

Report to Planning Committee

07 September 2022

Application Reference	DC/22/66976
Application Received	25 April 2022
Application Description	Proposed conversion of dwelling into 3 apartments with external alterations (previously withdrawn application DC/22/66617).
Application Address	31 Constance Avenue, West Bromwich.
Applicant	Harmel Singh, 31 Constance Avenue, West Bromwich, B70 6ED.
Ward	West Bromwich Central.
Contact Officer	Name: Mr Anjan Dey Email: anjan_dey@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to


- (i) External materials shall match those of the existing property unless otherwise agreed by the local planning authority;
- (ii) Implementation & retention of approved parking spaces;
- (iii) Implementation & retention of approved bin storage;
- (iv) Implementation & retention of approved cycle storage.



2 Reasons for Recommendations

- 2.1 The proposed extensions are appropriate in scale and design and would not cause harm to the amenities of neighbouring property by virtue of privacy, outlook or light. The proposed conversion to 3 flats would not be detrimental to highway safety or cause an increase in noise and nuisance given that the number of occupants would not differ from that of one large family dwelling.

3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods – The scheme assists with meeting the council housing targets and provides good quality homes
---	--

4 Context

- 4.1 At the last meeting your Committee resolved to visit the site.
- 4.2 This application is being reported to your Planning Committee because it has generated a number of neighbour objections, and Councillor William Gill has also requested that the application be determined at Planning Committee.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[31 Constance Avenue, West Bromwich.](#)

5. Key Considerations

- 5.1 The site is not allocated in the development plan.
- 5.2 The material planning considerations which are relevant to this application are:-



Government policy (NPPF)
Planning history (including appeal decisions)
Overlooking/loss of privacy
Access, highway safety, parking and servicing

6. The Application Site

6.1 The application relates to semi-detached property located on the southern side of Constance Avenue which is a residential area in character. The property is within short distance of Trinity Road north and southbound carriageways.

7. Planning History

7.1 An application for proposed conversion of dwelling into 3 apartments with external alterations was submitted in February 2022 but was consequently withdrawn, following consultation with the Planning Department.

7.2 Relevant planning applications are as follows:-

DC/22/66617	Proposed conversion of dwelling Into 4 apartments with external alterations.	Withdrawn 06.04.2022.
-------------	--	--------------------------

8. Application Details

8.1 This revised application is for the conversion of the dwelling into 3 apartments; specifically 2 no 1 bedroom flats and 1 no 2 bedroom flat. External alterations are proposed to facilitate the conversion and there would be associated parking.

External alterations include the provision of additional doors for access to the self-contained flats, as well as additional fenestration.



8.2 Submitted plans also show that 3 off road parking spaces would be provided; 1 at the front of the property on the existing driveway, and 2 at the rear. The existing detached garage at the rear of the house is to be demolished to provide 2 additional parking spaces as well cycle storage. Private amenity space would be at the rear of the property along with bin storage.

8.3 Both of the 1 bedroom flats would be at ground floor level with the 2 bedroom flat at first floor level with a bedroom proposed in the roof space. Internal space for each of the flats is proposed at:

Apartment 1 - 57 square metres. (1 bedroom)

Apartment 2 - 50.7 square metres. (1 bedroom)

Apartment 3 - 97 square metres. (2 bedroom)

9. Publicity

9.1 The application has been publicised by neighbour notification letters with 15 neighbours being notified. Seven neighbour objections from 7 properties along Constance Avenue and Freda Road have been submitted, along with the request from Councillor Gill.

Prior to the last meeting a further neighbour objection, along with photographs was submitted to highlight parking issues on surrounding streets. Furthermore, Councillor Gill has submitted a further objection referring to the conversion of the dwelling into a HMO (House In Multiple Occupation), and possible impacts on local residents by way of noise disturbance/nuisance and impact on parking in the locality.

9.2 Objections

Objections have been received on the following grounds:

- (i) Loss of privacy;
- (ii) There is insufficient parking provision for the proposed flats;



- (iii) The conversion to flats would result in anti-social behaviour and increase risk to health & safety;
- (iv) The flats would result in noise disturbance to neighbours;
- (v) Increased smells and cooking odours;
- (vi) Flats would be out of character and set an unwelcomed precedent;

Immaterial objections have been received referring to devaluing neighbouring property and drainage and structural issues. The latter can be dealt with under Building Regulations.

9.3 Responses to objections

I respond to the objector's comments in turn;

- (i) It is my view that the proposed conversion to 3 flats would not result in any appreciable loss of privacy to neighbouring properties. This revised proposal differs from the previous application in that extensions proposed previously have been omitted. Furthermore, windows in the rear level would remain as existing, apart from a small window located centrally to serving one of the rear bedrooms at first floor windows. Windows at the rear of the property already overlook neighbouring rear gardens but this is a characteristic of this type of residential area, where gardens are naturally overlooked. In view of this the proposal would not result in any additional loss of privacy.
- (ii) Parking standards are 1 space per flat and these are shown on the existing driveway and at the rear of the property. Highways has no objection to the proposed arrangement.
- (iii) There is no evidence to suggest that the proposed conversion to flats would result in anti-social behaviour, or a risk to resident's personal health and safety. It is not clear whether the flats would be for private ownership on the rental market, however the proposals cannot be refused on grounds of tenure.
- (iv) There is no evidence to that the conversion to flats would result increase noise disturbance to local residents. Internal alterations would be subject to Building Regulations approval and it is



envisaged that each of the flats would be subject to the required levels of noise insulation. Furthermore, the proposals considered are for self-contained apartments.

- (v) Again, there is no evidence to suggest that the conversion would result increased smell and odours to neighbouring property.
- (vi) Constance Avenue is characterised by family housing; the proposal would not set an unwanted precedent as it has been assessed on its individual merits and in accordance with adopted policies. The property would largely retain its appearance and character of a standard domestic property, albeit internal arrangements now provide three flats. All three flats comply with internal living standards. Therefore, its external appearance would complement the established character and appearance of the surrounding area.

It should also be noted that this type of conversion has been granted consent by the Planning Committee elsewhere in the borough, for example Temple Meadows Road, West Bromwich (DC/20/65067) & Greswold Street, West Bromwich (DC/21/65823). However, it is noted that the only one other dwelling has been granted planning consent for conversion to flats; specifically no 11 Constance Avenue, under DC/31988.

- (vii) In response to the further objection from Councillor Gill it is considered that this application is not for the conversion to HMO, but for 3 self-contained apartments. 'Houses in Multiple Occupation' by their definition have shared facilities, whereas the submitted floor plans show that each of the 3 apartments would be self-contained, with their own kitchen and dining areas as well as individual bedrooms and living rooms.

