

## Report to Planning Committee

8 July 2021

<b>Application Reference</b>	DC/21/65475
<b>Application Received</b>	4 May 2021
<b>Application Description</b>	Retention of two storey side extension and single storey front and rear extensions with oversailing soffit/canopy and patio.
<b>Application Address</b>	76 Pottery Road, Oldbury B68 9HA
<b>Applicant</b>	Mr Eduart Thepi
<b>Ward</b>	Bristnall
<b>Contact Officer</b>	Carl Mercer carl_mercer@sandwell.gov.uk

### 1 Recommendations


1.1 That retrospective planning permission is granted.

### 2 Reasons for Recommendations

2.1 The extensions and alterations are proportionate to the existing dwelling and do not affect the overall character of the original property. Furthermore, the development does not have a significant impact on the occupiers of adjacent properties as it has a limited impact on light, outlook and privacy.



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

	Quality homes in thriving neighbourhoods –The design of the proposal is acceptable in respect of national and local planning policy.
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### 4 Context

- 4.1 This application is being reported to your Planning Committee because of the persistence of objection to development at the property over the course of the last year. It is thought prudent for members to consider the application in this instance rather than opt for a delegated officer decision.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[76 Pottery Road, Oldbury](#)

### 5 Key Considerations

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

Government policy (NPPF)  
Planning history  
Overlooking/loss of privacy  
Loss of light and/or outlook  
Overshadowing/overbearing nature of proposal  
Design, appearance and materials



## 6. The Application Site

6.1 The application relates to a semi-detached dwelling on the northeast side of Pottery Road, Oldbury. The character of the surrounding area is predominantly residential.

## 7. Planning History

7.1 The planning history is crucial to appreciating the current application, as the principle for much of the development has already been approved.

7.2 Relevant planning applications are as follows:

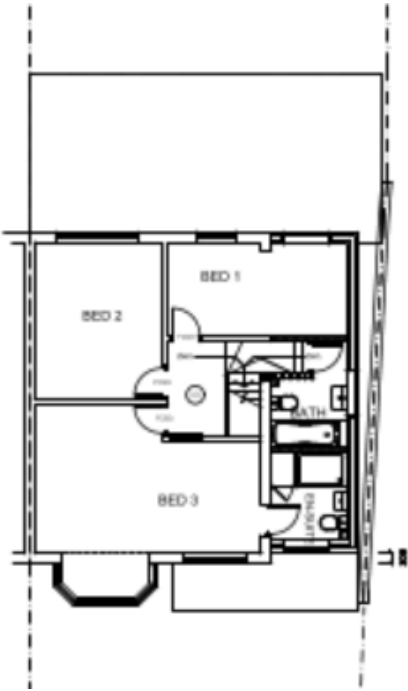
DC/20/64371	Proposed two storey side extension and single storey front extension; retention of raised land level and fencing.	Approved 04.09.2020
PD/20/01434	Proposed single storey rear extension measuring 4.00m L 4.00m H (3.00m to the eaves)	Deemed permitted development 05.06.2020

## 8. Application Details

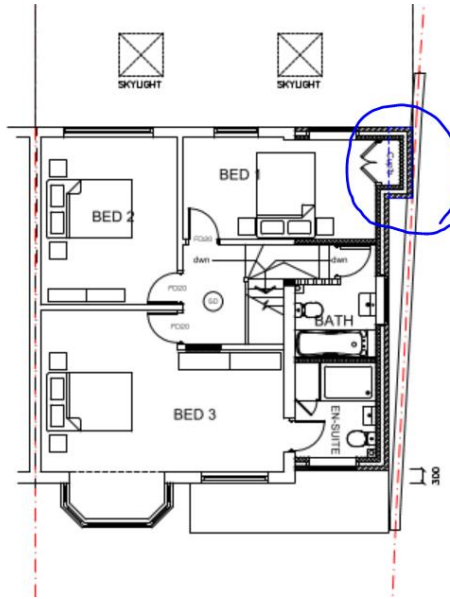
8.1 The application is for the retention of a two storey side extension and single storey front and rear extensions with oversailing soffit/canopy and patio.

8.2 The bulk of the extensions were approved under previous planning and larger home applications, along with a raised land level and fencing to the rear garden referred to in 7.2 above. The applicant did not build in accordance with the previously approved application, adding to the two storey side extension and providing a canopy and patio area to the rear. Technically, due to these breaches, the extensions as a whole require planning permission as they are reliant on each other (with the exception of the land level change and fencing which was previously approved).

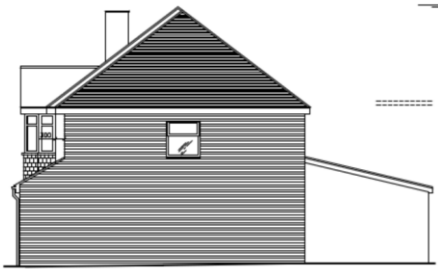




Existing permission

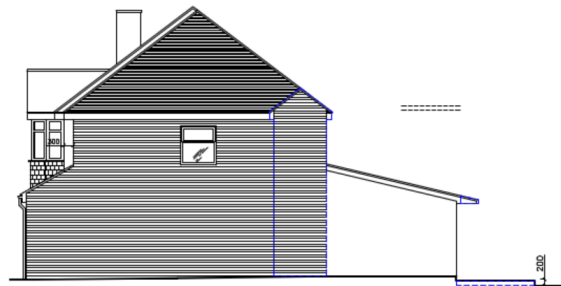


Current application



**Proposed Side Elevation**  
Scale 1:100

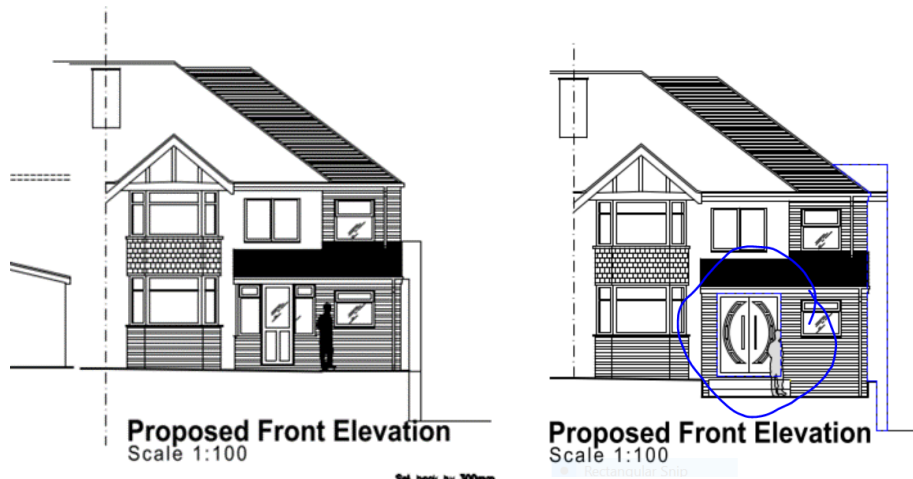
Existing permission



**Proposed Side Elevation**  
Scale 1:100

Current application





Existing permission

Current application

## 9. Publicity

9.1 The application has been publicised by neighbour notification letter with one email of objection being received.

## 9.2 Objections

Objections have been received on the following grounds:

