

# Report to Planning Committee

**7<sup>th</sup> April 2021**

<b>Application Reference</b>	DC/20/65088
<b>Application Received</b>	15 <sup>th</sup> February 2021
<b>Application Description</b>	Proposed variation of condition 1 and removal of conditions 12 and 14 of planning permission DC/18/61392 (Proposed 4 No. semi-detached bungalows and 1 No. 3 bedroom detached bungalow). Condition 1 - Installation of roof lights to all plots and obscured side window to plot 1. Condition 12 and 14 - Servicing & delivery arrangements and entrance gates.
<b>Application Address</b>	Land Off James Watt Drive Wednesbury
<b>Applicant</b>	Mr Satnam Sahota
<b>Ward</b>	Wednesbury North
<b>Contact Officer</b>	William Stevens <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 That planning permission is granted subject to the conditions of DC/18/61392 (removing conditions 12 and 14) with the inclusion of an additional condition:




- i) Prior to the bungalows being first occupied, the roof lights shall be obscurely glazed to the satisfaction of the local planning authority and retained as such.

## 2 Reasons for Recommendations

- 2.1 The introduction of roof lights within the approved dwellings causes no significant harm to the amenity of the occupiers of adjacent properties by reason of loss of privacy.
- 2.2 The removal of Conditions 12 and 14 of DC/18/61392 would not cause any significant highway safety issues.

## 3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – The scheme would assist with meeting the council’s housing targets and provides good quality homes.
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## 4 Context

- 4.1 This is a retrospective planning application.
- 4.2 This application is being reported to your Planning Committee because five material planning objections have received.
- 4.3 To assist members with site context, a link to Google Maps is provided below, however given the location only an aerial view of the site is available with officer and resident’s photographs provided further into this report:

[Brunswick Park Road - Aerial view](#)



## 5 Key Considerations

- 5.1 The site benefits from planning permission (DC/18/61392) which is currently being built for 4 No. semi-detached bungalows and 1 No. 3 bedroom detached bungalow.
- 5.2 The material planning considerations which are relevant to this application are: -

Overlooking/loss of privacy

## 6. The Application Site

- 6.1 The application site is sandwiched between Brunswick Park Road and a dormant railway line. Access to the site is via James Watt Drive, Wednesbury.
- 6.2 The site benefits from planning permission (DC/18/61392) which is currently being built for 4 No. semi-detached bungalows and 1 No. 3 bedroom detached bungalow.

## 7. Planning History

- 7.1 A residential development approved by this Committee is being built to the rear of the properties on Brunswick Park Road, Wednesbury.
- 7.2 Relevant planning applications are as follows:

7.3

DC/18/61392	Proposed 4 No. semi-detached bungalows and 1 No. 3 bedroom detached bungalow.	Grant Permission subject to Conditions 27 <sup>th</sup> April 2018
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## 7.4 Other applications:

A non-material amendment (NMA) application was recently refused by officers. The NMA application proposed to carry out the changes proposed in this application but was refused, on the grounds that the changes were material and required a further planning application.

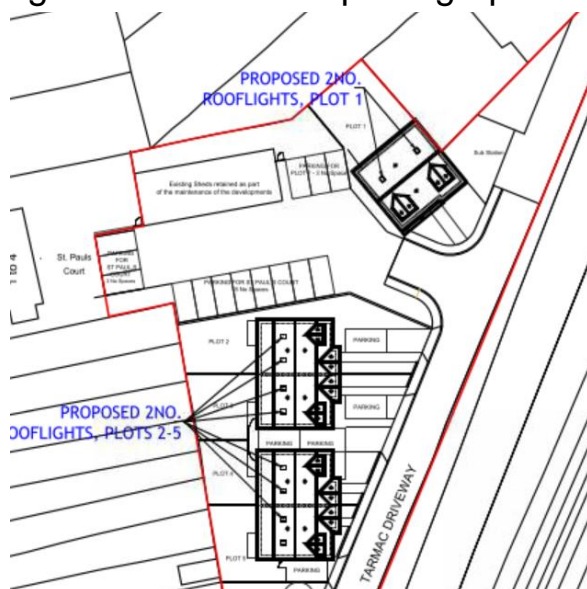
7.5 Other applications have been submitted on nearby properties owned by the applicant, however these have no relevance to this application.

## 8. Application Details

8.1 The applicant proposes to vary condition 1 and removal of conditions 12 and 14 of planning permission DC/18/61392 (Proposed 4 No. semi-detached bungalows and 1 No. 3 bedroom detached bungalow).

### 8.2 Condition 1

Condition 1 of DC/18/61392 requires the applicant to build in accordance with the submitted and approved plans. The applicant has built properties with roof lights and the first part of this application, is to retain what has been built. The extract below shows the location of the roof lights. Also refer to photographs in 9.2 below).



8.3 Condition 12 of DC/18/61392 states:

*a) Before the development is brought into use details of servicing and delivery arrangements shall be submitted to and approved in writing by the local planning authority.*

*b) The approved servicing and delivery arrangements shall be implemented in accordance with the approved details.*

8.4 Condition 14 of DC/18/61392 states:

*a) Before the development is first occupied details of a gates to be installed at the entrance to the development shall be submitted to and approved in writing by the local planning authority.*

*b) The approved gates shall be installed before the development is occupied and thereafter be retained as such.*

8.5 The applicant has stated that the service and delivery arrangements as well as the originally intended entrance gates are no longer required. Therefore, the applicant is therefore seeking to remove those conditions.

## 9. **Publicity**

9.1 The application has been publicised by neighbour notification letters with five individual objections received.

## 9.2 **Objections**

Objections received relate to the roof lights overlooking residents back gardens affecting the privacy of occupants on Brunswick Park Road.





### 9.3 Responses to objections

Objectors gardens are approximately 25m in length, with the roof lights installed approximately 34m away from the rear wall of the terraced properties in Brunswick Park Road. The windows follow the same angle as the roof and point up, towards the sky and not facing the houses, unlike typical dormer windows. Whilst the windows can be opened, firstly the separation distances between the bungalows and the existing properties meets the Council's standards (i.e. 21 metres). Secondly, it was observed during my site visit, that the height in which they are installed 1.9m to 2.3m (6ft 2 to 7ft 8)) would require occupants of the properties to stand on something in order to look directly onto the rear of objector's properties. Furthermore, the applicant has said that he is willing to obscurely glaze these windows.





## 9.4 Immaterial objections

Immaterial objections have been raised. These range from the application being retrospective and objecting to the previously approved 2018 application in terms of noise, litter, parking, removal of trees, impact on wildlife, over population, inadequate access and refuse storage. Whilst it may seem that some of those concerns raised are material considerations they cannot be taken into account due to the 2018 application already being granted and this proposal seeks to amend the scheme in terms of points 8.2, 8.3 and 8.4 above only.

## 10. Consultee responses

### 10.1 Highways

The Council's highways team raised no objections.

## 11. National Planning Policy

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

## 12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

ENV3: Design Quality

SAD EOS9: Urban Design Principles

SPD Revised Residential Design Guide

12.2 The development is considered to be compliant with policies ENV3 and SAD EOS9 in that there is no significant impact on residential amenity in terms of loss of privacy and overlooking. Whilst the separation distances set out in the design guide relate to two storey properties, this





provides a useful guide. The separation distances between the existing residents and the bungalows exceeds those stated for window elevations, namely 21 metres.

### 13. Material Considerations

13.1 The material considerations relating to government policy (NPPF) and proposals within the Development Plan have been referred to above in Sections 11 and 12. With regards to the other considerations these are highlighted below:

#### 13.2 Loss of privacy/overlooking

Given the explanation in point 9.3, I do not foresee any privacy issues. However, if Members are minded to approve the application, in order to remove the sense of being overlooked, I suggest the windows are obscurely glazed and retained as such.

### 14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so, however it is considered that these changes do not cause harm to residential amenity in term of overlooking/privacy.

