


## REPORT TO PLANNING COMMITTEE

6<sup>th</sup> November 2019

<b>Application Reference</b>	DC/19/63360
<b>Application Received</b>	29 <sup>th</sup> July 2019
<b>Application Description</b>	Retention of outbuilding to rear
<b>Application Address</b>	29 Izons Road West Bromwich B70 8PG.
<b>Applicant</b>	Mr Juned Rahman 29 Izons Road West Bromwich B70 8PG
<b>Ward</b>	Greets Green & Lyng
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s)</b>	Mr Anjan Dey 0121 569 4896 anjan_dey@sandwell.gov.uk

### **RECOMMENDATION**

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

- (i) The western side elevation shall be rendered and painted within 2 months of the date of the permission;
- (ii) The rain water gutters and down pipe shall be extended/repositioned across the front elevation within 2 months of the date of the permission and
- (iii) The outbuilding shall be used purposes that remain ancillary to the main dwelling-house.

### **1. BACKGROUND**

- 1.1 This application is being reported to your Planning Committee because more than 3 material objections have been submitted.

### **2. SUMMARY OF KEY CONSIDERATIONS**

- 2.1 The site is not allocated in the adopted development plans.

2.2 The material planning considerations which are relevant to this application are:

Overlooking/loss of privacy  
Loss of light and/or outlook  
Design, appearance and materials

Refer to section 6 below for more details.

### **3. The APPLICATION SITE**

3.1 This application relates to a terraced property located on the southern side of Izons Road, West Bromwich. The surrounding area is residential in character, dominated by terraced properties. A health centre is located on the opposite side of Izons Road.

### **4. PLANNING HISTORY**

4.1 There is no relevant planning history.

### **5. APPLICATION DETAILS**

5.1 This retrospective application relates to enforcement case ENF/19/10792 and is for the retention of an outbuilding constructed at the rear of the property. The outbuilding is used for domestic storage purposes and has dimensions of:-

- 9.1m deep by 3.8m wide by 2.8m high to the maximum height of the mono pitched roof.

5.2 The structure is a combination of exposed blockwork and rendered elevations containing uPVC doors and windows. The western side elevation has been built into the side wall that forms the boundary. As built it consists of brick and exposed blockwork.

5.3 The applicant's property is flanked by terraced properties on Lodge Road, whose rear gardens are served by a shared access. The western side elevation contains a door that allows access via the shared alleyway.

### **6. PUBLICITY**

6.1 The application has been publicised by neighbour notification letter with 3 objections received from the occupiers of 54 Lodge Road. One of the objection letters has been counter-signed by 5 residents of various properties situated on Lodge Road.

## 6.2 **Objections**

Objections have been received on the following grounds:-

- (i) The outbuilding has been constructed without obtaining planning consent;
- (ii) The outbuilding results in loss of outlook from their properties and is unduly prominent and out of keeping with surrounding dwellings;
- (iii) The outbuilding results in loss of privacy to their properties;
- (iv) It will be used as self-contained living accommodation;
- (v) There is no drainage for the structure;
- (vi) Concerns as to whether it requires Building Regulations approval.

## 6.3 **Responses to objections**

I respond to the objector's comments in turn;

- (i) the applicant was unaware that planning permission should have been obtained for the outbuilding, this is a common occurrence. I have no reason to doubt the reasons why prior consent was not obtained, however this in itself, would not warrant refusal. Following a complaint to the planning service and subsequent investigation, the applicant now seeks to regularise the matter.
- (ii) the height of the structure along the shared access to the rear of properties of Lodge Road is 2.47 metres. This measurement is marginally below the 2.5 metre height that is allowed under Class E of 'Permitted Development Regulations'. Its maximum height (2.8 metres) is 300mm above the height allowed under current regulations. Notwithstanding this, it is my view that the height is not detrimental to neighbouring properties.
- (iii) the nearest ground floor primary windows at the rear of nos 56 & 58 Lodge Road are estimated to be 21 metres away from the side elevation of the outbuilding. Primary windows at the rear of no 54 Lodge Road do not directly face the outbuilding. Furthermore the outbuilding is not visible from the main frontage to Izons Road. It is my view that privacy would not be affected due to the separation distances referred to above and given that the outbuilding is being used for domestic storage purposes.
- (iv) There is no evidence to suggest that the outbuilding would be used for self-contained living accommodation. Such a use would require planning consent and is unlikely to be supported due to the spatial constraints of the site.