- (i) The applicant has raised land levels;
- (ii) Overlooking and loss of privacy;
- (iii) Guttering and sewage pipes are not shown on plan;
- (iv) Inaccuracy on plan;
- (v) The two storey element has increased the density of the building, making it dominant and overbearing. It also effects daylight and sunlight causing overshadowing and loss of outlook;
- (vi) Water runoff from patio; and
- (vii) The retrospective nature of the application.

Immaterial objections have been raised regarding the maintenance of the boundary, the footings to the boundary wall and civil action over the boundary. It is worthy of note that planning permission may be granted by the council, but ownership and boundary matters are not planning



considerations and do not 'override' such issues, which should be pursued as civil matters by landowners if significant enough to warrant action.

### 9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) The increase in land levels, as well as boundary fencing, was approved as part of the 2020 consent. The land levels and fencing had already been carried out when officers visited the property in the summer of 2020, and the impact of these changes were evident on site before the consent was issued. The land level changes and fencing were considered to not significantly impact on occupiers of adjacent property. Aside from the inclusion of the patio area, the land level change is not being reassessed as part of this application.
  
- (ii) In respect of overlooking and loss of privacy, the raised patio is of a sufficient distance from habitable windows to the rear of number 78 as for no appreciable impact to occur. The properties in this section of Pottery Road are staggered in level, following the gradient of a hill, and there are examples of gardens which are higher than others. For instance, when standing on the rear patio of the adjacent property at number 78, you are able to look down into the rear living room window and garden of the lower, neighbouring property of number 80 to a much greater detriment than the impact the applicant's raised patio area has on the occupiers of number 78. The levels between numbers 76 and 78 do not cause significant concern, especially as habitable room windows to the rear of 78 are not within proximity of the boundary. Furthermore, the offending area in question, adjacent to the boundary, does not appear to me to be a space in which the applicant and/or visitors would be likely to congregate for long periods of time to look down over the adjacent garden area. It seems highly unlikely that this situation would occur frequently



enough to maintain that the situation would have an unacceptable impact on quality of life. I am therefore of the opinion that the impact of the raised patio on the amenity of occupiers of adjacent property is negligible.



*Fig 1: View from applicant's raised patio area.*



*Fig 2: Rear aspect.*

- (iii) Whilst guttering is shown on plan, I note that soil and outflow pipes are not (although, it is not always the case that these are shown on planning drawings). These pipes are, however, visible on site and



despite the concerns over maintenance and potentially in respect of party wall matters, there is no material planning reason why the pipes would raise concern, as their appearance is not particularly offensive, and it is not uncommon for such services to be located to the side of dwellings.

- (iv) As noted by the objector, the door opening to the front porch is wider than that which was approved but is a minor change from the approved plan. Amended plans have been received to regularise this change and are indicated above (paragraph 8.2).
- (v) Whilst the unauthorised works have increased the density of the building works originally proposed, it is the severity of this impact on which the application must be determined. It is important to note that the unauthorised two storey extension provides a total external area of 2m<sup>2</sup> and has a significantly lower roof height than the main ridge of the application property. There is a distance of approximately 1.8m between the two, two storey side walls of the application property and number 78. To the rear elevation of 78, the closest habitable room window at ground floor is a kitchen which is some 2 metres away from the side of the extension. At first floor there is a bathroom window (non-habitable). Neither of these windows suffer excessive loss of light or outlook because of the extension. The two storey element does not project out to the rear of the existing rear elevation of the application property, and as the rear gardens face northeast, there is no impact on direct sunlight throughout the day. I note that, as the original floor level of the application property was built on a higher land level than number 78, the extension may appear somewhat imposing, but I do not accept that this is to a degree where any great harm has been caused. Furthermore, the additions proposed to be retained by this application make no discernible change to the streetscene than the development which has already been approved. In respect of the canopy to the rear, given that the single storey rear extension has already been granted consent, at a limited projection





(of approximately 0.7m from the rear elevation), and, not having the impact of the massing of an extension, its impact is negligible.



*Fig 3: View from the rear garden of number 78. The unauthorised elements are circled (first floor extension and rear canopy).*

- (vi) I have no reason to suspect that this area of patio would cause any significant water runoff issue. The land on the applicant's side is now level and there is no visible evidence on site that flooding from the patio area would cause undue harm to adjacent properties (i.e. runoff is not directed towards the adjacent property).
- (vii) Whilst it is disappointing that the applicant did not seek to amend the development before continuing work, the planning system is regulatory not punitive, and the applicant is now seeking to rectify matters from a planning perspective.

## 10. Consultee responses

None sought or required in this instance.

## 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

12.2 ENV3 and SAD EOS 9 are design policies of the Development Plan and are relevant to residential design. SAD EOS 9 states: *'The council will reject poor designs, particularly those that are inappropriate in their locality, for example, those clearly out of scale with or incompatible with their surroundings.'*

12.3 For reasons set out in my response to the objection above, there is insufficient weight to refuse the application on residential amenity or design grounds.

## 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 Planning history

Given the planning history, much of the principle for the development has been established. The unauthorised works are minor within the context of the previous permissions.

### 13.3 Overlooking/loss of privacy

As discussed above in paragraph 9.3, the development does not have an extensive impact in respect of overlooking or loss of privacy.



### 13.4 Loss of light and/or outlook

No significant impact as referred to above in paragraph 9.3.

### 13.5 Overshadowing/overbearing nature of proposal

No significant impact as referred to above in paragraph 9.3.

### 13.6 Design, appearance and materials

The design of the extension is not appreciably different than what has previously been approved and is considered to be acceptable. Whilst the brick colour differs from that in the immediate area, the appearance is not unsatisfactory or out of character, and causes no visual amenity issue.

### 13.7 Other matters

On visiting the application property, it was noted that a wooden shed structure had been erected at the bottom of the garden. The structure is not part of the current planning application, but as it is a sufficient distance away from the property boundaries and other dwellings, it causes no harm to residential amenity or the visual amenity of the area. Amended plans have been received which clearly show the patio on plan. The patio height has also been observed on site. It was noted that a hardstanding area to the rear of the garden and pathway to it has also been provided. These other hardstanding areas are not appreciably higher than the land level previously approved and are not worthy of further attention.

## 14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so, in this instance it is considered that proposal alterations accord with design policies and there is no appreciable harm to residential amenity.



## 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

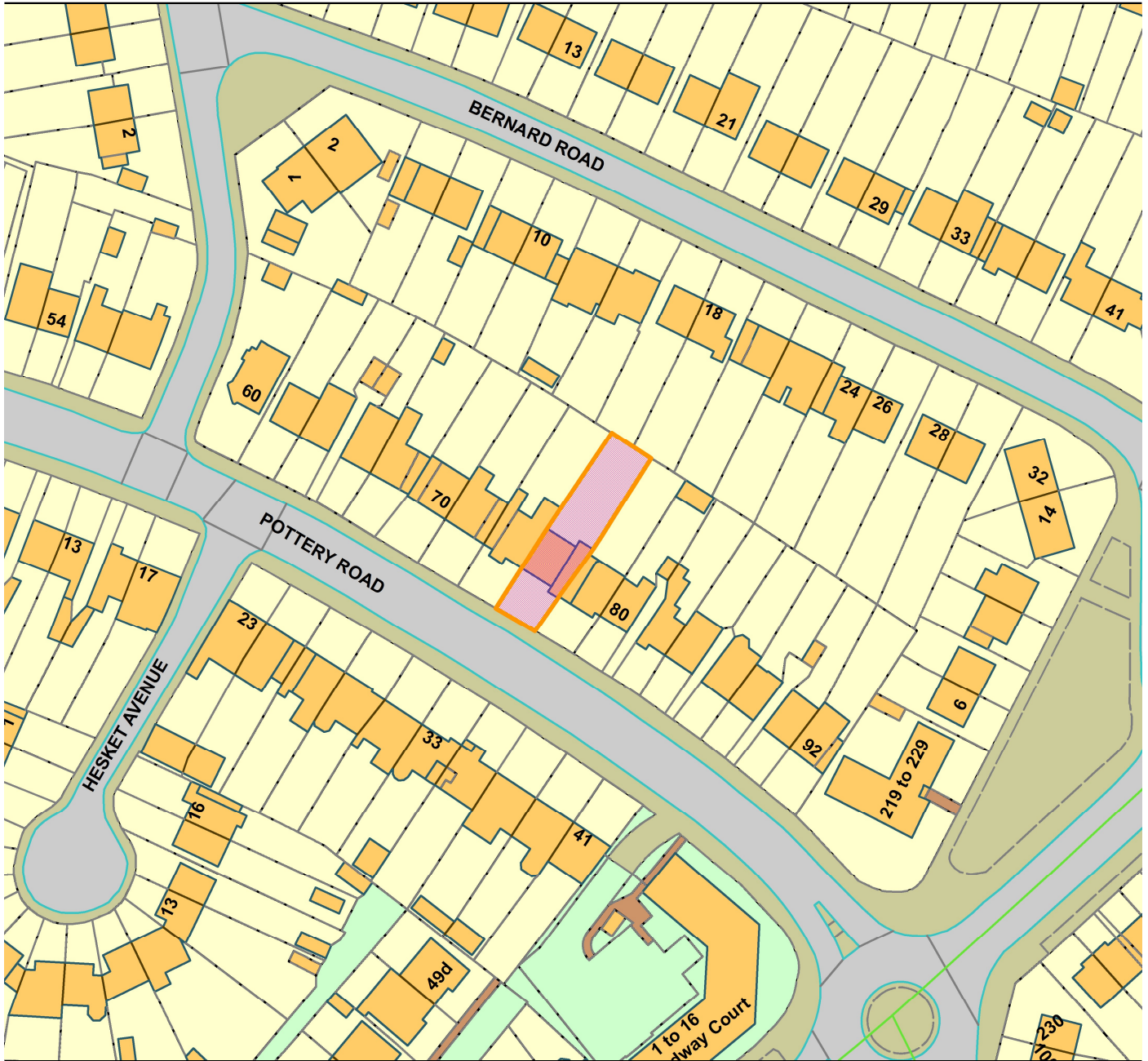
Context Plan

0076-02 REV C

0076-12 REV C

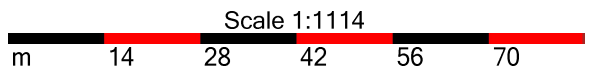


DC/21/65475  
76 Pottery Road



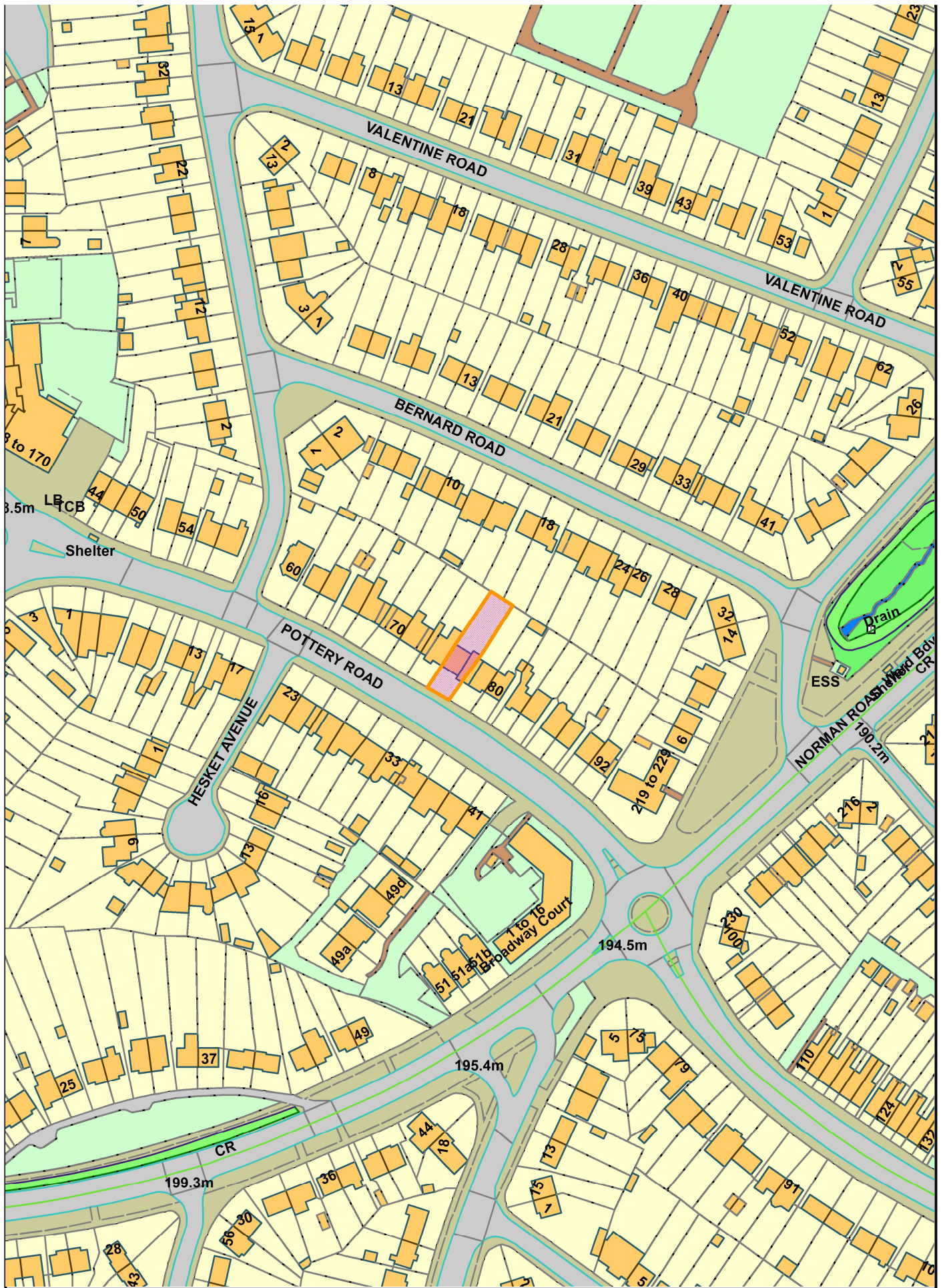
**Legend**

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	25 June 2021
<b>OS Licence No</b>	



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 All dimensions to be checked on site.

DATE	REV.	CHK.	REMARKS



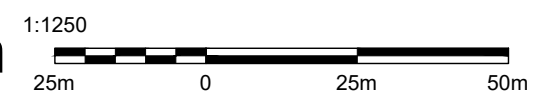
## Proposed Site Plan

Scale : 1:500



## OS Location

Scale : 1:1250



**Larger homes extension  
 application number  
 PD/20/01434 granted.**

B 23-03-21 Blue outline indicating  
 planning consent required

rev. date content

**AA Services**  
 Mob 0781 400 3829  
 email aa-services@hotmail.co.uk

project  
 76 Pottery Road  
 OLDBURY  
 B68 9HA

drawing title  
**Existing OS Location &  
 Proposed Site Plan**

scale Various@A3 date April 2020

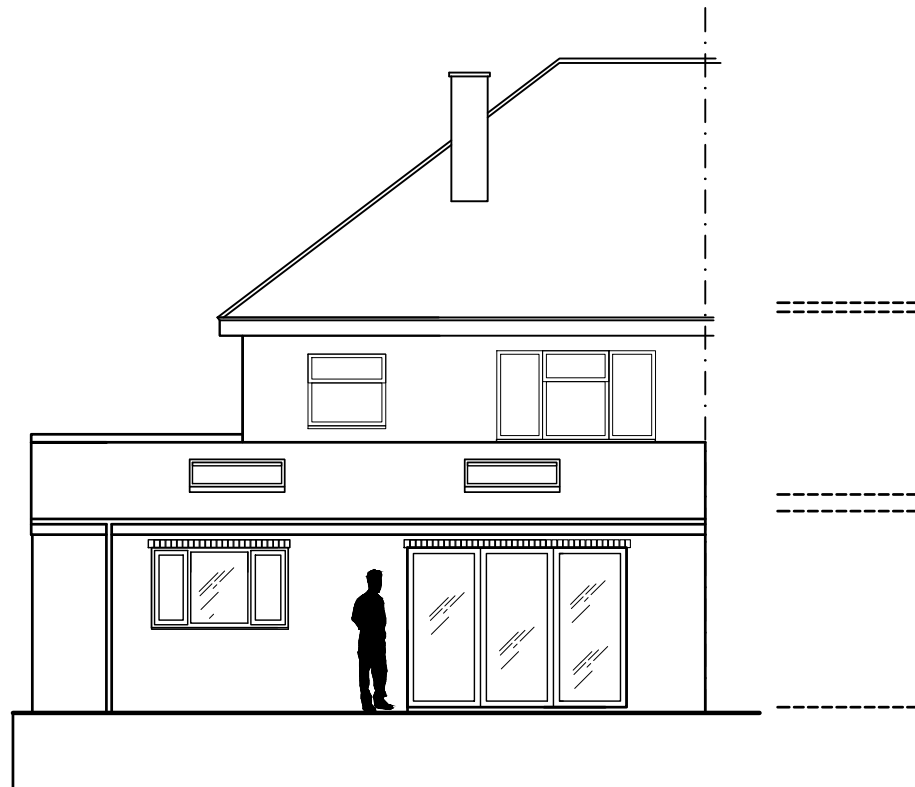
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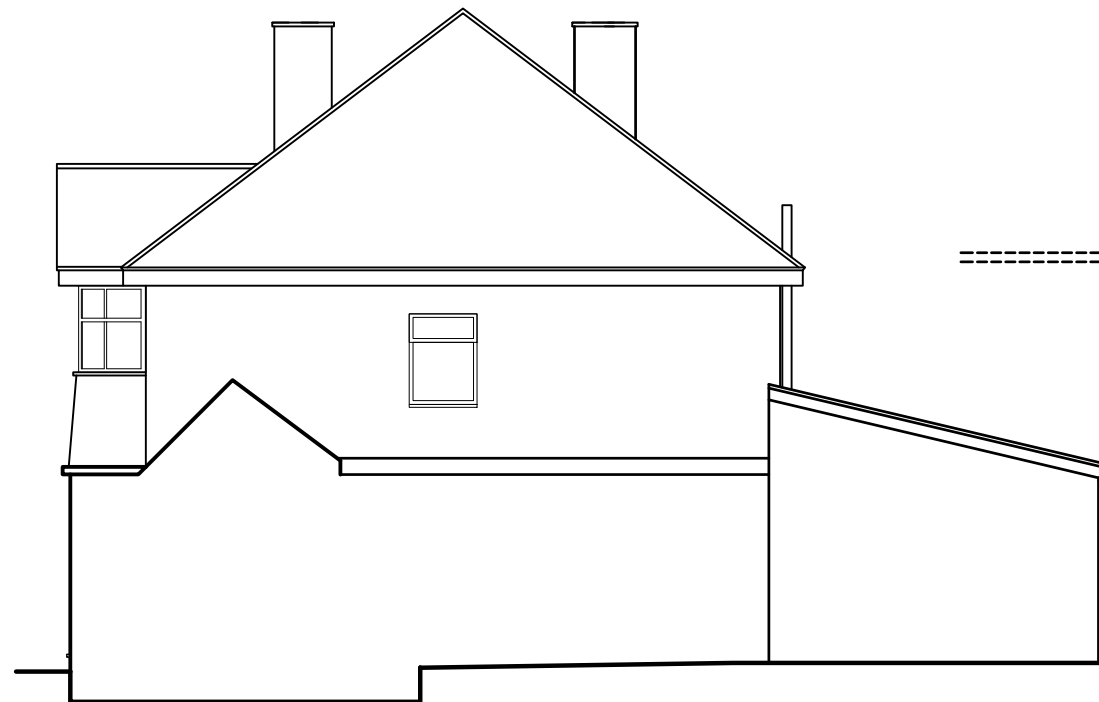
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DATE	REV.	CHK.	REMARKS



**Existing Rear Elevation**  
 Scale 1:100



**Existing Side Elevation**  
 Scale 1:100



**Existing Front Elevation**  
 Scale 1:100



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**Existing Elevations**

scale Various@A3 date April 2020  
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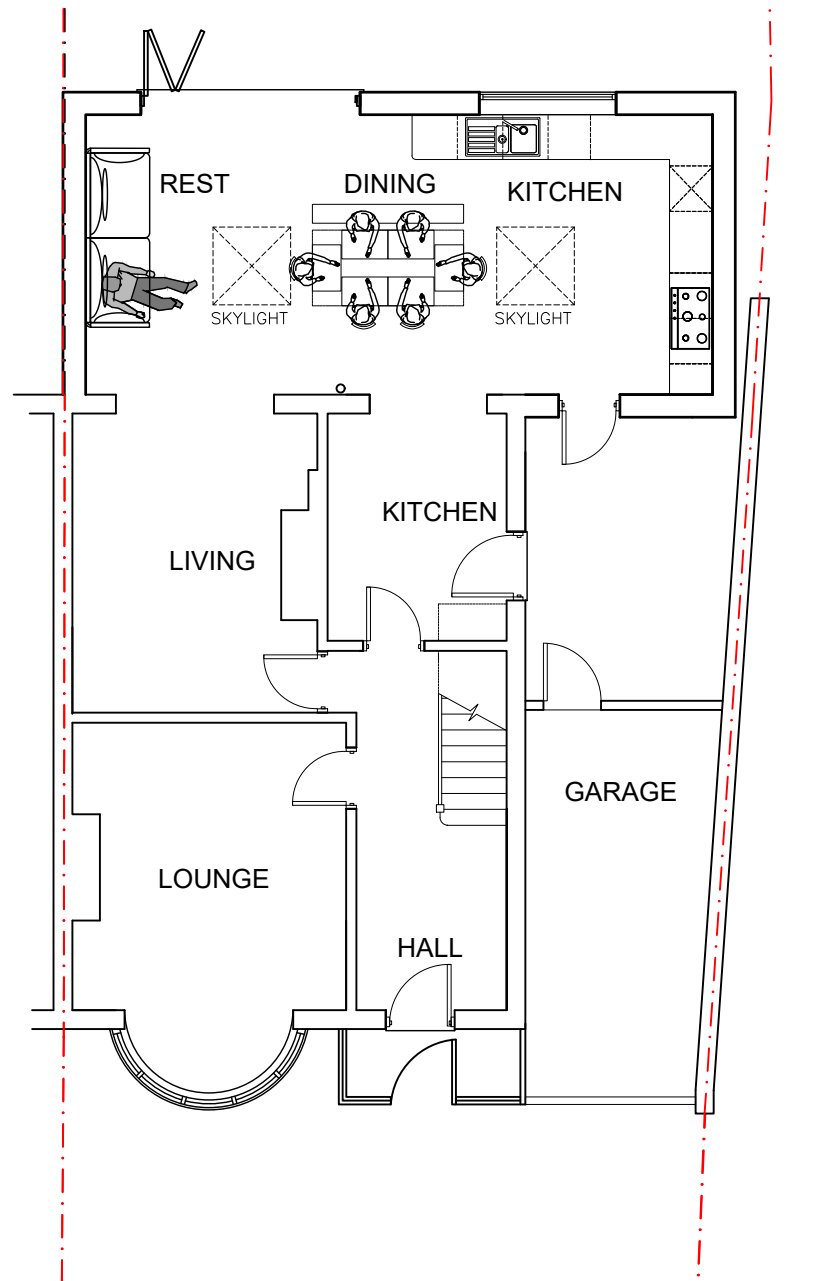
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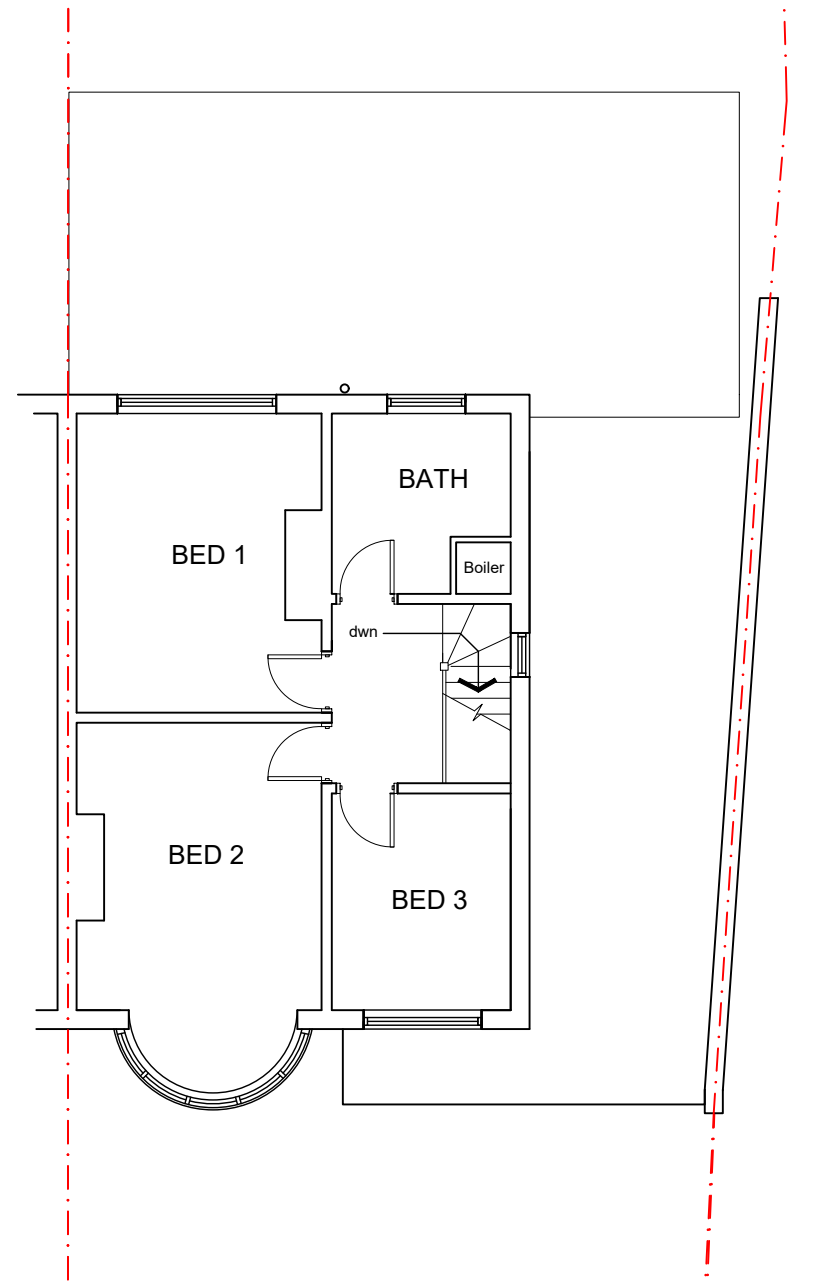
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**Existing Ground Floor Plan**  
 Scale 1:100