### 15 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.



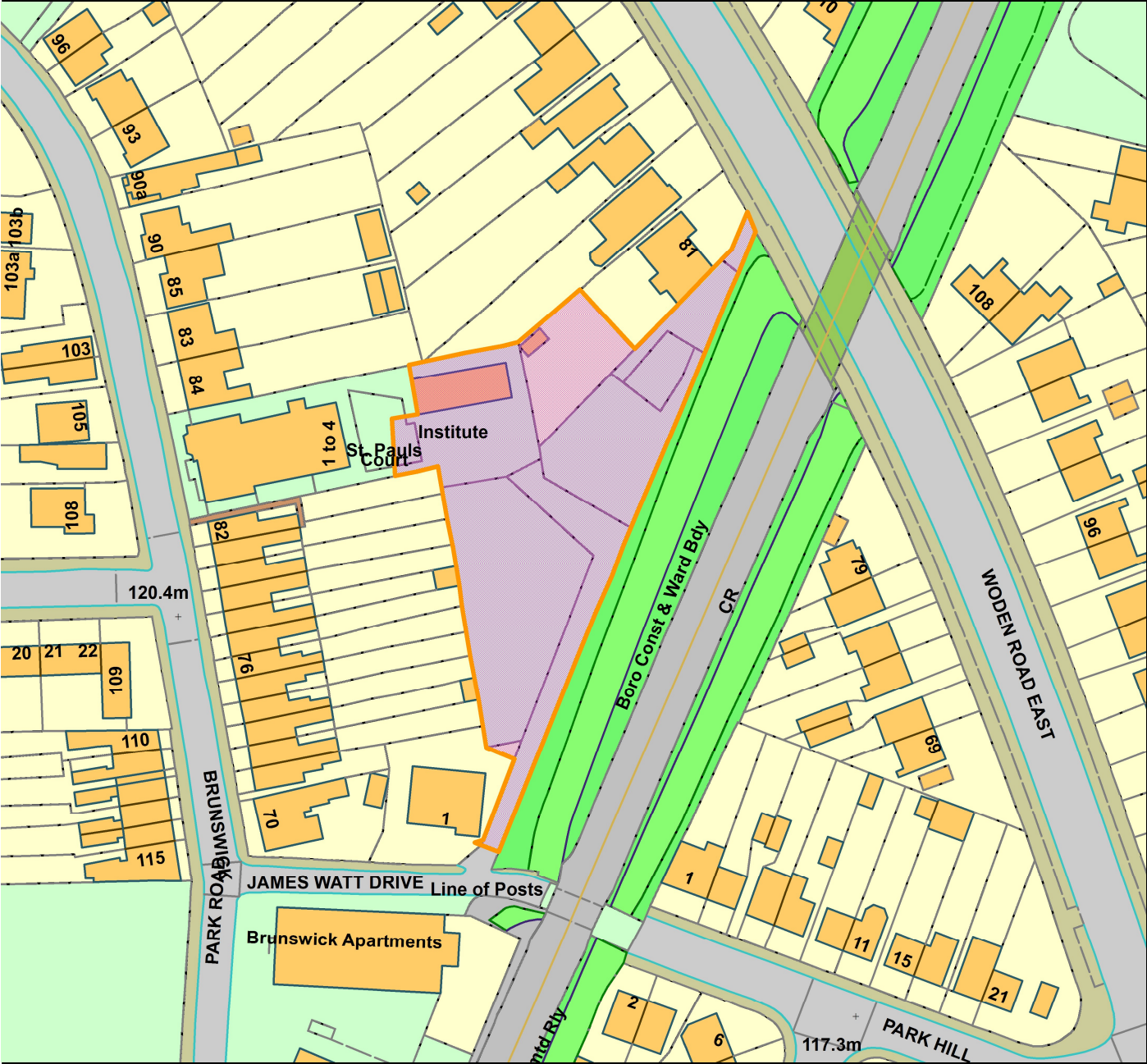
<b>Health and Wellbeing:</b>	None
<b>Social Value</b>	None

## 16. Appendices

- Site Plan
- 01 Rev A
- 02 Rev A
- 04 Rev A
- 05 Rev B
- 11
- 12
- 13
- 14
- 15 Rev A

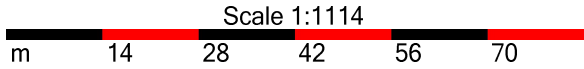


DC/20/65088  
 Land off James Watt Drive



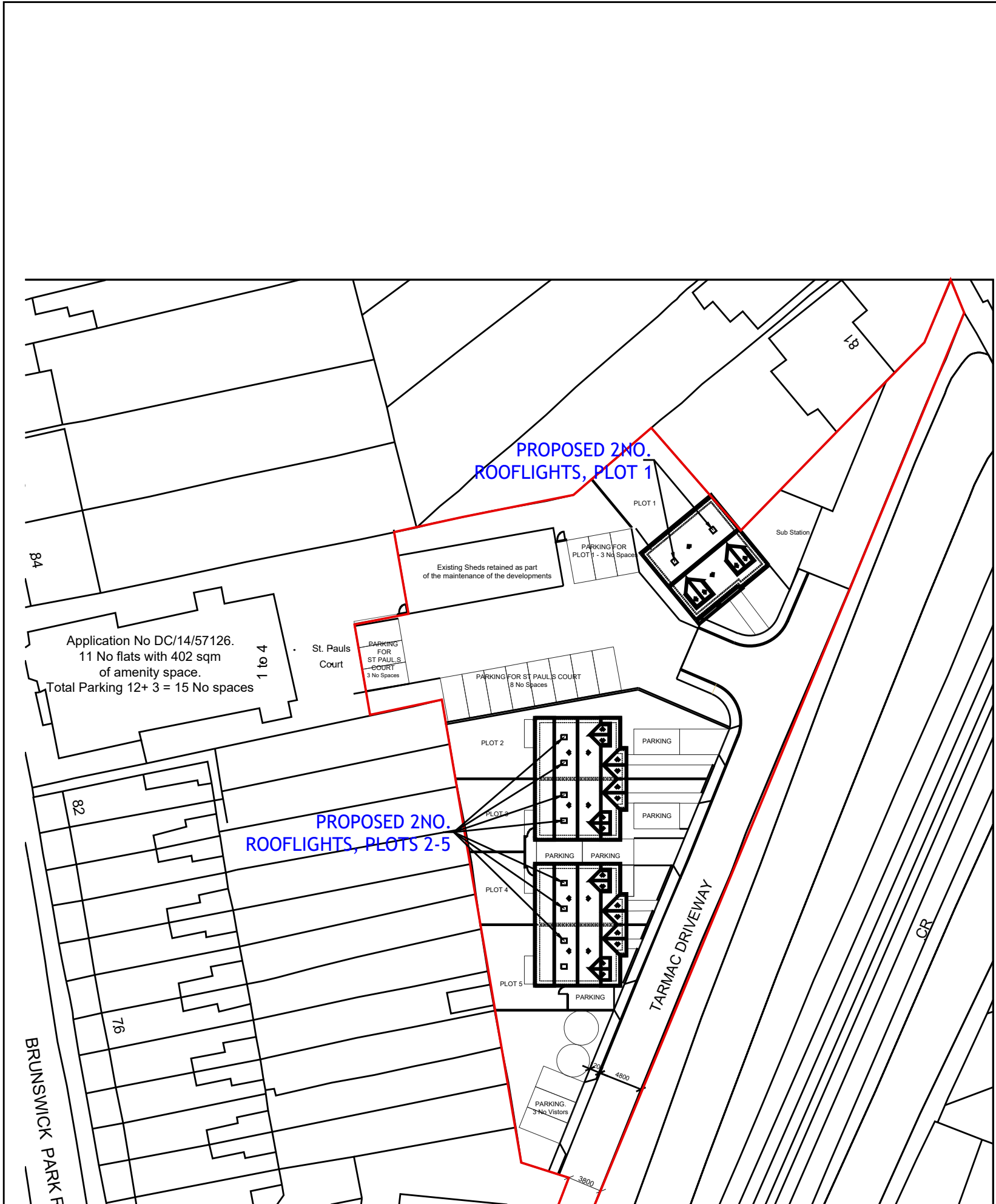
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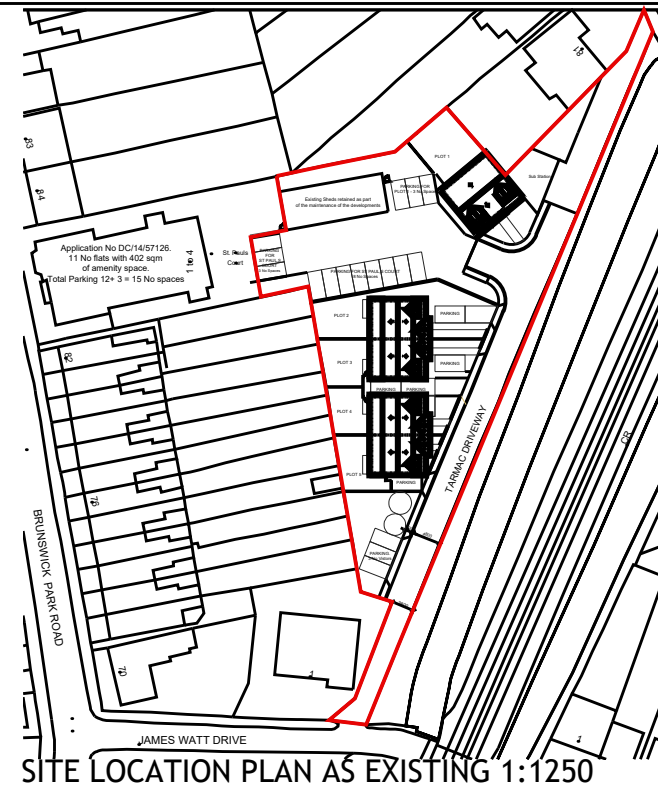


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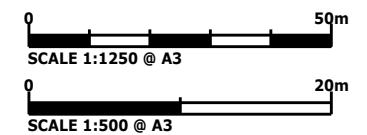
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<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	23 March 2021
<b>OS Licence No</b>	



SITE BLOCK PLAN AS PROPOSED 1:500



SITE LOCATION PLAN AS EXISTING 1:1250



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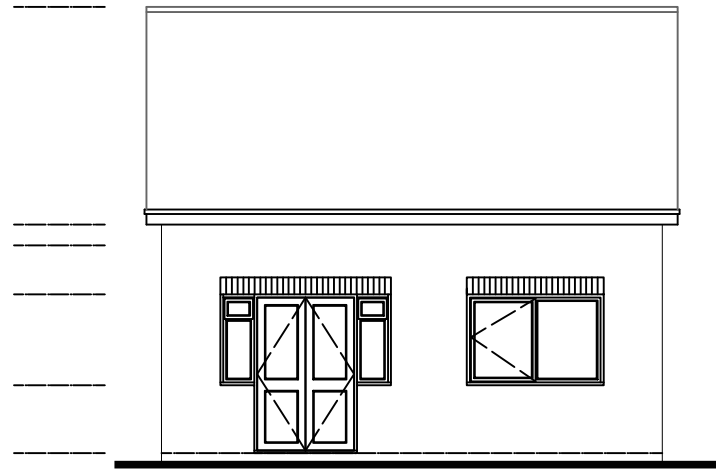
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**PENDING ON PROPOSALS**

