


REPORT TO PLANNING COMMITTEE

10th June 2020

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| Application Reference | DC/20/64117 |
| Application Received | 17 th March 2020 |
| Application Description | Proposed two storey side/rear extensions, single storey front/rear extensions, roof enlargements with rear facing gable and dormer window to rear. |
| Application Address | 188 Farm Road Oldbury B68 8PN |
| Applicant | Miss S Arif |
| Ward | Bristnall |
| Contribution towards Vision 2030: |  |
| Contact Officer(s) | Alison Bishop 0121 569 4039 Alison_bishop@sandwell.gov.uk |

RECOMMENDATION

That planning permission is granted subject to:-

- (i) The alternations hereby approved by this permission shall be carried out within 3 months of the grant of permission;
- (ii) External materials shall be constructed in accordance with the approved plan;
- (iii) No additional windows shall be incorporated into the extension; and
- (iv) Details of three off road parking spaces shall be provided and retained as such following approval.

1. BACKGROUND

- 1.1 This planning application is being reported to your Planning Committee because we have received four objections. Members will also recall visiting this site at your last committee meeting in February and subsequently refusing the planning application that was before you (ref: DC/19/63722). A detailed planning history is provided in Section 4.0 below.

- 1.2 To assist members with site context, a link to google maps is provided below:

[188 Farm Road, Oldbury](#)

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,
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 to the 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. However, the applicant argued that a rear dormer window was 'Permitted Development'. To achieve this, he needed to have clad the dormer with roof tiles, or equivalent, and carried out other minor alterations. These works have not been done so therefore the dormer is not 'Permitted

Development'. Furthermore, the width and height of the rear extension is still not in accordance with the original approved permission.

- 4.3 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.
- 4.4 A retrospective planning application (ref: DC/19/63722) was submitted which sought to retain the changes that had not been complied with under the Enforcement Notice. Those in the main related to works to the rear of the property which were as follows:-
- 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;
 - 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; and
 - iii) Changes to window location and sizes.

The Planning Committee resolved to refuse this application and directed their officers to meet with the applicant to try to seek a suitable amended scheme for the works to the rear of the property. The reason for refusal was as follows:-

'The extension presents over-development of the plot due to its 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).'

A meeting took place with the applicant, his agent and relevant planning officers on 24th February 2020 to discuss solutions to the extension with a view to resubmitting a revised scheme.

4.5 Relevant planning applications are as follows: -

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| 4.6 | 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 |
| | DC/19/63722 | Retention of two storey side/rear extension; roof enlargements with rear facing gable and dormer window; and single storey front and rear extensions. | Refused 13.02.2020 |

5. APPLICATION DETAILS

5.1 The current application is seeking to make amendments to the rear of the property which are as follows:-

- (i) Clad the rear dormer with roof tiles to match the roof; and
- (ii) Reduce the height of the rear extension, remove the rear window second floor window from this element, clad this section with roof tiles and add a skylight to the side elevation facing Farm Avenue.

5.2 See below images of the proposed changes compared to the recently refused scheme.

Proposal rear



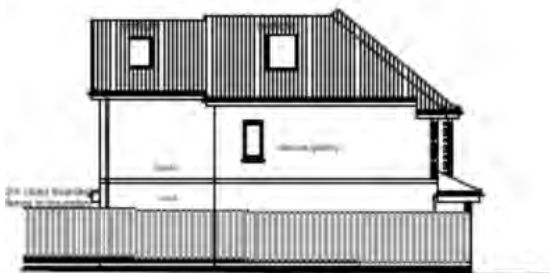
Rear Elevation 1:100

Refused rear



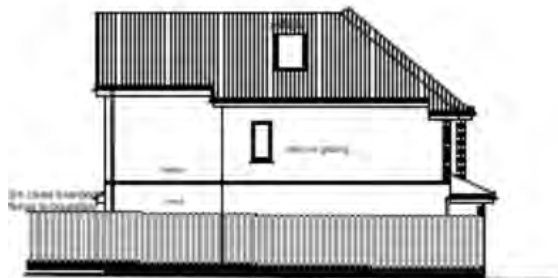
Rear Elevation 1:100

Proposed side



Side Elevation 1:100

Refused side



Side Elevation 1:100

6. PUBLICITY

6.1 The application has been publicised by neighbour notification letters and by site notice. Four objections have been received from neighbouring residents.

6.2 Objections

Objections have been received on the following grounds:-

- (i) The side elevation is right to the back of pavement, the plans state it is 1800mm away when it is more like 150mm;
- (ii) The extension is totally out of proportion with existing/surrounding area;
- (iii) Overlooks properties on Farm Avenue and is way too high;

- (iv) Removal of the rear window within the loft and tiling over the apex of the gable end will have no bearing on reducing the over-development of the plot or the negative impact on the visual amenity of the area; and
- (v) Parking concerns as three vehicles cannot be accommodated.

Immaterial planning considerations have been raised relating to devaluing properties in the area.

6.3 Responses to objections

I respond to the objector's comments in turn:

- (i) At the time of the original enforcement proceedings, when an enforcement notice was served, it was noted that the side element differed from the approved drawings, however the set back even on the original drawings was only 400mm and the changes that have been undertaken as part of the compliance with the Enforcement Notice have largely brought the side and front elements in line with the original consent.
- (ii) It is not disputed that the extensions to the property are considerable, however the alterations that were carried out to comply with the Enforcement Notice did set down the roof to the side and frontage to accord with design guidance set out in the Council's SPD on Residential Design. The outstanding issues related to the massing of the extension to the rear which the applicant has again lessened by reducing the height, removing a window and proposing to incorporate matching roof materials. Therefore, it is considered that the combination of these changes ensures that the extension is in scale and proportion with the surrounding area.
- (iii) The enlarged rear extension and dormer largely overlooks the front of the properties in Farm Avenue, however the proposal has now removed the rear window to the second floor to reduce overlooking. Turning to the dormer, whilst it is accepted that the dormer to the main roof remains in situ, firstly a dormer was indicated on the approved permission, albeit smaller in size. Secondly dormers within original roof spaces can be constructed under permitted development rights and hence the local planning authority would have no control.
- (iv) Whilst the comments of the objector are noted, in my opinion, it is considered that by reducing the roof height and cladding the rear components to match the existing roof, the proposal is now in keeping with a traditional domestic extension and, when viewed in context to the street now matches with extensions in the local area.
- (v) The plans indicate that the development has five bedrooms. The Council's residential design guidance states that 5-6 bedroom

properties should provide three dedicated parking spaces. Two parking spaces can be provided at the front, and the applicant benefits from a dropped kerb serving the rear garden which would provide the third space. This can be conditioned as part any consent that details of three parking spaces are provided and thereafter retained as such.

7. STATUTORY CONSULTATION

7.1 Highways

No objections subject to the provision of three parking spaces.

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

8.3 It is considered that the changes proposed to the rear elevation and side elevation now broadly accord with design policies and there is not sufficient justification to refuse on these grounds.

