

REPORT TO PLANNING COMMITTEE

4th December 2019

Application Reference	DC/19/63520
Application Received	9 September 2019
Application Description	Proposed garage in rear garden.
Application Address	77 Hill Top, West Bromwich, B70 0PX
Applicant	Mr. Major S Tiwana
Ward	Hateley Heath
Contribution towards Vision 2030:	
Contact Officer(s)	Ervin Hoxha 0121 569 4269 Ervin_hoxha@sandwell.gov.uk

RECOMMENDATION

That planning permission is granted subject to: -

- (i) The approval of external materials;
- (ii) That the building is used for vehicle parking and storage as ancillary accommodation to the main dwelling and not a separate dwelling,

1. BACKGROUND

- 1.1 This application is being reported to your Planning Committee because four material objections have been received.

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:

The intended use and whether it is reasonably required;
Design, appearance and materials, and

Impact on neighbouring residential amenity in terms of loss of light, outlook and privacy.

3. The APPLICATION SITE

- 3.1 The application refers to a detached two storey house on the east side of Hill Top, West Bromwich.
- 3.2 The house has a large front drive and a substantial rear garden and is surrounded by residential properties which includes two storey house along Hill Top and bungalows on Allens Avenue at rear.

4. PLANNING HISTORY

- 4.1 The property benefits from a disabled shower/bedroom/ kitchen extension which has been implemented and a more recent consent for a proposed two storey side and single storey rear extensions, which has not been implemented.
- 4.2 Relevant planning applications are as follows:-

DC/28173	Disabled shower/bedroom/ kitchen extension.	Approved 29/05/1992
DC/13/55747	Proposed two storey side and single storey rear extensions.	Approved 05/06/2013

5. APPLICATION DETAILS

- 5.1 The application is for the construction of a detached garage with toilet in rear garden which would be sited on the eastern side at the bottom of the rear garden on part of an existing slabbed area used to park at least one vehicle, approximately 5m away from the rear garden boundaries of 3 and 4 Allens Avenue.
- 5.2 The garage would measure 5.6m wide x 8.45m long x 2.85m high and would be constructed in brickwork. Internally the garage would be open plan and contain a toilet with wash hand basin facing the rear of the applicant's house. There would be no windows on the rear elevation facing the rear gardens of 3 and 4 Allens Avenue. The garage would have a roller shutter to the northern elevation accessed via Allens Avenue. On the eastern elevation, it would have a door and three windows, one of which would serve the toilet and be obscurely glazed.

6. PUBLICITY

6.1 The application has been publicised by neighbour notification and four material objections and one neutral comment have been received.

6.2 Objections

Objections have been received on the following grounds:-

- (i) Loss of privacy;
- (ii) Loss of outlook;
- (iii) Loss of light/over-shadowing;
- (iv) The building could be used as living accommodation;
- (v) Details of foul and service water drainage; and

Immaterial issues have been raised regarding loss of value to their properties, access rights to use Allens Avenue and the method of construction.

6.3 Responses to objections

I respond to the objectors' comments in turn;

- (i) Given that there are no windows on the rear elevation of the garage, there would be no loss of privacy;
- (ii) Under the permitted development rights, the applicant could build the structure within the same footprint up to 2.5m in height. The proposed development is only 350mm higher than permitted development rights, and therefore it is considered that the additional height is not significant to warrant refusal;
- (iii) The bungalows are separated from the proposal by the driveway serving no. 4 Allens Avenue which is enclosed by 1.8 metres fencing to both the boundary on the application site and the boundary of the bungalows. In addition given the orientation of the sun the building will have a limited effect on loss of light to the nearest bungalow (no. 3 Allens Avenue). It is therefore considered that this would not warrant refusal of the application.
- (iv) The use of the proposed garage can be conditioned to be retained as per the description of the development; and
- (v) The drainage details will be dealt with under building regulations due to the size of the building.

6.4 Support

6.4.1 No comments have been received in support of 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. It is considered that the scheme would be appropriate in scale within the locality and the use of brick materials would be complementary to the local area.

10. MATERIAL CONSIDERATIONS

- 10.1 The key material considerations with this proposal are design referred to above (9.2) and the intended use and whether the development is reasonably required and the impact on neighbouring residential amenity in terms of loss of light, outlook and privacy.
- 10.2 Intended use and reasonably required. The applicant has verbally confirmed that the garage would be used to store one of their cars and other household items, which is considered to be reasonably required. This can be controlled by planning conditions to ensure that it would be used for these purposes and not used as a separate and independent dwelling.
- 10.4 As indicated in 6.3 above, (i) the proposal has no windows on the rear elevation, (ii) is not significant in height, (iii) is separated from the boundary of the nearest bungalow by the existing boundary treatments and the driveway and (iv) the orientation of the sun will have a limited effect on the loss of light/overshadowing. It is therefore considered that there would be no significant impact on residential amenity in terms of loss of light, outlook or privacy.

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 proposed development is acceptable in terms of its design, scale and appearance which accords with relevant policies and would not detract from residential amenity.

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

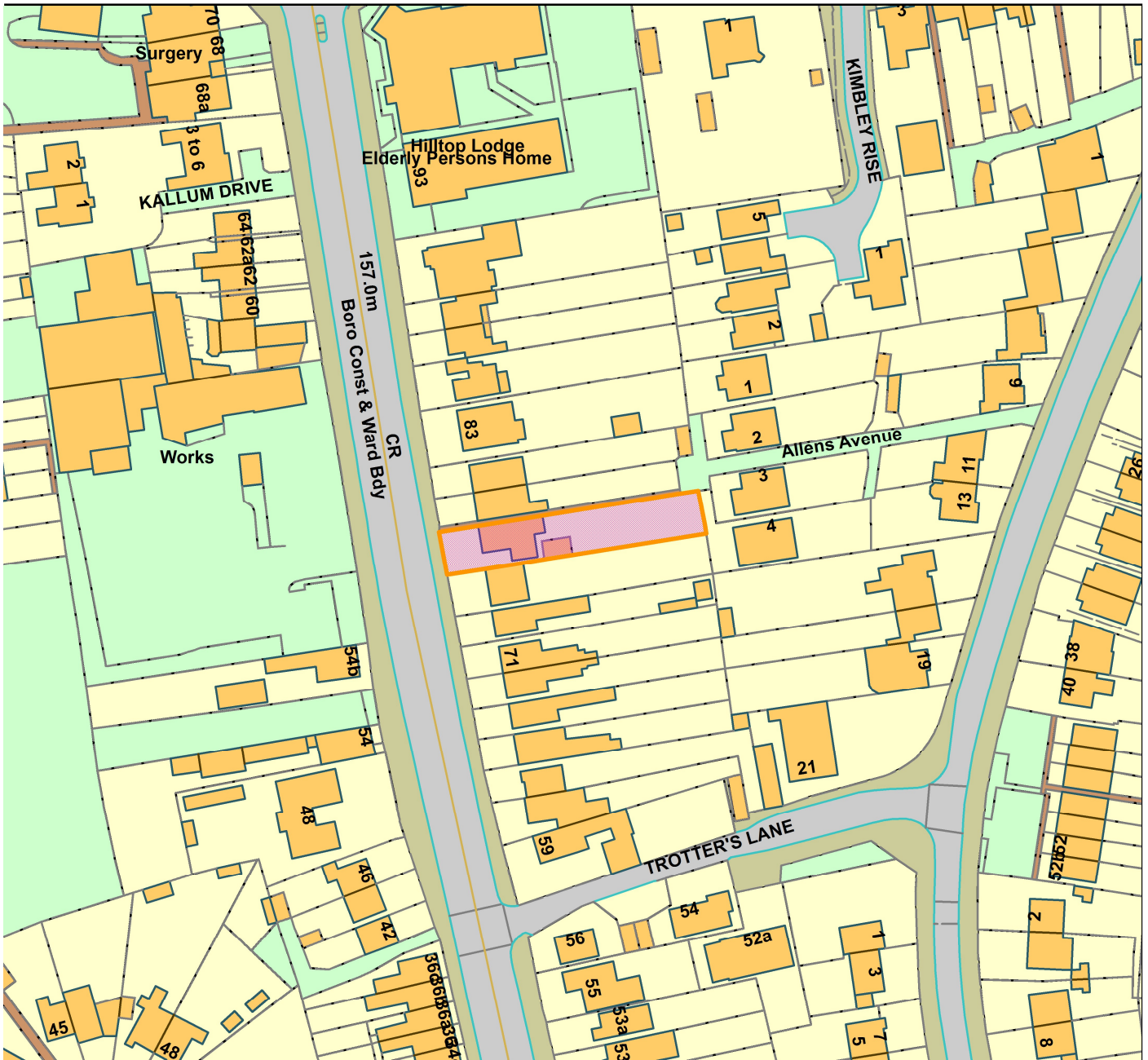
Plan No. 01

Plan No. 02

Plan No. 03

Plan No. 78/19

DC/19/63520
77 Hill Top, West Bromwich



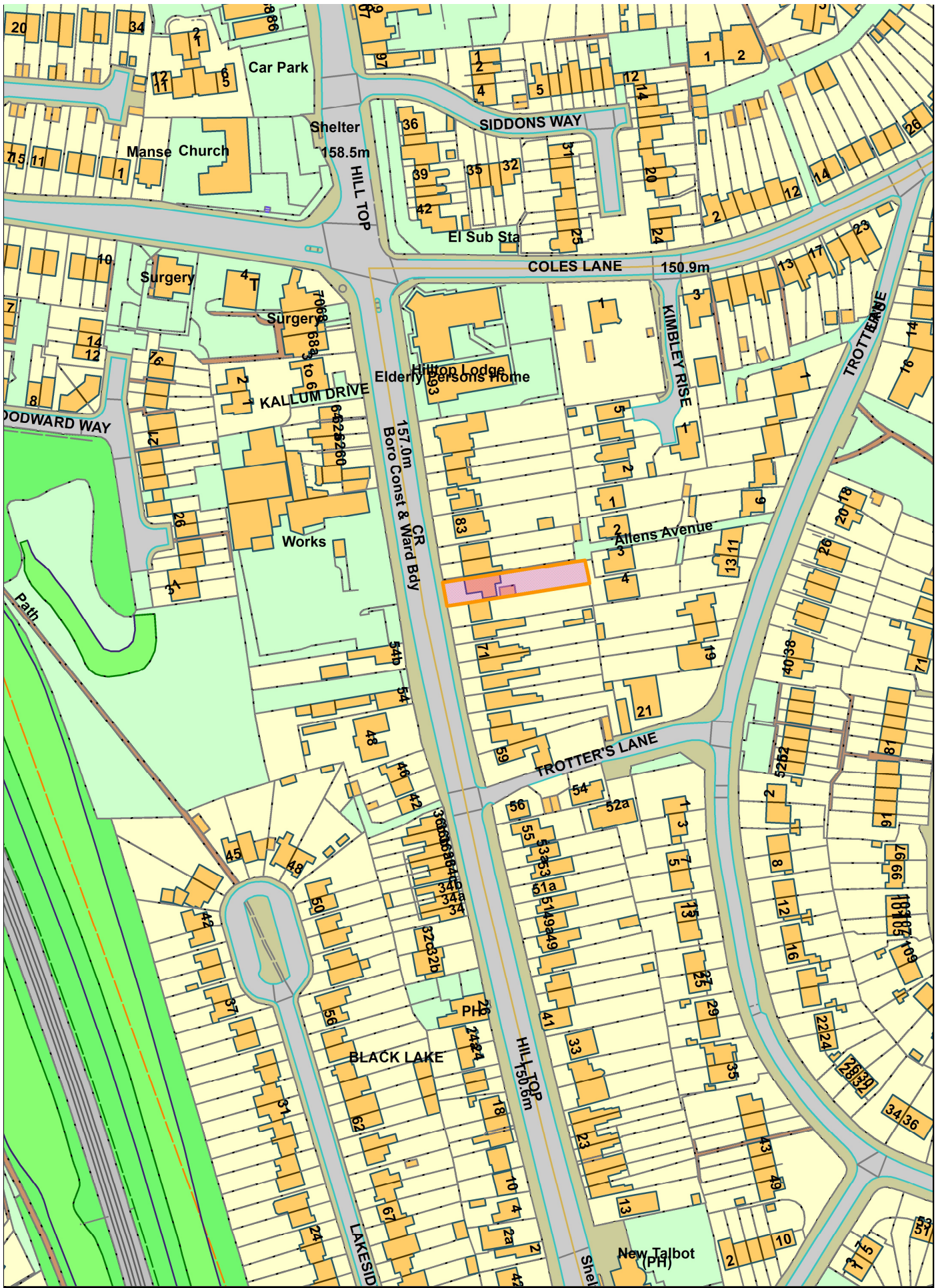
Legend

Scale 1:1251



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Organisation	Not Set
Department	Not Set
Comments	
Date	22 November 2019
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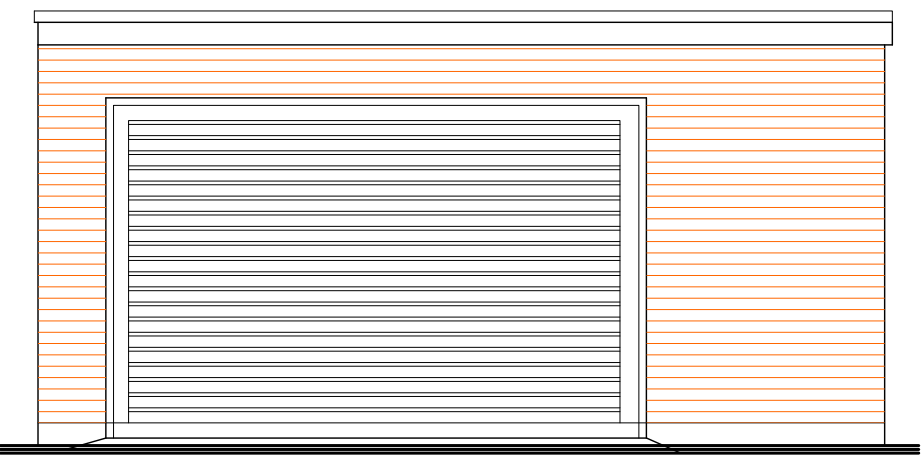
This proposal is subject to the Party Wall Act 1996 which requires you to serve the adjoining owner with a party structure notice at least 2 months prior to commencement of works. -Seek further advice

KEY:

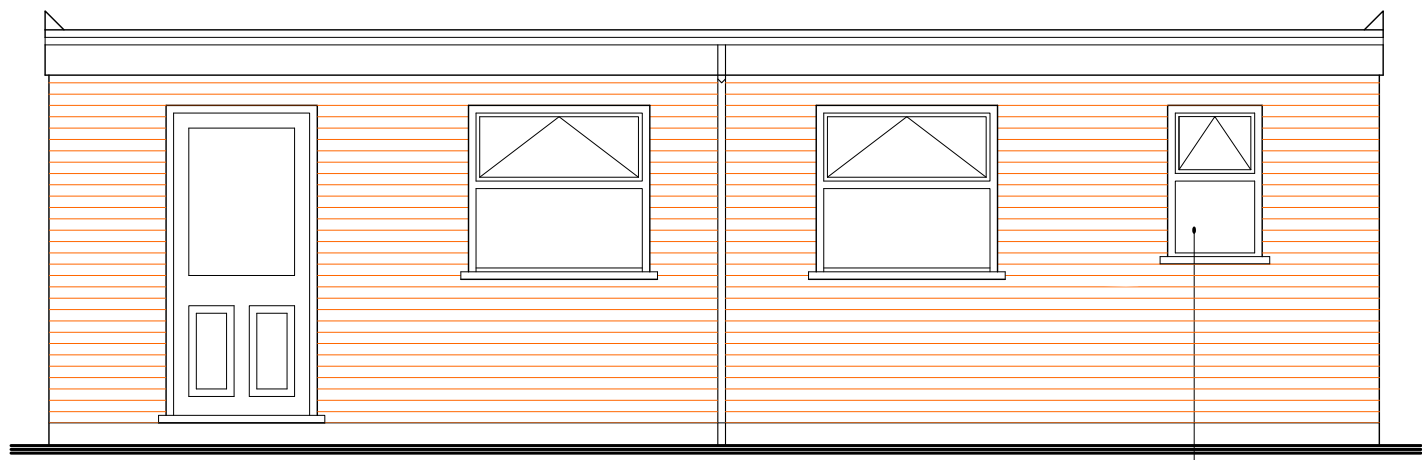
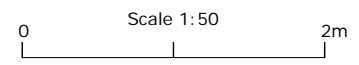
AB - Air Brick



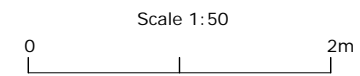
Mechanical air extractor



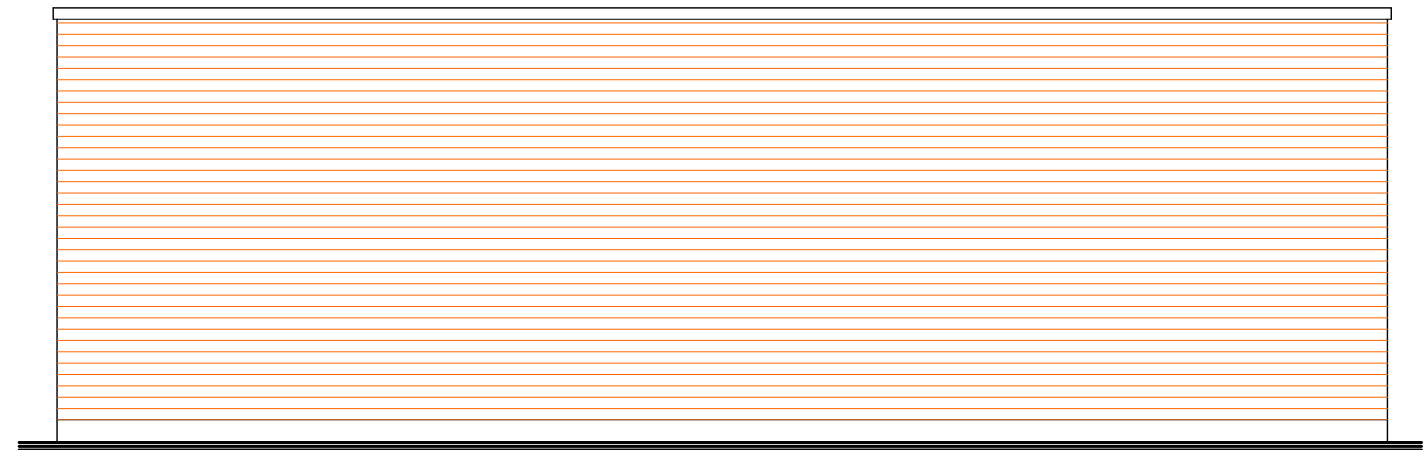
Front Elevation



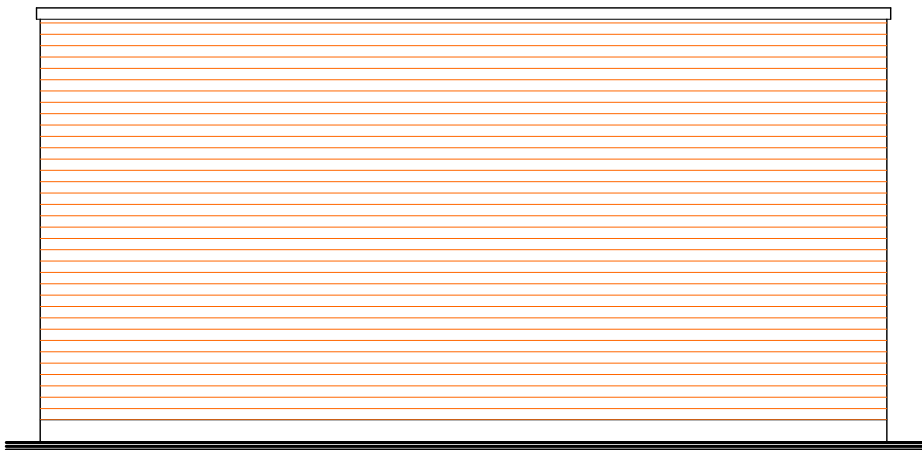
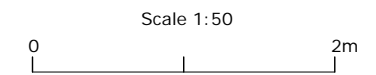
Side Elevation



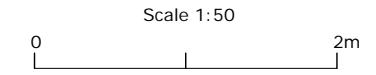
Obscured glazing



View A



Rear Elevation



Client: Mr. Major S. Tiwana
77 Hill Top
West Bromwich
B70 0PX

Drawing Title: Erection of garage and wc at rear of the property

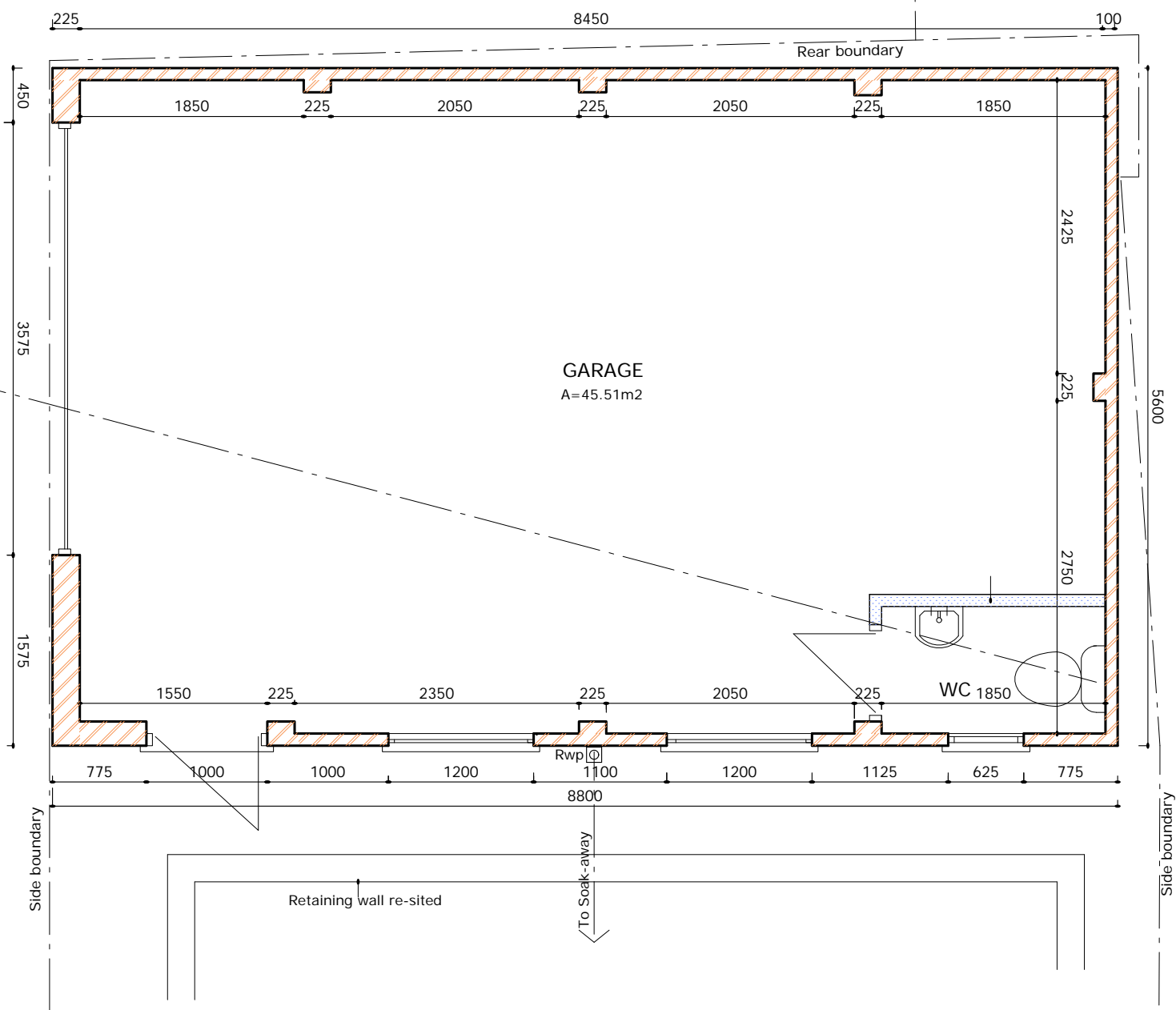
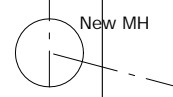
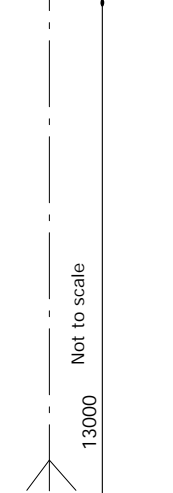
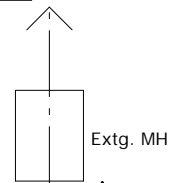
Drg.No: 78/19 Date: 15/08/2019 Drawn: JK

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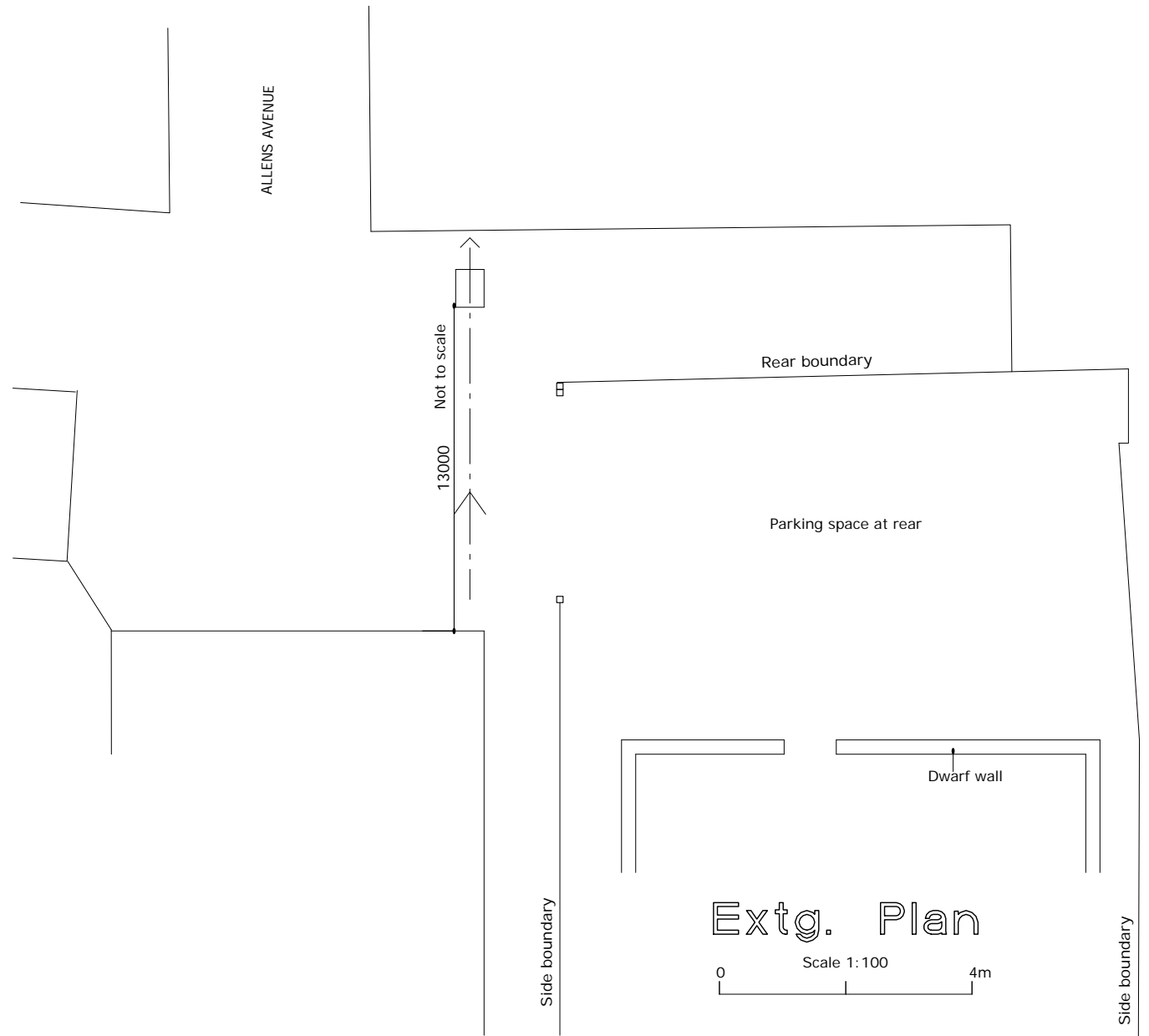
Tel: 01902-620330
E-mail: tech@jkkalsi.co.uk

A3



Prop. Plan
Scale 1:50
0 2m

ALLENS AVENUE



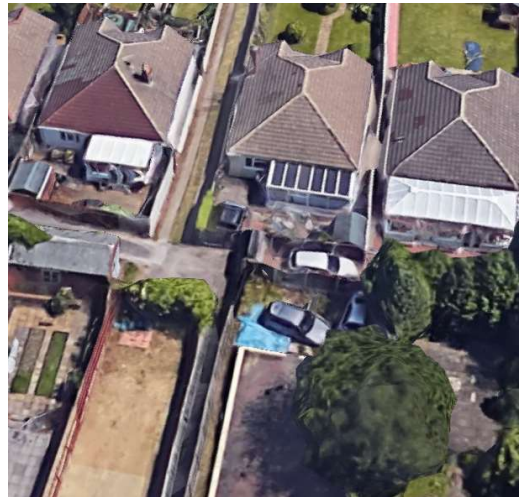
Extg. Plan
Scale 1:100
0 4m



A1

A2

B1



Pictorial Views
Site: 77 Hill Top, West Bromwich. B70 0PX

J. K. Kalsi

Building Designs and Technical Services

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