residents in respect of noise disturbance and traffic. Furthermore, the Council has provided photographs in its statement of case to support its position and explained its concerns. Therefore, whilst the **officer's report properly** summarises the policy position and the representations received, Members were entitled to come to their own view. The minutes reflect that the Planning Committee entered into detailed discussion around the merits of the case, before concluding that the proposal should be refused. Moreover, having undertaken a site visit it was able to justify taking a different view based on site specific observations as the weighting of material considerations is a matter for the decision-taker. Subsequently, although I have allowed the appeal, I have not found the concerns of Planning Committee without merit or foundation.

5. **Consequently, I consider that the Council's decision in this respect was** not so fundamentally flawed or without foundation as to represent unreasonable behaviour. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

Ben Plenty

INSPECTOR



Appeal Decision

Site visit made on 2 July 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/G4620/D/19/3226722

29 Seymour Road, Tipton DY4 0EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Welch against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/18/62464, dated 15 November 2018, was refused by notice dated 23 January 2019.
 - The development proposed is to raise the roof for a loft conversion.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. **The appellant's** appeal documentation refers to an offer to revise the plans and omit the proposed dormers. However, I have only been provided with plans that show the inclusion of dormers in the roof. Numbers on these plans **correspond with those listed on the Council's decision notice**. For clarity purposes, I confirm this appeal decision is based upon the plans as listed on the decision notice.
4. The National Planning Policy Framework (the Framework) was revised on 19 February 2019 and this post-**dates the Council's refusal notice**. **I have** considered the Framework as part of the determination of this appeal.

Main Issues

5. The main issues are the effect of the development on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of the loft conversion in respect of outlook.

Reasons

Character and appearance

6. The appeal property is a gable-fronted bungalow in a residential area. It is set in a distinct line of 5 similar bungalows, all with gable frontages and matching ridge and eaves heights. Further along and on the same side of the road are other bungalows that are different to the appeal property, having ridgelines running parallel, rather than perpendicular to the road. Despite this difference in roof designs, all the bungalows in the entire row are of a similar height and display a pleasant uniformity in scale when viewed from the street.
7. The proposed development will change the appearance of the appeal property when viewed from the front by virtue of an increase in ridge height, the insertion of a new window at first floor level and the introduction of the side-facing dormers. Given the open frontage to the site and adjoining properties, these changes would be conspicuous when travelling along Seymour Road. The appeal development would also be seen from Hazel Road when moving towards its junction with Seymour Road.
8. Due to the higher ridgeline and insertion of a first floor window in the front gable of the appeal property, the proposed development would result in a building markedly at odds in terms of scale, height and appearance with the uniformity shown in the adjacent dwellings. The height increase would also be out of keeping with the generally consistent ridgelines seen in the entire row of bungalows. As such, I find that the proposed development would be noticeably incompatible with its immediate surroundings, thereby significantly undermining a commonality that contributes positively to the character of the area.
9. The appellant highlights various nearby dwellings where roofs have been altered and extended. I do not know the full circumstances that led to the construction of these developments and, in any event, I have determined this appeal on its individual planning merits. I note the property opposite, 1 Hazel Road, is on a larger corner plot at the end of a row of bungalows, rather than in the middle of a line. As such, its side extension and main roof ridge height are not seen in the same uniform context as the appeal property. The other cited examples at Newman Road and Rachel Close are some distance from the appeal site, and in any case stand fall within a different environmental context. The presence of the other extensions and alterations referred to by the appellant does not outweigh my findings above in respect of the main issue.
10. The appellant also refers to a nearby recent residential development where there are examples of adjacent houses with different ridge heights. However, in contrast to these examples, the appeal property lies in part of Seymour Road where similar roof heights is a main characteristic of the street. A different design approach elsewhere fails to justify a development that would be significantly at odds with the established uniformity seen in the immediate surroundings of the appeal site.
11. For the reasons outlined above, I conclude that the development would cause significant harm to the character and appearance of the area. Consequently, and in this regard, it would be contrary to policy ENV3 of the adopted Black

Country Core Strategy 2011, policy SAD EOS 9 of the adopted Sandwell Metropolitan Borough Council Site Allocations and Delivery Development Plan Document 2012, **the Council's** Revised Residential Design Guide Supplementary Planning Document 2014 (RDGSPD) and the Framework. These all aim, amongst other things, to ensure development proposals are of high quality design and avoid harm to the character and appearance of an area.

Living Conditions of Future Occupiers of the Loft Conversion

12. One of the proposed dormers would be the only window serving a new bedroom in the loft conversion. Main views from this window would look out across the single car-width driveway on the appeal site and to the side roof-slope of the neighbouring property.
13. The RDGSPD states that where living space is introduced into roof spaces, main living room areas must have a direct outlook onto external outdoor space. In this case, the window would serve a bedroom, rather than a main living room or lounge. As such the window serves a room likely to be occupied more at night time when outlook is less important. Furthermore, the window would look out onto the driveway, an external space, albeit a narrow area in between two buildings. I also note the neighbouring roof would slope away from the dormer window, thereby allowing a degree of outlook over the roof. The other dormer window would serve a bathroom, and hence this would be acceptable in living conditions terms.
14. Having regard to all these factors, I conclude that the living conditions for the users of the proposed loft conversion would be acceptable in terms of outlook. Consequently, and in this regard, the development would accord with the RDGSPD and the Framework which aim, amongst other things, to create places with a high standard of amenity for future occupiers all properties.

Conclusion

15. Whilst I have found that the living conditions of future users of the loft conversion to be acceptable in terms of outlook, the proposed extension would result in significant harm to the character and appearance of the area.
16. Therefore, and taking into account all other matters raised, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR