

Report to Planning Committee

10 January 2024

Application Reference	DC/23/68738
Application Received	6 October 2023.
Application Description	Proposed single storey outbuilding to rear with associated excavation and retaining wall.
Application Address	50 Chatsworth Avenue, Great Barr, Birmingham, B43 6QH.
Applicant	Mr Sidhu.
Ward	Charlemont With Grove Vale.
Contact Officer	Richard Bradley. Richard_Bradley@Sandwell.gov.uk

1 Recommendations

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


- i) External Materials;
- ii) The gymnasium shall be solely for the enjoyment of the residents of 50 Chatsworth Avenue and for no other purposes.

2 Reasons for Recommendations

2.1 Following the submission of amended plans, it is considered that the proposal would be of an acceptable design and would not result in an appreciable loss of outlook to adjoining property.



3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods
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4 Context

4.1 At its last meeting the committee resolved to visit the site. The application is being reported to your committee following a request being received from Councillor David Fisher on the grounds of potential loss of light/outlook, noise nuisance and overdevelopment. One objection has also been received from a neighbouring property.

4.2 To assist members with site context, a link to Google Maps is provided below:

[50 Chatsworth Avenue, Great Barr, Birmingham, B43 6QH.](#)

5 Key Considerations

5.1 The site is not allocated within the Development Plan.

5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.

5.3 The material planning considerations which are relevant to this application are:-

Government Policy (NPPF).

Amenity Concerns – Loss of Outlook.

Design Concerns – Appearance and Materials, Layout and Density of Building, and Overdevelopment.



Environmental Concerns – Noise, and General Disturbance.

6. The Application Site

6.1 The application site would be the rear garden of No. 50, which is situated to the east Chatsworth Avenue, Great Barr, within a residential area.

7. Planning History

7.1 No relevant planning history is recorded for this site.

8. Application Details

8.1 The proposed plan involves excavating the rear section of the garden to create a recessed patio area and steps, which will also allow the ground floor of the outbuilding to sit 600mm below the existing ground level.

8.2 The proposed outbuilding would measure 8.0 meters in width, 8.0 meters in length, 2.7 meters to eaves and roof, and 2.8 meters to skylight.

8.3 The outbuilding is intended to be used as a gymnasium and rehabilitation room for personal use. The submitted floorplan shows a WC, weight storage room, massage and stretch station, stair climber, two-step and walk platforms, treadmill, cross trainer, cycle machine, and a 2x2 meter free weights/yoga space.

9. Publicity

9.1 The application was initially publicised by neighbour notification with one objection received.

9.3 Following receipt of amended plans, the neighbour and Councillor Fisher were re-consulted. Any revised comments will be reported to your meeting.



9.2 Objections

One objection has been received based on the original plans on the following grounds:

- i) The proposed building is too large and unsuitable for the size of the applicant's and surrounding plots.
- ii) The proposal would result in insufficient rear amenity space.
- iii) The proposed structure would extend fully across the width of one of the neighbouring plots, consequently eroding their outlook and natural light.
- iv) There is a possibility that the building may eventually be converted into accommodation in the future.
- v) Noise pollution from the outbuilding.

Non-material objections have been raised regarding drainage, construction, and the maintenance of the outbuilding.

The objections will be addressed in section 13 (Material considerations) of this report.

10. Consultee responses

10.1 Highways

Highways have no objections, subject to planning conditions prohibiting a business use or the conversion to sleeping accommodation.

10.2 Canal and Rivers Trust

No comment to make on the proposal.



10.3 Cadent

A standard informative has been requested to be included on the decision notice, if the proposal is approved.

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.

11.2 The Framework refers to development adding to the overall quality of the area by achieving high quality design, achieving good architecture and layouts.

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 and SAD EOS9 refers to well-designed schemes that provide quality living environments.

The amended plans propose to excavate the rear section of the garden so that the outbuilding can be built at a recessed ground level. These amendments would alleviate the original outlook issue from occurring as the massing of the outbuilding would mostly be concealed behind the garden fence.

Consequently, it is now considered that the proposal is acceptable in design and would adhere to policies ENV3 and SAD EOS9.



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 Overdevelopment and Insufficient Rear Amenity Space.