9. LOCAL PLANNING POLICY

9.1 The following policies of the Council's Local Plan are relevant:-

ENV3: Design Quality

SAD EOS9: Urban Design Principles

9.2 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.

- 9.3 The Council's adopted Supplementary Planning Document – Revised Residential Design Guide (SPD) states that 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 these include, being proportionate to the existing dwelling, providing suitable private amenity, appropriate roof designs.
- 9.4 It is not disputed that the proposal is a large family extension, however the alterations to the extension now ensure that the extension is subservient to the main house through the reduction in roof height. Furthermore, the materials are now in keeping with the host property and suitable private amenity space remains for the occupiers. Therefore, it is considered that these changes now comply with national and local policy.

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. With regards to the other considerations these are highlighted below:

10.2 Planning history

Previous approval was given for a substantial extension, however through the serving of the Enforcement Notice and subsequent negotiations with the applicant following the most recent refusal, the design has now been reduced to accord with relevant design policy considerations.

10.3 Overlooking/loss of privacy

The enlarged rear extension and dormer largely overlooks the front of the properties in Farm Avenue, however the proposal has now removed the rear window to the second floor to reduce overlooking.

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 accordance with the Council's adopted Residential Design Guide. Whilst the side element results in the first floor extension being directly to back of pavement along Farm Avenue, by

reducing the roof height and incorporating materials to the second floor/dormer that reflect the character of the surrounding properties, this now lessens the impact to an acceptable level.

10.6 Overbearing nature of proposal

Originally, the first floor was stepped in from the ground floor along Farm Avenue, whilst it is acknowledged that the applicant has built this extension flush, the reduction in height along the whole side boundary, use of materials and removal of the rear window at second floor reduces the impact along Farm Avenue.

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, post completion of the extension, the site can accommodate three off-street parking spaces, with a mixture of front and rear garden parking. This can be conditioned accordingly.

11. IMPLICATIONS FOR SANDWELL'S VISION

11.1 The proposal supports Ambitions 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 is whether the proposed changes, following both enforcement action and subsequent negotiations with the planning department, have now resulted in an extension which is in keeping with the surrounding area.

12.2 It is considered that the proposed changes to the unauthorised extension reduce the impact on the street scene, limits overlooking, incorporates materials that are compatible with the surrounding area and would not have a detrimental effect on the amenity of adjoining 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 the Town and Country Planning Act 1990.

15. EQUALITY IMPACT ASSESSMENT

15.1 There are no equality 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 Policy Framework (8), Local Plan policies (9) and material considerations (10).

19. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

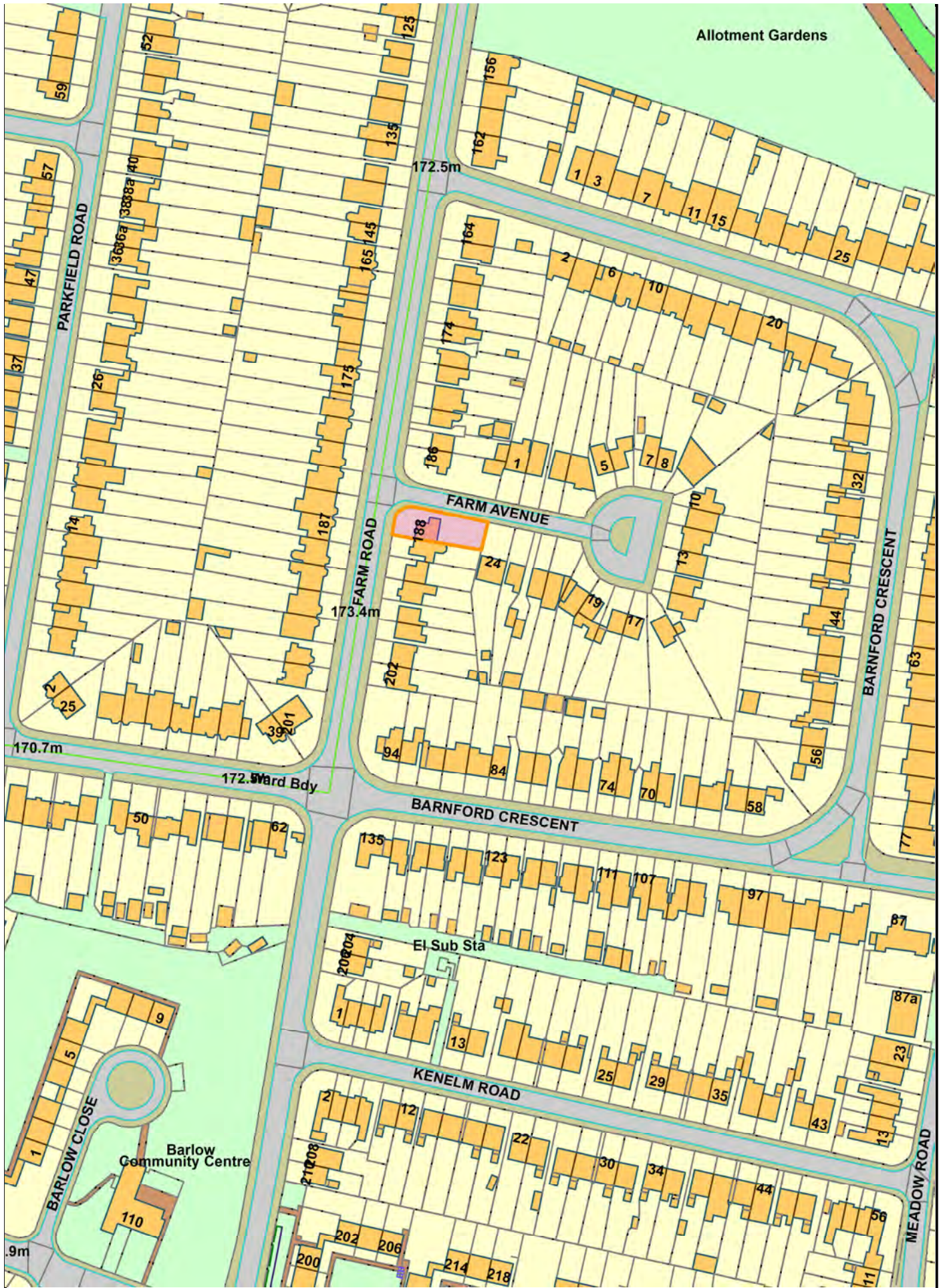
19.1 Refer to the summary of the report (12).

20. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

20.1 There will be no impact.

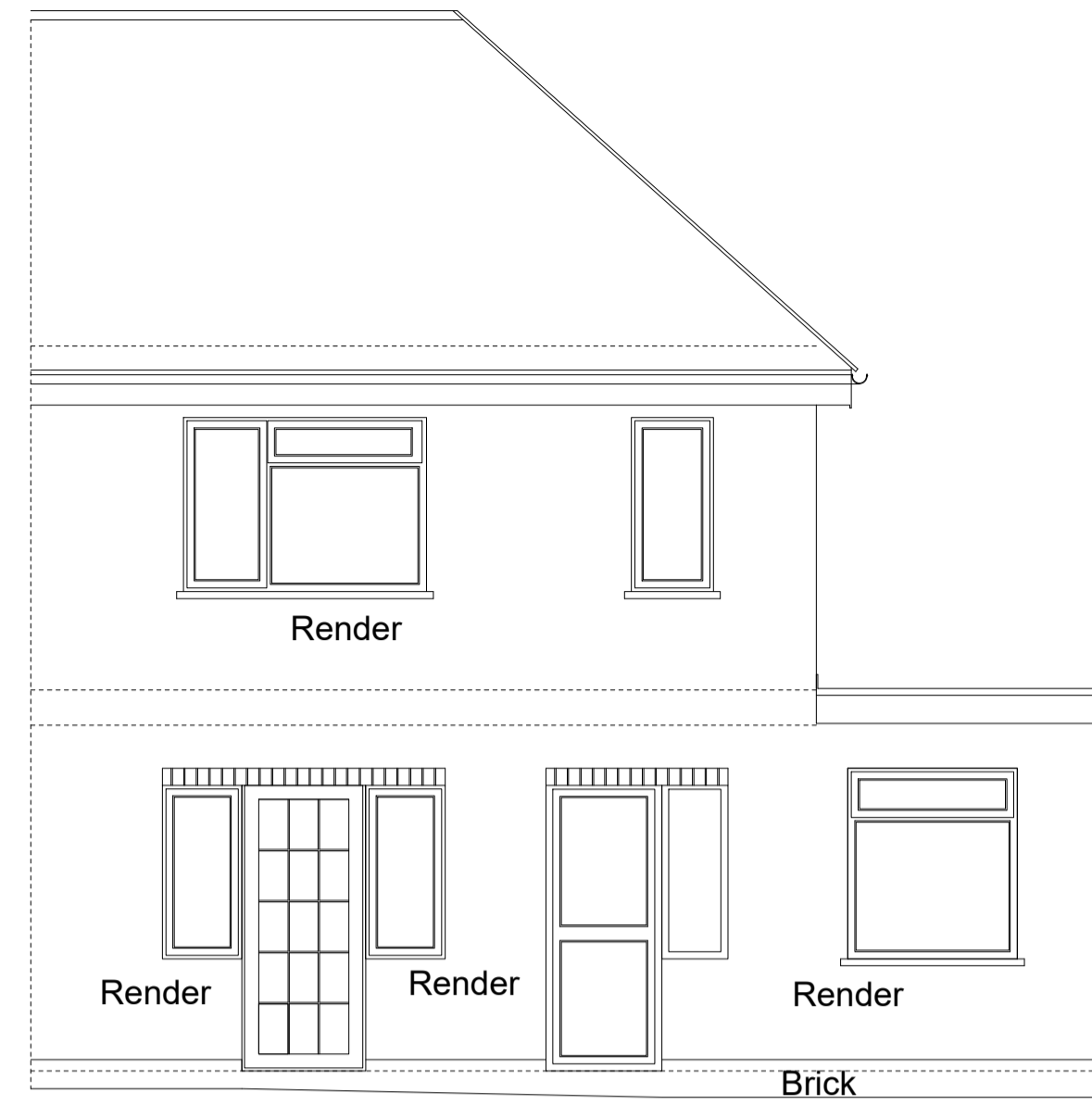
21. APPENDICES:

Site Plan
Context Plan
1.18.101
1.18.102

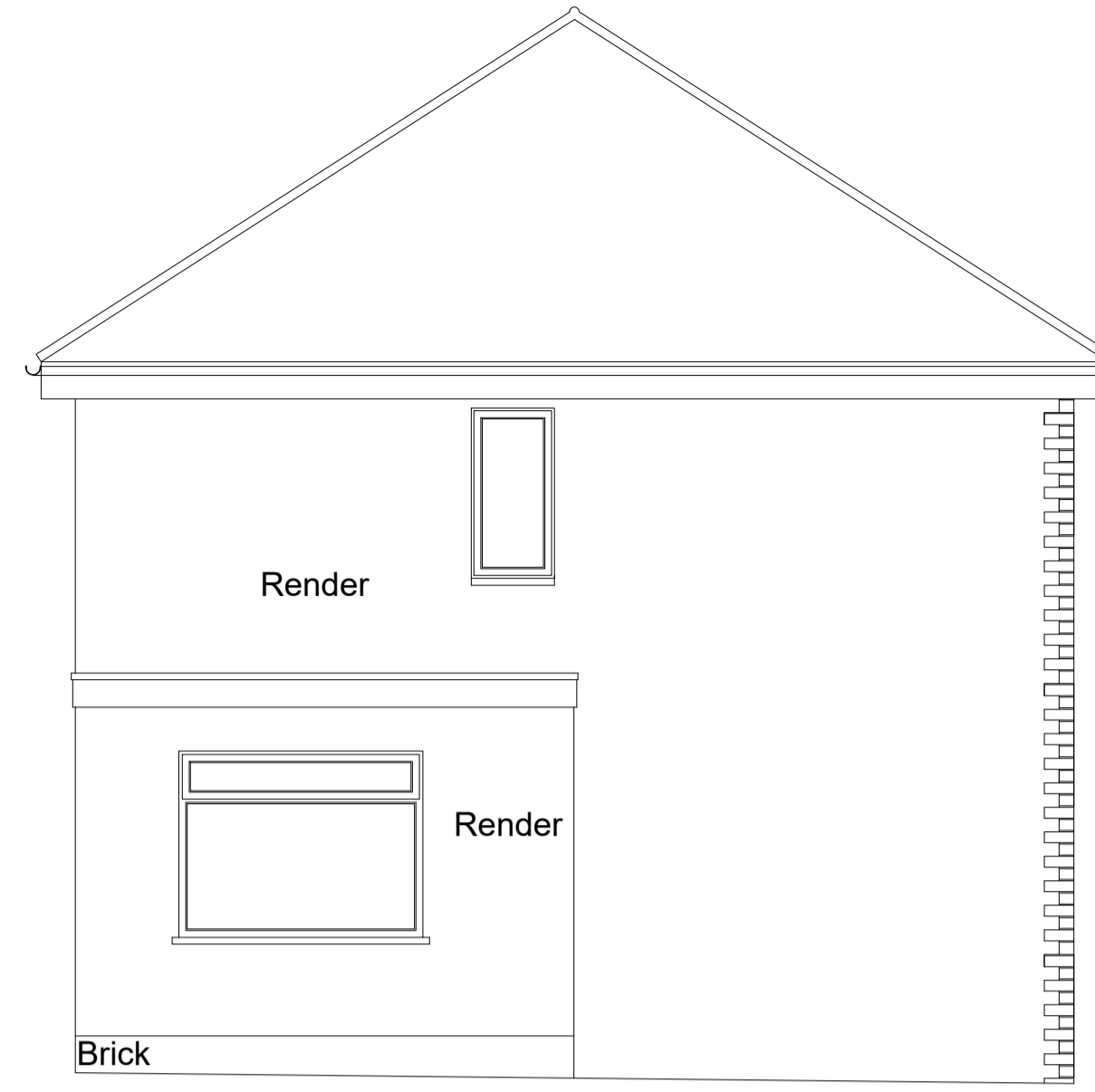




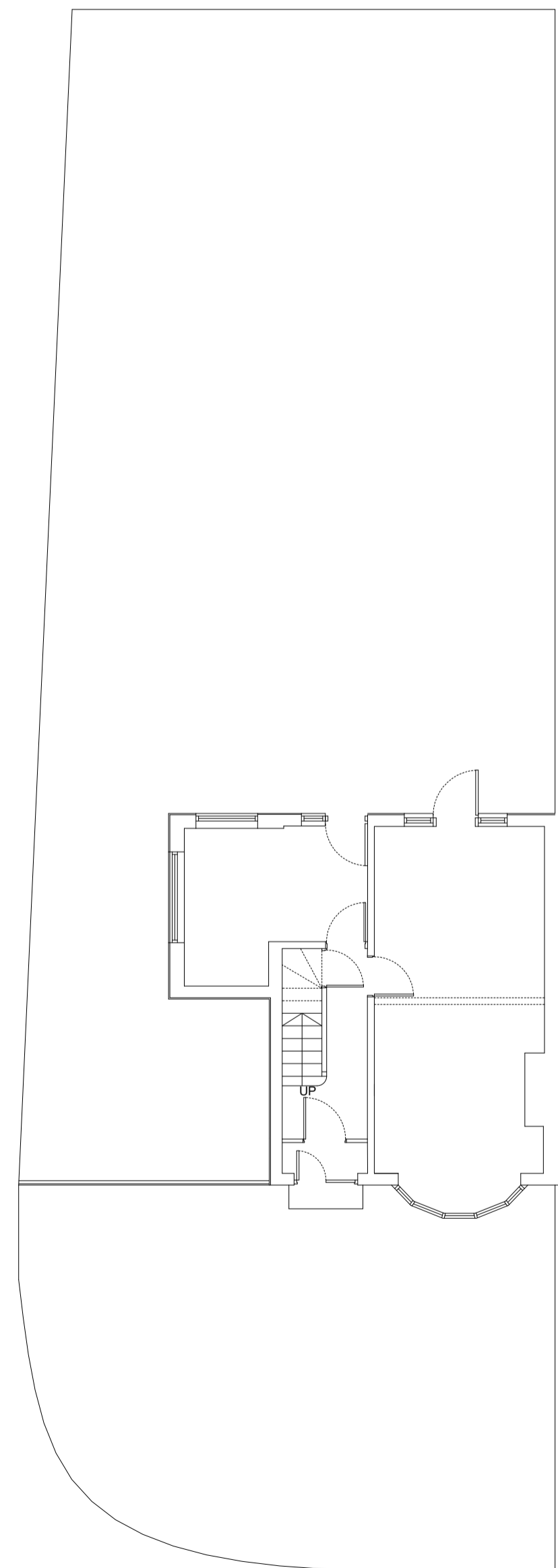
