

Minutes of Planning Committee

**Wednesday, 4 August 2021 at 5.00 pm
at Sandwell Council House, Freeth Street, Oldbury, B69 3DB**

Present: Councillor Z Hussain (Chair)
Councillors J Webb (Vice-Chair), Allen, Chidley, Dhallu,
Fenton, S Gill, Jones, Kaur, Kalari, Millar, C Padda and Rouf.

Also present: John Baker [Service Manager – Development Planning and
Building Consultancy];
Sian Webb [Solicitor];
Simon Chadwick [Principal Officer – Development, Highways
Direct – Traffic and Road Safety];
Carl Mercer [Principal Planner – Development Planning];
William Stevens [Principal Planner – Regeneration Growth];
Alexander Goddard [Democratic Services Officer].

61/21 Apologies for Absence

Apologies were received from Councillors Allcock, Chapman and K Singh.

62/21 Declarations of Interest

Councillor Dhallu declared a personal interest in planning application DC/21/65543 because of a personal acquaintance with the objector.

63/21 Minutes

Resolved that minutes of the meeting held on 8 July 2021 are a correct record.



64/21

Planning Application DC/21/65438

The Service Manager – Development Planning and Building Consultancy reported that an extra condition – provision and retention of a refuse storage area – had been requested by the planning officers.

There were no objectors or applicants present.

In response to member questions, the Committee noted the following:-

- 7 objections had been received and summarised within the report. No objectors had registered to speak at the meeting;
- The applicant had not arrived to speak to the committee;
- Three parking spaces had been provided at the property which was deemed adequate.

The Committee was minded to approve the application, subject to the conditions, including the extra condition requested above, now recommended by the Interim Director - Regeneration and Economy.

Resolved that planning application DC/21/65438 is approved, subject to conditions relating to the following:-

- (i) External materials;
- (ii) Noise assessment to safeguard HMO residents;
- (iii) Contamination;
- (iv) Cycle storage to be provided and retained;
- (v) Boundary treatments;
- (vi) Highway improvements to facilitate parking;
- (vii) No subdivision of Class E unit;
- (viii) Construction work limited to Monday to Friday 8.00 am to 6.00 pm, Saturday 8.30 am to 1pm, with no activity on Sundays or national holidays;
- (ix) Provision and retention of a refuse storage area.

65/21

Planning Application DC/21/65762

It was noted that a site visit of the applicant's property had been undertaken prior to the committee meeting. Councillors Allen, Dhallu, S S Gill, Z Hussain, Millar, Kalari and Webb attended the site visit and were lobbied by both the applicant and the objectors on site.

The Committee received some further information that had been submitted by the objectors after the site visit.

An objector was present and addressed the Committee with the following points:-

- The proposed extension would result in a loss of privacy, light and significant loss of amenities for the surrounding properties;
- The proposed extension was overbearing on the surrounding properties;
- The extension would fill the patio area and extend into the lawn area of the property;
- Amended plans to lessen the massing of the extension had not been submitted;
- The proposal did not meet the minimum 21 metre separation distance for privacy, with 18.3m measured at one point between habitable windows (between dining room of the rear property and the rear window(s) of this extension);
- Additional 4m two storey rear extension would exacerbate privacy concerns;
- From the objector's measurements, the applicant's property sat in an elevated position of 1.5m. The objector said a change in ground levels was considered by some other local authorities as a factor when calculating minimum separation distances;
- Birmingham City Council policy was cited by the objector, which required separation distance to be increased by 2 metres for every 1 metre rise in ground level;
- Sandwell Residential Design Guide, page 56, paragraph 1 was quoted: 'Separation distance of 21 metres (minimum) between building rear faces from two storey dwellings, rising to 27.5 metres for three storeys and above and/or where main living room and kitchen windows are located above ground floor, or the potential for overlooking existing neighbouring dwellings exists';
- The objector argued that this paragraph warranted the required separation distance to be increased for 27.5m as the difference in storey and ground levels existed at 27 Monksfield Avenue;
- The extension would obstruct the sun reaching the rear of no. 29 Monksfield Avenue in winter months;
- The objector questioned the location of the window from which projection angle to the neighbouring property was measured. It was claimed the measurement was not taken from the closest bedroom window;

- The objector argued the extension did not comply with guidelines of the Sandwell Residential Design Guide.

