


REPORT TO PLANNING COMMITTEE

12th February 2020

Application Reference	DC/19/63722
Application Received	14 th November 2019
Application Description	Retention of two storey side/rear extension; roof enlargements with rear facing gable and dormer window; and single storey front and rear extensions.
Application Address	188 Farm Road, Oldbury, B68 8PN
Applicant	Miss S Arif
Ward	Bristnall
Contribution towards Vision 2030:	
Contact Officer(s)	William Stevens 0121 569 4897 William_stevens@sandwell.gov.uk

RECOMMENDATION

Retrospective Permission is refused on the grounds that:

- (i) The extension presents over-development of the plot due to its extended footprint, the dormer and roof design are out of keeping with the local area and result in a negative impact on the visual amenity of the area, contrary to the National Planning Policy Framework, the Black Country Core Strategy policy ENV3 (Design Quality), the Council's Site Allocations and Delivery Development Plan Document policy ESO9 (Urban Design Principles) and the Council's Supplementary Planning Document (Revised Residential Design Guide).

1. BACKGROUND

- 1.1 This is a retrospective application and at your last committee, Members resolved to visit the site.

- 1.2 This application was originally reported to your Planning Committee because the application has generated significant neighbour interest.

2. SUMMARY OF KEY CONSIDERATIONS

- 2.1 The planning application site is unallocated and relates to various extensions to a residential property.
- 2.2 The material planning considerations which are relevant to this application are;

Planning history,
Overlooking/loss of privacy,
Loss of light and/or outlook,
Overshadowing,
Public visual amenity,
Overbearing nature of proposal,
Design, appearance and materials, and
Highway safety, and parking.

3. THE APPLICATION SITE

- 3.1 The application site is situated on the corner of Farm Road and Farm Avenue, Oldbury.
- 3.2 The application site relates to a semi-detached property within a residential area.

4. PLANNING HISTORY

- 4.1 Two Planning Applications were granted in 2018 (DC/18/61468 and DC/18/61776) for various extension works. The builder however, strayed from the approved plans and an enforcement notice was served on 20th February 2019 seeking compliance with the approved planning permission. The proposal was larger in width than approved plans and incorporated an increase height in roof and dormer.
- 4.2 The applicant was asked to regularise various elements of the development as per the enforcement notice, which included the rear dormer. The elements that have been regularised relate to the roof height, however, the applicant has argued that the dormer is Permitted Development (if he clads the dormer in roof tiles (or equivalent) and reinstates the eaves of the existing house). These works have not been done, hence the “dormer” is not Permitted Development. Furthermore, the width of the extension at first floor is still not in accordance with the approved permission (see 5.2 below).

4.5 The applicant employed a private building inspector, and hence the deviation from the plans was not brought to the Council's attention during the initial build process and only following complaints from residents. The enforcement team then investigated the matter resulting in the serving of the enforcement notice. This current application is seeking to retain parts of the unauthorised works.

4.2 Relevant planning applications are as follows: -

4.3	DC/18/61468	Proposed single/two-storey side extension, single storey rear extension, rear dormer window and porch/canopy to front.	Approved: 13.03.2018
	DC/18/61776	Proposed single and two-storey extensions to front side and rear, porch/canopy to front and loft conversion with dormer window to rear (amendment to DC/18/61468).	Approved: 15.06.2018
	ENF/18/10754	Extension not built in accordance with the approval plans.	Planning enforcement served: 20/02/2019

5. APPLICATION DETAILS

5.1 The applicant proposes to retain the two-storey side/rear extension; roof enlargements with rear facing gable and dormer window; and single storey front and rear extensions.

5.2 The differences between the approved application and the one before your committee are;

Front elevation

- i) The width of the first floor was originally set back from the ground floor extension by 0.3m along Farm Avenue. This is now flush with the ground floor extension, approved under DC/18/61468. This results in the extension being directly to the back of pavement.
- ii) The windows on the porch have been increased in length.

Rear elevation

- i) The originally approved dormer window had a width of 3.1m, this has almost doubled in size to 6.0m (W), built off the main wall of the house, and in brick. The developer has tried to argue this is permitted development and that the eaves would be reinstated, and the dormer clad. At my last visit, these works had not been carried out,
- ii) The two-storey rear roof originally had a pitched roof however, the height of the eaves has been increased and a flat roof created in order to create a sixth bedroom where the original plans show storage,
- iii) Changes to window location and sizes.

Side elevation (facing Farm Avenue)

- i) Roof light inserted where not originally approved.
- ii) The first floor is no longer set back from Farm Avenue, resulting in the single storey element being removed, and issues raised by the highways department (7.1).

6. PUBLICITY

6.1 The application has been publicised by neighbour notification letters and by site notice. Eleven objection letters, a twenty-eight signature petition of objection, and one letter of representation has been received.

6.2 Objections

Objections have been received on the following grounds: -

- (i) The development is an eyesore, especially when viewed from Farm Avenue;
- (ii) The area currently suffers from parking problems, this development would contribute to making the issues worse, due to the number of proposed bedrooms and the associated parking demands;
- (iii) The rear extension overlooks properties on Farm Avenue to an unacceptable level;
- (iv) The guttering overhangs onto the public pavement, and due to the workmanship, there is potential for tiles to fall off onto the public highway;
- (v) The proposal is over-intensive in terms of height and proximity to the public footpath, causing overlooking and over shadowing issues;
- (vi) There is potential for the property to be used as a hostel;

- (vii) The dormer window is not a traditional dormer, as it is not set back into the roof. The dormer has been built to resemble a three-storey block to the rear; and
- (viii) The Council/developer has misused planning powers by allowing works to go ahead and allow the submission of a revised planning application.

Other objections/concerns relating to the blocking of the pavement during the construction period, property values, water pressure concerns and issues with the builder have been raised, however these are not planning related and residents have been made aware of the appropriate authorities to contact.

6.3 Response to objections

I respond to the objector's comments in turn;

- (i) This large corner plot can accommodate a substantial sized extension. However, the finish of the "dormer" window and the roof shape of the two-storey rear extension does compromise the appearance of the development;
- (ii) The plans indicate that the development has five bedrooms, however the applicant has confirmed that the "storage" area as shown is another bedroom. A six-bedroom property requires three off-street parking spaces; two at least can be provided at the front, and the applicant benefits from a dropped kerb serving the rear garden providing a third space if required;
- (iii) The enlarged rear extension overlooks the front of the properties in Farm Avenue. If Members are minded to approve the application, it is recommended that the windows in the rear elevation are obscurely glazed;
- (iv) The workmanship is being inspected by a private inspector and falls outside the jurisdiction of planning. The issue of overhanging the public highway has been investigated by the highways department (see point 7.1),
- (v) The development is of substantial scale, however, any loss of light to private amenity space would be minimal,
- (vi) Any change to a hostel would require a further planning application,
- (vii) The dormer is out of keeping with properties in the street, and is highly visible,
- (viii) The Council has served a Planning Enforcement Notice, to which the applicant has partially complied, however the applicant is within their rights to make a retrospective application to regularise the remaining unauthorised development.

6.4 Support

No comments have been received which support the application.

7. STATUTORY CONSULTATION

7.1 Highways

Object to the proposal. They request that the extension should be set back 1.0m from the back of footway and no roof or canopy etc should be erected over the adopted highway. Furthermore, three off-street parking spaces should be provided.

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.

8.2 Paragraph 130 of the adopted National Planning Policy Framework states:

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

9. LOCAL PLANNING POLICY

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

ENV3: Design Quality and SAD EOS9: Urban Design Principles states that development should be of high quality and that the Council will reject poor designs, particularly those that are inappropriate in their locality, for example, those clearly out of scale with or incompatible with their surroundings.

9.2 The Council's adopted Supplementary Planning Document – Revised Residential Design Guide (SPD) states;

- Poor quality domestic extensions which require planning consent that do not fit in visually or are clearly out of keeping with their surroundings, by virtue of their scale, architectural design, proposed materials and impact on neighbouring properties will be resisted. For example;

- Extensions must be in proportion to the scale of the existing dwelling and street scene,
- The over intensification of individual dwellings where it is proposed to extend then to a scale that is considered unreasonable will be resisted,
- The appearance and size of roof designs...must respect established design codes, and
- Dormer extension that require planning consent will need to be designed so that their scale and appearance fits into the architectural language of the original dwelling, neighbouring properties and street scene.

10. MATERIAL CONSIDERATIONS

10.1 The material considerations relating to Government Policy (NPPF), and proposals within the local plan, have been referred to above in Sections 8 and 9. Other considerations are highlighted below: -

10.2 Planning history

Previous approval was given for a substantial extension however, the developer has made significant changes that are material considerations.

10.2 Overlooking/loss of privacy

The enlarged rear extension and dormer window overlooks onto properties in Farm Avenue. If minded to approve, it is recommended that conditions regarding obscurely glazed windows are sought.

10.3 Loss of light and/or outlook

I do not foresee the proposal causing any significant loss of light or outlook to the private amenities of neighbouring properties.

10.4 Overshadowing

The development may cause overshadowing of the public highway, but not to private properties.

10.5 Public visual amenity

The front view (Farm Road) is a typical two-storey side extension, set back at first floor level, in keeping with the Council's adopted Residential Design Guide. The side element, now results in the first floor extension being directly to back of pavement along Farm Road and when combined with the rear, viewed from Farm Avenue, is completely out of character

with the area, and in my opinion, harms the visual amenity of the area by reason of its size and relationship to the highway.

10.6 Overbearing nature of proposal

Originally, the first floor was stepped in from the ground floor along Farm Avenue, however; the applicant has built this extension flush, with a raised eaves height, and flat roof, creating an overbearing, and dominant structure when view along Farm Avenue.

10.7 Design, appearance and materials

The build has not been designed, yet evolved to maximise the internal space, resulting in a development that is out of character with other properties in the area. This over development of the plot is compounded further by the poor choice of external materials, where focus on the internal arrangements over the visual amenity have been prioritised.

10.8 Highway safety, and parking

Complaints have been received over the parking of construction vehicles (the developer has been made aware of this). However, the site can accommodate three off-street parking spaces, with a mixture of front and rear garden parking.

11. IMPLICATIONS FOR SANDWELL'S VISION

11.1 The proposed development 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 key determining issue relates to the increased size and scale of the development which has deviated from the original approved permission, which at the time, granted permission for a generous extension to create an enlarged family home. The major concern is the impact that the built extension has on the visual amenity of the area. The flat roof rear extension and large "dormer" window, is significantly out of keeping with the area and has an over bearing impact on the visual amenity of the local area.

- 12.2 Whilst not material to the determination of this application, the Council's Highways Department object to the application, not on parking grounds, but as the roof of the side extension overhangs the public footpath, questioning the validity of the application.
- 12.3 To conclude, it is considered that the unauthorised extension works are contrary to the Council's adopted SPD (see 9.2) in that the extension is over-development of the plot due to its extended footprint, the dormer and roof design which is out of keeping with the local area and results in a negative impact on the visual amenity of the area.

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 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

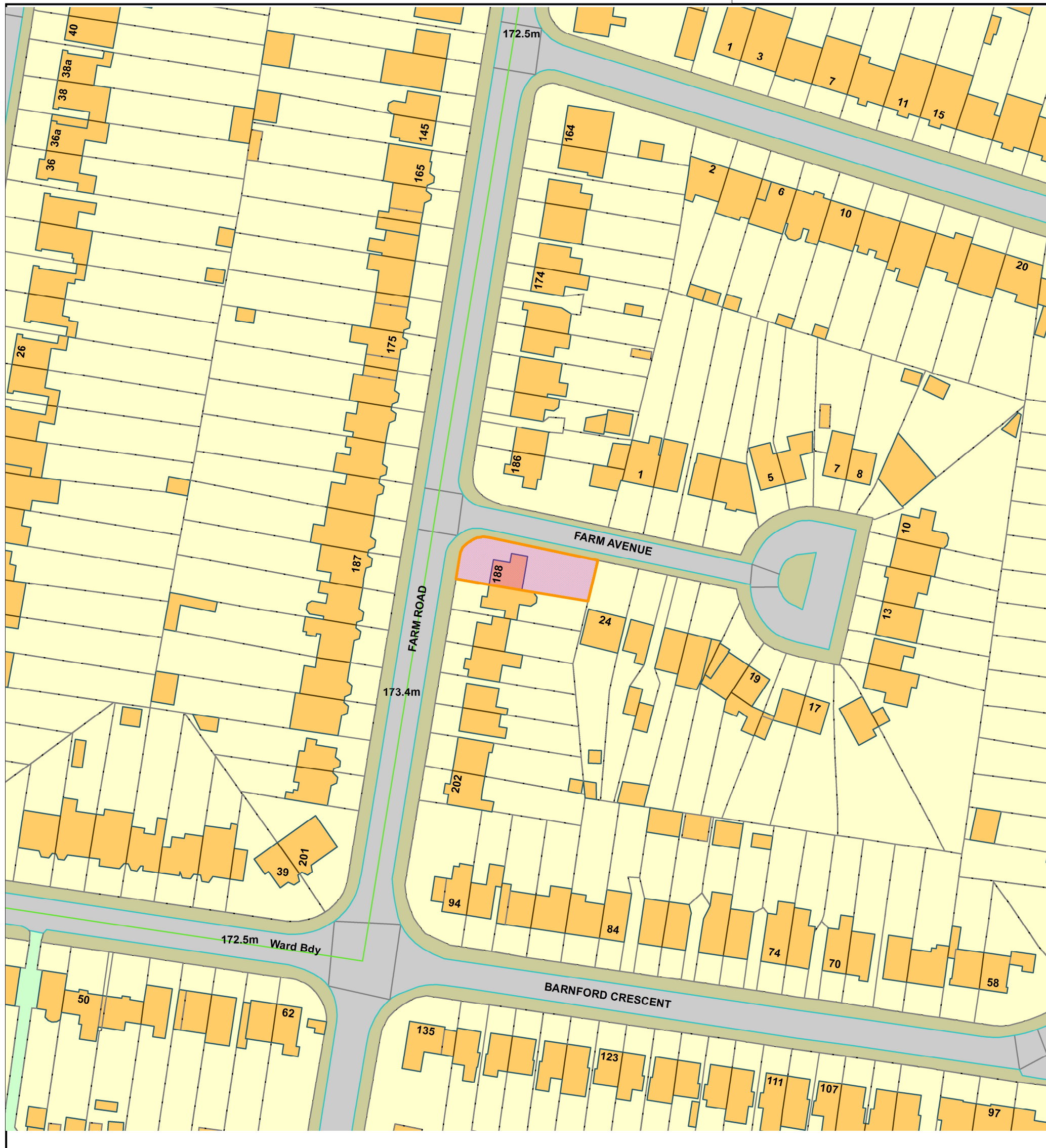
Context Plan

Existing plan

Proposed plan

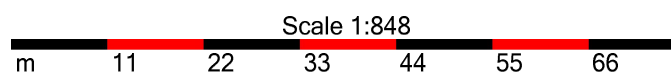
Original consent plan – DC/18/61776

Photograph

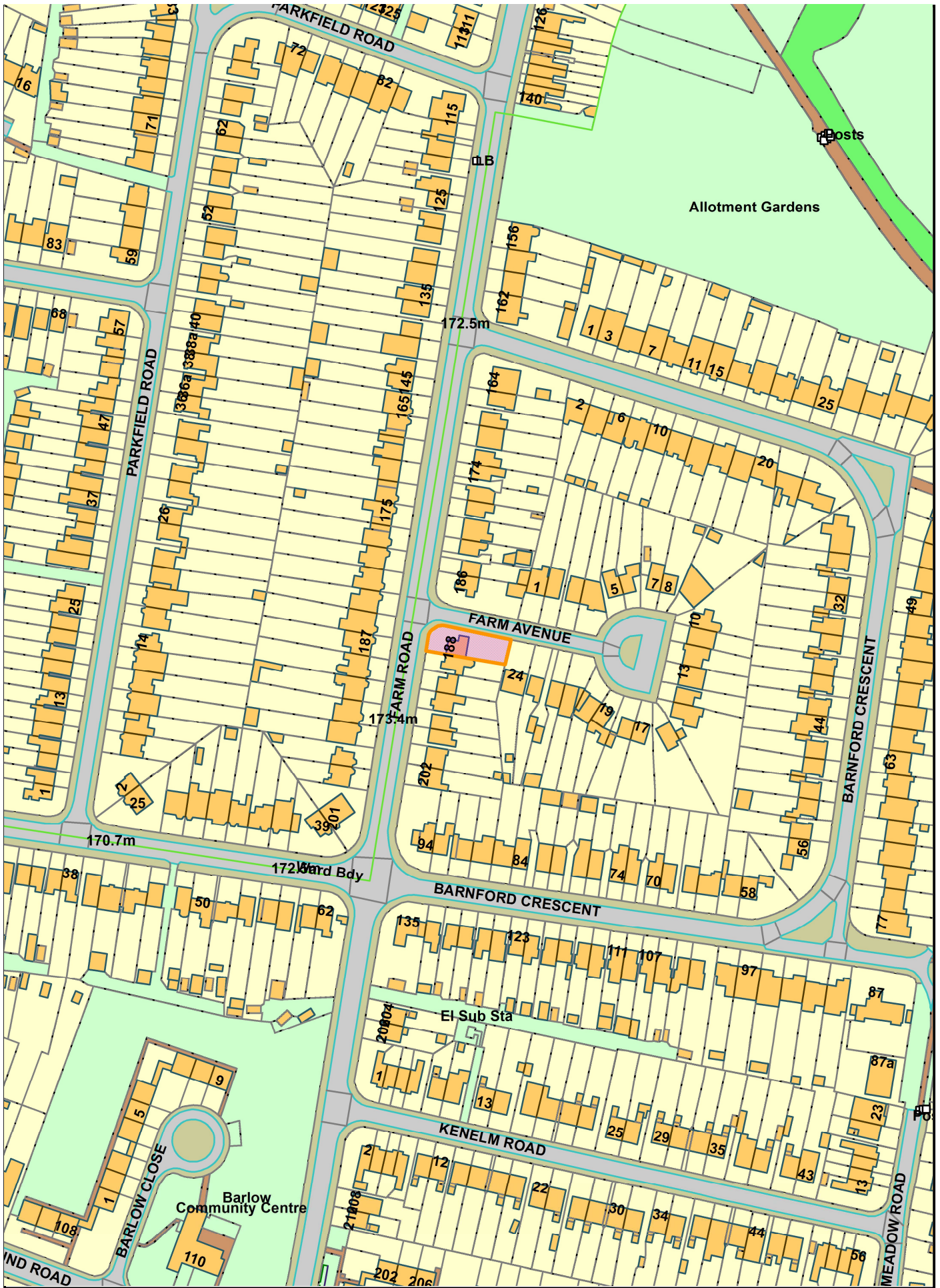


Legend

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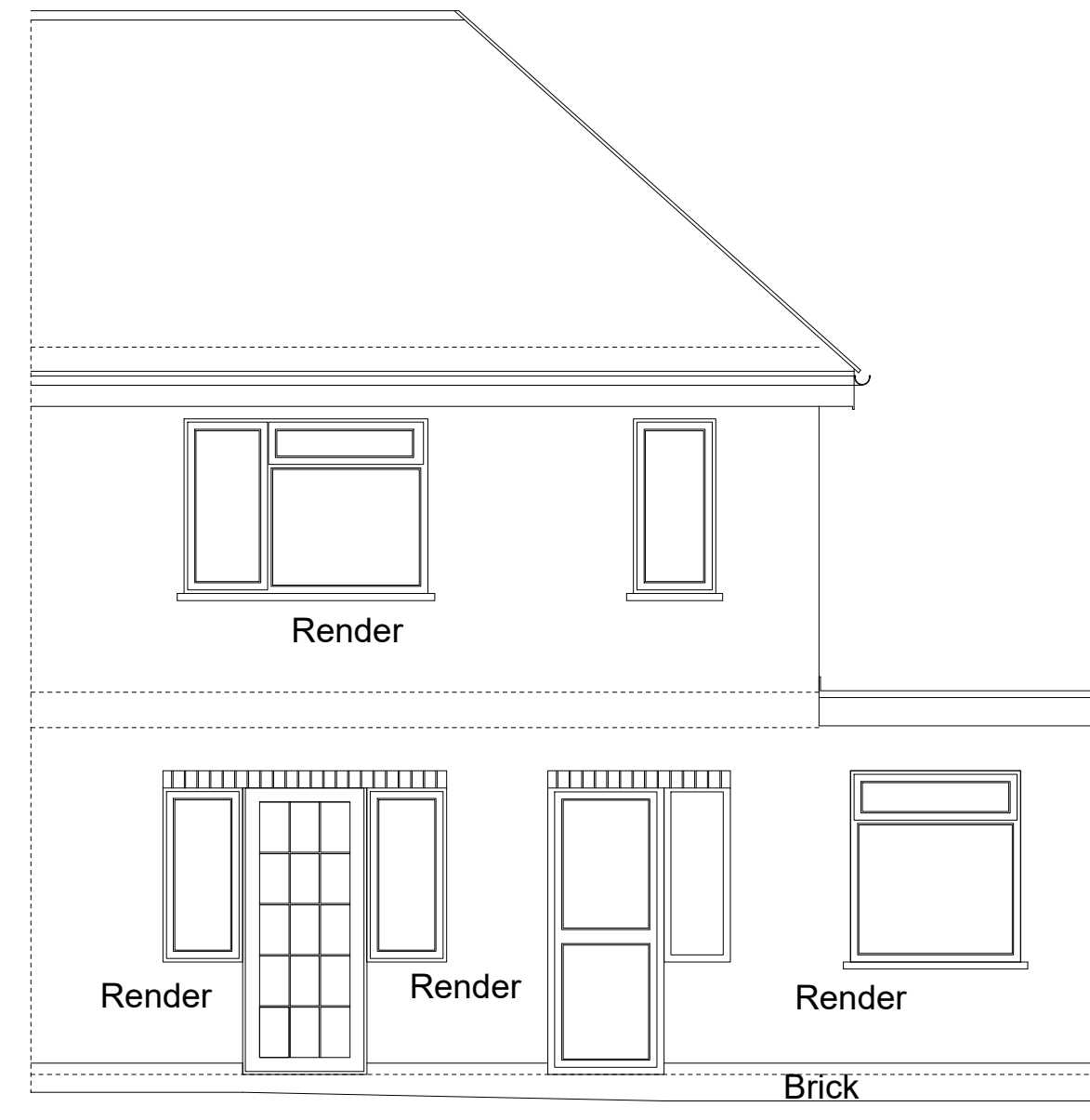


Date	29 January 2020
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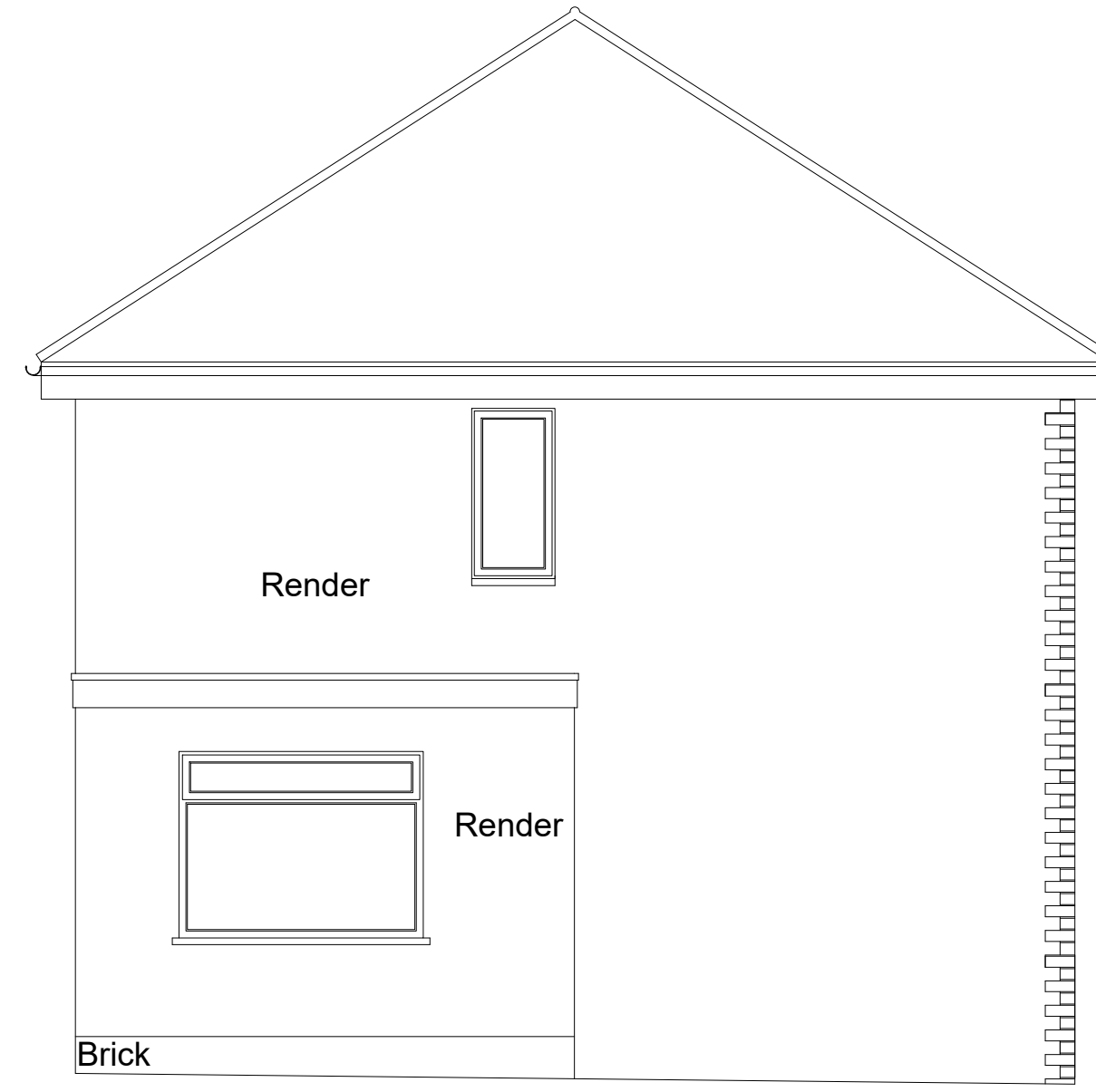




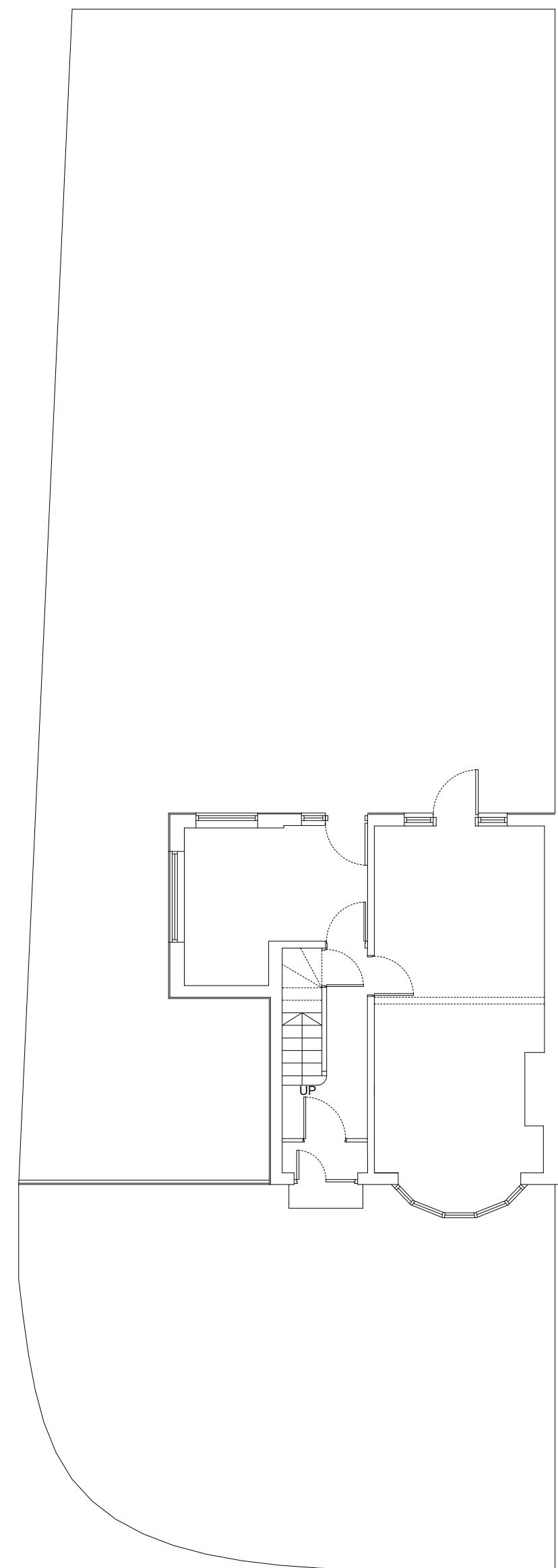
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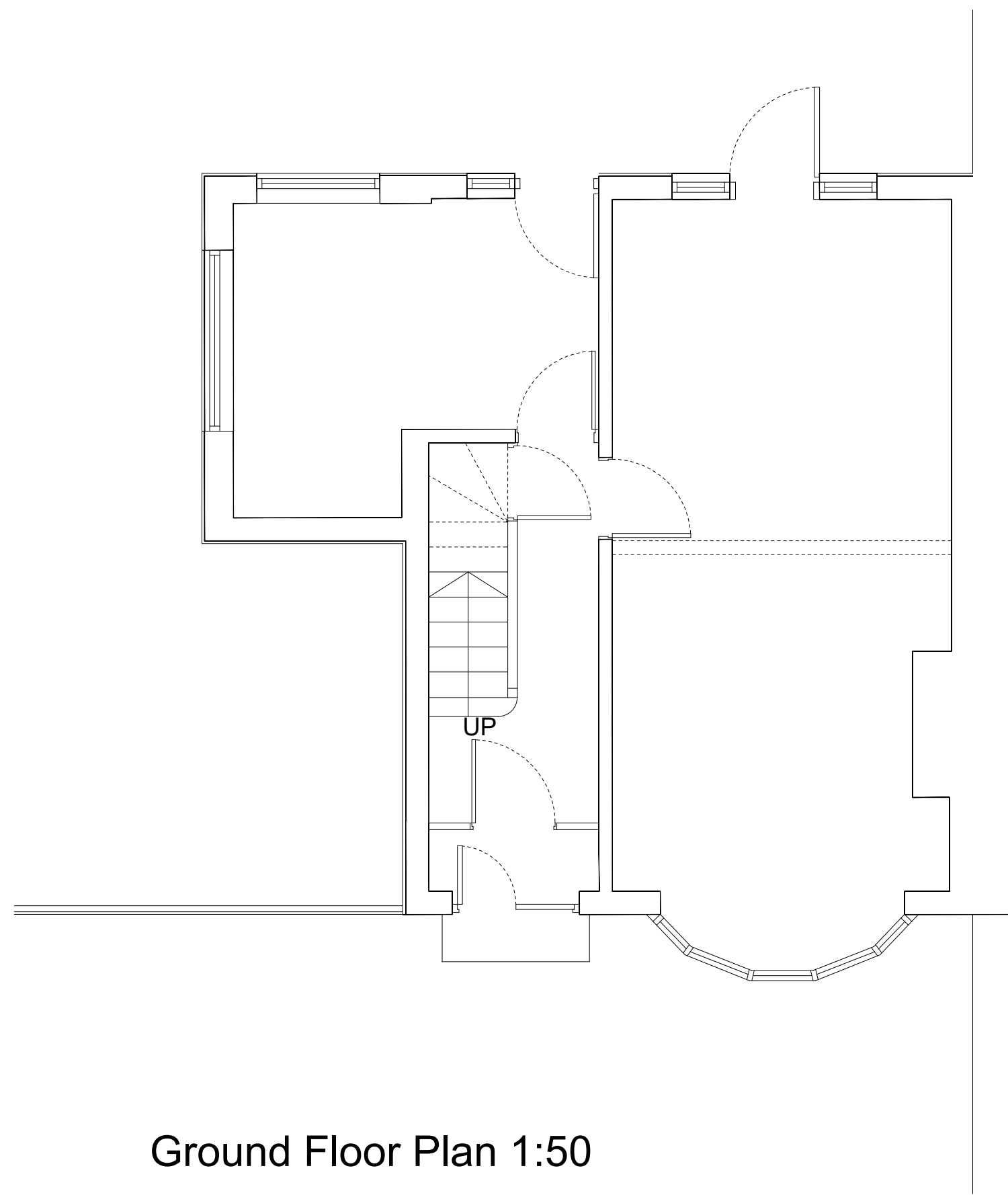
Rear Elevation 1:50



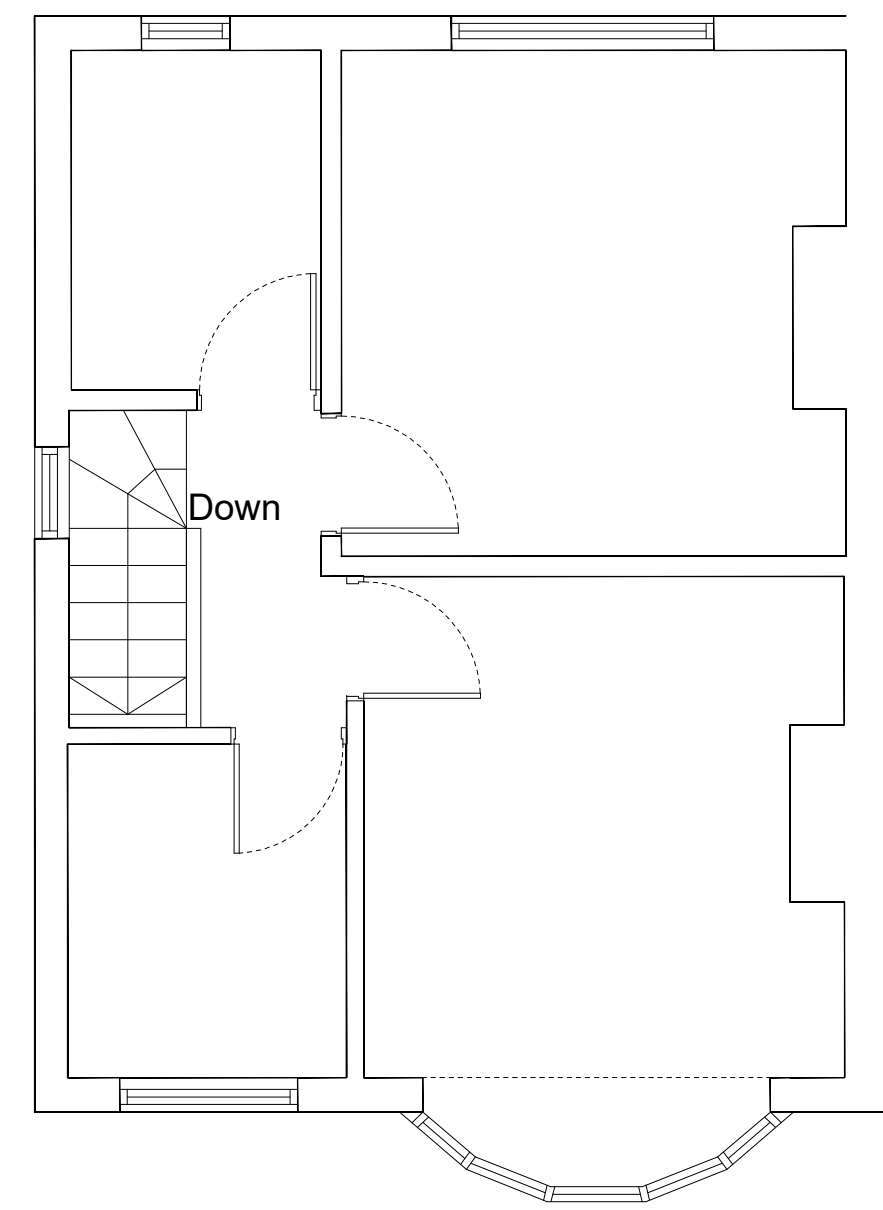
Side Elevation 1:50



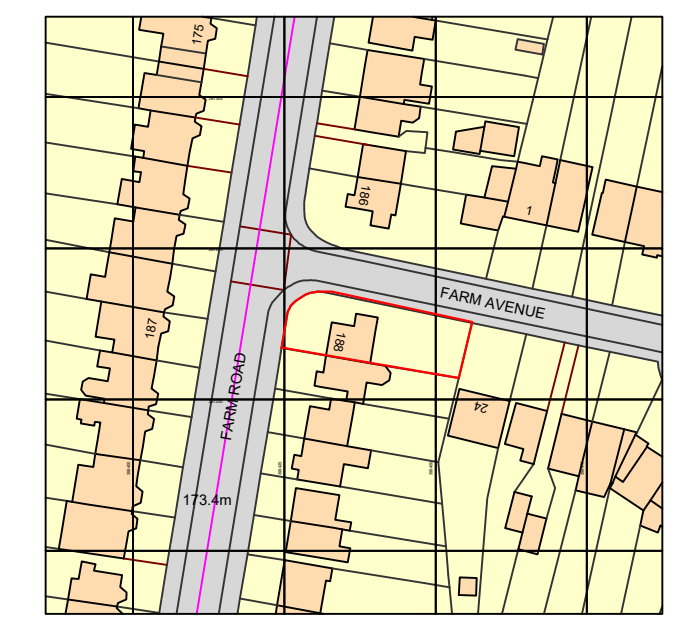
Boundary plan 1:100



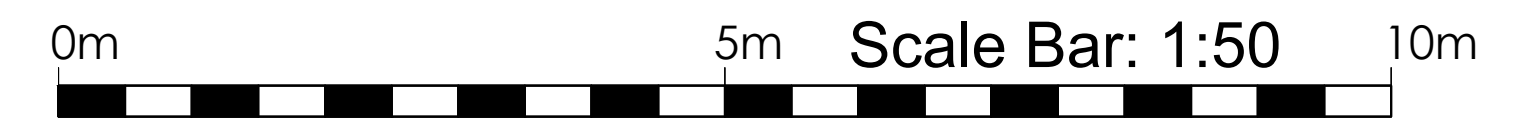
Ground Floor Plan 1:50



First Floor Plan 1:50



Location Plan 1:1250



<p>Drawing Title: Existing Plans and Elevations</p>	<p>Project: 188 Farm Road</p>	<p>Client: Miss S Arif</p>
<p>13A Randall Close Kingswinford West Midlands DY6 8QJ T: 01384 404057 m: 07966405087 e: enquiries@anthony-hope.com</p>	<p>13A Randall Close Kingswinford West Midlands DY6 8QJ T: 01384 404057 m: 07966405087 e: enquiries@anthony-hope.com</p>	<p>Rev: Date: Drawn: Check: Description:</p>
<p>Architectural Consultation • Space Planning • Photo Realistic Visualisations •</p>	<p>Ordnance Survey, (c) Crown Copyright 2018. All rights reserved. Licence number 100022432</p>	<p>Scales @ A1:1:50 / 1:1250</p>
<p>Dwg No: 1.18.101</p>	<p>Anthony Hope MCIAT</p>	<p>All dimensions to be checked on site and not scaled from drawing. Report any conflicts before commencing works on site.</p>



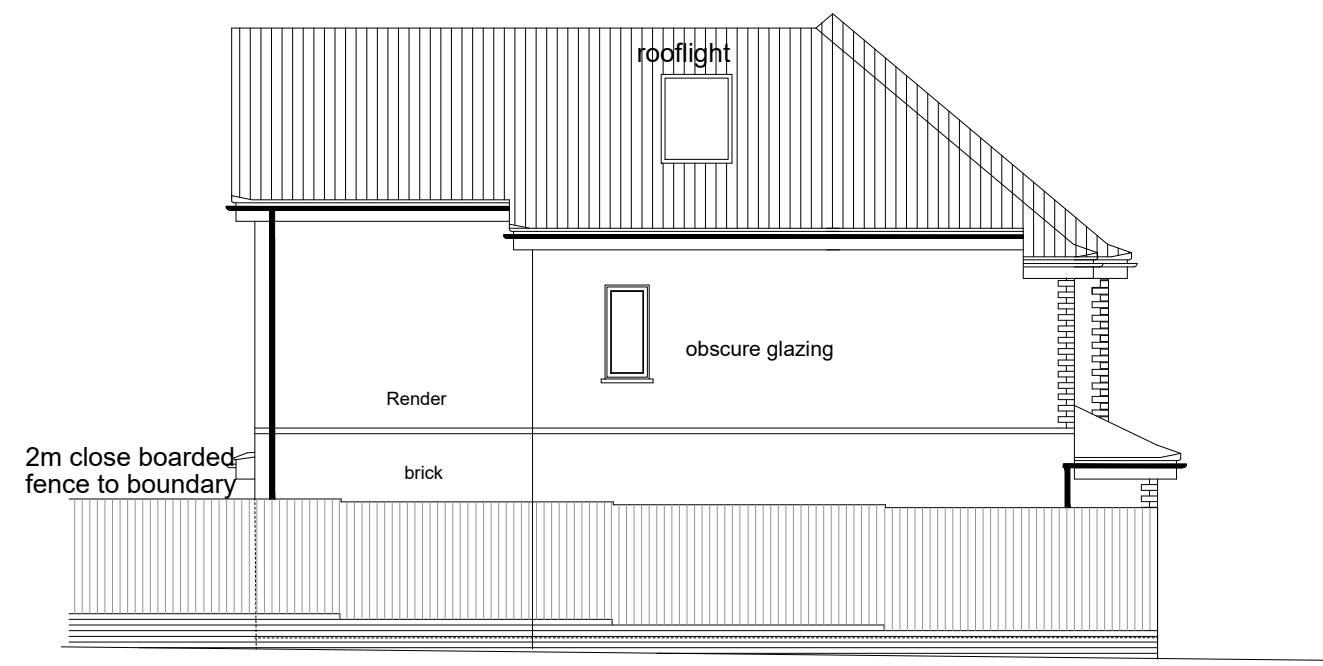
Front Elevation 1:100

2m close boarded fence to boundary



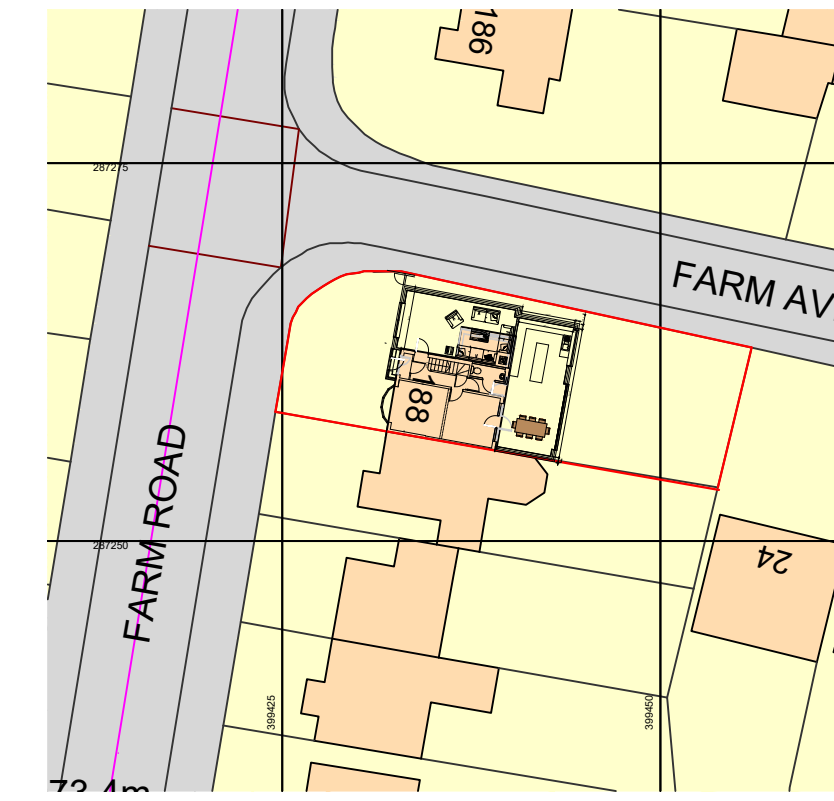
Rear Elevation 1:100

sliding folding screen



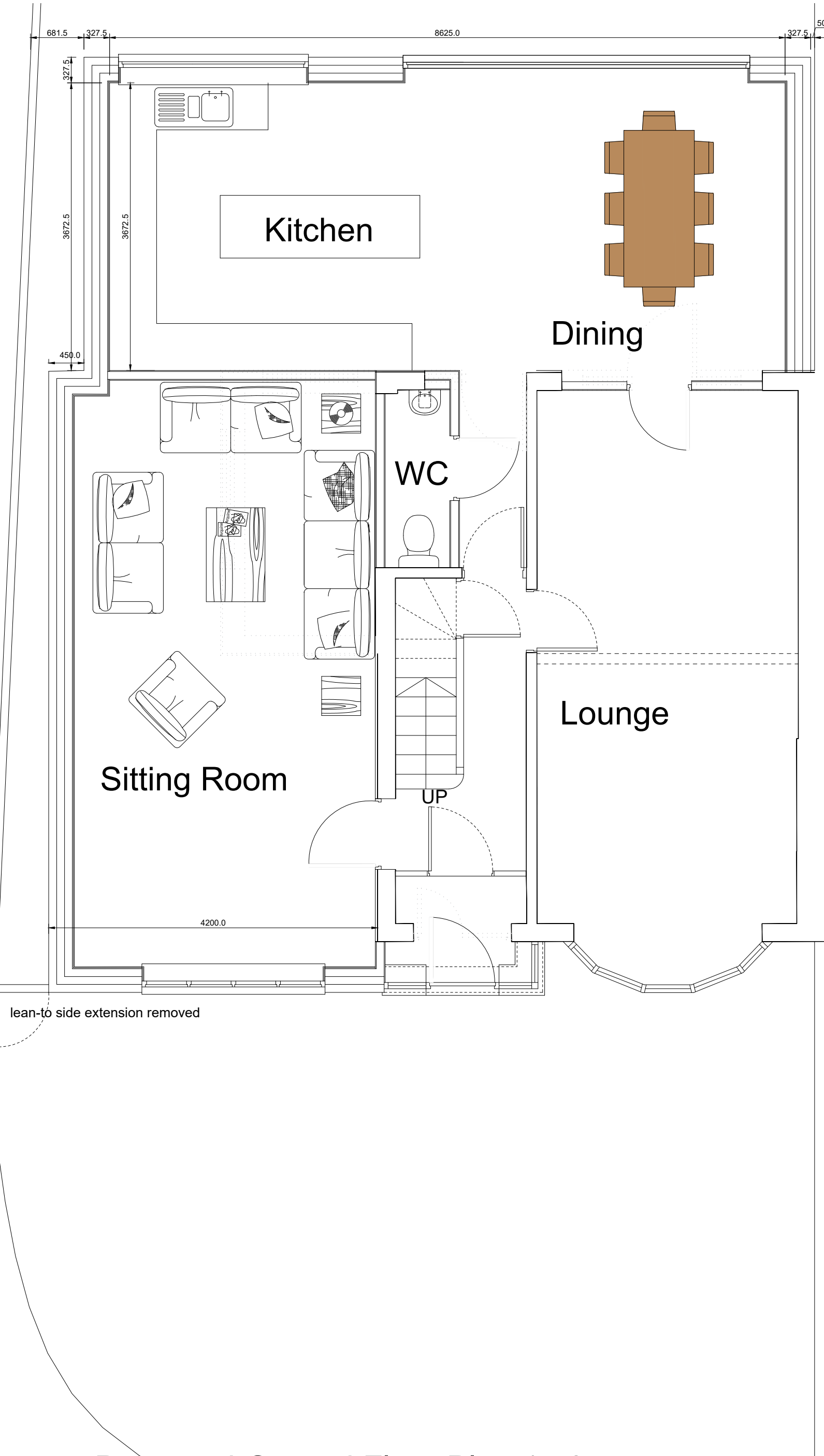
Side Elevation 1:100

2m close boarded fence to boundary



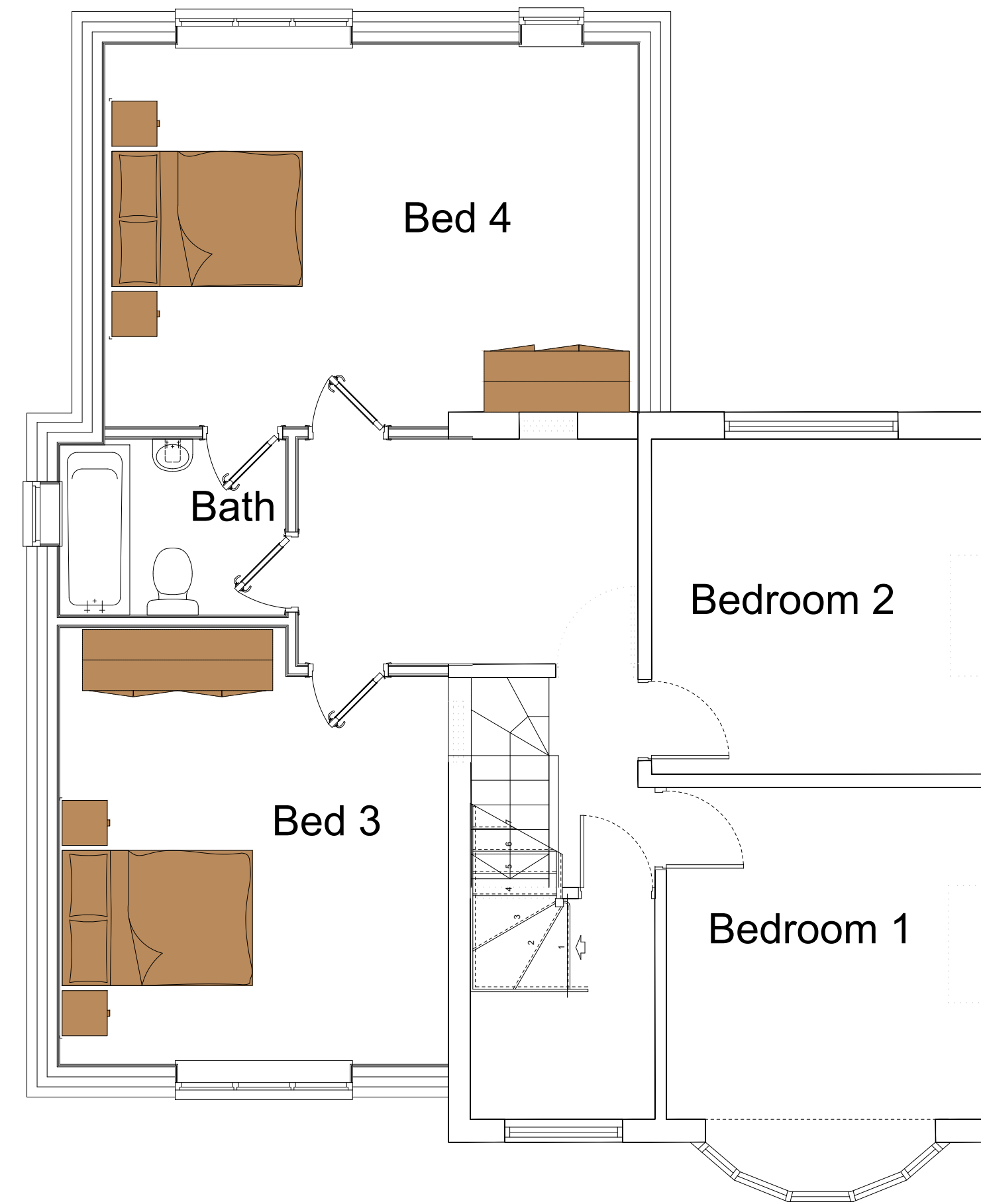
block plan 1:500

1800mm fence to boundary

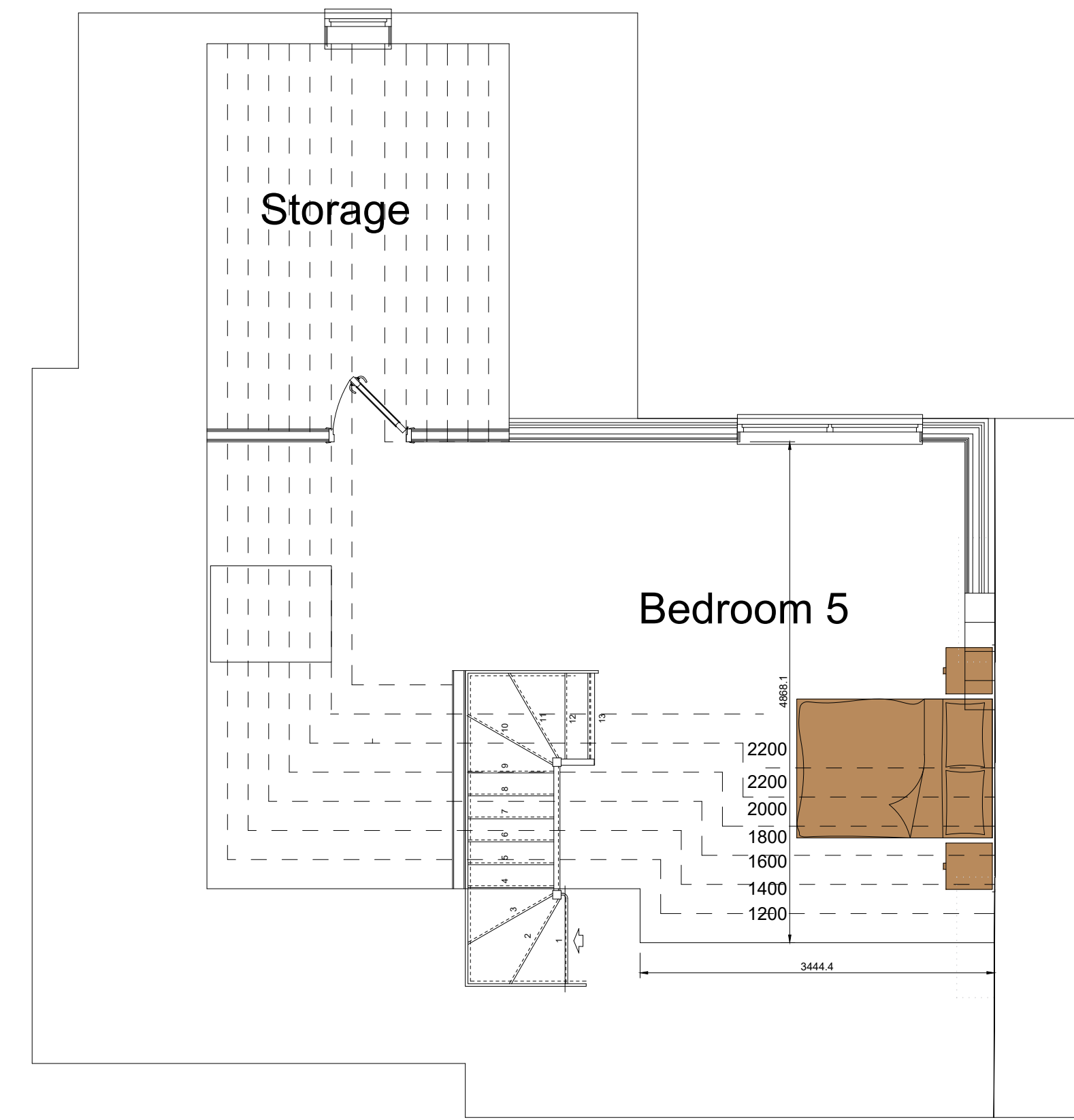


Proposed Ground Floor Plan 1:50

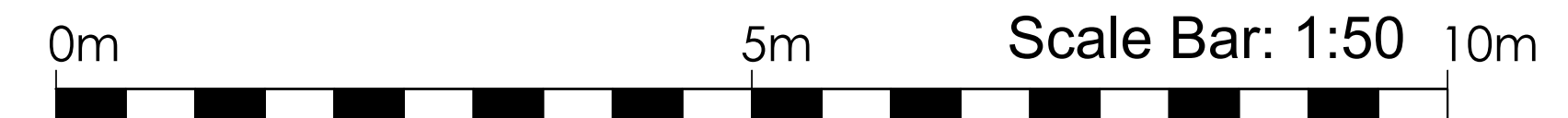
lean-to side extension removed



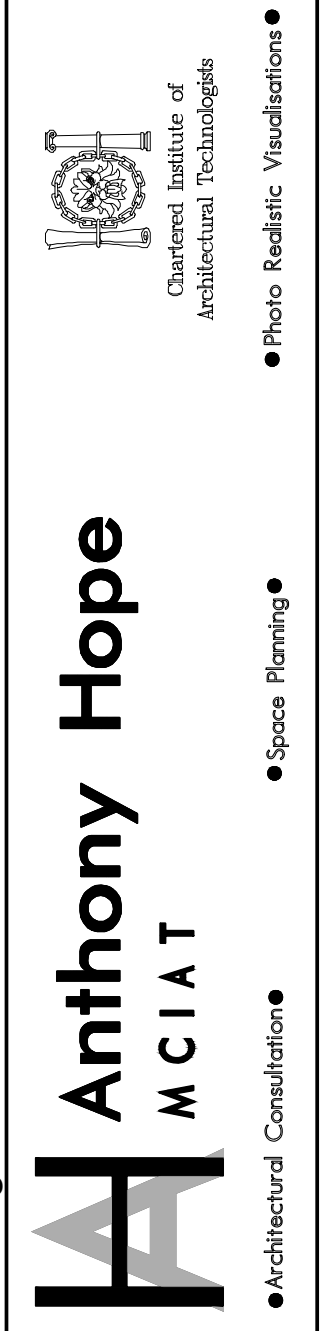
Proposed First Floor Plan 1:50



Proposed Loft Plan 1:50



Drawing Title: Proposed Plans and Elevations



Dwg No: 1.18.102 Rev F

Scales @ A1:1:50

Project: Farm Road

13A Randall Close Kingswinford West Midlands DY6 8QJ
T: 01384 404057 m: 07966405087 e: enquiries@anthony-hope.com

Client: Miss S Arif

Rev: Date: Drawn: Check: Description:
A Apr 18 ABH Extension taken over kitchen and modified at ground level
B Nov 18 ABH Roof amended and lean to removed from side.
C Feb 19 ABH Roof amended
D Jun 19 ABH Block plan & rear window amended
E Jun 19 ABH Rooflight relocated
F Sep 19 ABH