It should also be noted that this property could potentially be converted into a small-scale HMO (Use Class C4), that could be used by up to 6 individuals, without requiring planning consent. In view of this, this proposal offers a better arrangement, with off street parking, that is likely to have less of impact on neighbours.



With regards to noise refer to point (iv) and furthermore amended plans have been submitted to show an alteration to the first-floor layout. The agent has tweaked the arrangement so that the room next first floor of the adjoining property is a bedroom instead of a kitchen area as originally shown.

- (viii) With regards to the additional objection and photos submitted in respect of parking and traffic congestion refer to point (ii). To reiterate, Highways has no objections to the proposed parking arrangement; the parking spaces shown are within the curtilage of the property. It is also noted that nearby roads, Ida Road for example, are not subject to parking restrictions such as traffic regulations orders.

10. Consultee responses

10.1 Planning and Transportation Policy

Planning policy has confirmed that the proposal raises no issues and that the conversion to flats would contribute towards housing targets set out in Core Strategy policy HOU1: Delivering Sustainable growth. Furthermore, the flats comply with standards set out in the adopted Residential Design SPD.

10.2 Highways

Highways has no objections to the proposed parking arrangement.

11. National Planning Policy

- 11.1 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.



11.2 Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in society should be assessed and reflected in planning policies. Such groups include those who require affordable housing, families with children and those people who rent their homes.

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

12.2 ENV3: Design Quality refers to each place in the Black Country being distinct and successful place making will depend on understanding and responding to the identity of each place with high quality design proposals.

12.3 SAD EOS9: Urban Design Principles states that the Council will reject poor quality designs, particularly those that are inappropriate with their locality or out of scale with their surroundings.

The proposed extensions and conversion to flats are considered to adhere to both of these policies (see section 12.1). Design and rear amenity space is considered satisfactory and adheres to the Council's Residential Design SPD.

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



It is also considered that the proposed subdivision of the flats would not result in any significant overlooking of neighbouring properties, and there would not be any direct overlooking of primary windows at the rear of neighbouring dwellings. There would be a small additional window at first floor level that would be located centrally, however this would not result in any loss of privacy of neighbouring properties. Furthermore, the proposed window at ground floor level in the southern side return of dwelling is also considered acceptable.

13.3 Access, highway safety, parking and servicing.

Highways raise no concerns with the proposed parking arrangement which would use the existing driveway for off-road provision. The adopted parking standard is 1 space per flat and could be accommodated at the front and rear of the property (see section 11.2). Bin storage is proposed at the rear of the property.

14 Alternative Options

14.1 Refusal of application is an option if there are material planning reasons for doing so. In my opinion the proposal does not significantly harm residential amenity and accords with relevant adopted policy.

15 Implications

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



16 Appendices

Location & site plan 1143_10

Existing floor plans 1143_11

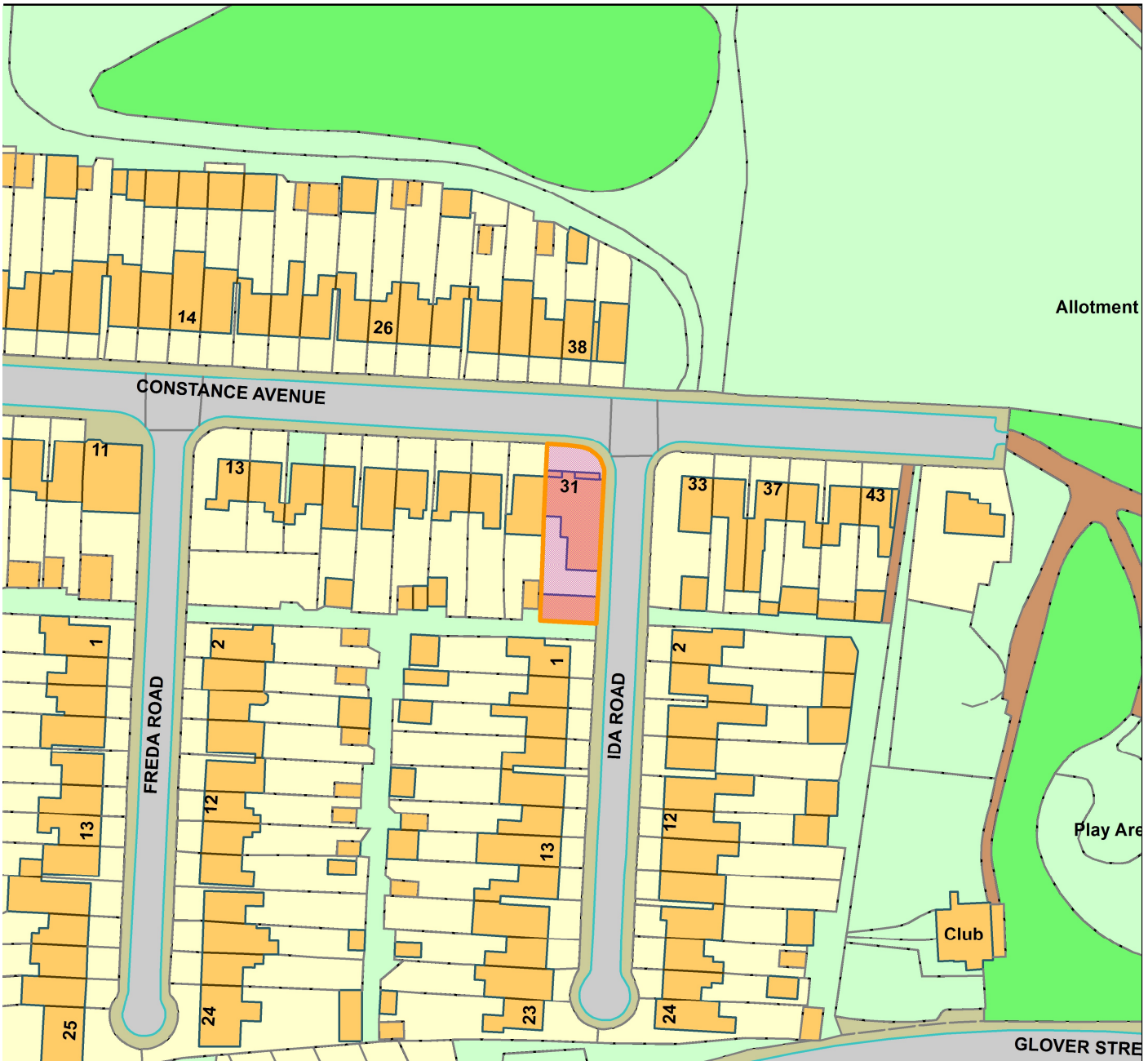
Existing elevation plans 1143_12

Proposed floor plans 1143_13A

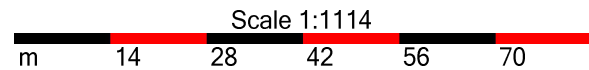
Proposed elevation plans 1143_14A



DC/22/66976
31 Constance Avenue, West Bromwich



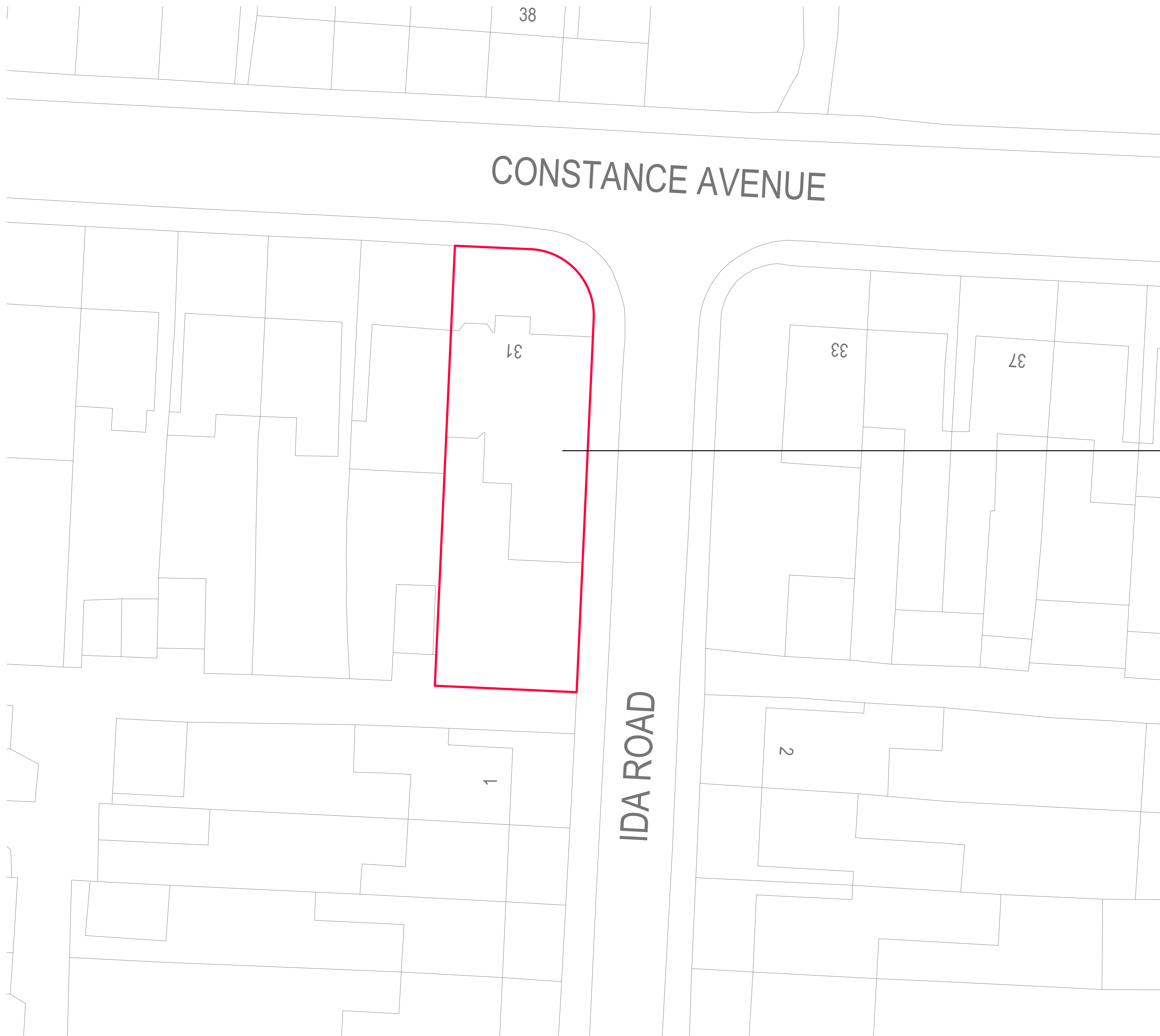
Legend



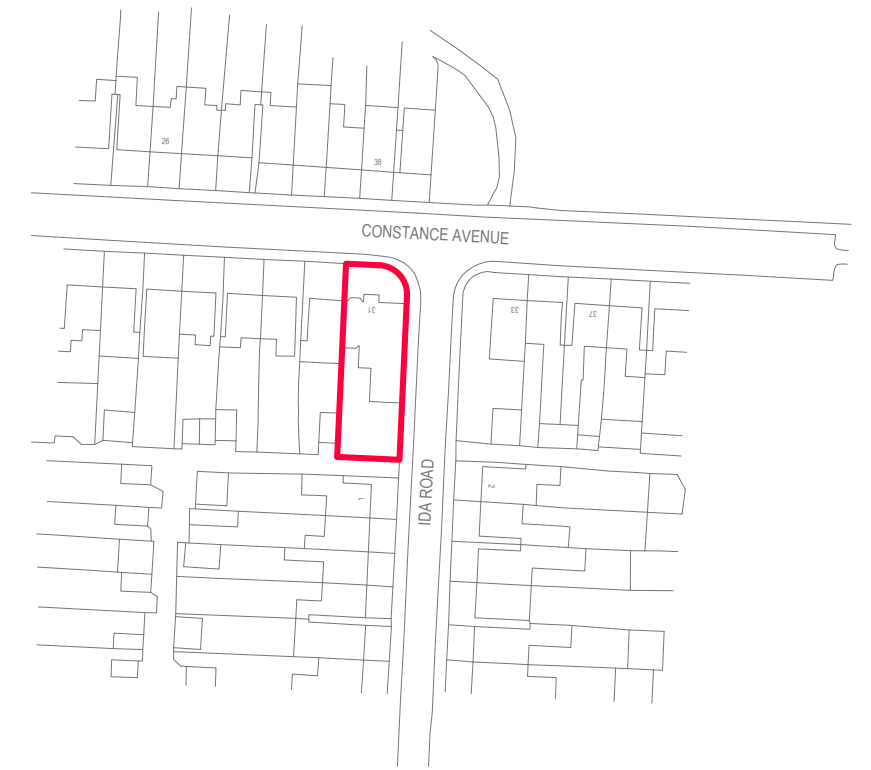
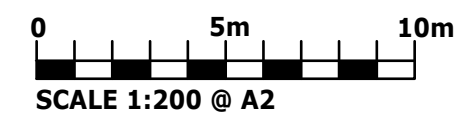
© Crown copyright and database rights 2019
Ordnance Survey Licence No 100023119