- (v) The outbuilding has a mono pitched roof that slopes from east to west and gutters have been fitted along the western side elevation to contain rain water. The gutter down pipe currently discharges rain water onto the shared access which is not acceptable. It is my view that the gutters and downpipe should be extended across the front elevation so that rain water is discharged within the curtilage of the dwelling. This can also be controlled by an appropriate condition.
- (vi) Building Regulations approval is not a material planning consideration.

#### **6.4 Support**

No comments have been received which support the application.

### **7. STATUTORY CONSULTATION**

- 7.1 There are no statutory consultation responses to report for this application.

### **8. GOVERNMENT GUIDANCE/NATIONAL PLANNING POLICY**

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

### **9. LOCAL PLANNING POLICY**

- 9.1 The following sections of the Council's Development Plan are relevant:-

ENV3: Design Quality

SAD EOS9: Urban Design Principles

- 9.2 These policies emphasise the need for good design and that proposals should be in scale with the local area. As indicated the height at its maximum is only 300mm above a standard permitted development building and hence, in terms of scale, it is considered to be acceptable. With regard to appearance, it is accepted that the areas of exposed blockwork are unsightly, however to render the northern and eastern elevations, the applicant would need consent from neighbour's to access their gardens. This is ultimately a private matter, however the side return to objectors' properties can be accessed through the side passage.
- 9.3 Turning to the western side elevation, along the shared access, it is considered that this should be rendered and painted to improve its visual appearance. This can be controlled by condition.



## **10. MATERIAL CONSIDERATIONS**

- 10.1 The key material considerations with this proposal are design referred to above (9.1) and the impact of the outbuilding from loss of outlook and privacy to the neighbouring properties. As indicated in 6.3 above (response to objections):-
- 10.2 Design. The proposal is acceptable in scale and conditions can be attached to improve its appearance.
- 10.3 Loss of outlook. There are no windows which directly face the outbuilding;
- 10.1 Loss of Privacy. The outbuilding is 21 metres away from the rear of nos 56 & 58 Lodge Road;

## **11. IMPLICATIONS FOR SANDWELL'S VISION**

- 11.1 The proposal supports Ambition 10 of the Sandwell Vision 2030:-
- 11.2 Ambition 10 – Sandwell has a national reputation for getting things done, where all local partners are focussed on what really matters in people's lives and communities.

## **12. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 12.1 The proposal accords in the main with relevant design policies and conditions regarding improving its appearance can be conditioned. When considering the key material considerations of loss of outlook and privacy, it is considered that the proposal does not result in any harm to the neighbouring residents.

## **13. STRATEGIC RESOURCE IMPLICATIONS**

- 13.1 When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.

## **14. LEGAL AND GOVERNANCE CONSIDERATIONS**

- 14.1 This application is submitted under section 55 of the Town and Country Planning Act 1990.

## **15. EQUALITY IMPACT ASSESSMENT**

- 15.1 There are no equalities issues arising from this proposal and therefore an equality impact assessment has not been carried out.

