

Report to Planning Committee

25 October 2023

Application Reference	DC/23/68347
Application Received	5 June 2023
Application Description	Proposed single storey rear extension to create 1 No. self-contained flat.
Application Address	574 Hagley Road West Oldbury B68 0BS
Applicant	Mr Jasbinder Kaur
Ward	Old Warley
Contact Officer	Mr Andrew Dean andrew_dean@sandwell.gov.uk

1 Recommendations

1.1 That planning permission is granted subject to conditions relating to:

- i) External Materials;
- ii) Car parking implementation and retention;
- iii) Noise assessment and mitigation measures;
- iv) Drainage;
- v) Low NOx Boiler;
- vi) Refuse Storage;
- vii) Cycle Storage;
- viii) Construction environmental management plan;
- ix) Obscure glazing to side elevation (east facing);




- x) Highway signage to entrance/ exit; and
- xi) External lighting scheme.

2 Reasons for Recommendations

2.1 The proposed extension would create one, one bed apartment which is appropriate in scale and design and raises no significant concerns from an amenity or highway safety perspective. The development would contribute to the range and type of accommodation available within the borough.

3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods
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4 Context

- 4.1 At the last committee meeting, members resolved to visit the site.
- 4.2 The application is being reported to your committee because nine material planning objections have been received. Councillor Harnoor Bhullar has also objected to the application on behalf of residents.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[574 Hagley Road West, Oldbury](#)

5 Key Considerations

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



Government policy (NPPF)

Amenity concerns – Overlooking/loss of privacy, loss of light and/or outlook.

Design concerns - appearance and materials, layout and density of building, wider visual amenity and overdevelopment.

Environmental concerns – noise/ disturbance, cooking smells and bin storage.

Highways considerations - Traffic generation, access, highway safety, parking and servicing

6. The Application Site

6.1 The application relates to the rear of a commercial premise located on the northern side of Hagley Road West, Oldbury. The character of the surrounding area is predominantly residential in nature with the application property forming part of a small row of commercial units.

6.2 The existing property consists of a commercial unit to the front on the ground floor with an existing residential unit above accessed via an external staircase to the rear. Access to the rear for vehicles is via a gated underpass entrance. The rear of the site is block paved with a small garage type building located at the far north.

7. Planning History

7.1 The site has been subject to one recent planning application for a more intensive residential scheme. This application was withdrawn by the applicant due to highways and design concerns relating to the three-storey building proposed at the rear.

7.2 Relevant planning applications are as follows:

DC/22/67502	Proposed single storey rear extension to existing 1 No. self-contained flat with external rear	Withdrawn.
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	staircase and balustrades to existing first floor flat, detached three storey building in rear garden to create a further 3 No. self-contained flats, new front access gates and associated parking.	
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8. Application Details

- 8.1 The applicant is proposing to remove an existing single storey conservatory type structure and to erect a single storey rear extension measuring a maximum of 12 metres (L) by 5.1 metres (W) with an overall height of 2.75 metres (flat roof). The extension would provide a one-bedroom residential property. The layout of the property would consist of a shower room, bedroom. Living room, kitchen and store room.
- 8.2 An amended plan has been received to remove the originally proposed external staircase and walk way across the roof. Access to the existing first floor flat would now be via an internal staircase accessed from the side elevation. Amendments have also been made to the internal layout of the proposed flat as well as side facing windows being shown as obscurely glazed and a roof light being added to the living room to provide additional light. The internal floor area of the proposed unit would measure 37m².

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter with nine objections being received. Councillor Harnoor Bhullar has also objected to the application on behalf of residents. Objectors were re-consulted on the amended plans with a further two objections being received reiterating the points listed below.



9.2 Objections

Objections have been received on the following grounds:

- i) The design of the extension is not in keeping with the surrounding area.
- ii) The proposed extension would cause a loss of light and privacy to adjacent dwellings including a communal garden area used by residents.
- iii) Concerns regarding possible flooding from the drainage system.
- iv) Highways matters, insufficient car parking.
- v) Noise concerns from additional comings and goings as it is not known how many people will live at the property.
- vi) Cooking smells.
- vii) Bin storage, bins are currently left out the front and not collected.
- viii) The proposal is out of character with the surrounding area. The adjacent building is Guardian House which is a facility for retired persons who have no wish to put up with the noise and anti-social behaviour.

Non-material objections have been raised regarding loss of property value, and traffic, noise, dust and pollution concerns during construction works.