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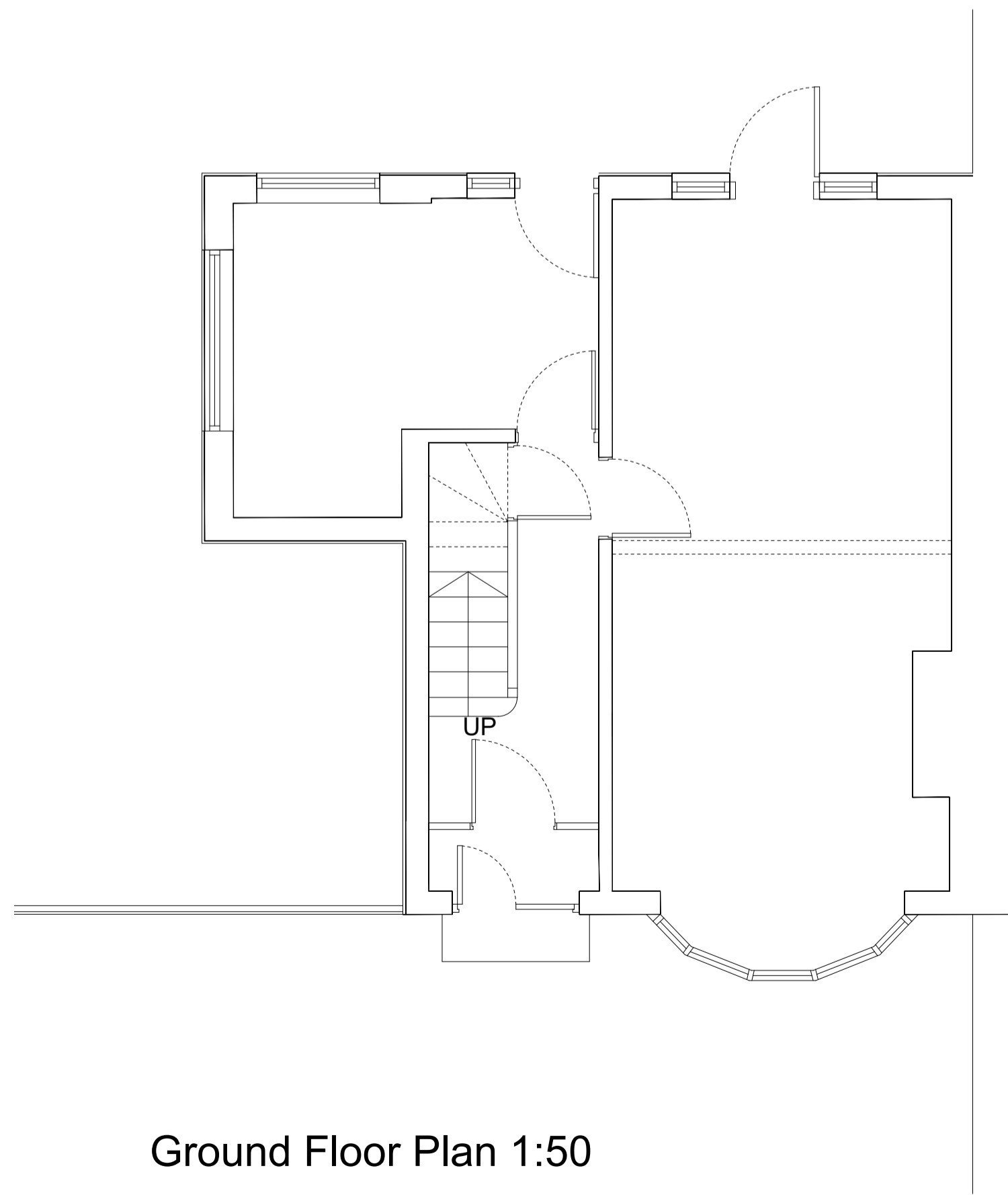
Rear Elevation 1:50