**Existing First Floor Plan**  
 Scale 1:100



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 drawing title  
**Existing Floor Plans**

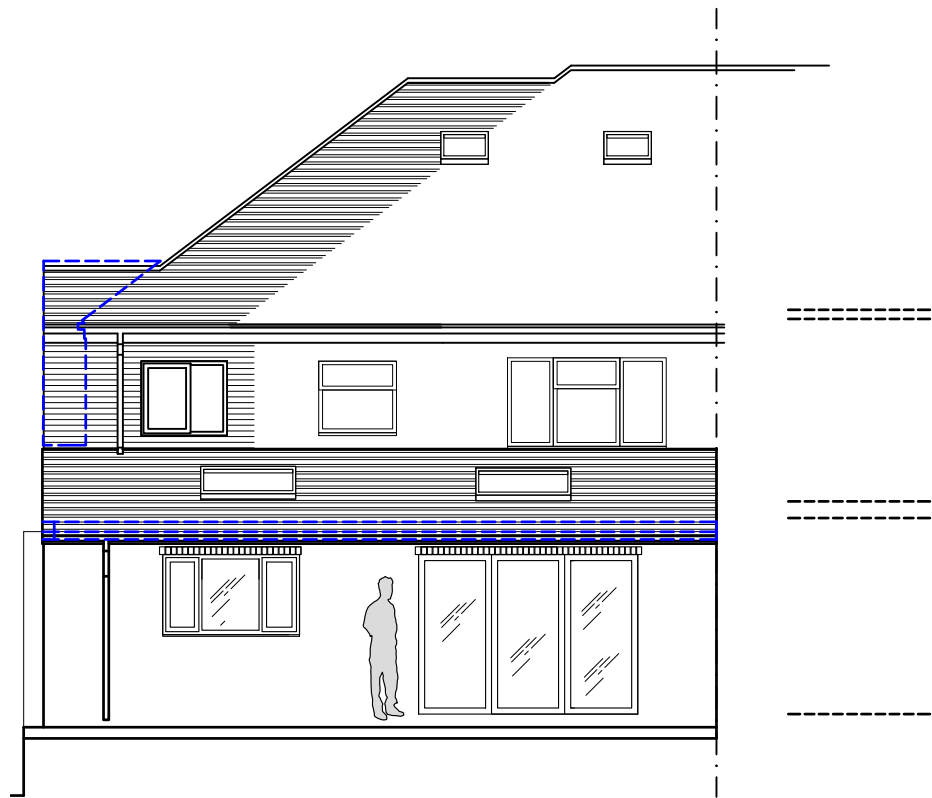
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drawing number revision