## **16. DATA PROTECTION IMPACT ASSESSMENT**

16.1 The planning application and accompanying documentation is a public document.

## **17. CRIME AND DISORDER AND RISK ASSESSMENT**

17.1 There are no crime and disorder issues with this application.

## **18. SUSTAINABILITY OF PROPOSALS**

18.1 Refer to the national planning framework (8) and local plan policies (9) and material considerations (10).

## **19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

19.1 Refer to the summary of the report (12).

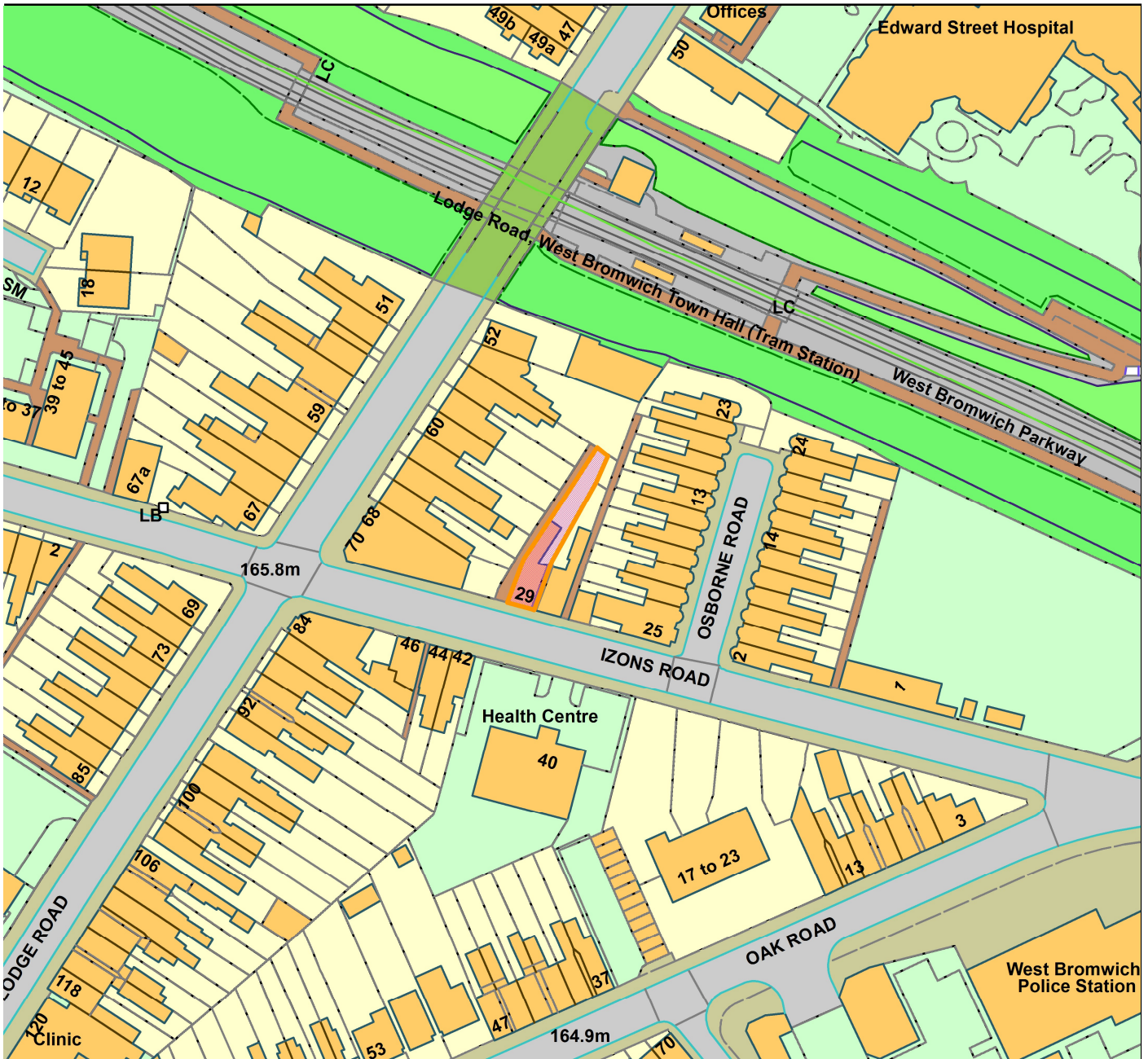
## **20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

20.1 There will be no impact.

## **21. APPENDICES:**

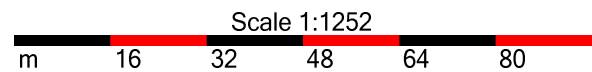
Site Plan  
Context Plan  
Plan No. 2  
Plan No. 3