Whilst I acknowledge that the proposed outbuilding would have a large footprint (8.0 metres wide x 8.0 metres long), the current rear garden area is 147sqm in area. Following this development (64sqm) more than half the garden would remain which is considered acceptable in planning terms. Furthermore, the outbuilding will now be built at a reduced ground level. Therefore, it is no longer considered that it would result in overdevelopment or have an overbearing impact to the surrounding properties.

13.3 Loss of Outlook and Natural Light

As the amended plans show that the outbuilding would now be built at an excavated ground level, the proposed massing would only narrowly exceed the height of the existing boundary fence, which would no longer result in loss of outlook and light.

13.4 Potential Conversion into Accommodation

The applicant has stated that the gym and rehabilitation room for personal use, this can be conditioned to prevent wider use.

13.5 Noise Pollution

The proposal is for personal use of the occupants which would be incidental to the dwelling house and can be conditioned as such. It is therefore considered that this would not result in significant noise nuisance to adjoining residential property.



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 policies 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

Site & Location Plan - 1 Rev B

Proposed Cut & Fill Plan Basement External Tanking Detail - 3

Proposed Plans & Elevations - 2 Rev B



Notes:

The contractor is responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with the Architect/Designer before proceeding with the works.

Where an item is covered by drawings to different scales the larger scale drawing is to be worked to.



LOCATION PLAN

SCALE 1:1250



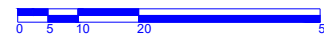
SITE PLAN

SCALE 1:500



Key -

Proposed outbuilding	
Proposed cut area	



SCALE BAR 1:1250

Scale 1:500

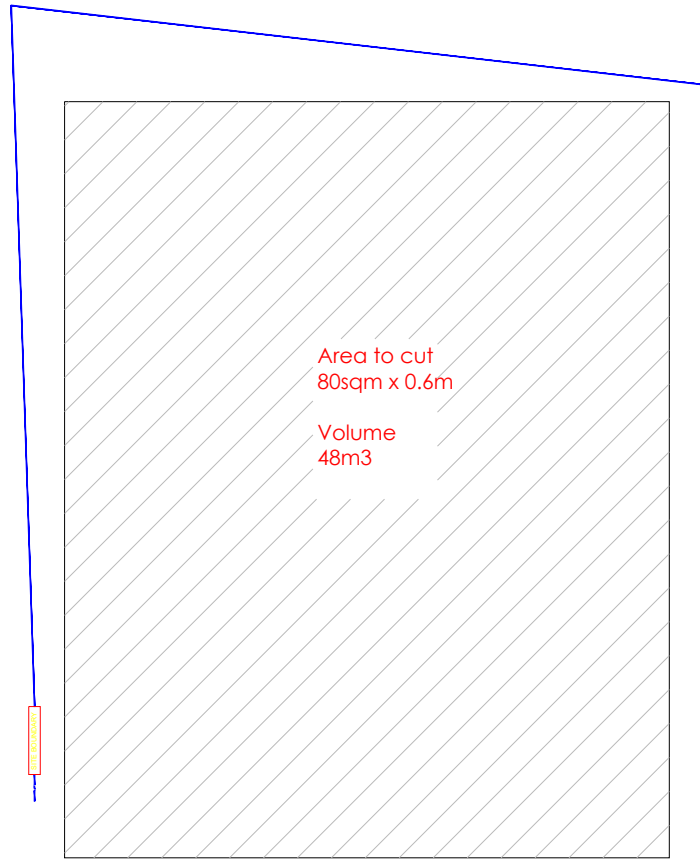


REV:	DESCRIPTION:	DATE:
STATUS:	PLANNING	
SITE:	50 Chatsworth Avenue Great Barr B43 6QH	
TITLE:	Site & Location Plan	
SCALE AT A3: 1:1250 1:500	DATE: 19.12.2023	DRAWN: AK
PROJECT NO: 2023-041	DRAWING NO: 1	CHECKED: REVISION: B