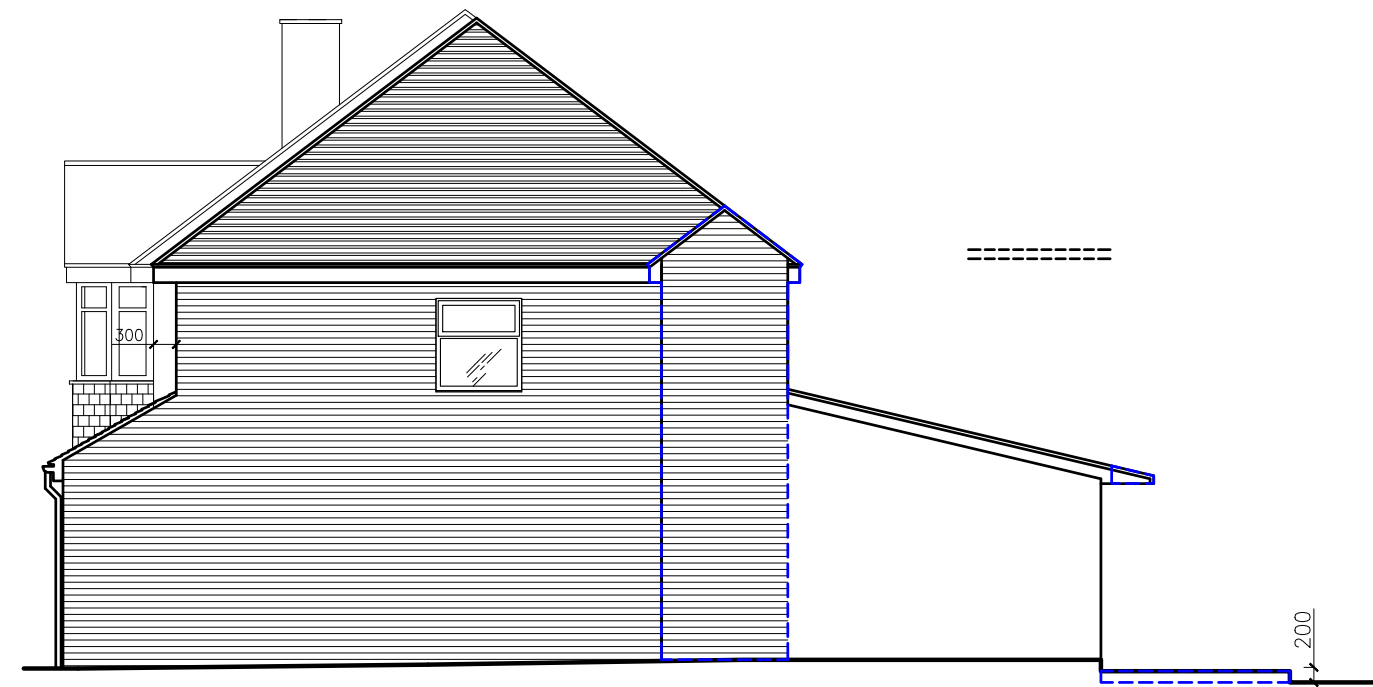
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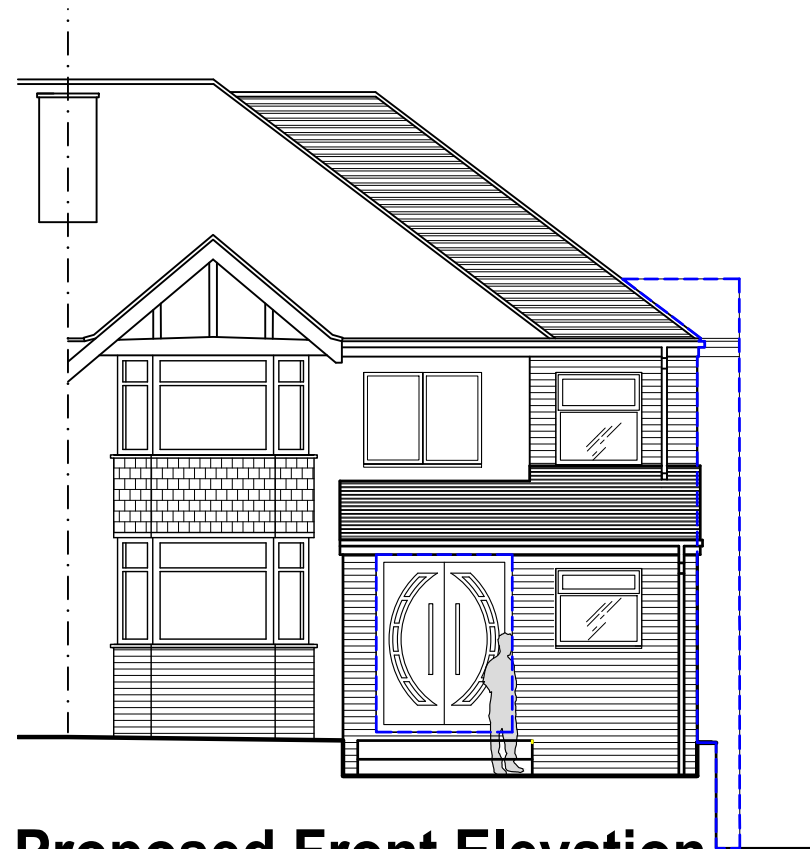
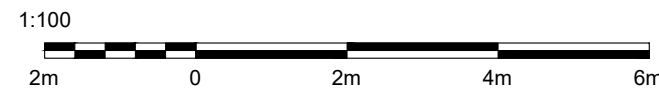
DATE	REV.	CHK.	REMARKS



**Proposed Rear Elevation**  
 Scale 1:100



**Proposed Side Elevation**  
 Scale 1:100



**Proposed Front Elevation**  
 Scale 1:100



## LEGEND

Blue outline indicating  
 built without consent

C	15-06-21	Extent of Patio, Entrance door added
B	23-03-21	Blue outline indicating planning consent required
A	20-07-20	as recommended by planning officer
rev.	date	content

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project  
 76 Pottery Road  
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 drawing title  
**Proposed Elevations**