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	07 July 2022
OS Licence No	

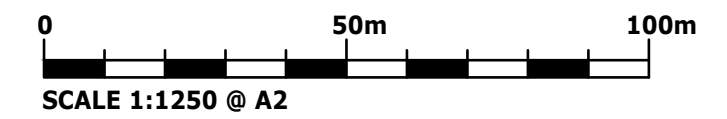




SITE BLOCK PLAN 1:200
AS PROPOSED



SITE LOCATION PLAN 1:1250
AS EXISTING



PROPOSED CONVERSION OF DWELLING INTO
3 APARTMENTS



Rev	Date	Comments



07852 296229
www.tristanarthurarchitects.com
tristan@tristanarthurarchitects.com
The Studio, 43 Bromsgrove Road, Romsley, Halesowen, B62 0LE

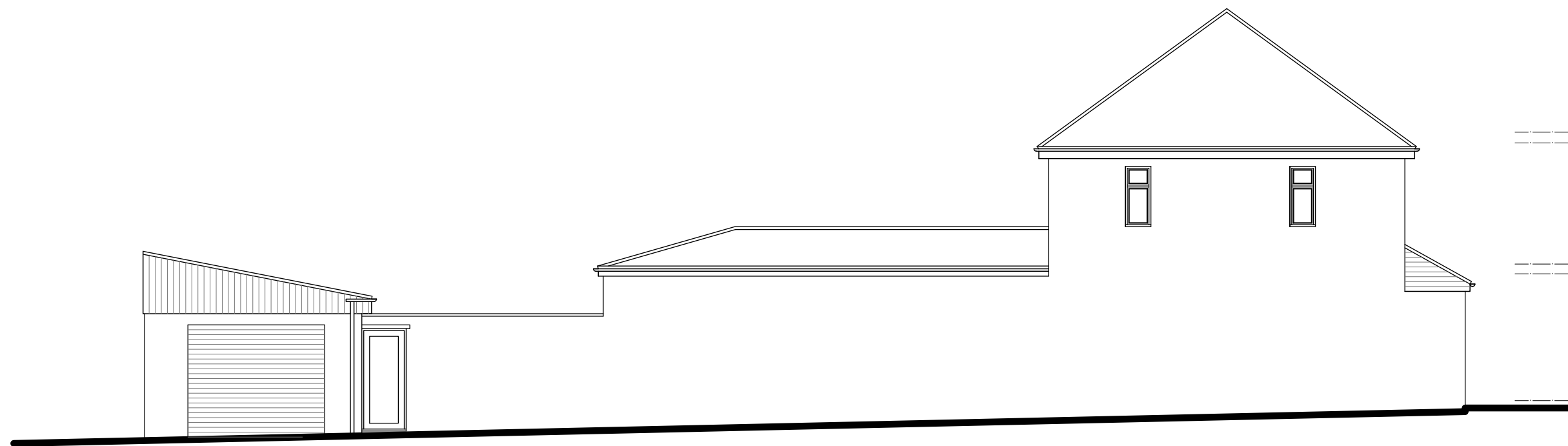
Job
PROPOSED CONVERSION OF DWELLING INTO 3 APARTMENTS
31 CONSTANCE AVENUE

Dwg Title
SITE LOCATION PLAN AS EXISTING
SITE BLOCK PLAN AS PROPOSED

Scale	Date	Dwg no.
1:1250 + 1:200 @ A2	APRIL 01	1143_10



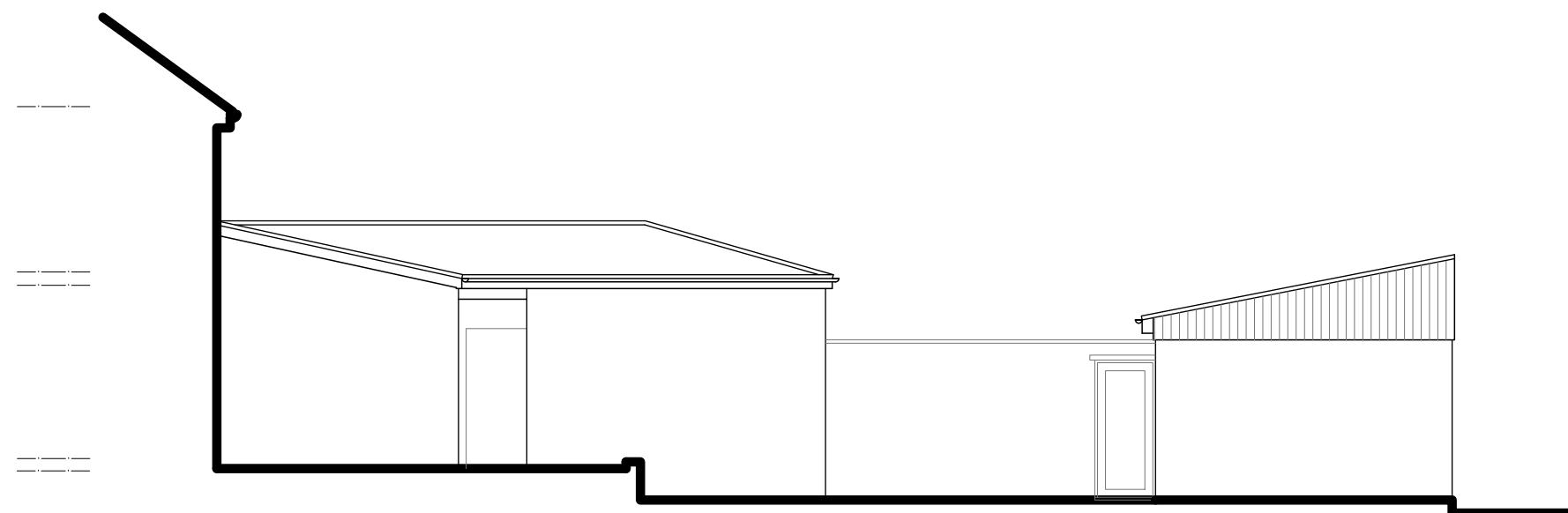
FRONT ELEVATION



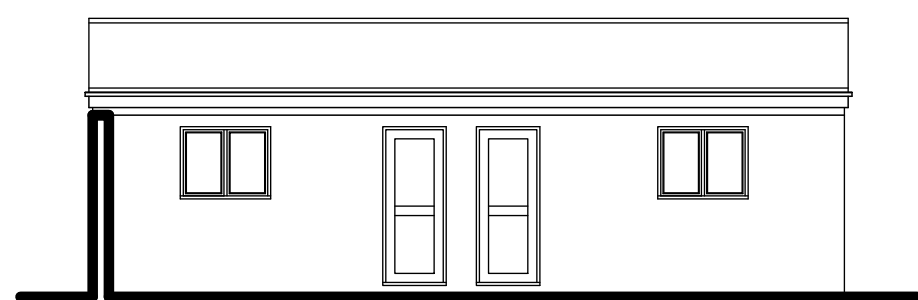