These objections will be addressed in section 13 (Material considerations).

10. Consultee responses

10.1 Planning Policy

Although Planning Policy have not commented on this application, no objections were raised to the originally submitted application for a more intensive residential scheme (DC/22/67502) which was withdrawn. This application included an extension to the rear of the existing property to create one additional flat as well as a three-storey building to the rear.



10.2 Highways

Following receipt of a proposed car parking layout, Highways has raised no objections to the application. As the existing vehicular access is not wide enough to allow two vehicles to cross (4.5m width required), Highways suggest that signage within the site is implemented for vehicles leaving the site to give priority to vehicles leaving the highway. A condition for the above has been included within the recommendation.

10.3 Pollution Control (Air Quality)

No objection subject to a condition for Low NO_x Boilers

10.4 Pollution Control (Contaminated Land)

No objection.

10.5 Pollution Control (Air Pollution and Noise)

No objection subject to conditions for a noise assessment with mitigation measures to be undertaken and a construction management plan.

10.6 Private Sector Housing

General building regulations comments provided.

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:



CPS4: Place Making
HOU2: Housing Density type and Accessibility
TRAN4: Creating Coherent Networks for Cycling and Walking
ENV3: Design Quality
ENV8: Air Quality
SAD EOS9: Urban Design Principles

- 12.2 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered to be acceptable with the unit providing the minimum internal floor area for a one bed, one-person unit as required by the Nationally Described Space Standards.
- 12.3 HOU2 identifies the need for a range of types and sizes of accommodation within the borough and accessibility in terms of sustainable transport for residential services. The proposal would provide an additional residential unit in the borough and is within close proximity to a parade of shops and bus stops on Hagley Road West.
- 12.4 ENV8 refers to mitigation measures to offset air quality issues. In this instance, conditions for low NOx boilers to be provided has been recommended.
- 12.5 TRAN4 requires schemes to be well connected to aid cycling and walking. The proposal includes a condition for cycle parking to be provided as part of the development.

13. Material Considerations

- 13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:



13.2 Amenity concerns

The adjacent property (Guardian House) contains a number of windows on the side elevation which overlook the application property. These windows serve a kitchen and dining room area. The side facing windows serving ground floor flats are obscured by an approximately 2-metre-high closed boarded fence in close proximity to the window. Taking into consideration the above coupled by the fact the proposed extension would be single storey in height and setoff the side elevation of Guardian House by 3.9 metres, I do not consider a significant loss of light or outlook would occur. No breach of the 45-degree code would occur to the windows on the rear elevation of Guardian House. In terms of privacy, amended plans has been received to remove the originally proposed external staircase and raised walkway as well as introducing obscurely glazing the windows on the side elevation. I am now satisfied the privacy of neighbouring residential properties and external amenity areas has been protected and no significant loss of privacy would occur as a result of this proposal.

13.3 Design concerns

The proposed extension would be single storey in height and would be located to the rear of the existing property. The dwelling has been designed to comply with the National Described Space standards for a one bed, one person unit with a shower room being 37m². Furthermore, the appearance of the extension has been improved by the removal of the rear external staircase and walkway from the roof. Taking this into consideration, I am satisfied the proposed unit is acceptable in design and appearance and would cause no harm to the street scene or wider area. Although the proposed side facing windows would be obscurely glazed, the unit would have ample access to natural light with the living room area being served by a window and a roof light. To improve the appearance of the development, a condition for a dedicated bin storage area/structure has been included within the recommendation. In terms of drainage concerns raised, a condition for drainage details to be



submitted has been included within the recommendation. However, drainage matters would also be addressed by Building Regulations should the Planning Committee be minded to approve this application.

13.4 Highways concerns

The applicant has submitted an amended site plan showing vehicle parking at the rear for four vehicles. The Head of Highways has reviewed the amended plans and raised no objections to the application subject to a condition for signage within the site to be implemented for vehicles leaving the site to give priority to vehicles leaving the highway

13.5 Environmental concerns

Public Health have reviewed the application and raised no objections to the application. The proposal is for a residential use which is adjacent to other residential properties. The local planning authority are unable to control who chooses to live at the property. However, noise from music etc can be investigated by public health as a statutory nuisance. I do not consider smells from cooking from a residential property would cause significant harm to the amenity of neighbours. The rear car parking can be used now by the applicant/tenants and I do not consider the addition of one residential unit would significantly alter comings and goings to the property. To address concerns raised by objectors relating to noise and disturbance, dust and construction traffic from construction works, a condition for a construction method statement has been included within the recommendation. This would require the applicant to provide details of the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; measures to control the emission of dust and dirt during demolition construction and construction working hours.