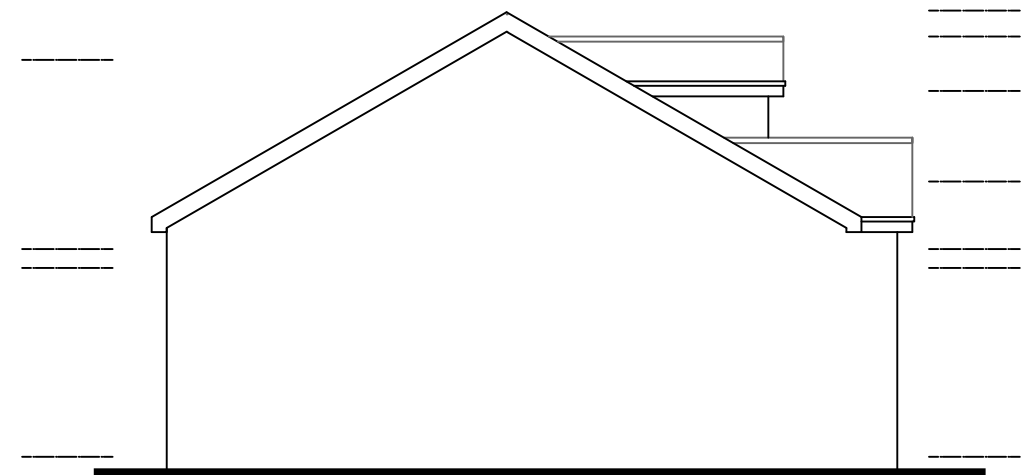
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A	27.11.20	2no. Roof lights added to Plot 1
Job		
Proposed Residential development off James Watt Drive Wednesbury		
Dwg Title		
Location Plan as Existing Block Plan as Proposed		
<b>LAPWORTH ARCHITECTS</b>		
<small>Lapworth Architects Ltd 4 Edward Street, Birmingham, B1 2RX Tel - 0121 455 0032</small>		
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Job no.	Dwg no.	Revision
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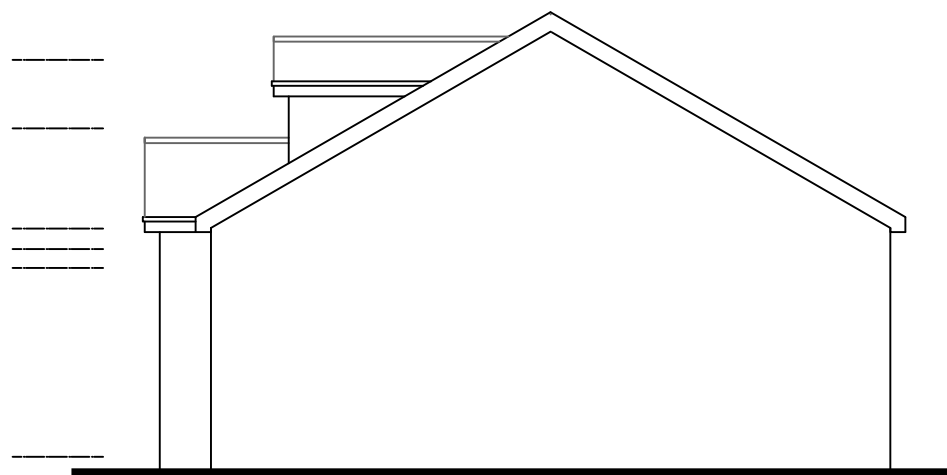
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION



SCALE 1:100 @ A3

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Rev A 03.12.20 Title block Job description amended as per planner comments

Rev	Date	Comments
A	03.12.20	Title block Job description amended as per planner comments

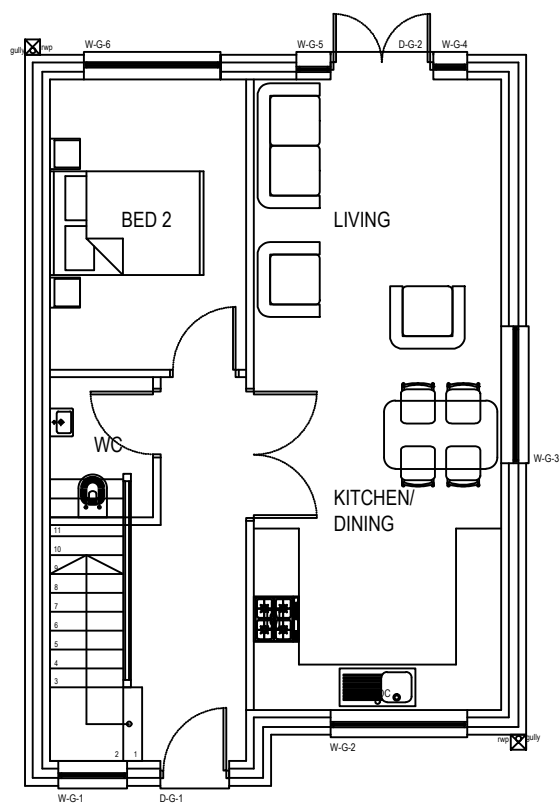
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Wednesbury

Dwg Title  
PLOT 2,4 SEMI-DETACHED  
ELEVATIONS AS EXISTING  
NOTE: PLOT 3, 5 HANDED

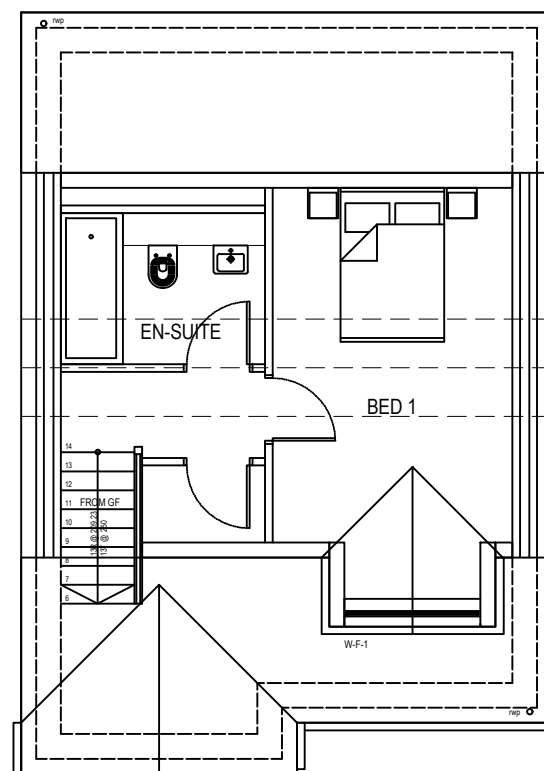
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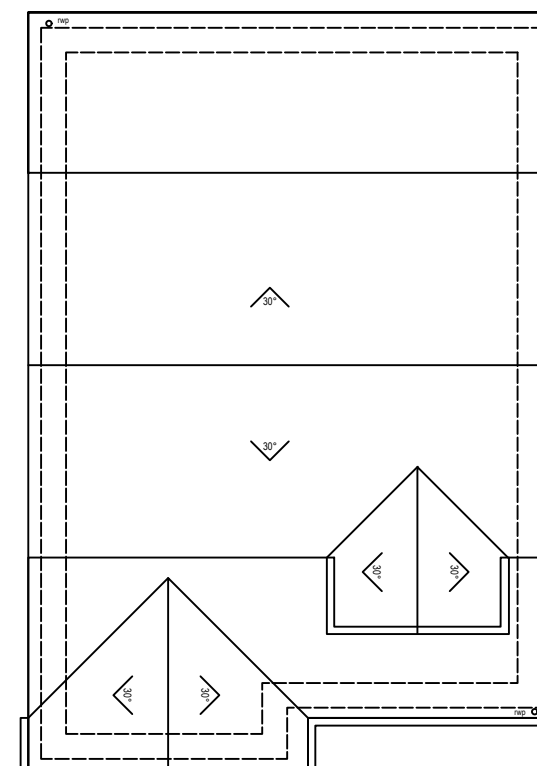
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Job no. 2332	Dwg no. 02	Revision A



GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN

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A 03.12.20 Title block Job description amended as per planner comments