SIDE ELEVATION



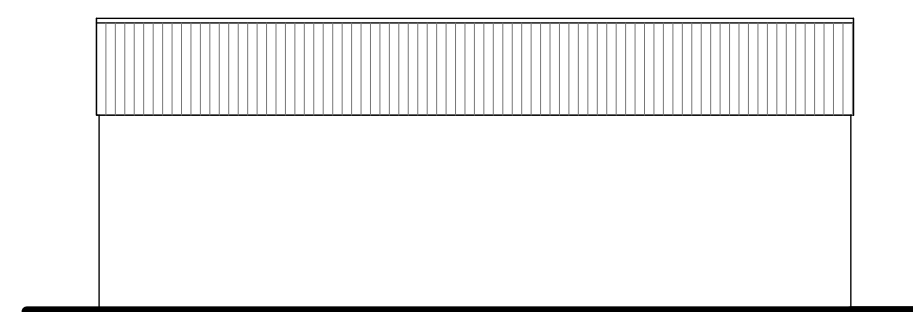
REAR ELEVATION



SIDE ELEVATION



SIDE GARAGE ELEVATION



SIDE GARAGE ELEVATION

Rev	Date	Comments
-----	------	----------

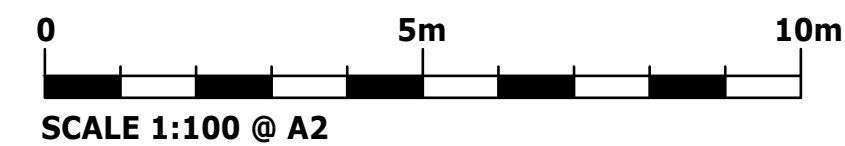


TRISTAN ARTHUR
ARCHITECTS

07852 296229
www.tristanarthurarchitects.com
tristan@tristanarthurarchitects.com
The Studio, 43 Bromsgrove Road, Romsley, Halesowen, B62 0LE

Job
PROPOSED CONVERSION OF DWELLING INTO 3 APARTMENTS
31 CONSTANCE AVENUE

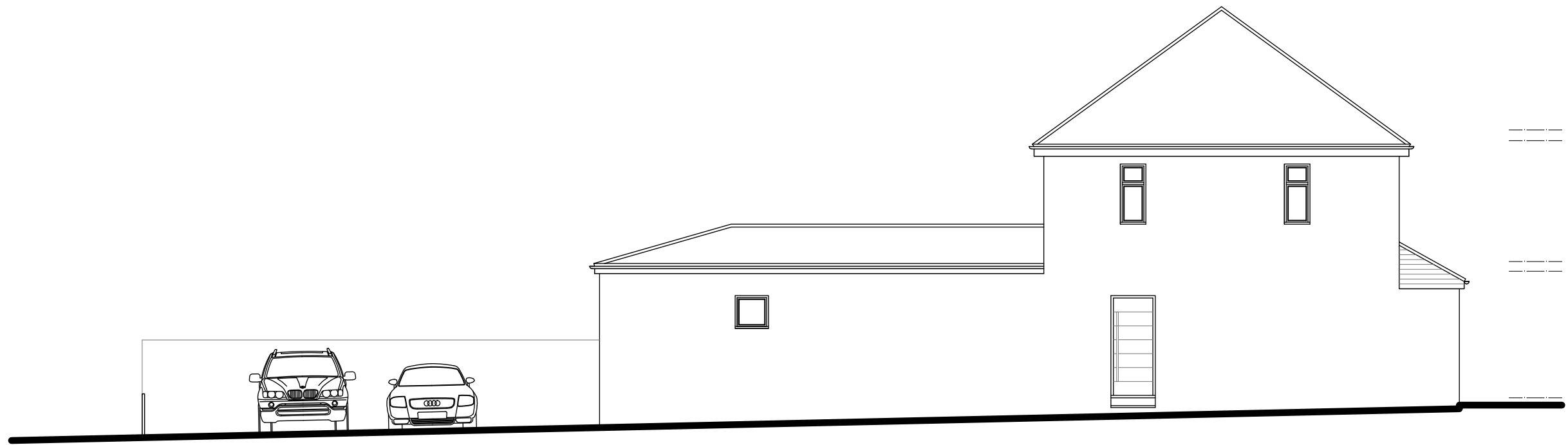
Dwg Title
ELEVATIONS AS EXISTING



Scale	Date	Dwg no.
1:100 @ A2	APRIL 22	1143_12



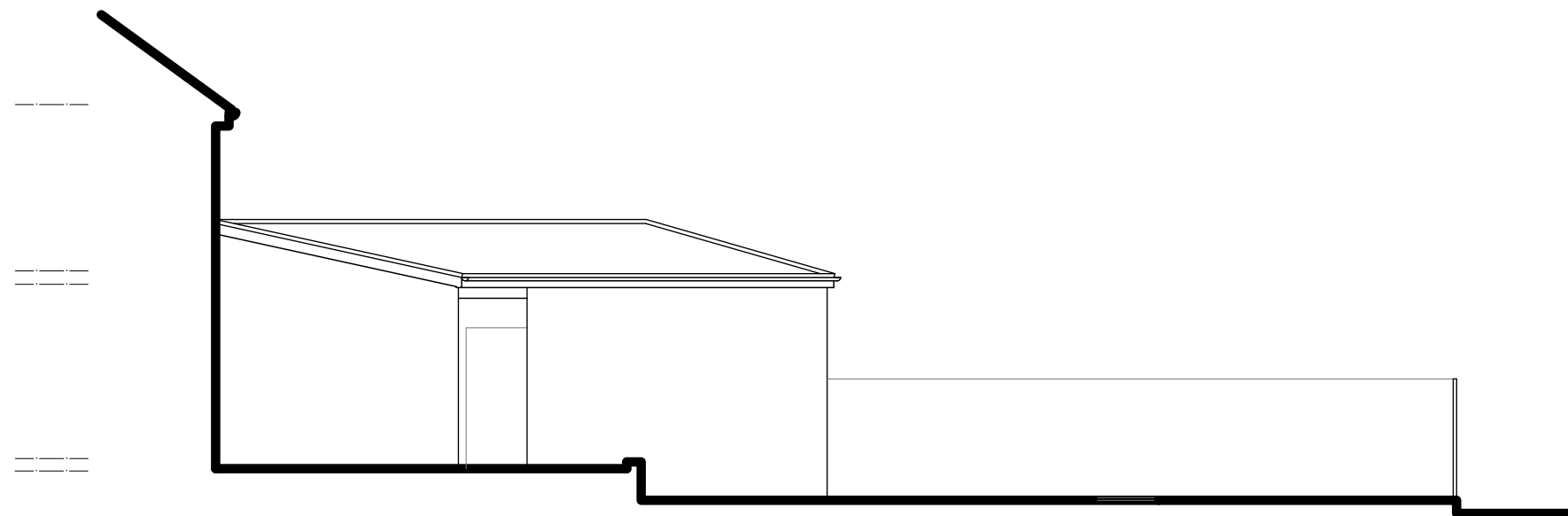
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Rev	Date	Comments
A	13 07 22	First floor rooms flipped