14. Conclusion

On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material



considerations which warrant refusal that could not be controlled by conditions.

15 Alternative Options

15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant polices and there are no material considerations that would justify refusal.

16 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.
Social Value	None.
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.



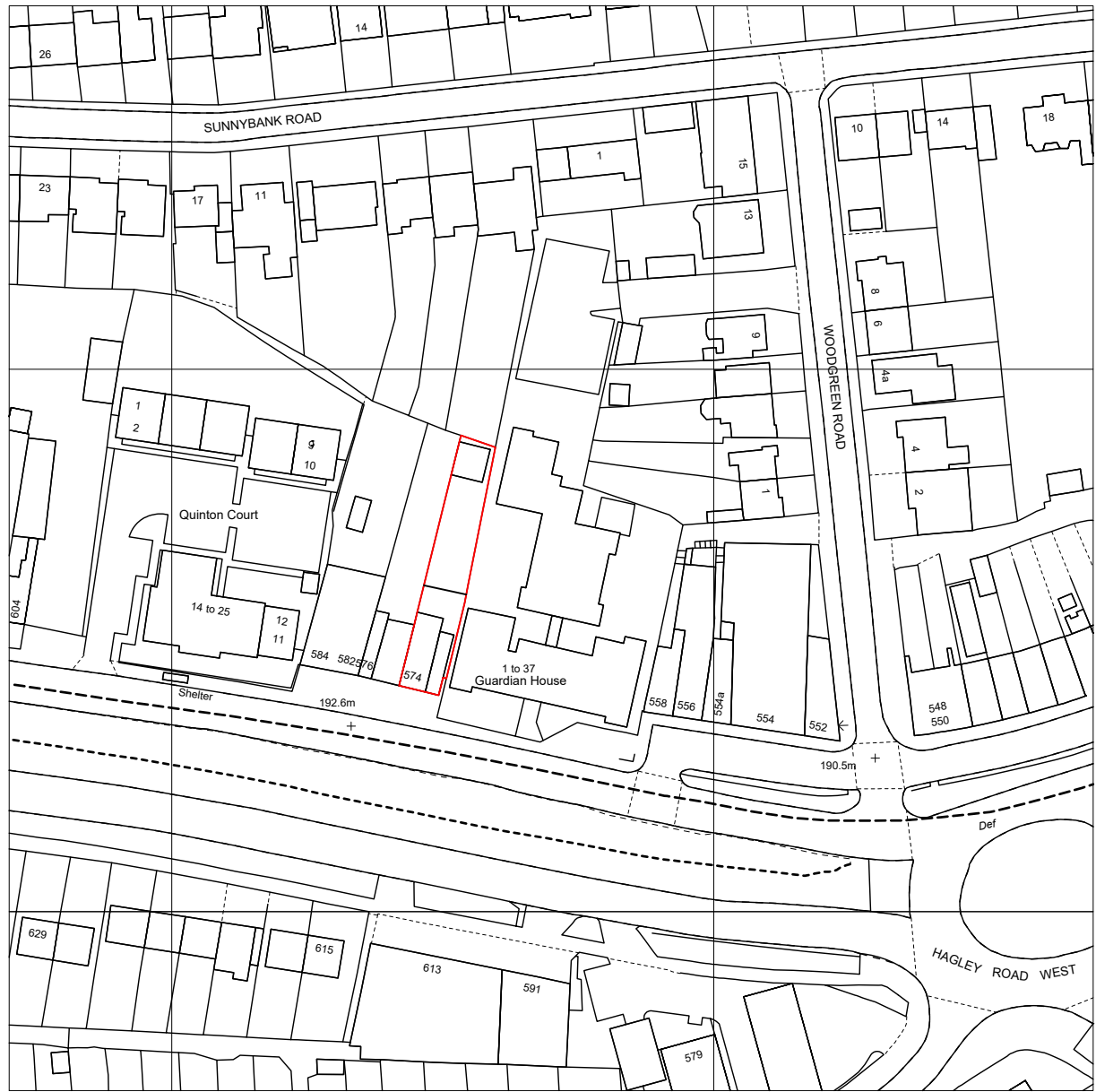
17. Appendices

Context plan

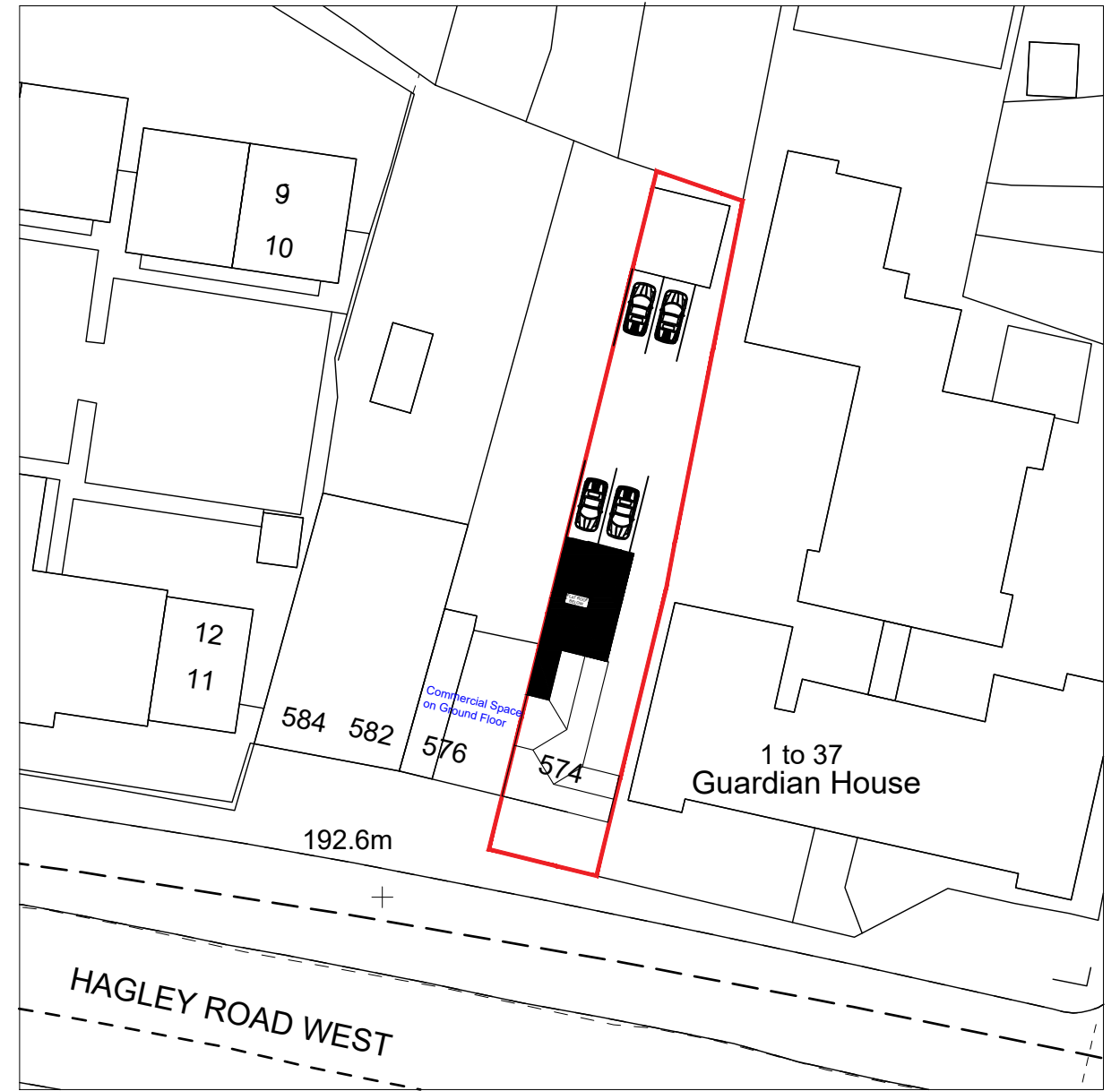
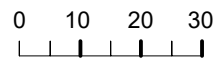
P000- REV A - AMENDED LOCATION/BLOCK PLAN

P002- REV A - AMENDED PROPOSED FLOOR/ROOF PLANS &
ELEVATIONS

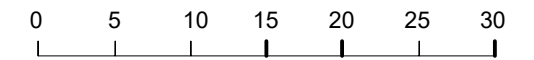




LOCATION PLAN
 North
 SCALE 1:1250



SITE PLAN
 North
 SCALE 1:500



GENERAL NOTES:

- ALL DIMENSIONS TO BE CHECKED
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER PROJECT DRAWINGS, CONSTRUCTION NOTES AND/OR PROJECT SPECIFICATION.
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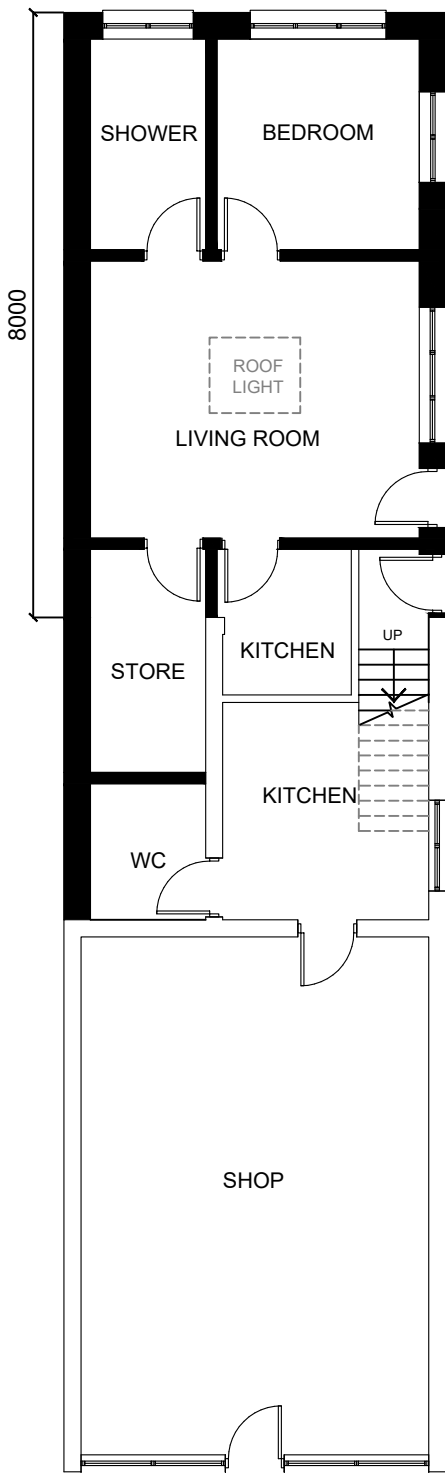
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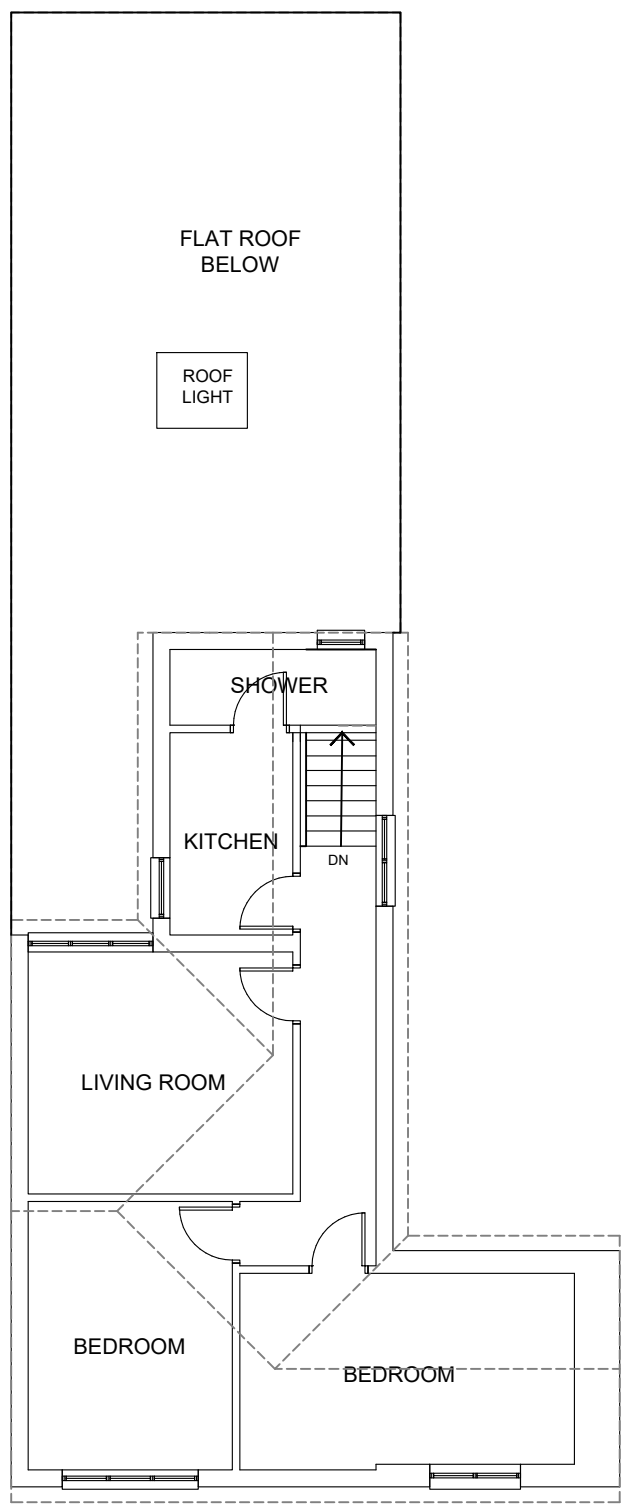
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SCALE