Rev	Date	Comments

Job  
 Proposed Residential development  
 off James Watt Drive  
 Wednesbury

Dwg Title  
 PLOT 2,4 SEMI-DETACHED  
 PLANS AS EXISTING  
 NOTE: PLOT 3, 5 HANDED

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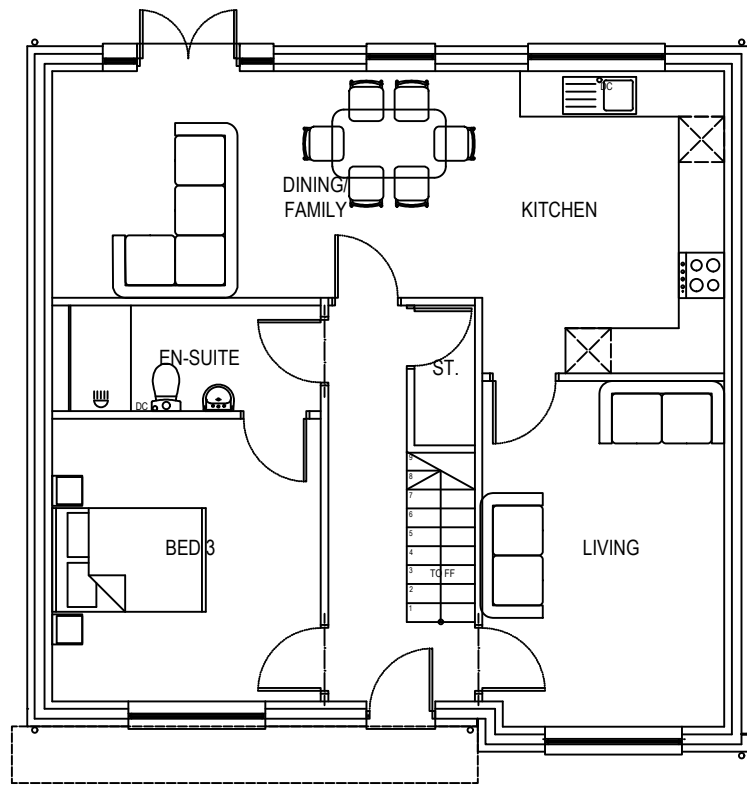
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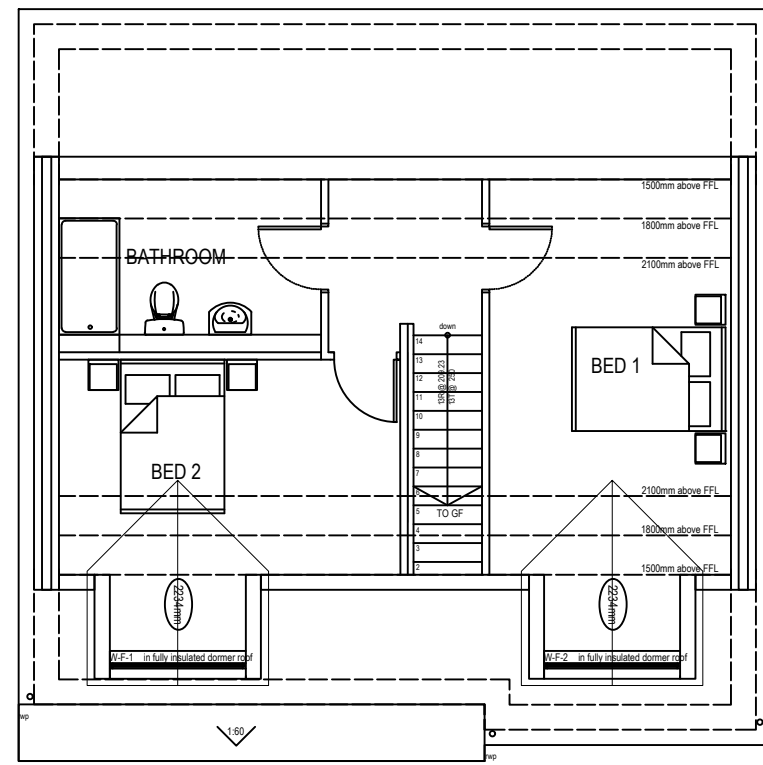
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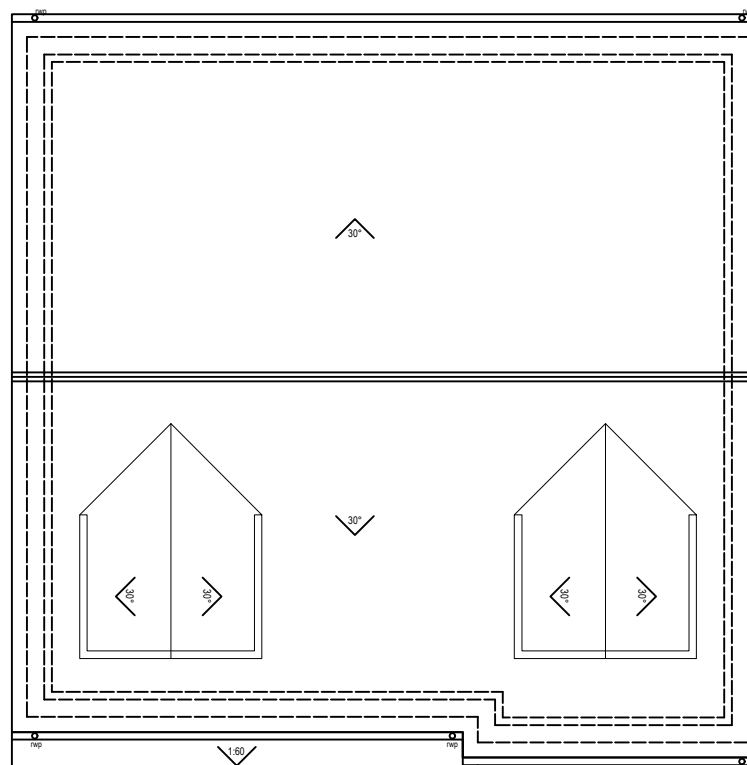
SCALE 1:100 @ A3



GROUND FLOOR PLAN  
- PLOT 1 AS EXISTING



FIRST FLOOR PLAN  
- PLOT 1 AS EXISTING



ROOF PLAN  
- PLOT 1 AS EXISTING



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Rev	Date	Comments

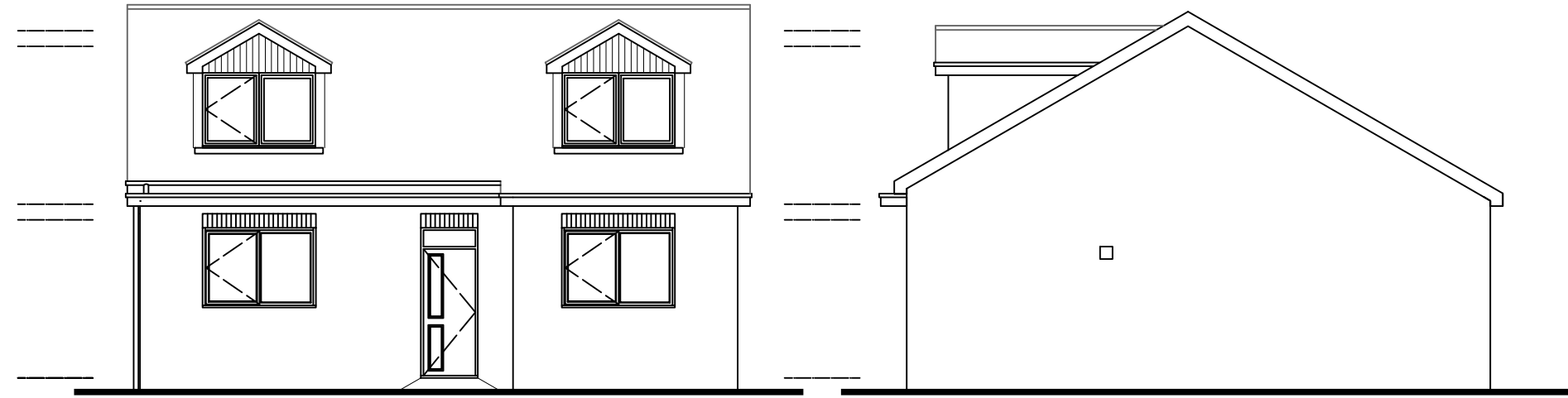
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off James Watt Drive  
Wednesbury

Dwg Title  
PLOT 1  
PLANS AS EXISTING

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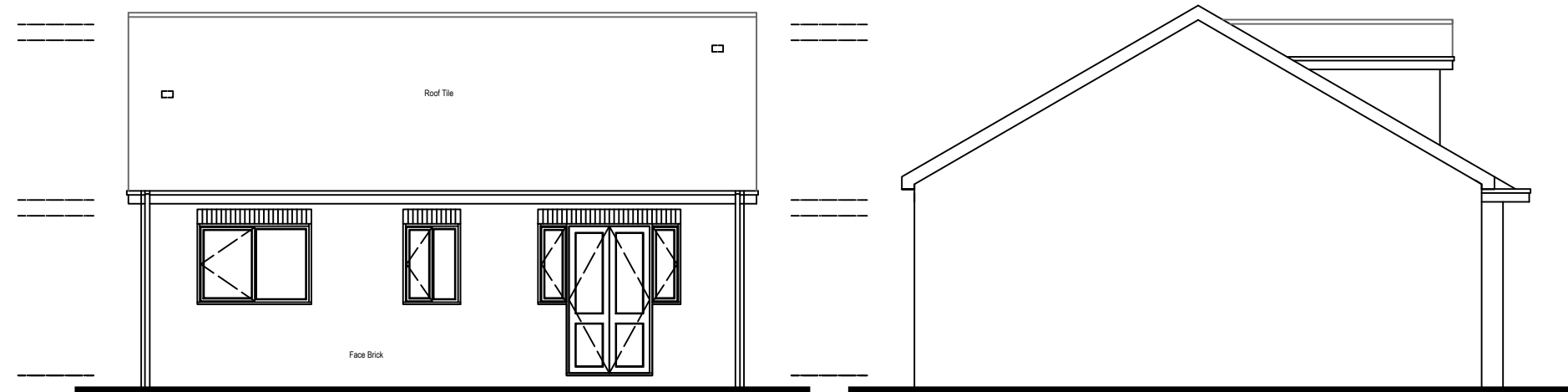
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Job no. 2332	Dwg no. 11	Revision -