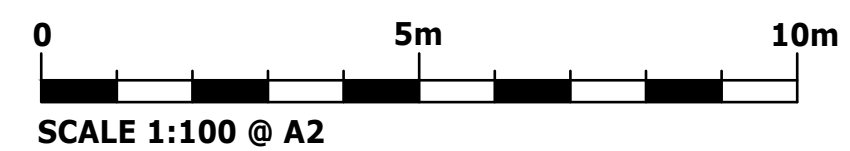


TRISTAN ARTHUR
ARCHITECTS

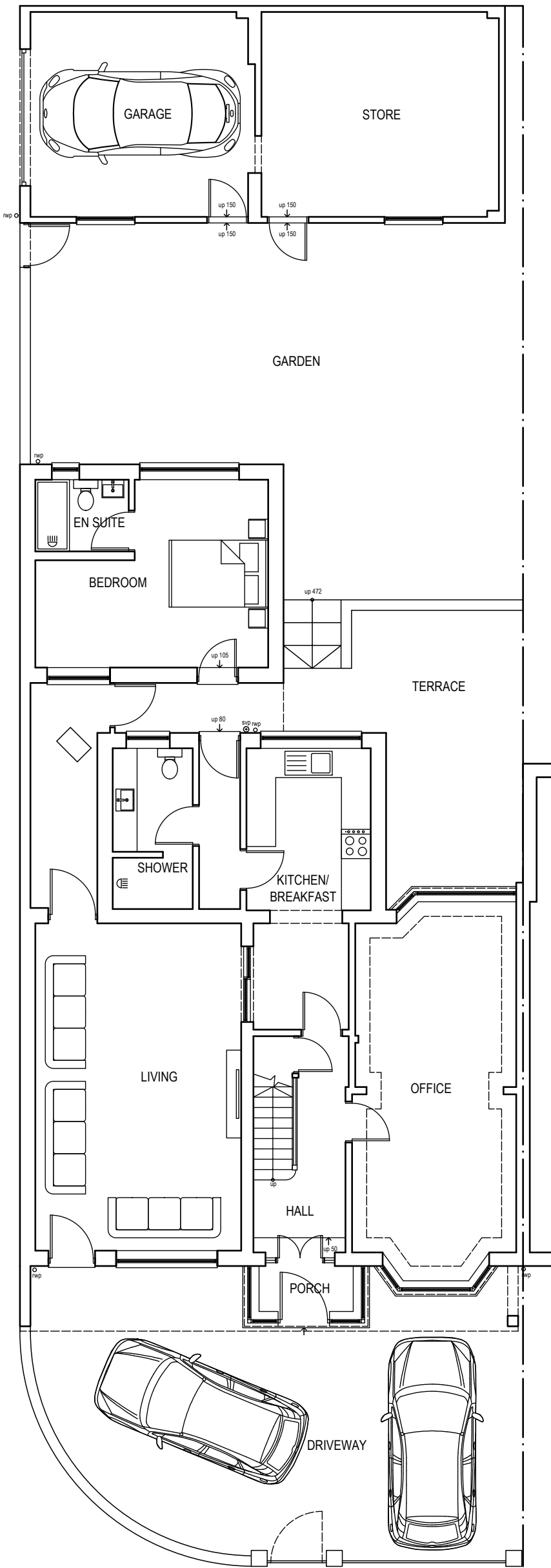
07852 296229
www.tristanarthurarchitects.com
tristan@tristanarthurarchitects.com
The Studio, 43 Bromsgrove Road, Romsley, Halesowen, B62 0LE