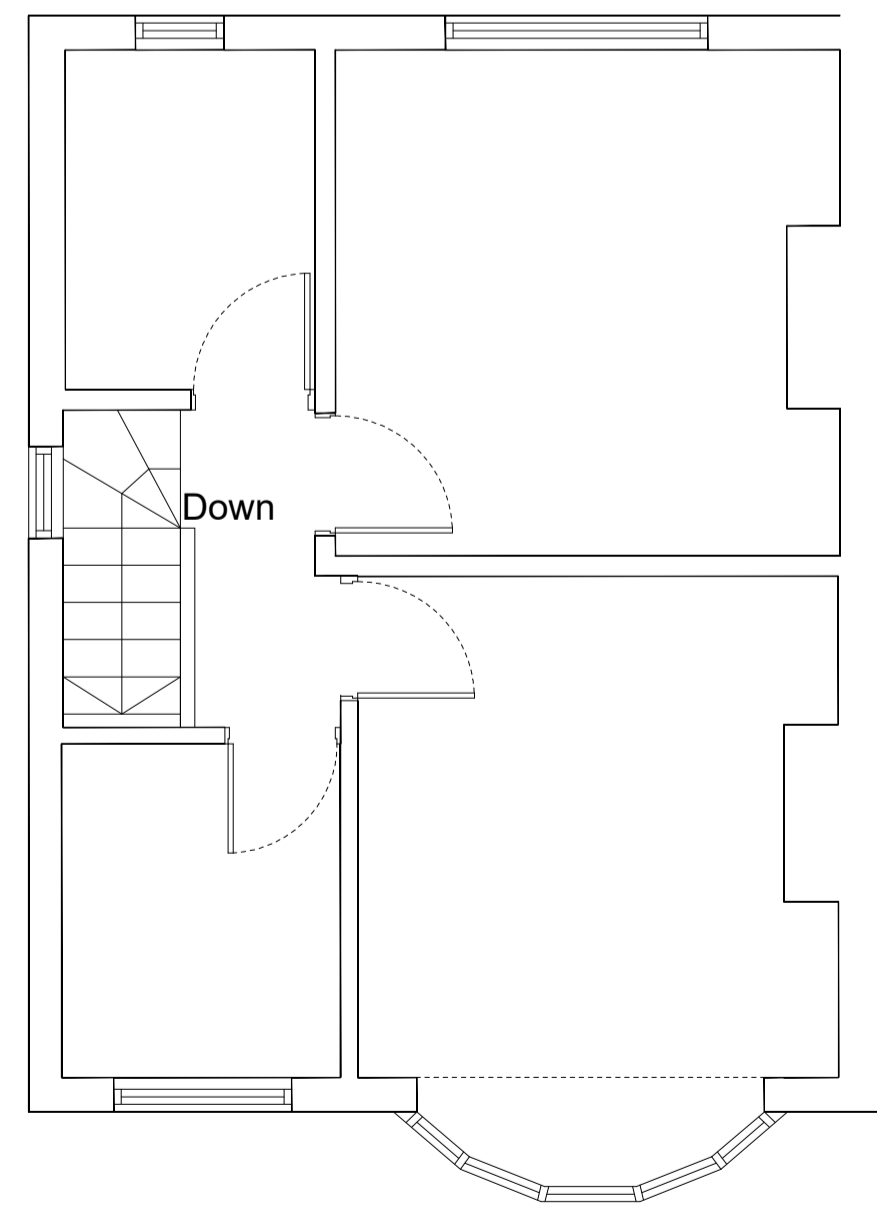
Side Elevation 1:50



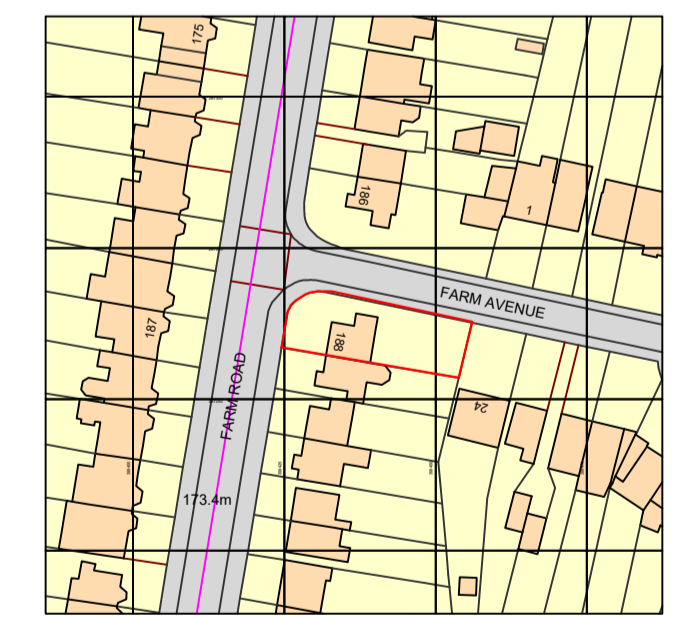
Boundary plan 1:100



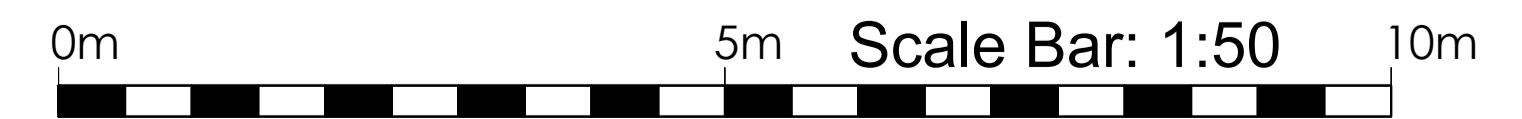
Ground Floor Plan 1:50



First Floor Plan 1:50



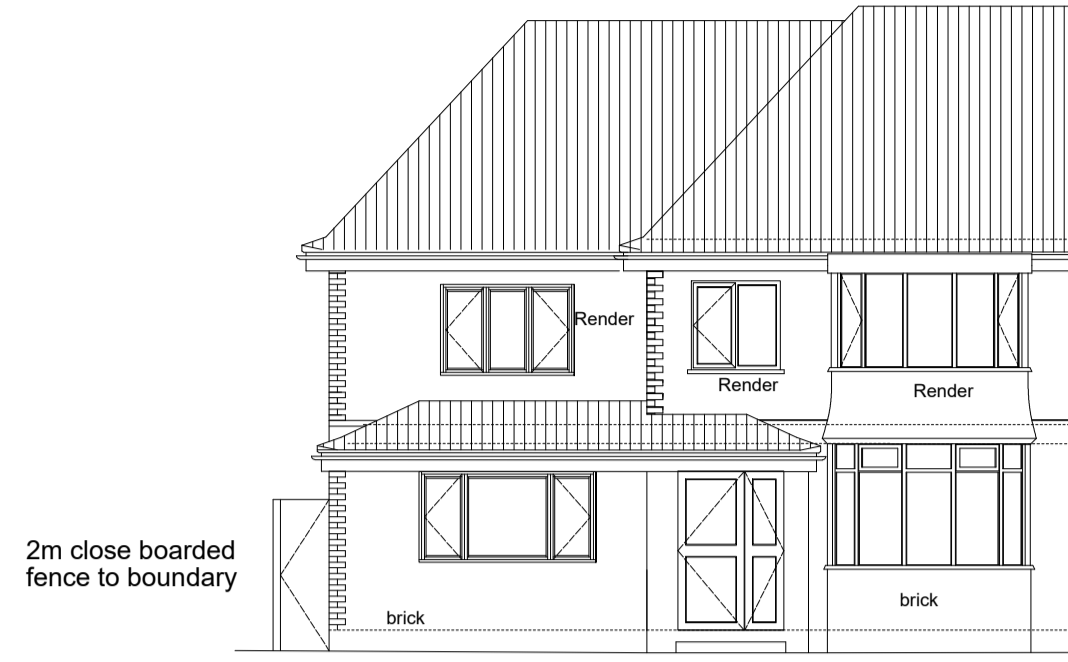
Location Plan 1:1250



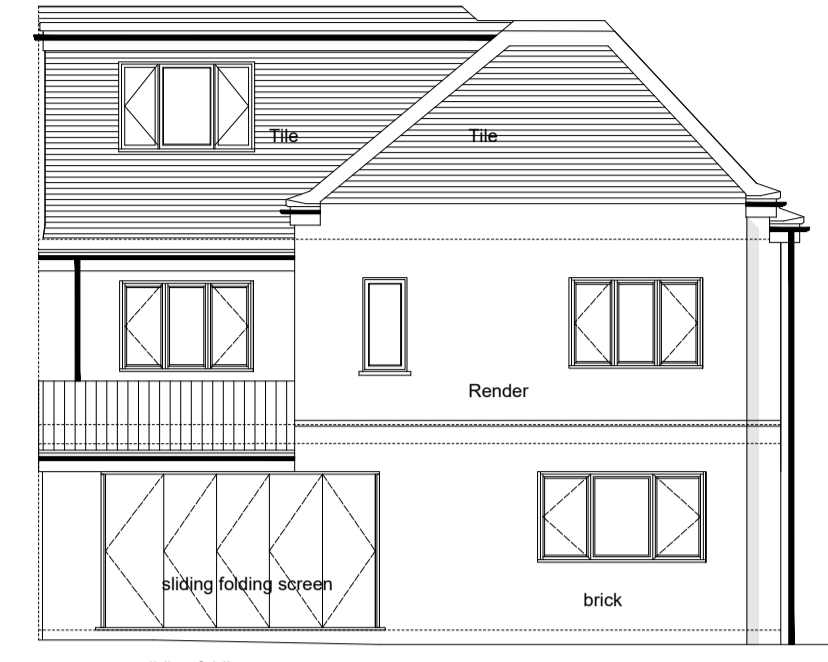
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| <p>Drawing Title: Existing Plans and Elevations</p> | <p>Project: 188 Farm Road</p> | <p>Client: Miss S Arif</p> |
| <p>13A Randall Close Kingswinford West Midlands DY6 8QJ T: 01384 404057 m: 07966405087 e: enquiries@anthony-hope.com</p> | <p>13A 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 Consultancy</p> | <p>Space Planning</p> | <p>Photo Realistic Visualisations</p> |
| <p>Dwg No: 1.18.101</p> | <p>Scales @ A1:1:50 / 1:1250</p> | <p>All dimensions to be checked on site and not scaled from drawing. Report any conflicts before commencing works on site.</p> |