The applicant was present and addressed the Committee with the following points:-

- The planning officers had now recommended twice (the item was deferred at the previous meeting of the Planning Committee) that this planning application should be approved in its current form;
- The design of the extension meets all the guidelines imposed by Sandwell Council;
- Neighbouring properties to the rear and to the side already had similar extensions;
- Planning officers' report stated the separation distance of the proposed extension was measured at 22 metres to the property at the rear;
- The applicant met with neighbours to explain the design of the extension and give the opportunity for everyone to measure the separation distance themselves;
- The extension would enable three family generations to be accommodated in the same home;
- The applicant offered to plant mature fir trees to mitigate objections concerning the loss of privacy;
- The applicant faced considerable cost as a result of delays to the build;
- The applicant and his family only owned one car so impact on traffic would be smaller than neighbouring properties that owned two or more cars;
- The property was elevated because it was on a hill.

In response to members' questions of the objector, applicants and the officers present, the Committee noted the following:-

- Sandwell Residential Design Guide determined that separation distances were the key consideration when assessing the loss of privacy, light etc.;
- The site visit allowed members to see the change in levels across the board, not just front to back but also across Monksfield Avenue;
- Sandwell Council's Residential Design Guide (page 56, paragraph iii) discussed increase in separation distance by 1 metre for every 1 metre rise in building height and/or change in levels where flank walls were concerned;
- This application concerned the main rear elevation of the applicant's property;

- It was at members' discretion to decide what weight to attach to the different aspects of the application when making a decision;
- A member noted that approving the application would lead to a decrease in property prices in the neighbourhood and would open the precedence for approving other similar applications;
- Only Sandwell policies as they currently stood were relevant and applicable;
- The proposed extension did not infringe on the projection angle of minimum 45 degrees to the neighbouring property's single storey extension This was in any case a guide only;
- Bedroom upstairs would not normally be considered a main habitable room (where most waking hours are spent) hence the 45-degree rule did not apply;
- The size of the trees and their distance from the property boundary would need to be considered so that the tree roots did not cause damage to foundations of neighbouring properties.

The Service Manager – Development Planning and Building Consultancy informed members that a landscape screening/ planting scheme condition was something that the Committee was able to impose. A decision notice could be issued requiring the applicant to submit details of a landscaping scheme to the local authority and the implementation and retention of the scheme would be monitored by the case officer.

A motion was moved by Councillor Allen, and seconded by Councillor C S Padda, to grant the planning application, subject to condition (ii) being extended to require the applicant to submit a landscaping scheme to the rear of the property that would be retained to mitigate the loss of privacy to the bungalows at the back.

The proposed motion was put to the vote and carried by the majority of the planning committee.

The Committee was minded to grant planning permission subject to condition (ii) being extended to include a landscaping scheme that would be implemented and maintained by the applicant to mitigate the loss of privacy to the rear property.

Councillor Kaur, having joined the meeting during the determination of this item, took no part in the debate and did not vote on this or any preceding items.

Resolved that planning permission DC/21/65543 is granted subject to conditions relating to the following:

- (i) External materials to match the existing property unless otherwise agreed by the local planning authority;
- (ii) A landscaping scheme to the rear of the property to mitigate the loss of privacy, which includes a screening of vegetation, that would be implemented and retained.

66/21 Planning Application DC/21/65543

The Service Manager – Development Planning and Building Consultancy reported that the application generated no objections from the neighbours. It was considered before the committee because the agent worked for Sandwell Council.

Resolved that planning application DC/21/65762 is granted subject to external materials to match the existing property unless otherwise agreed by the local planning authority.

67/21 Applications Determined Under Delegated Powers

The Committee noted the planning applications determined by the Interim Director - Regeneration and Growth under powers delegated to her as set out in the Council's Constitution.

68/21 Decisions of the Planning Inspectorate

The Committee noted that the Planning Inspectorate had made the following decisions in relation to appeals against refusal of planning permission:-

Application Ref No.	Site Address	Inspectorate Decision
DC/20/6707A	J & P Metals Ltd Blakeley Hall Road/ Birmingham Road Oldbury	Dismissed
DC/20/64951	Land to the Rear of 20 Miles Grove Dudley	Allowed

Meeting ended at 5.51 pm

Contact: democratic_services@sandwell.gov.uk