Job
PROPOSED CONVERSION OF DWELLING INTO 4 APARTMENTS
31 CONSTANCE AVENUE

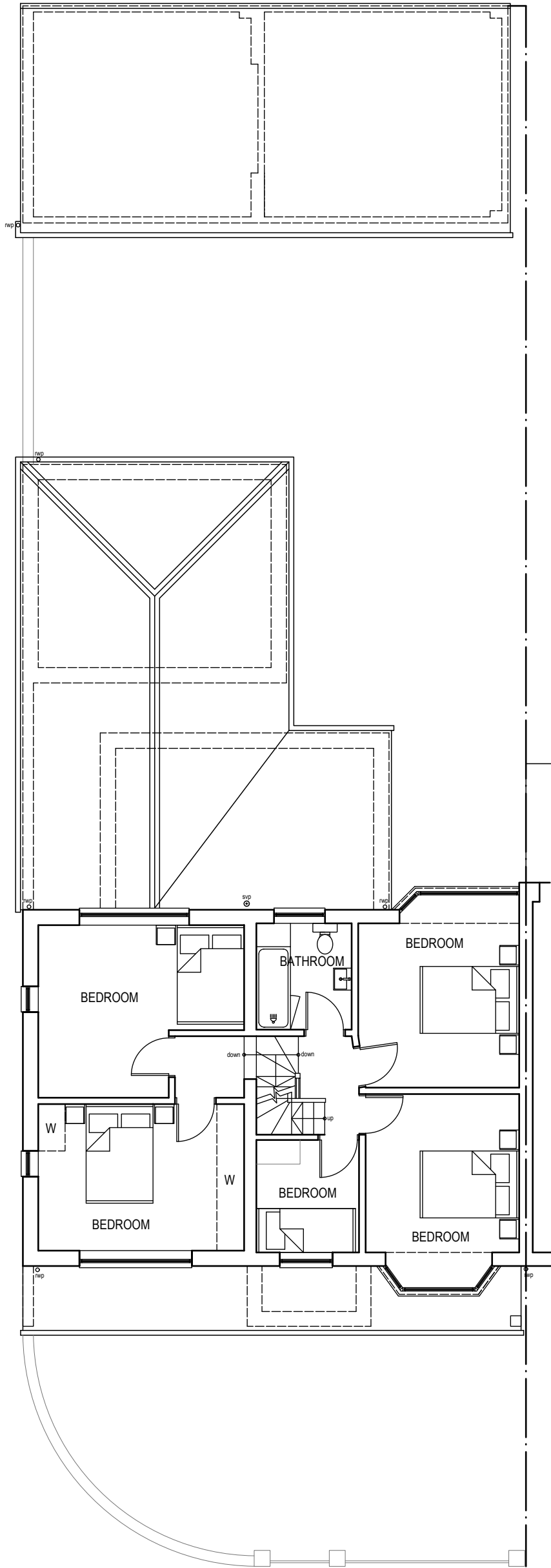
Dwg Title
ELEVATIONS AS PROPOSED



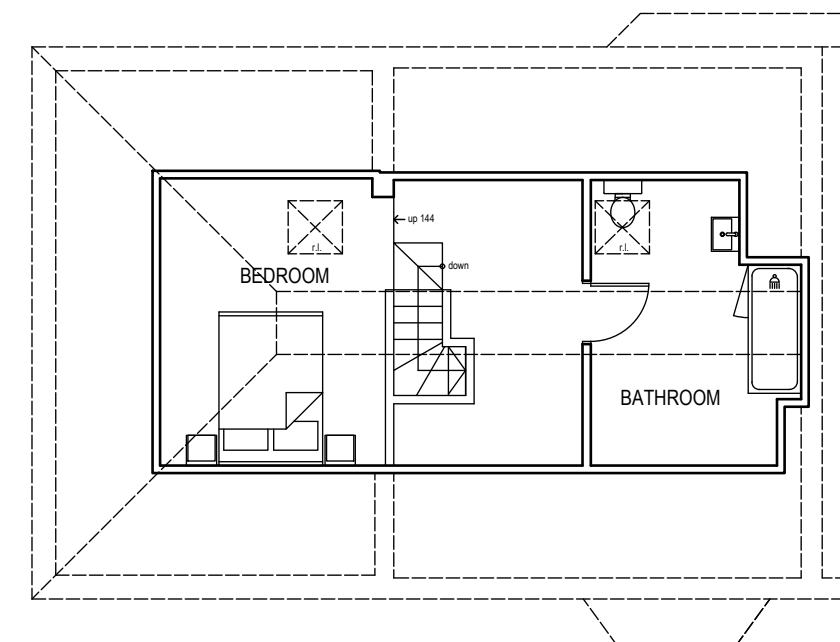
Scale	Date	Dwg no.
1:100 @ A2	APRIL 22	1143_14A



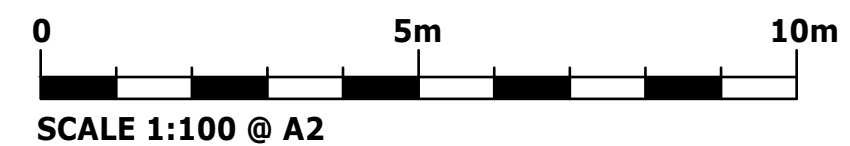
GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN



Rev	Date	Comments



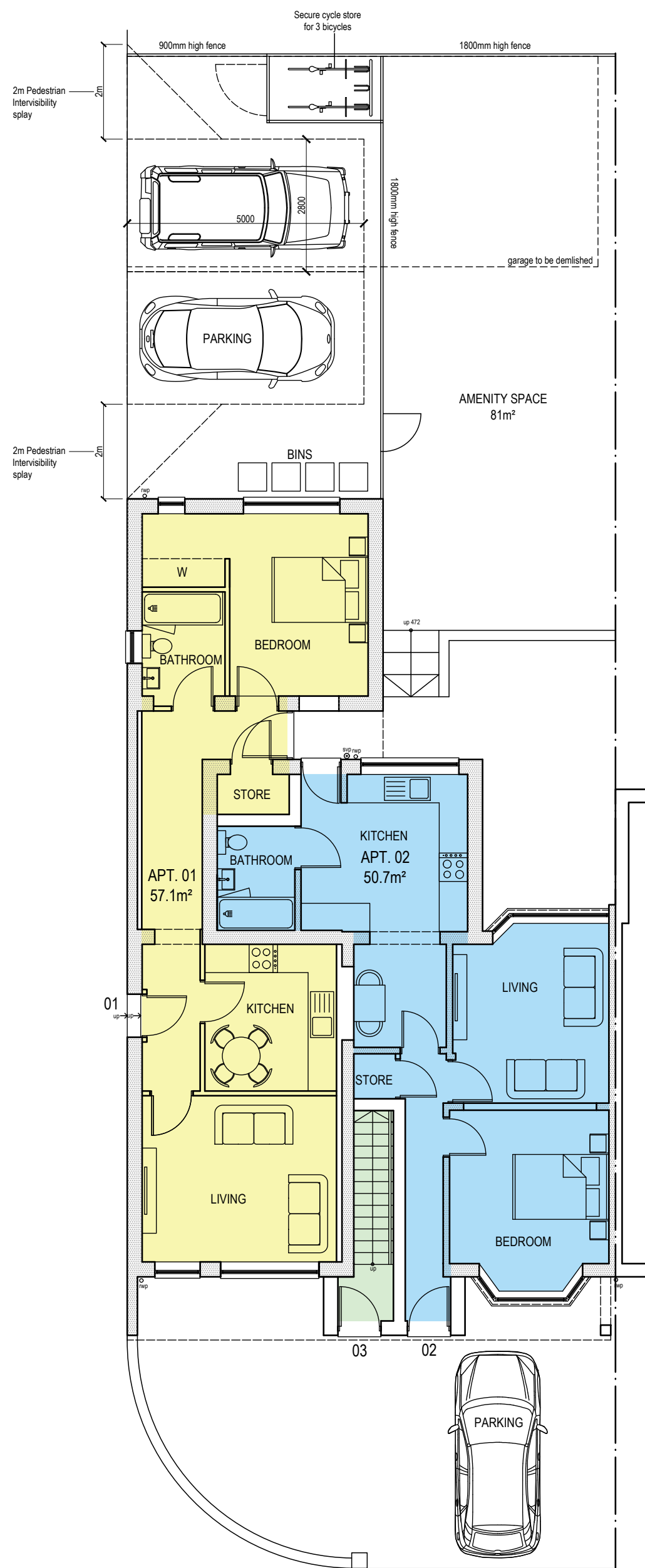
TRISTAN ARTHUR
ARCHITECTS

07852 296229
www.tristanarthurarchitects.com
tristan@tristanarthurarchitects.com
The Studio, 43 Bromsgrove Road, Romsley, Halesowen, B62 0LE