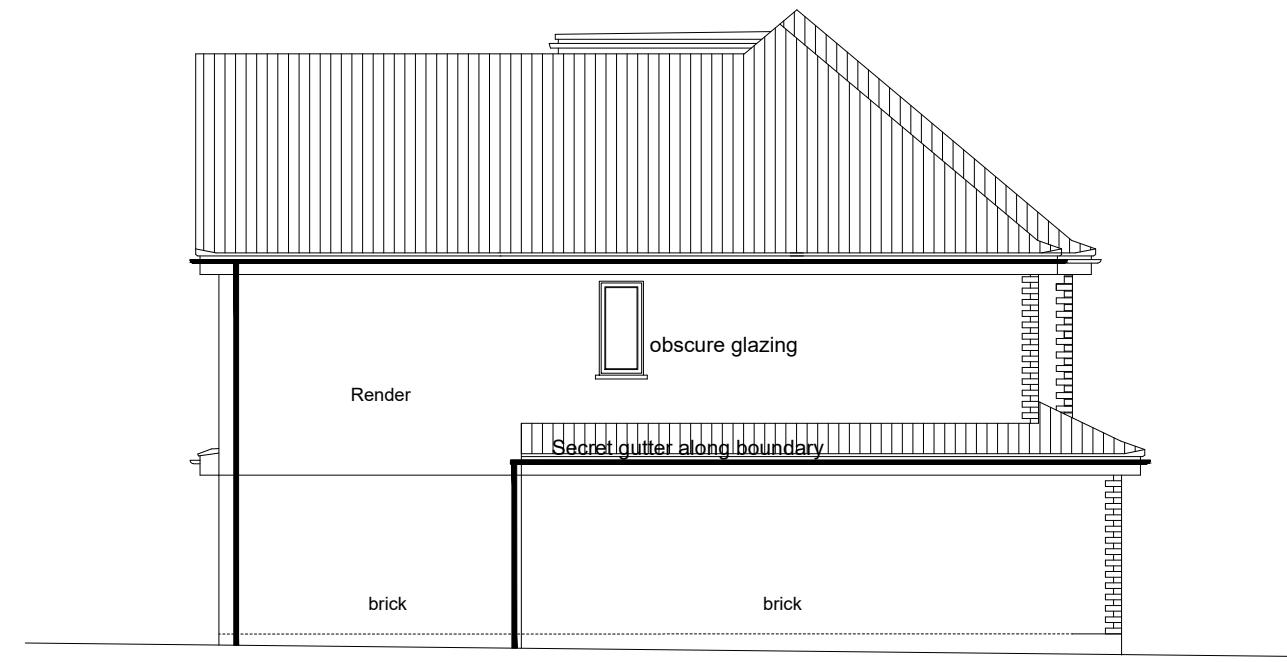
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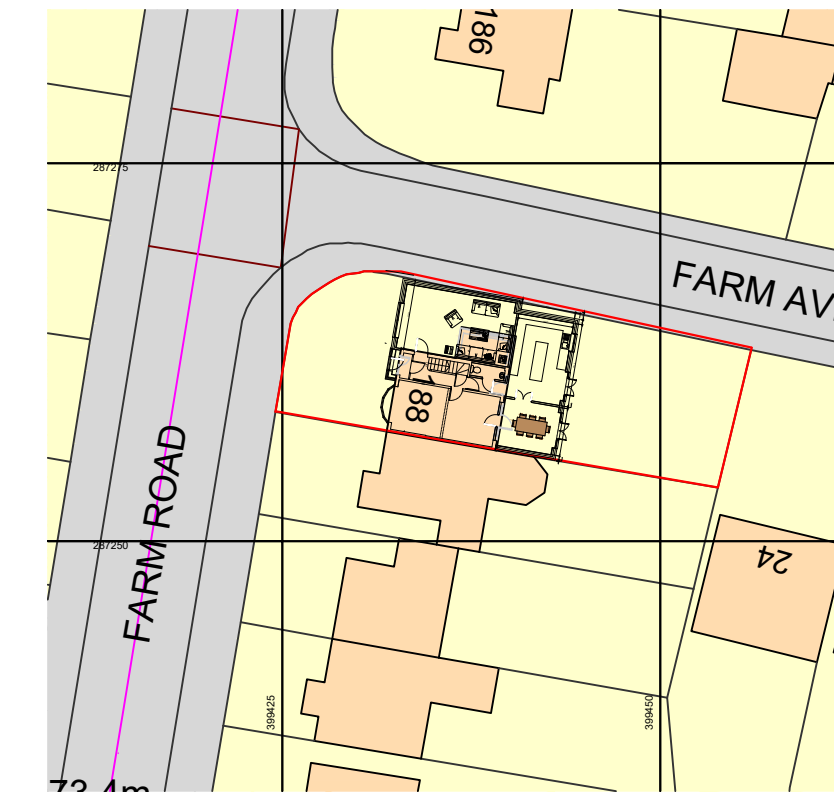
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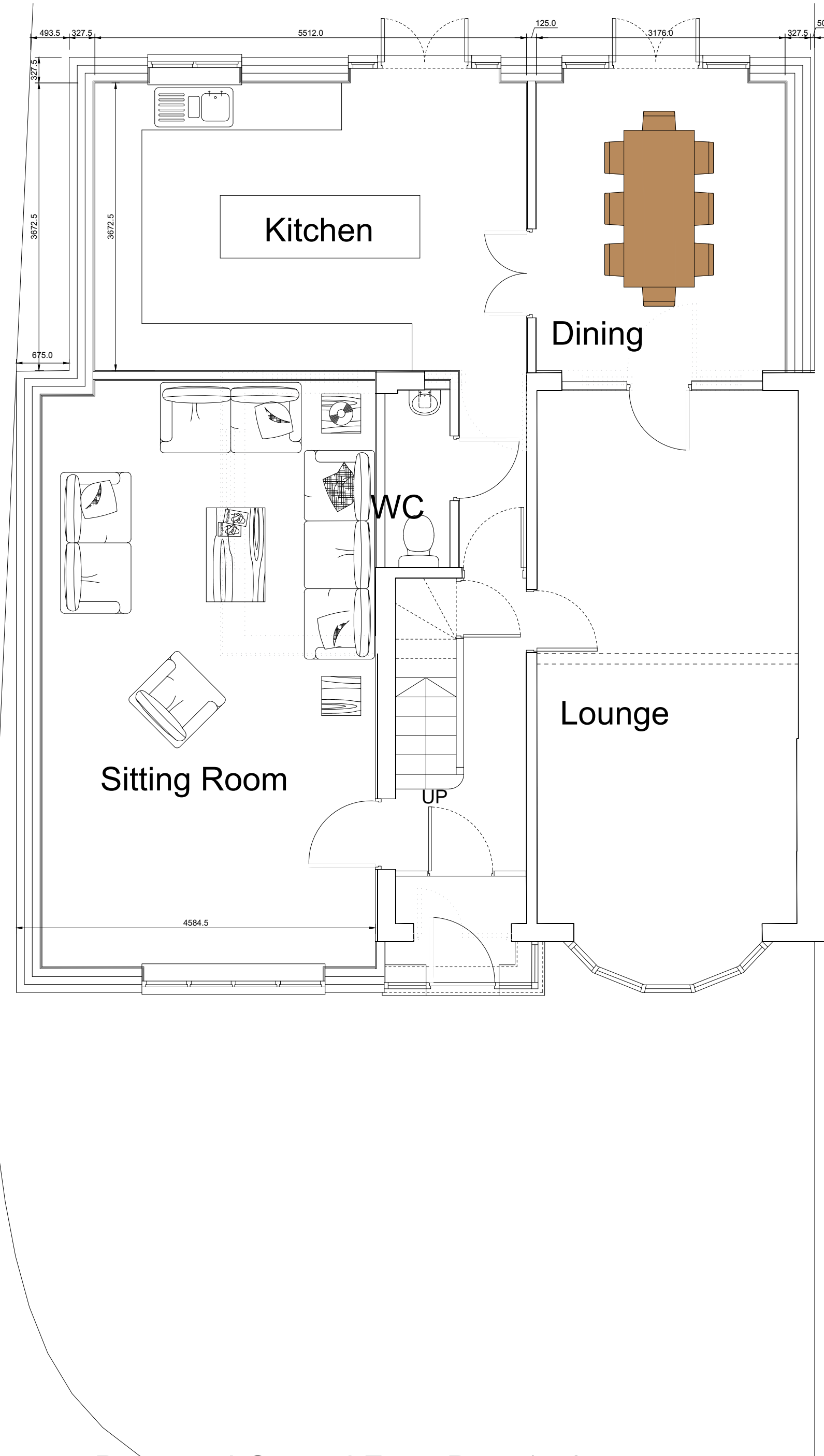
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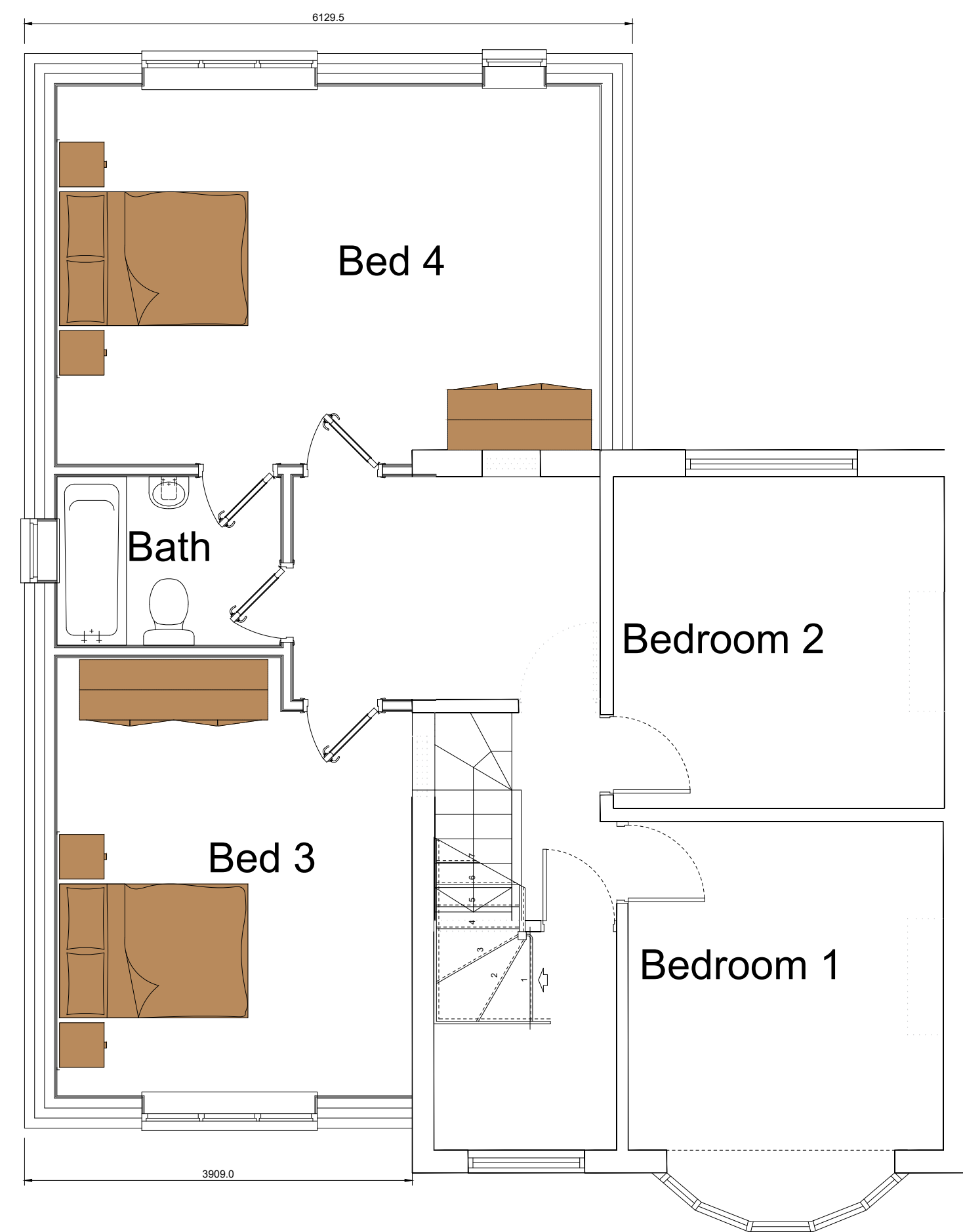
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block plan 1:500



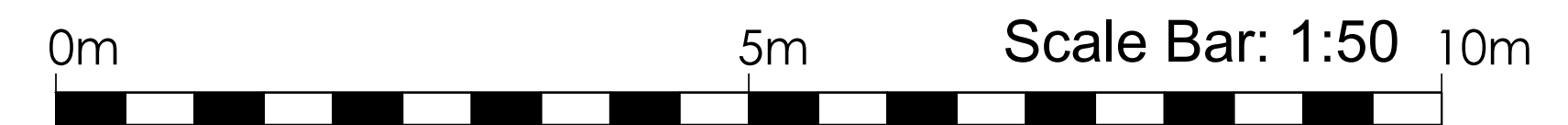
Proposed Ground Floor Plan 1:50

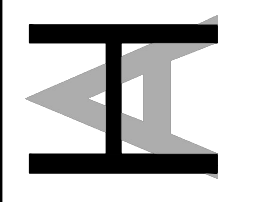


Proposed First Floor Plan 1:50



Proposed Loft Plan 1:50



Drawing Title: Proposed Plans and Elevations	Client: Miss S Arif
 <p>Anthony Hope MCIAT</p> <p>Chartered Institute of Architectural Technicians</p> <ul style="list-style-type: none"> • Architectural Consultation • Space Planning • Photo Realistic Visualisations 	<p>Project: Farm Road</p> <p>13A Randall Close Kingswinford West Midlands DY6 8QJ</p> <p>T: 01384 404057 m: 07966405087 e: enquiries@anthony-hope.com</p>
Dwg No: 1.18.102 Rev A	<p>Rev: A</p> <p>Date: Apr 18</p> <p>Drawn: ABH</p> <p>Check: Description: Extension taken over kitchen and modified at ground level</p>

All dimensions to be checked on site and not scaled from drawing. Report any conflicts before commencing works on site.

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