F R O N T E L E V A T I O N

S I D E E L E V A T I O N



R E A R E L E V A T I O N

S I D E E L E V A T I O N

E L E V A T I O N S A S E X I S T I N G - P L O T 1

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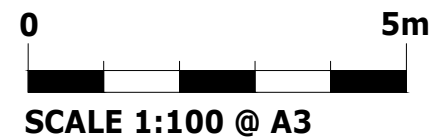
Rev	Date	Comments
Job		
Proposed Residential development off James Watt Drive Wednesbury		

Dwg Title
PLOT 1 ELEVATIONS AS EXISTING

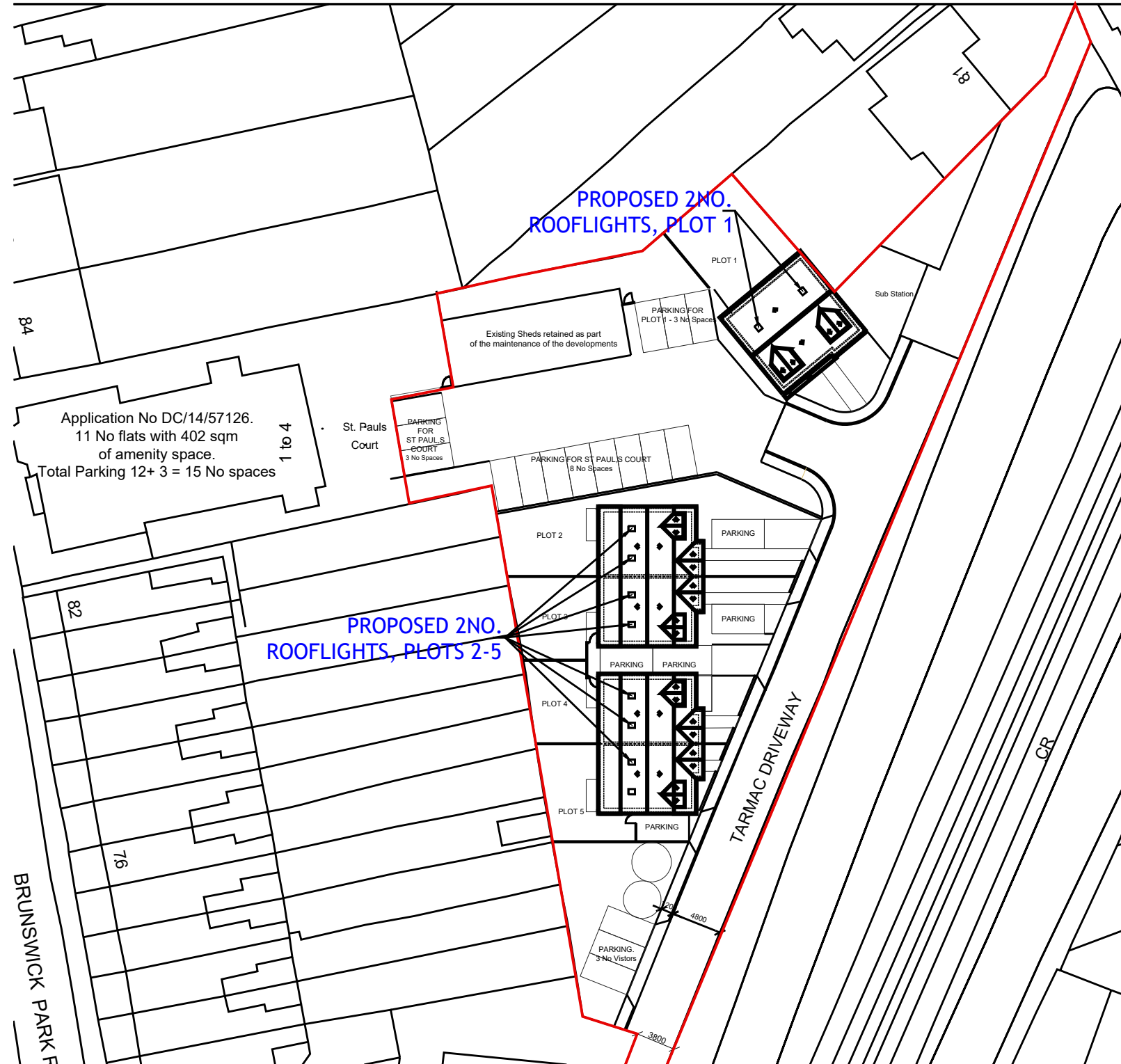
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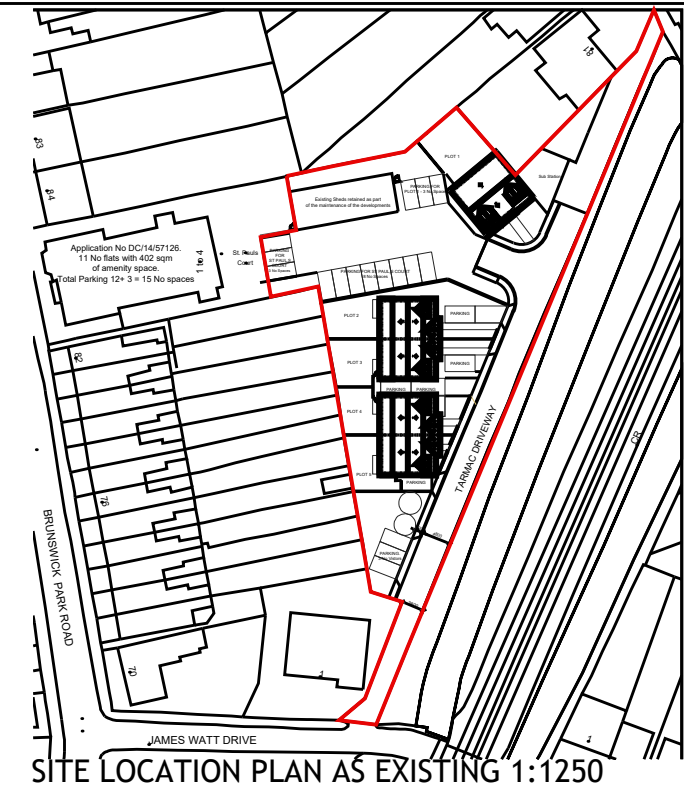
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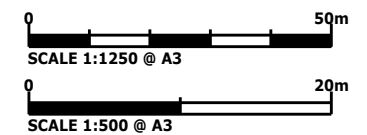




SITE BLOCK PLAN AS PROPOSED 1:500



SITE LOCATION PLAN AS EXISTING 1:1250



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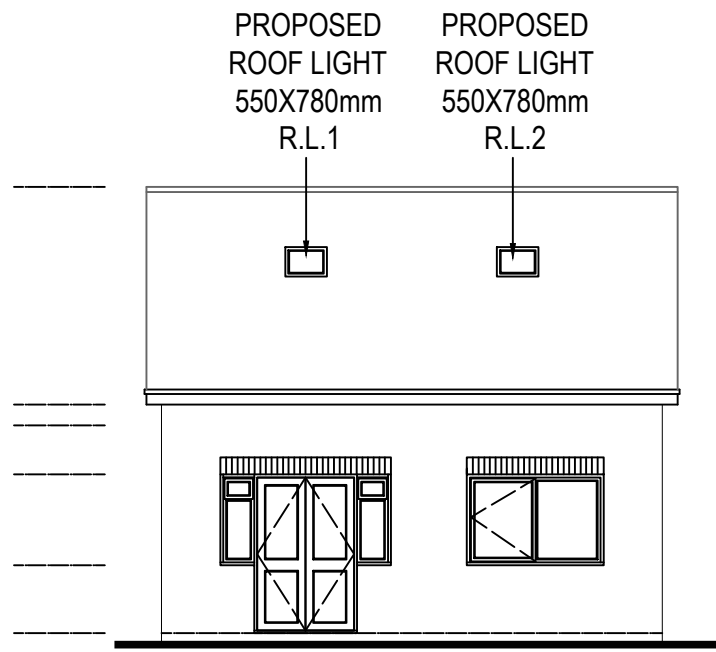
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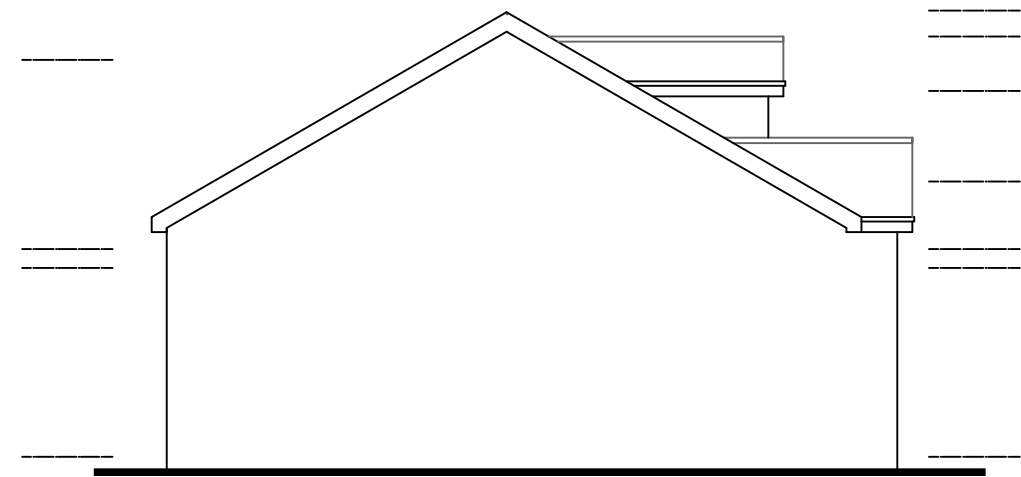
Rev	Date	Comments
A	27.11.20	2no. Roof lights added to Plot 1
Job		
Proposed Residential development off James Watt Drive Wednesbury		
Dwg Title		
Location Plan as Existing Block Plan as Proposed		
<b>LAPWORTH ARCHITECTS</b>		
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1:1250 @ A3 1:500 @ A3	NOV 2020	-
Job no.	Dwg no.	Revision
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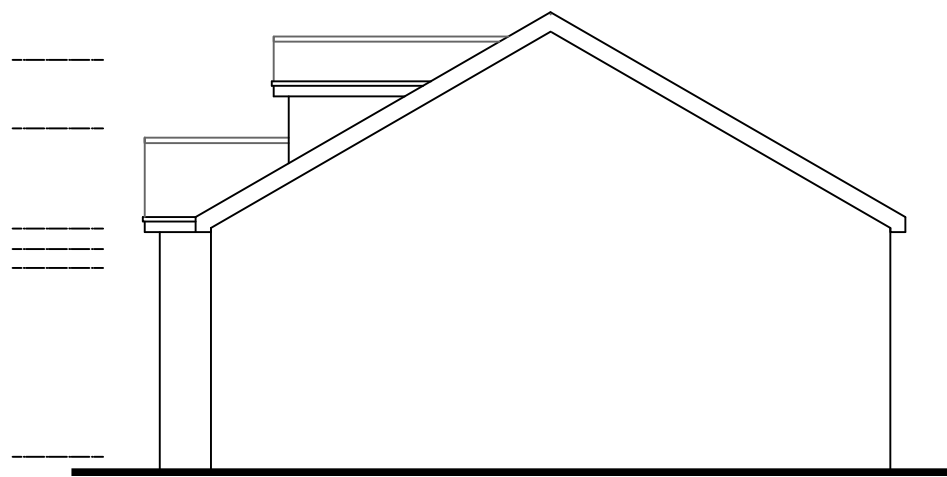
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S I D E E L E V A T I O N