DC/19/63360  
29 IZONS ROAD



**Legend**

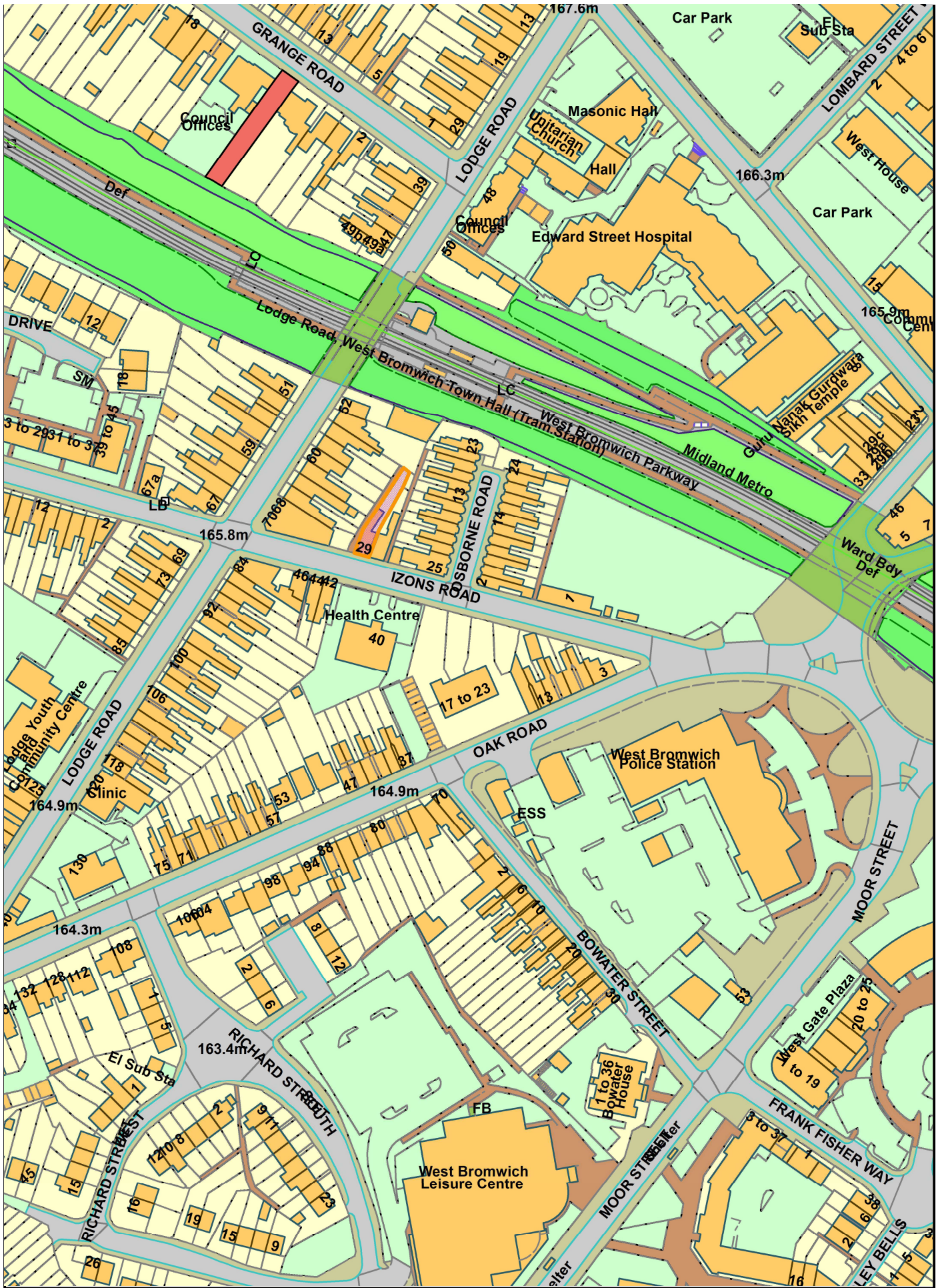
Sc 1:1251



© Crown copyright and database rights 2019  
Ordnance Survey Licence No 100023119

<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	23 October 2019
<b>OS Licence No</b>	