Anthony Hope
MCIAT
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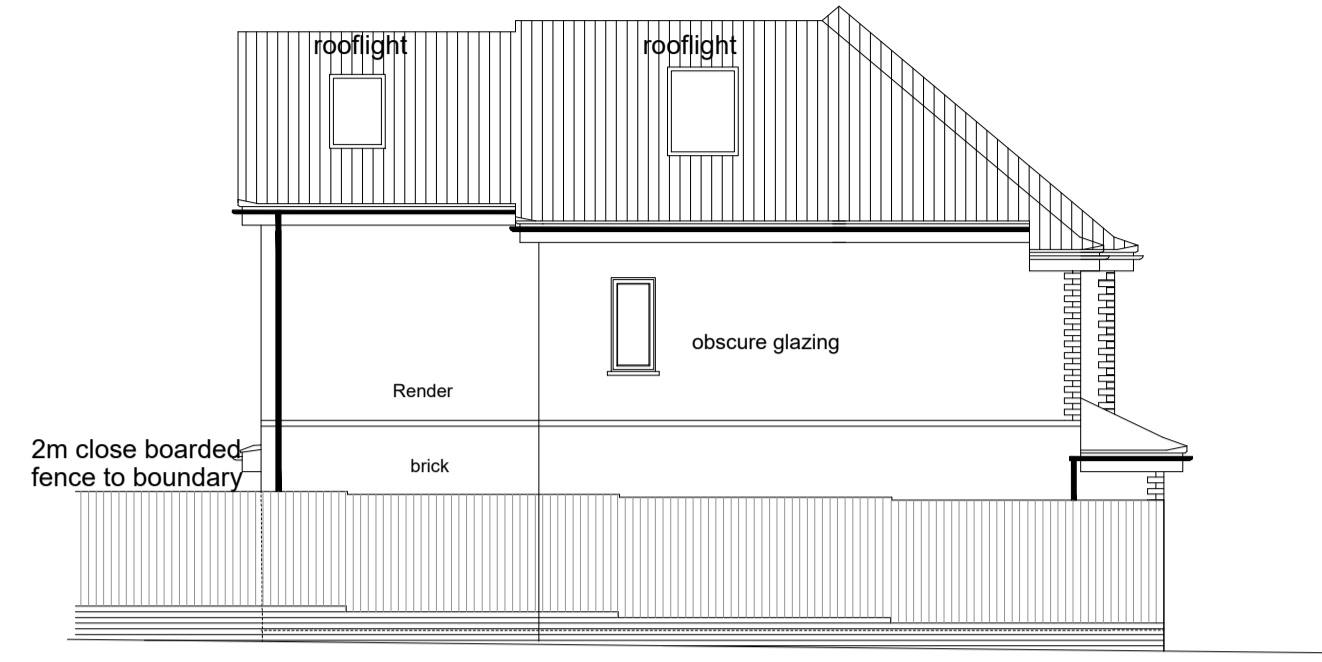
- Architectural Consultancy
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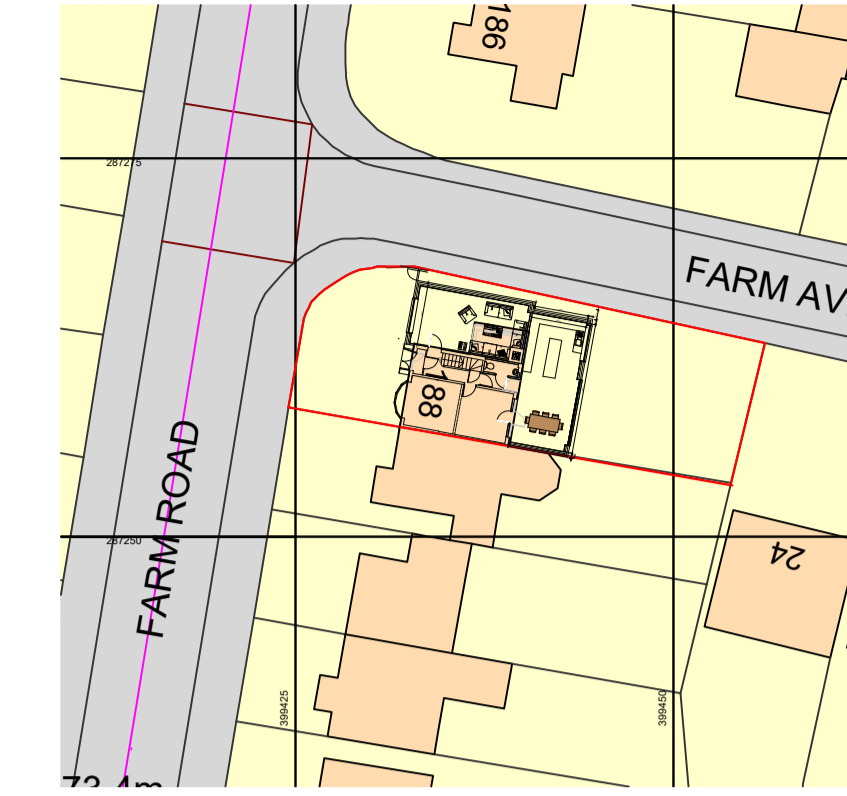
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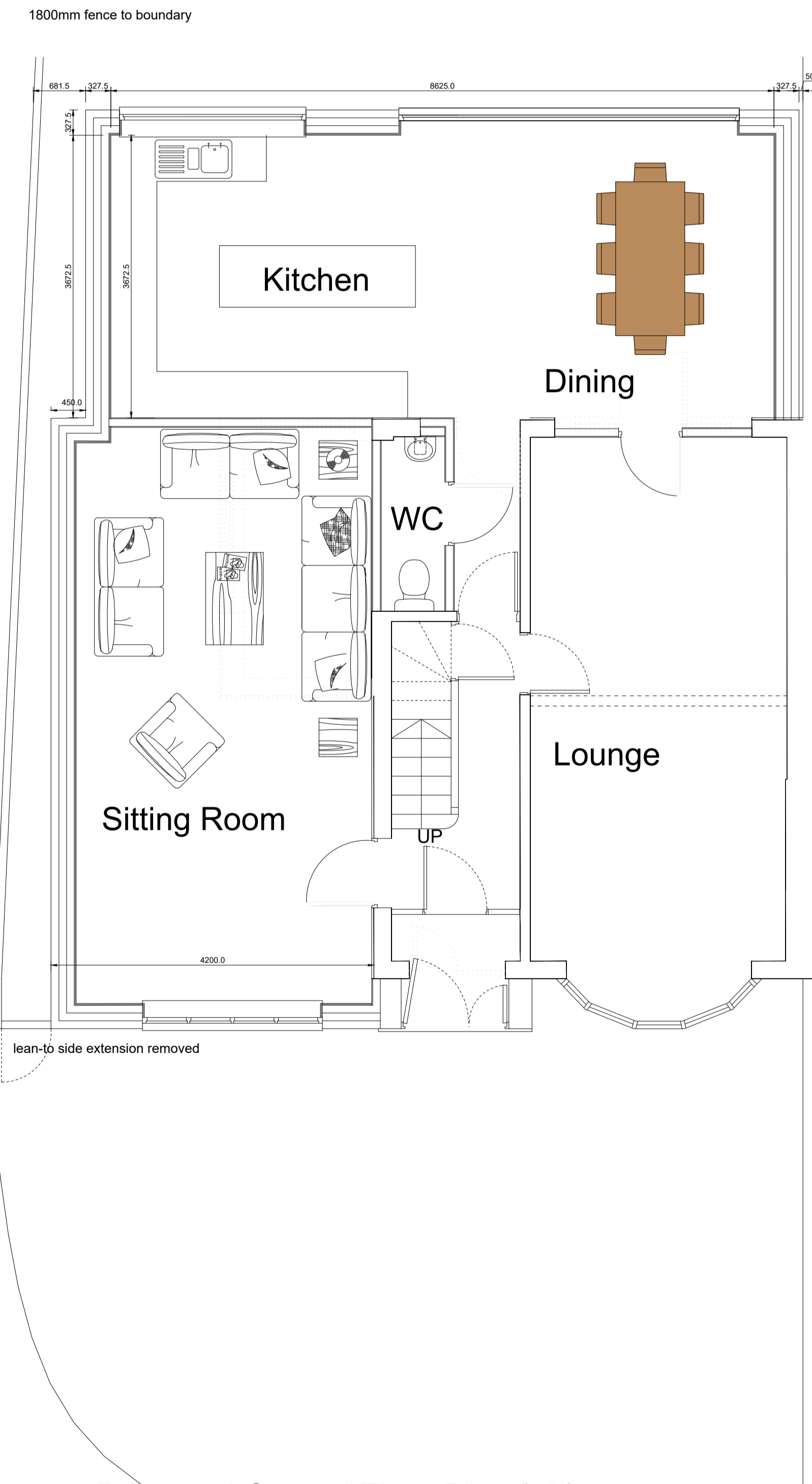
Rear Elevation 1:100