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Rev	Date	Comments
A	03.12.20	Title block Job description amended as per planner comments

Job	Proposed Residential development off James Watt Drive Wednesbury
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Dwg Title	PLOT 2,4 SEMI-DETACHED ELEVATIONS AS PROPOSED NOTE: PLOT 3, 5 HANDED
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Scale	Date	Drawn
1:100 @ A3	NOV 2020	

Job no.	Dwg no.	Revision
2332	04	A

Job	Proposed Residential development off James Watt Drive Wednesbury
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Dwg Title	PLOT 2,4 SEMI-DETACHED ELEVATIONS AS PROPOSED NOTE: PLOT 3, 5 HANDED
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Scale	Date	Drawn
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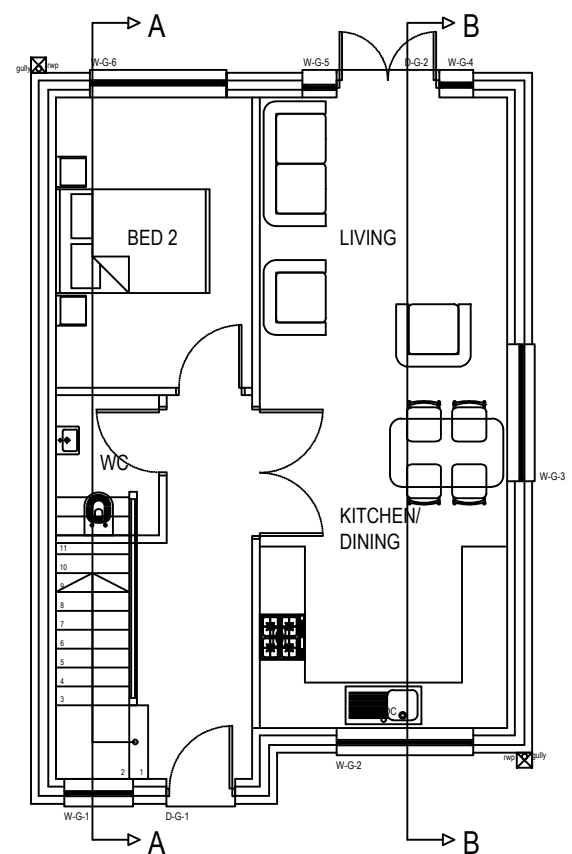
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2332	04	A

LAPWORTH ARCHITECTS

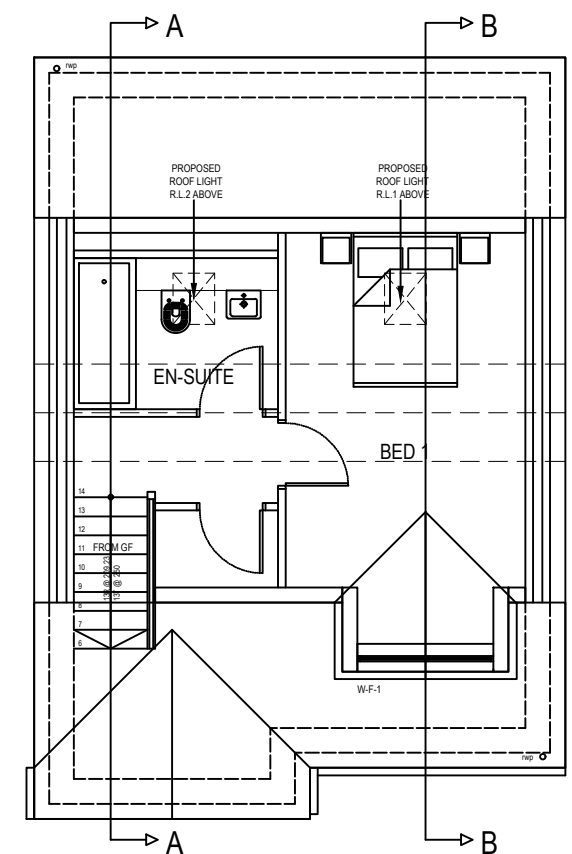
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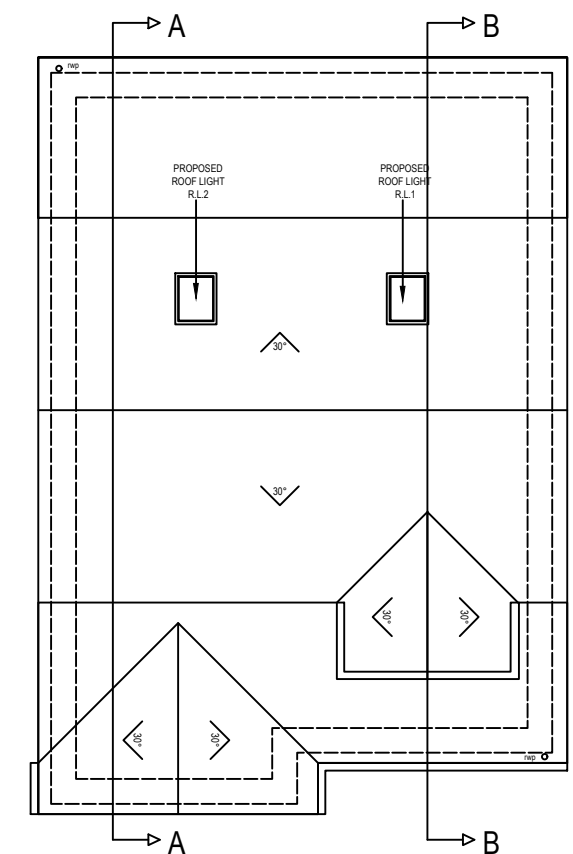
**SCALE 1:100 @ A3**



GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN



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Rev	Date	Comments
A	03.12.20	Title block Job description amended as per planner comments

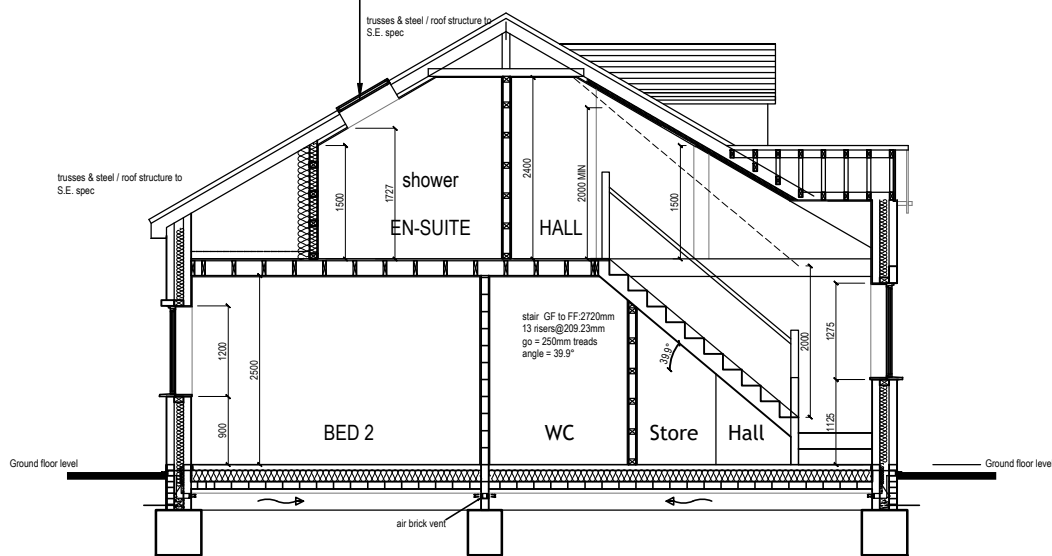
Job  
 Proposed Residential development  
 off James Watt Drive  
 Wednesbury