PROPOSED GROUND FLOOR PLAN



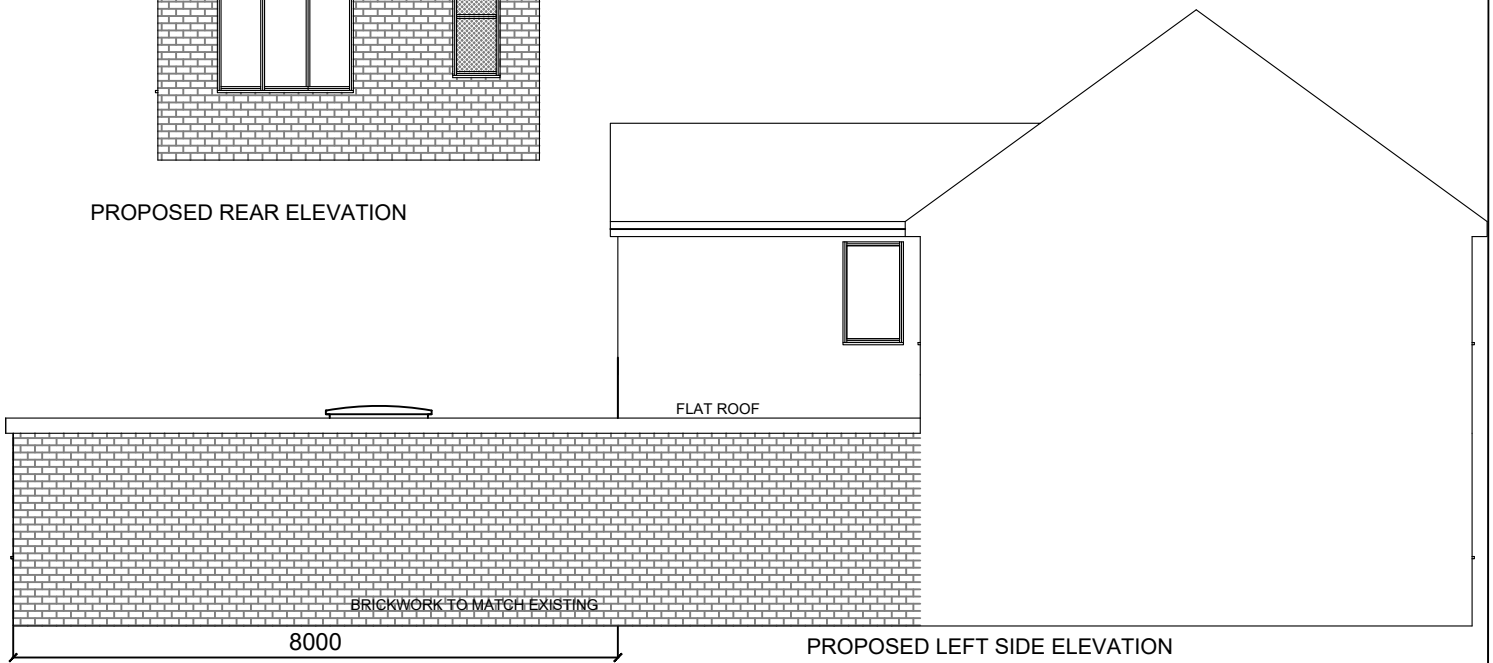
PROPOSED FIRST FLOOR PLAN



PROPOSED RIGHT SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED LEFT SIDE ELEVATION

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PROJECT:

**PROPOSED LAYOUT PLANS
AND ELEVATIONS**

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