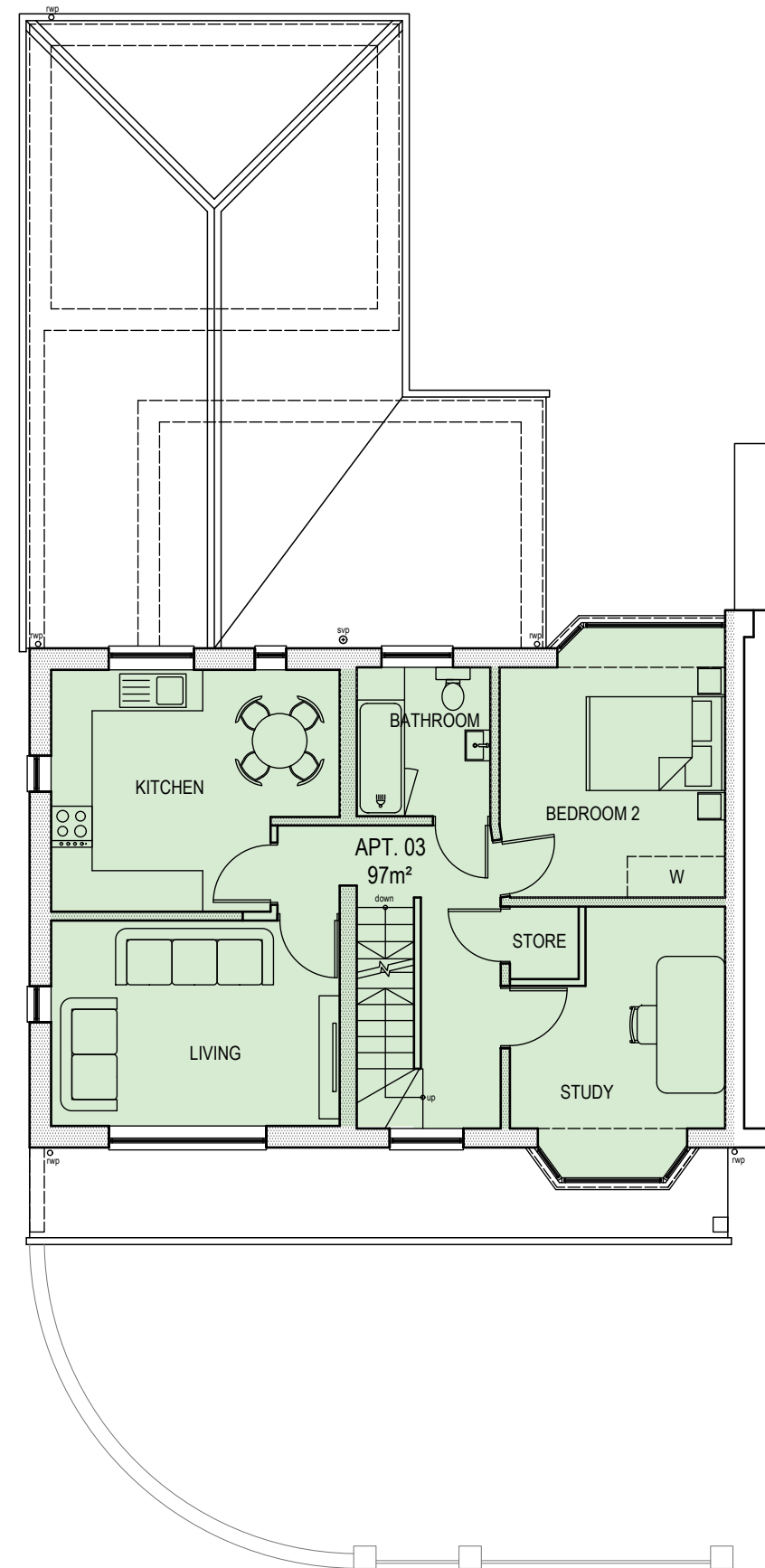
Job
PROPOSED CONVERSION OF DWELLING INTO 3 APARTMENTS
31 CONSTANCE AVENUE

Dwg Title
PLANS AS EXISTING

Scale	Date	Dwg no.
1:100 @ A2	APRIL 22	1143_11



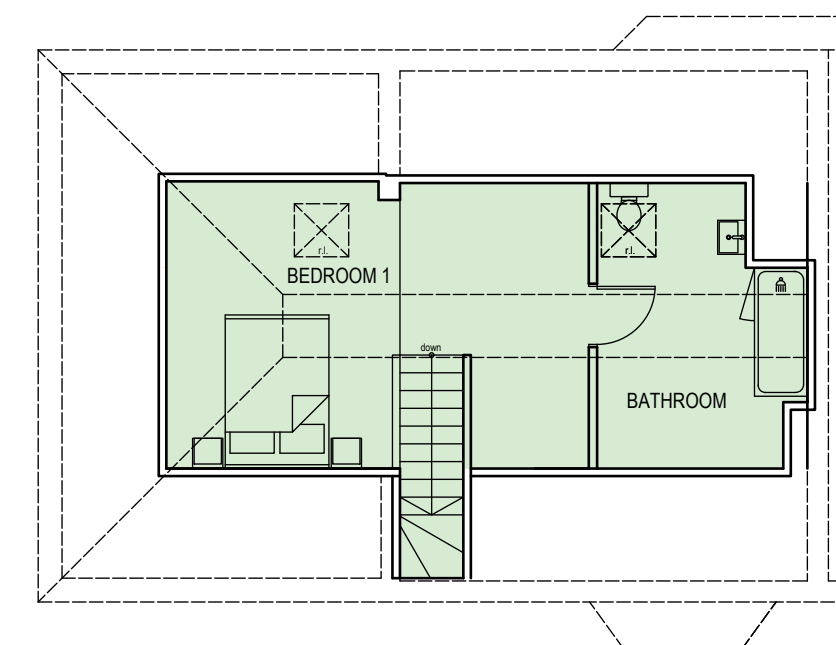
GROUND FLOOR PLAN



FIRST FLOOR PLAN

ACCOMMODATION SCHEDULE

APARTMENT 01	1 BED	57.1m ²
APARTMENT 02	1 BED	50.7m ²
APARTMENT 03	2 BED	97.0m ²



SECOND FLOOR PLAN

A	13 07 22	First floor rooms flipped
Rev	Date	Comments

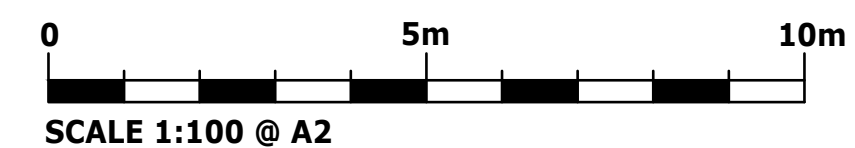


TRISTAN ARTHUR
ARCHITECTS

07852 296229
www.tristanarthurarchitects.com
tristan@tristanarthurarchitects.com
The Studio, 43 Bromsgrove Road, Romsley, Halesowen, B62 0LE

Job
PROPOSED CONVERSION OF DWELLING INTO 3 APARTMENTS
31 CONSTANCE AVENUE

Dwg Title
PLANS AS PLANS AS PROPOSED



Scale	Date	Dwg no.
1:100 @ A2	APRIL 22	1143_13A