Dwg Title  
 PLOT 2,4 SEMI-DETACHED  
 PLANS AS PROPOSED  
 NOTE: PLOT 3, 5 HANDED

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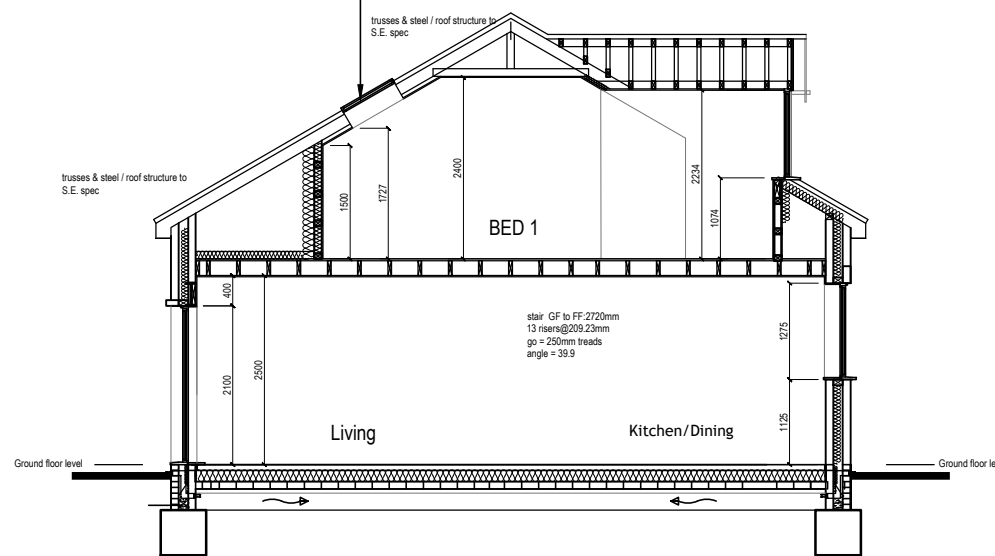
Scale	Date	Drawn
1:100 @ A3	NOV 2020	
Job no.	Dwg no.	Revision
2332	03	A

PROPOSED  
ROOF LIGHT  
550X780mm  
R.L.2



SECTION A - A

PROPOSED  
ROOF LIGHT  
550X780mm  
R.L.1



SECTION B - B

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B 10/02/2011 "Indicative" note removed from description  
A 03.12.20 Title block Job description amended as per planner comments

Rev	Date	Comments

Job  
Proposed Residential development  
off James Watt Drive  
Wednesbury

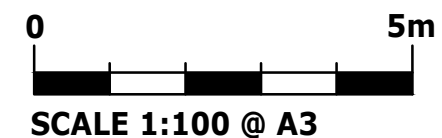
Dwg Title  
PLOT 2,4 SEMI-DETACHED  
SECTION  
NOTE: PLOT 3, 5 HANDED

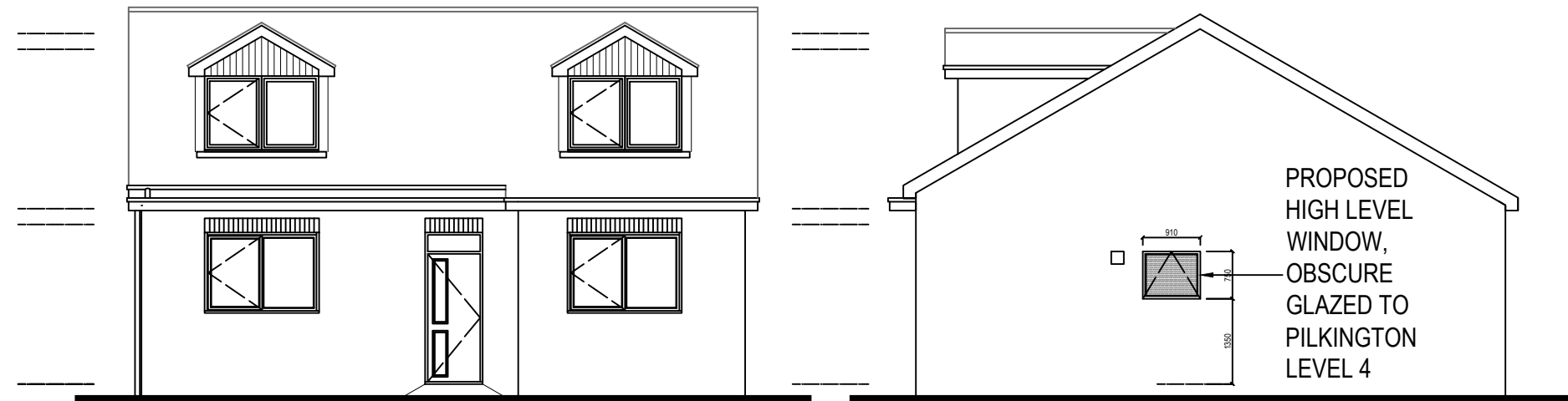
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Scale	Date	Drawn
1:100 @ A3	NOV 2020	