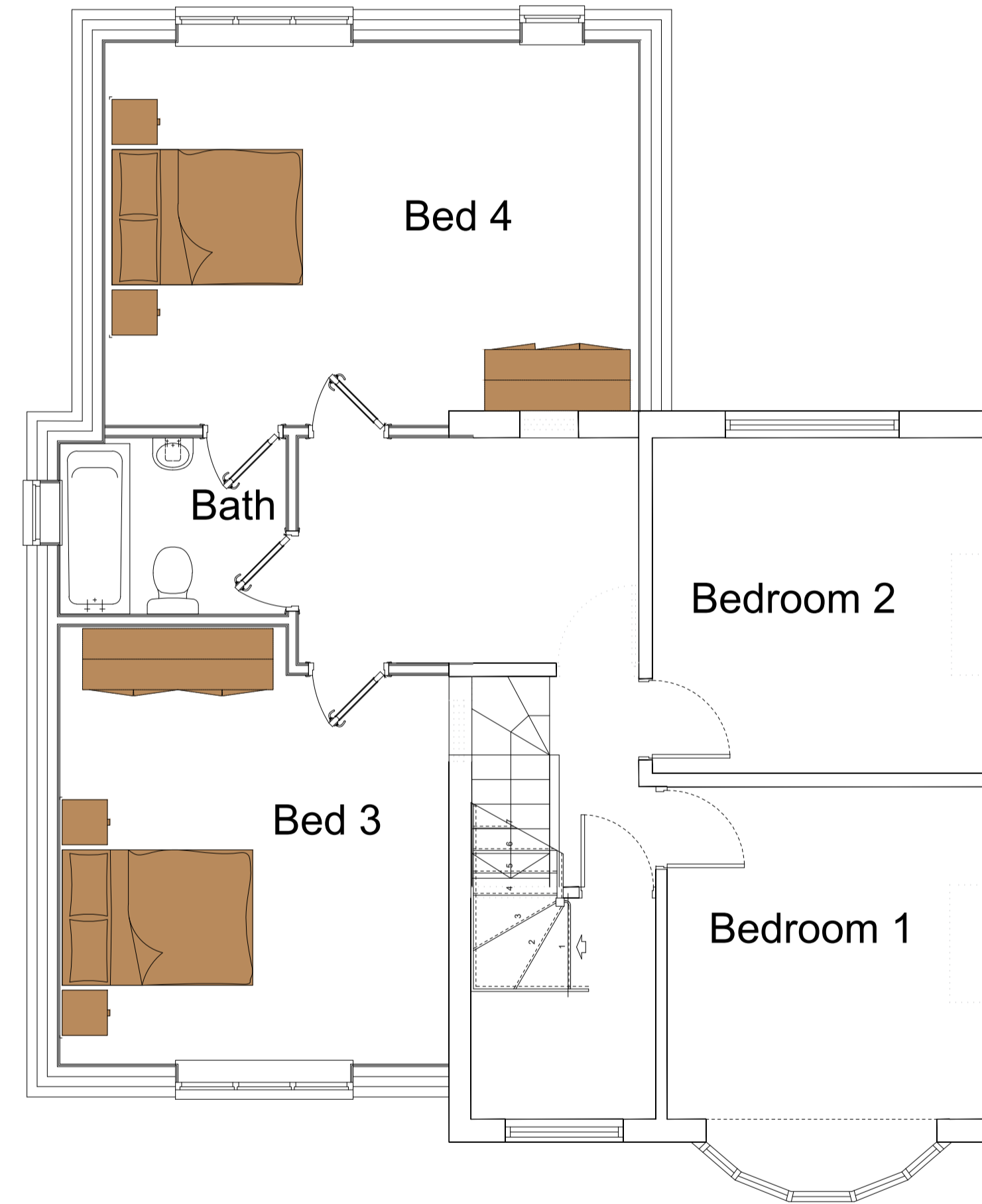
Side Elevation 1:100



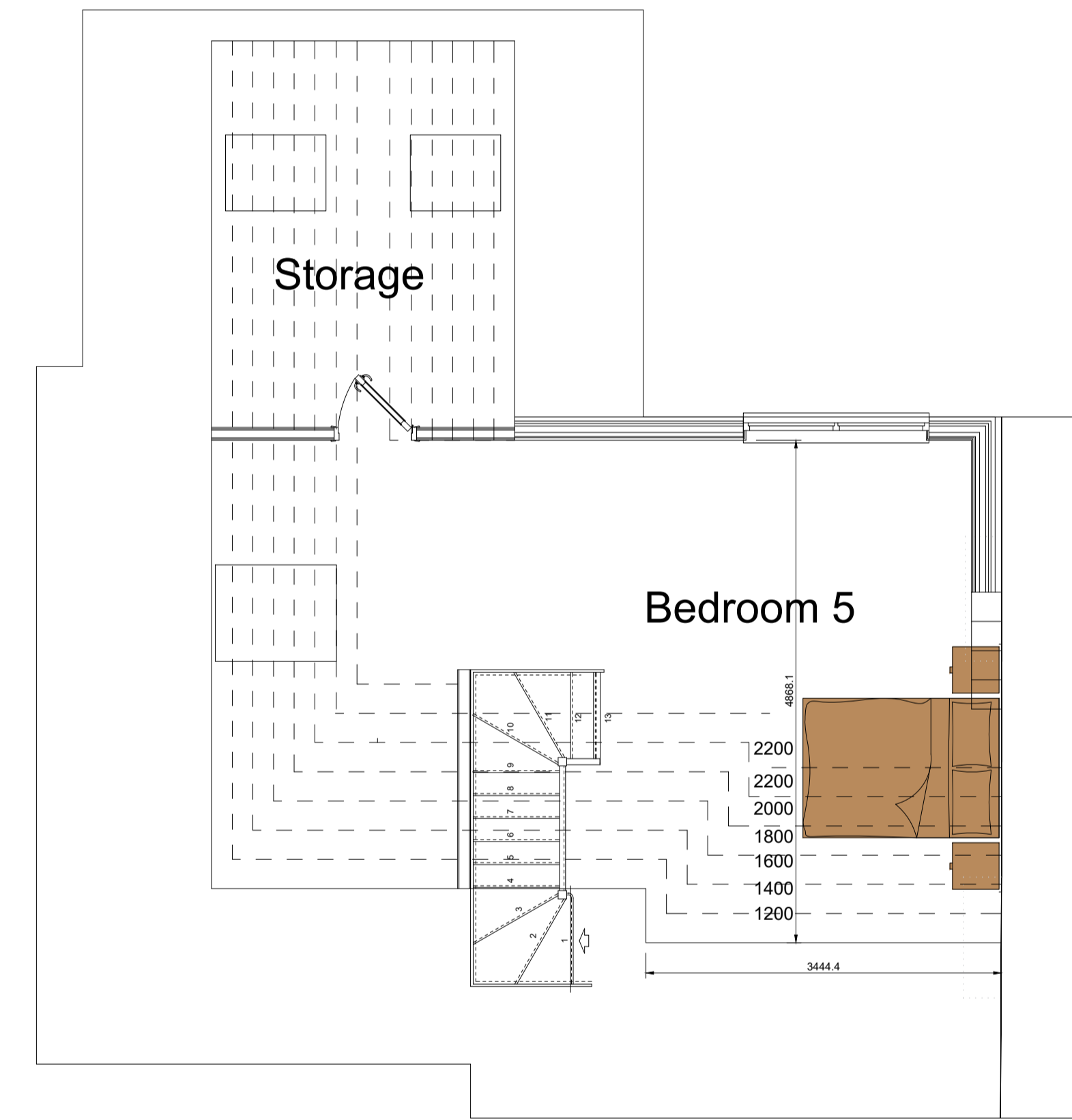
block plan 1:500



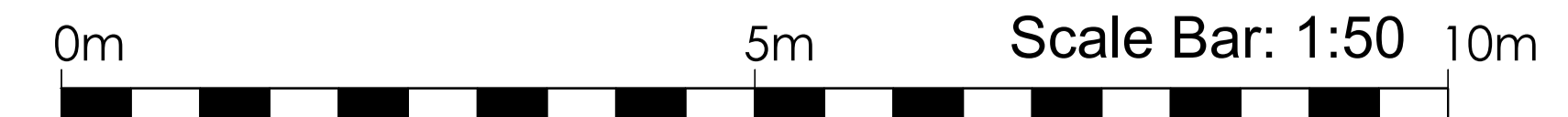
Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50



Proposed Loft Plan 1:50



Drawing Title: Proposed Plans and Elevations



Dwg No: 1.18.102 Rev G

Scales @ A1:1:50

Project: Farm Road

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Client: Miss S Arif

Rev: Date: Drawn: Check: Description:

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