scale Various@A3 date April 2020  
 by TH status Planning

drawing number revision

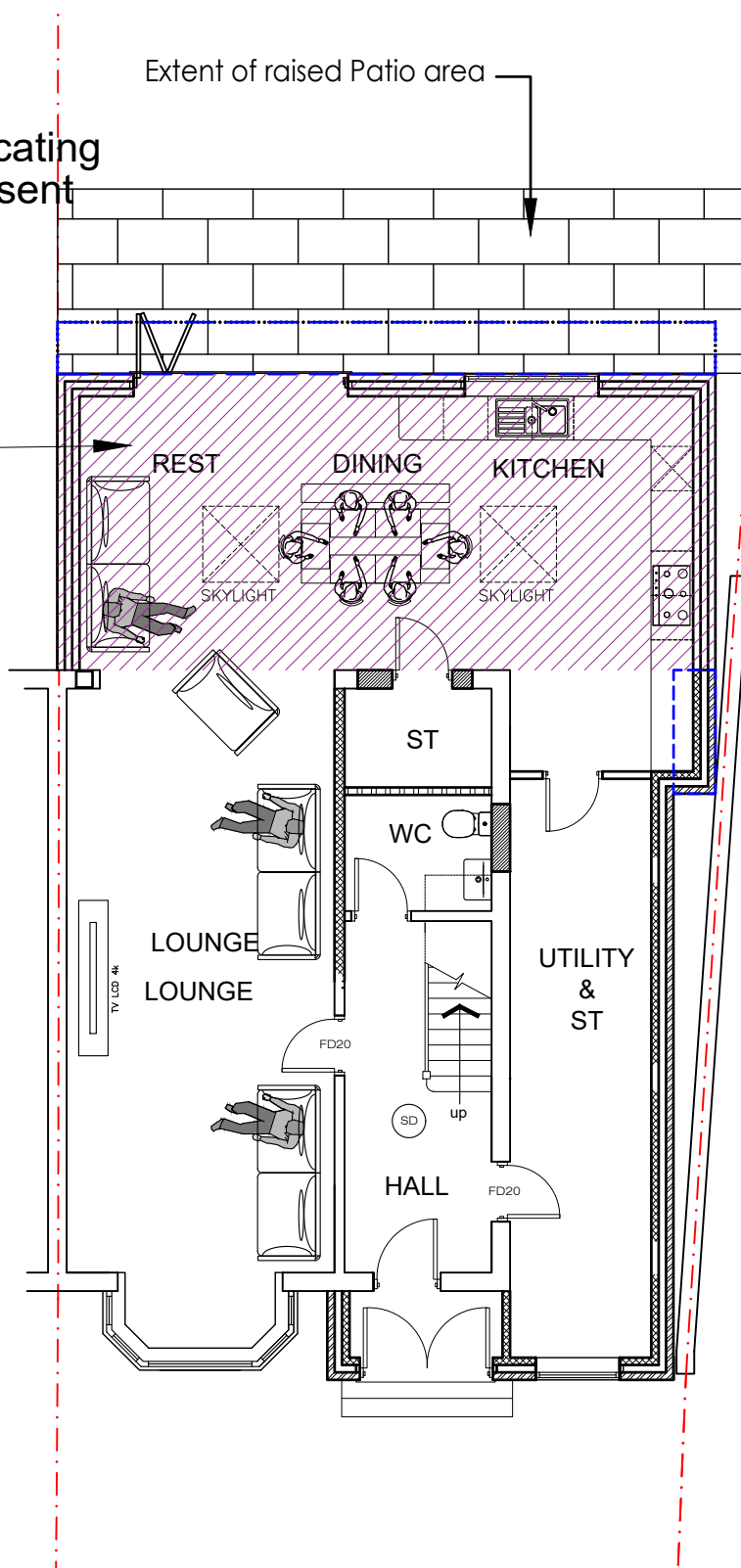
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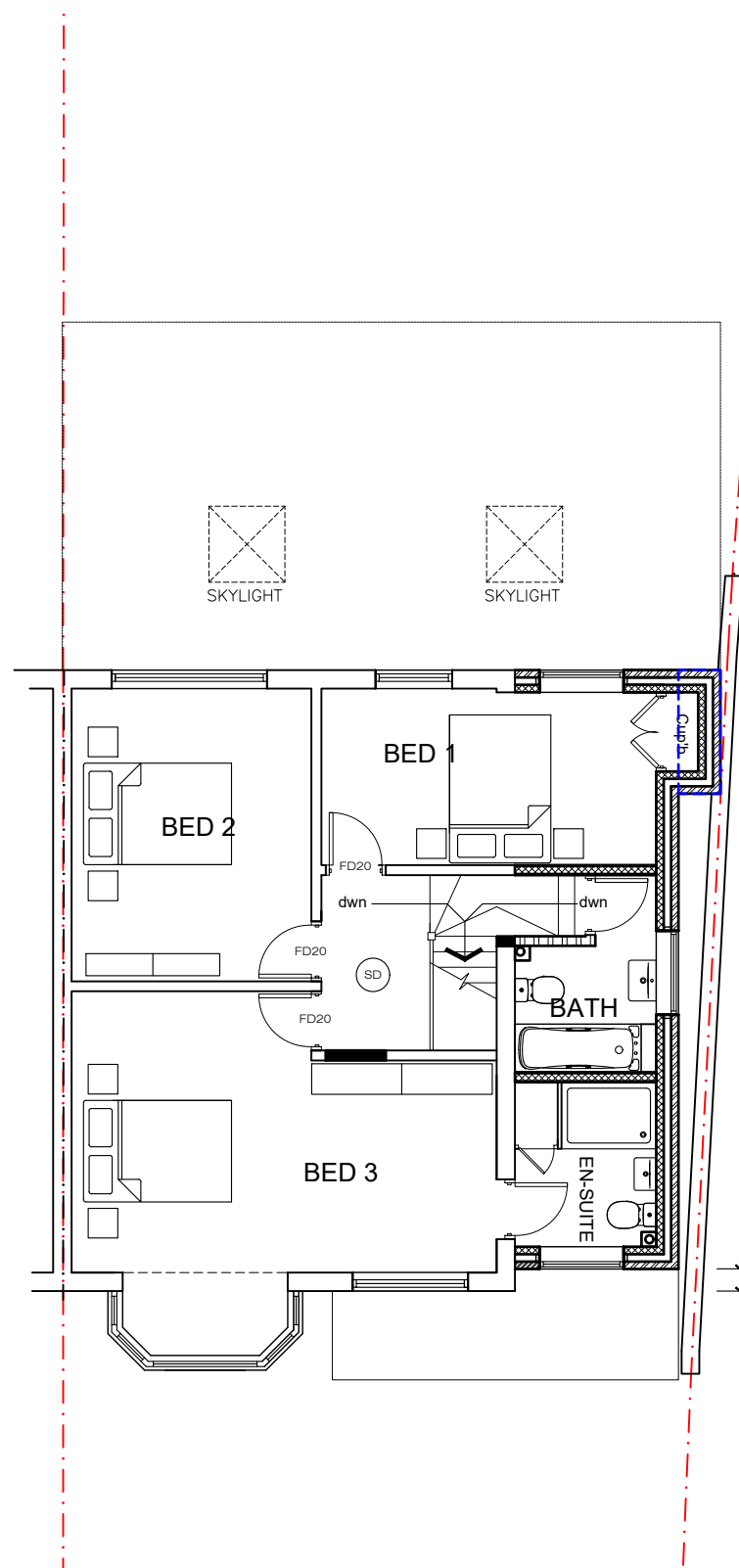
# LEGEND

--- Blue outline indicating built without consent

Larger homes extension application number PD/20/01434 granted.



**Proposed Ground Floor Plan**  
Scale 1:100



**Proposed First Floor Plan**  
Scale 1:100



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DATE	REV.	CHK.	REMARKS

C	15-06-21		Extent of Patio, Entrance door added
B	23-03-21		Blue outline indicating planning consent required
A	20-07-20		Set back by 300mm as recommended by planning officer
	rev. date		content

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project  
76 Pottery Road  
OLDBURY  
B68 9HA  
drawing title  
**Proposed Floor Plans**

scale 1:100@A3 date April 2020  
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drawing number revision

**0076-02** **C**

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