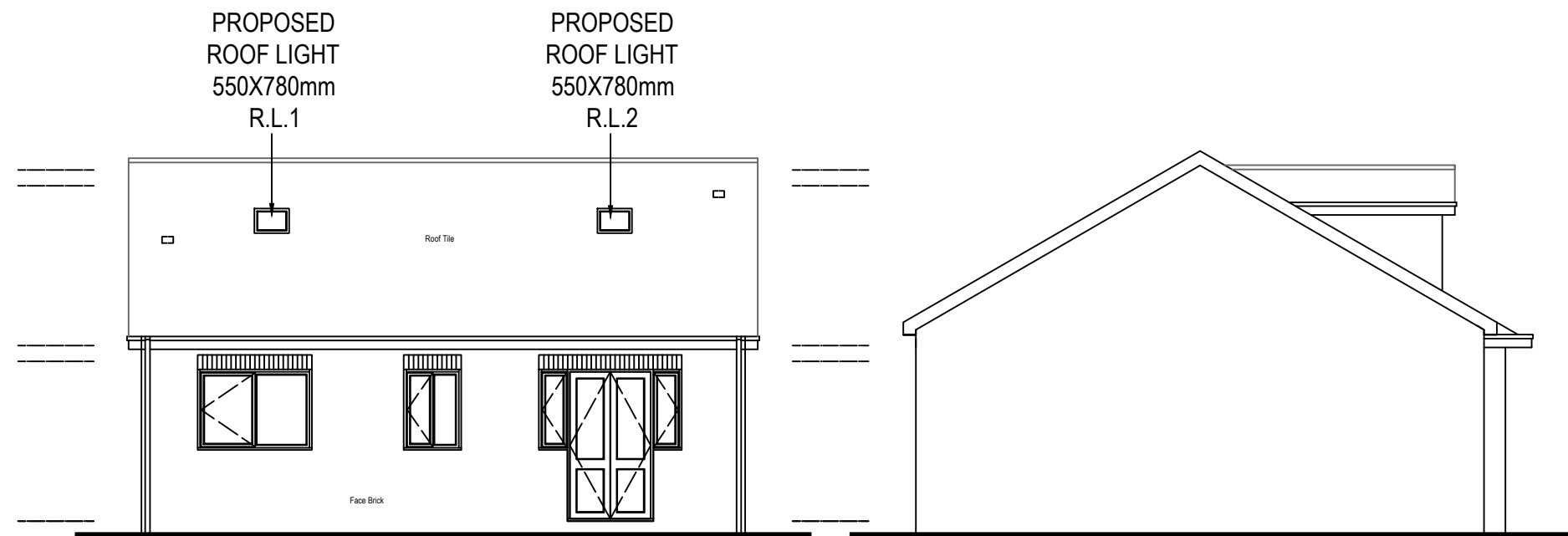
Job no.	Dwg no.	Revision
2332	05	B





F R O N T E L E V A T I O N

S I D E E L E V A T I O N



R E A R E L E V A T I O N

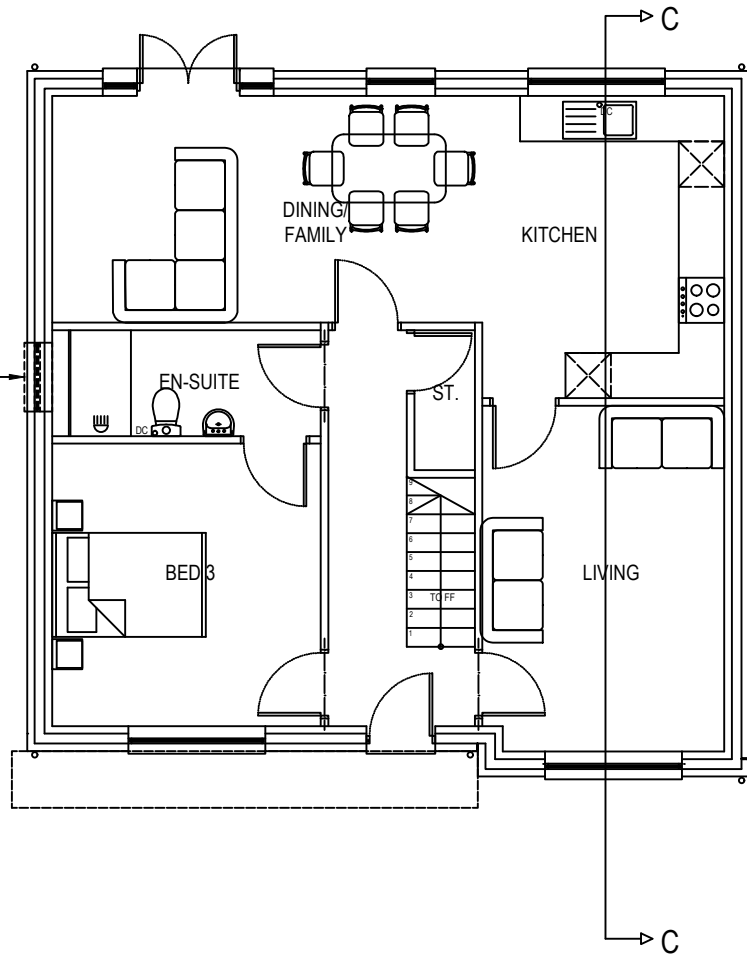
S I D E E L E V A T I O N

E L E V A T I O N S A S P R O P O S E D - P L O T 1

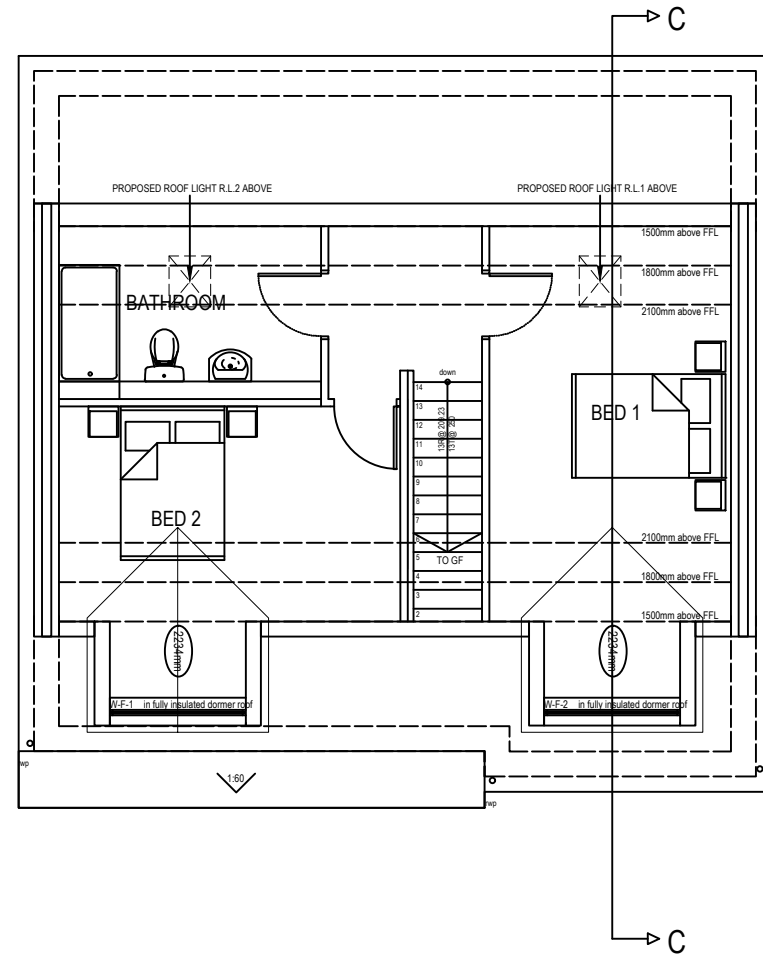
NOTE		
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All measurements are to be checked on site and any discrepancies reported to Lapworth Architects Ltd.		
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Rev	Date	Comments
Job Proposed Residential development off James Watt Drive Wednesbury		
Dwg Title PLOT 1 ELEVATIONS AS PROPOSED		
<b>LAPWORTH ARCHITECTS</b> <small>Lapworth Architects Ltd 4 Edward Street, Birmingham, B1 2RX Tel: +0121 455 9032</small>		
Scale	Date	Drawn
1:100 @ A3	NOV 2020	
Job no.	Dwg no.	Revision
2332	14	-



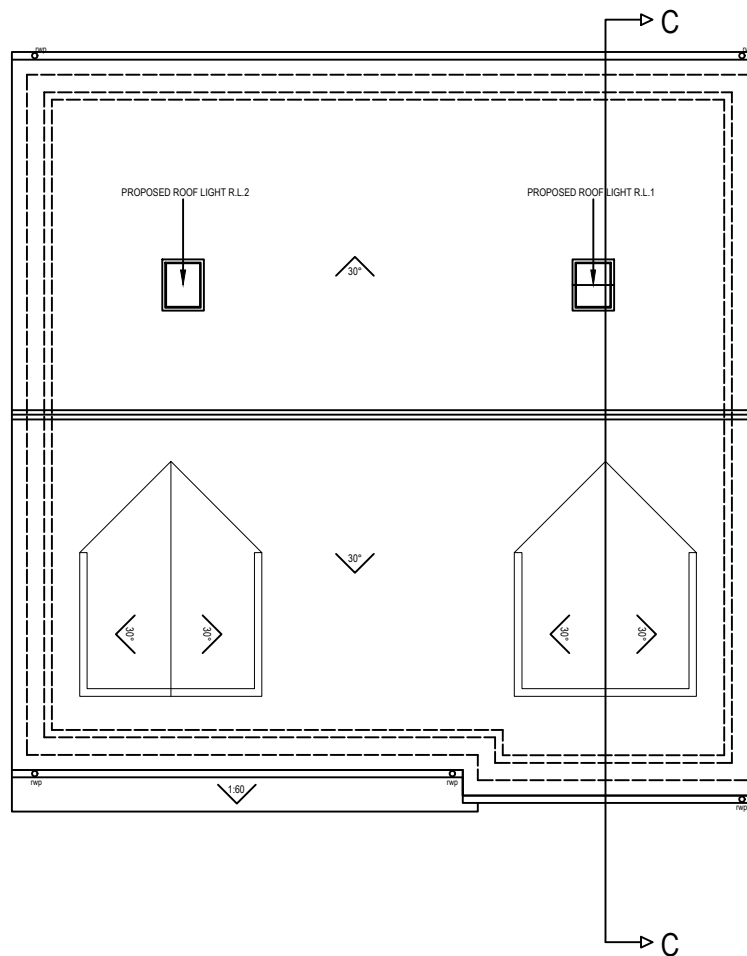
PROPOSED HIGH LEVEL WINDOW, OBSCURE GLAZED TO PILKINGTON LEVEL 4



GROUND FLOOR PLAN - PLOT 1



FIRST FLOOR PLAN - PLOT 1



ROOF PLAN - PLOT 1

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Rev	Date	Comments

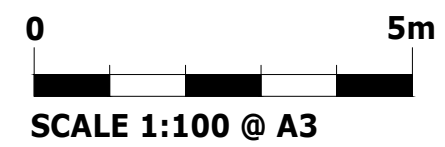
Job  
Proposed Residential development  
off James Watt Drive  
Wednesbury

Dwg Title  
PLOT 1  
PLANS AS PROPOSED

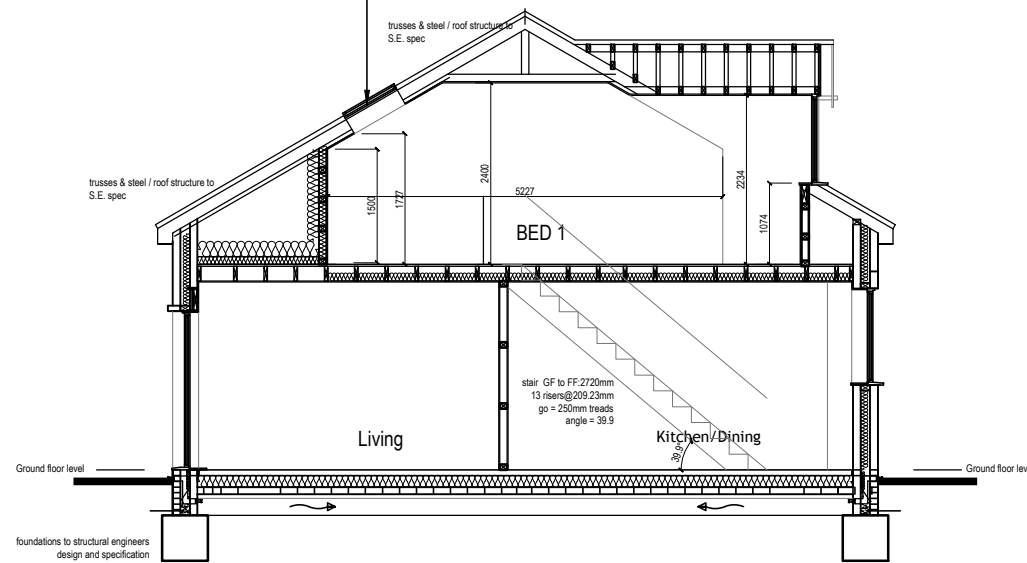
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Scale	Date	Drawn
1:100 @ A3	NOV 2020	
Job no.	Dwg no.	Revision
2332	13	-



PROPOSED  
ROOF LIGHT  
550X780mm  
R.L.1



SECTION C - C - PLOT 1

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Rev	Date	Comments
A	10/02/2011	"Indicative" note removed from description

Rev	Date	Comments
A	10/02/2011	"Indicative" note removed from description

Job  
Proposed Residential development  
off James Watt Drive  
Wednesbury

Dwg Title  
PLOT 1  
SECTION AS PROPOSED

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Scale	Date	Drawn
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Job no.	Dwg no.	Revision
2332	15	A



SCALE 1:100 @ A3