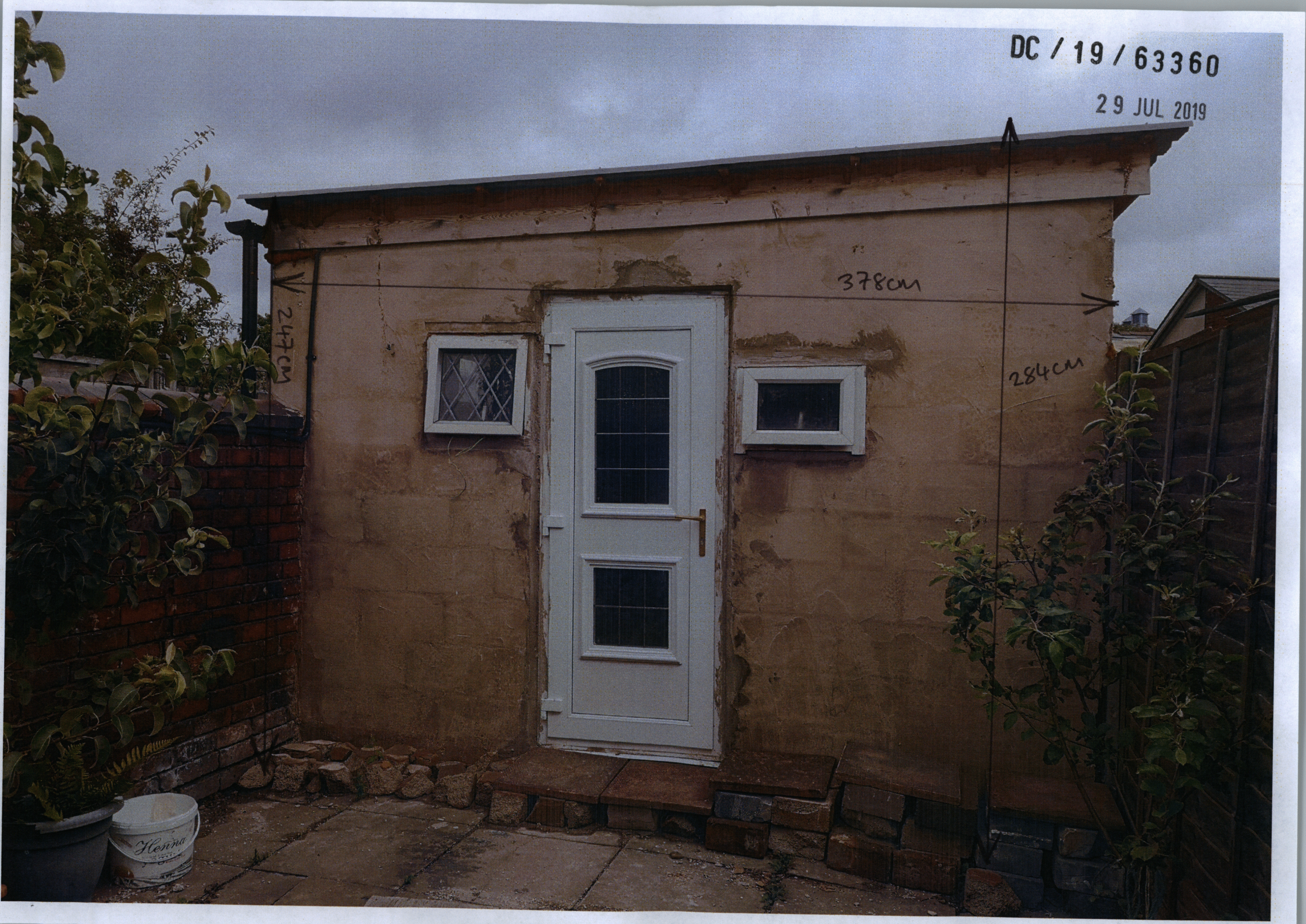
DC / 19 / 63360

29 JUL 2019

247cm

378cm

284cm





DC / 19 / 63360

29 JUL 2019

918cm

378cm.

267cm