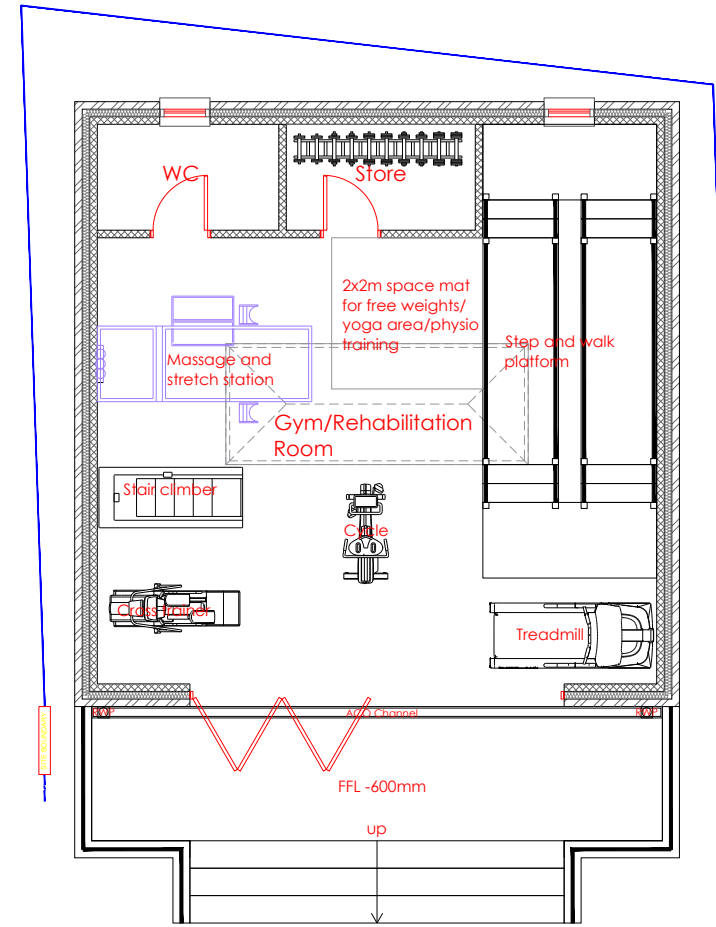
Notes:

The contractor is responsible for checking dimensions, tolerances and references. Any discrepancy to be verified with the Architect/Designer before proceeding with the works.

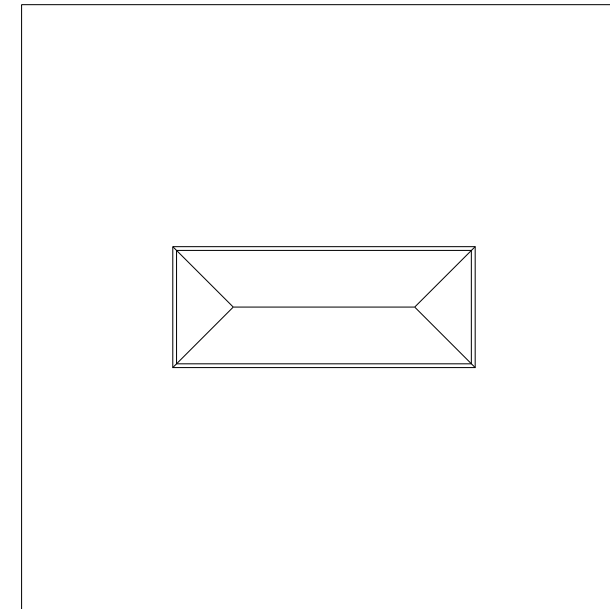
Where an item is covered by drawings to different scales the larger scale drawing is to be worked to.



Proposed Cut Area



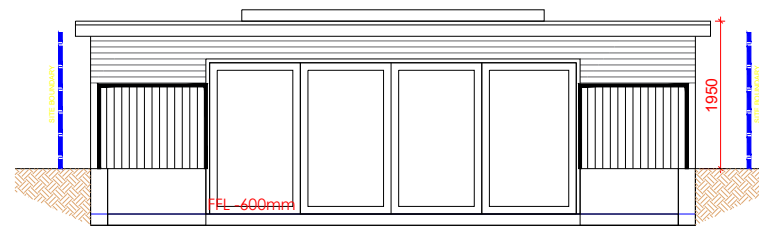
Proposed Outbuilding Plan



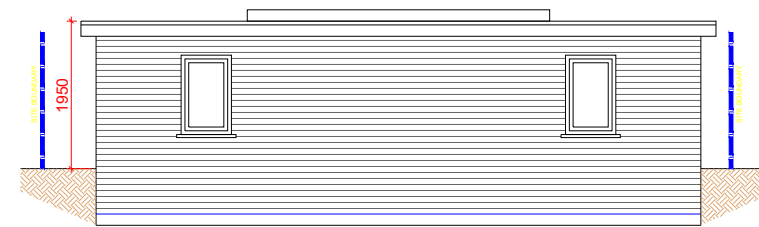
Proposed Outbuilding Roof Plan



Proposed Side Elevation



Proposed Front Elevation



Proposed Rear Elevation

REV:	DESCRIPTION:	DATE:
	PLANNING	

SITE:
50 Chatsworth Avenue
Great Barr
B43 6QH

TITLE:
Proposed plans and elevations

SCALE AT A3: 1:100	DATE: 11.12.2023	DRAWN: AK	CHECKED:
PROJECT NO: 2023-041	DRAWING NO: 2	REVISION: B	

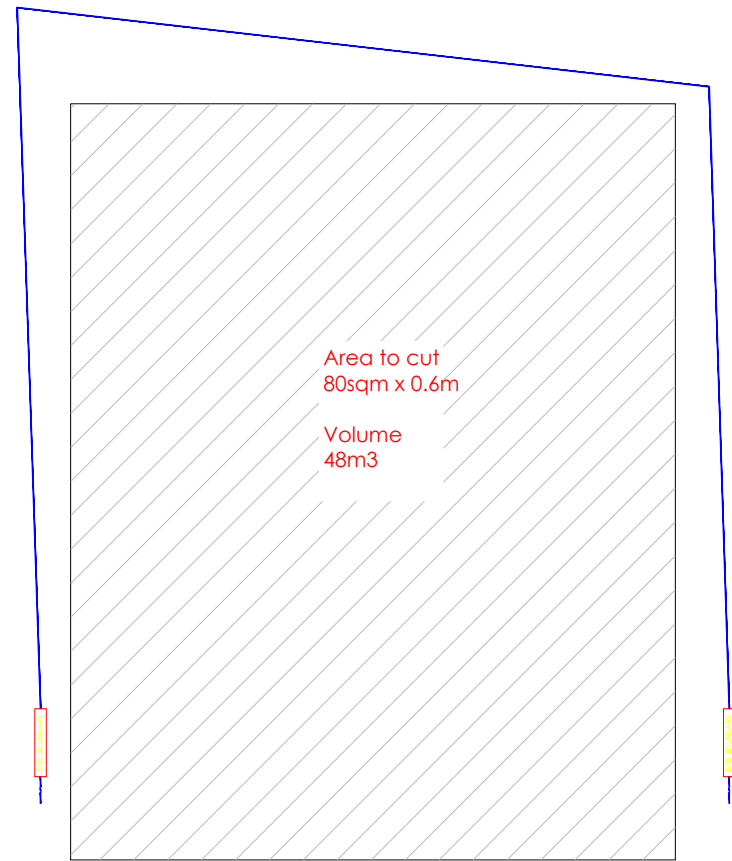
Scale 1:100



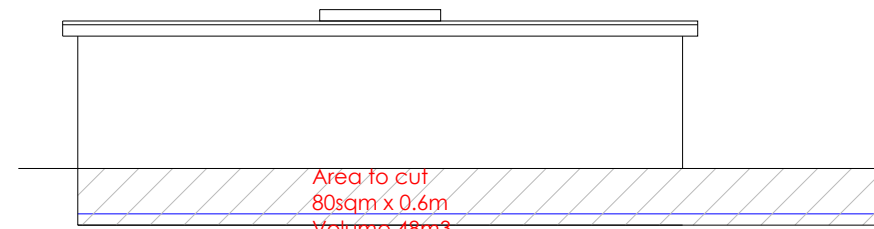
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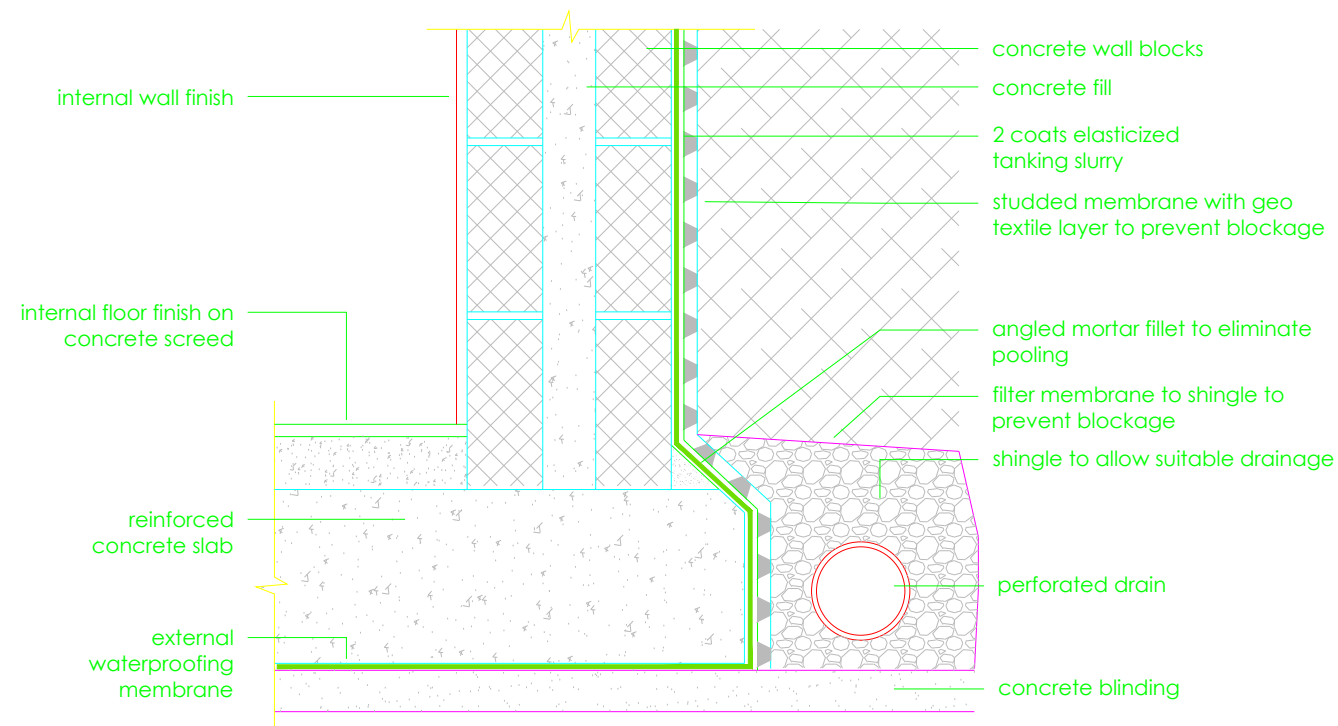
Where an item is covered by drawings to different scales the larger scale drawing is to be worked to.



Proposed Cut Area



Proposed Side Elevation Cut



B03 Type A: Blockwork construction, external tanking with drainage membrane

Detail Notes:

Reinforcing bars not shown

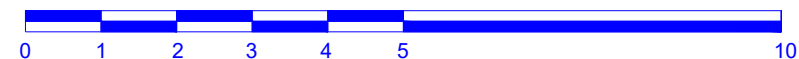
All basements to be designed with structural engineer and basement specialist input and advice.

The external tanking line is clear, with an additional drainage layer to allow water to drain down the external surface of the structure and into the perforated drain, thus shedding water away from the building and reducing the hydrostatic pressure.

Notice the angled mortar fillet at the wall and floor junction, eliminating the possibility of pooling.

This detail shows an elasticized tanking slurry, but other membranes could be used.

Scale 1:100



REV:	DESCRIPTION:	DATE:
STATUS:	PLANNING	

SITE:
50 Chatsworth Avenue
Great Barr
B43 6QH

TITLE:
Proposed cut and fill plan
Basement external tanking detail

SCALE AT A3: 1:100 & 1:10	DATE: 11.12.2023	DRAWN: AK	CHECKED:
PROJECT NO: 2023-041	DRAWING NO: 3	REVISION:	