

Report to Planning Committee

11 May 2022

Application Reference	DC/22/66593
Application Received	2 February 2022
Application Description	Proposed two-bedroom bungalow, and associated parking with new vehicle access (previously refused application DC/21/65370).
Application Address	Rear Garden Of 39 Pear Tree Drive, Great Barr, Birmingham, B43 6HT
Applicant	Pear Tree Property Investments Ltd
Ward	Charlemont With Grove Vale
Contact Officer	William Stevens William_stevens@sandwell.gov.uk

1 Recommendations

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

- (i) External materials;
- (ii) Levels plan;
- (iii) Drainage and SuDS;
- (iv) A scheme for protecting the existing adjacent watercourse during construction;
- (v) Landscaping;
- (vi) Boundary treatment (including any retaining walls and the boundary treatment adjacent to Grove Vale Avenue not exceeding 900mm);




- (vii) Electric vehicle charging point;
- (viii) Low NOx boiler;
- (ix) Construction method statement (to include working hours); and
- (x) Permitted development rights removed for extensions (including loft conversions/dormers) and outbuildings.

2 Reasons for Recommendations

- 2.1 I am of the opinion, that the applicant has overcome the above reasons for refusal by reducing the plot size, resulting in the host property maintaining a large garden which is characteristic of the area. The proposed dwelling has also been reduced to match those of similar size on Grove Vale Avenue and Newton Close.

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 it has raised significant objections.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Rear 39 Pear Tree Drive, Great Barr](#)

5 Key Considerations

- 5.1 The site is unallocated and is part of the rear garden of a residential property.



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

Planning history (including appeal decisions)
Overlooking/loss of privacy
Loss of light and/or outlook
Overshadowing
Public visual amenity
Overbearing nature of proposal
Access, highway safety and parking
Noise and disturbance from the scheme
Nature conservation and loss of ecological habitats
Loss of trees

6. The Application Site

6.1 The application site relates to the rear garden of 39 Pear Tree Drive, Great Barr. Access to the site would be from Grove Vale Avenue.

6.2 Whilst the host property is two-storey, this section of Grove Vale Avenue and Newton Close is made up of bungalows, directly adjacent to the application site which is separated by an existing water course.

7. Planning History

7.1 Planning permission was refused for a two-storey dwelling on the following grounds:

'The sub-division of the established plot would constitute over-intensification, harm the quality of the new and existing living environment and erode the character of the original plot structure and existing street scene. Adequate private amenity space has not been demonstrated and sub-division of the plot would result in development of generally poor design; contrary to policy ENV3 of the Black Country Core Strategy, Policy SAD EOS 9 of the Site Allocations and Delivery



Development Plan Document and the Council's Revised Residential Design Guide 2014 SPD.'

Following an appeal, the Planning Inspectorate dismissed the appeal, and consequently upheld the council's decision.

7.2 Relevant planning applications are as follows:

DC/21/65370	Proposed two storey house with garage, associated parking and new vehicle access.	Refused 18.06.2021 Appeal Dismissed 07.12.2021
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8. Application Details

- 8.1 Following the previous reasons for refusal (see point 7.1), the applicant proposes to address those reasons and erect a single-storey bungalow.
- 8.2 The proposed bungalow would measure 15.0m(W), a maximum depth of 9.4m, with a maximum height of 6.2m.
- 8.3 Amended plans have been provided reducing the double garage to a single one leaving 344sqm rear amenity space for the host property and 100sqm rear amenity space for the proposed.

9. Publicity

- 9.1 The application has been publicised by neighbour notification letter. Concerns have been raised by 13 different objectors (however, some residents have written in more than once, taking objections beyond the 13 recorded).



9.2 Objections

Objections have been received on the following grounds:

- i) Back garden development is out of character with the area, and would set an unwelcome precedent;
- ii) The development is on a blind corner and as such would contribute to an increase in traffic collisions and pedestrian safety;
- iii) The proposal would cause a significant loss of privacy as it does not accord with the council's approved separation distances;
- iv) The rear of the proposed property would look into the rear gardens of Pear Tree Drive, further reducing existing resident's privacy;
- v) Whilst areas of amenity space are shown adjacent to the existing water course, they cannot be taken into account due to the level changes and unusable space it creates;
- vi) The proximity of the bungalow would cause significant loss of light to the occupiers of the adjacent properties, especially those on a lower level to the application site;
- vii) Future occupants of the bungalow would cause noise and disturbance to existing residents; and
- viii) Residents do not believe the applicant owns all the land as indicated.

Immaterial objections have been raised regarding loss of property value.

9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) I am of the opinion that the development now matches that of the other bungalows in the area and is in keeping with the existing characteristics of the area. Whilst each application is judged on its own merits, the proposed development would not set an unwelcome precedent as the proposal fronts a highway, similar to the existing, established bungalows adjacent to the site.
- (ii) See point 10.2 below. The council's Highways team has raised no objections.



- (iii) The proposed bungalow does not have any windows that would look directly towards the adjacent properties, therefore could not cause any loss of privacy. A window is proposed in the bathroom, but this looks toward number 108 Grove Vale Avenue's garage and the window would be obscurely glazed.
- (iv) Windows would look towards the side boundary of 41 Pear Tree Drive and be approximately 5 metres away from the existing fence line. In my opinion, there would be no increase in overlooking than what could currently occur. However, to safeguard future occupants, I would recommend that no first-floor extensions or dormer windows are permitted and permitted development rights for further extensions and outbuildings should be removed.
- (v) If the area to the side of the proposed property was removed from the calculations, the garden space of the proposed property would still be over 80sqm. Members are reminded that the minimum requirements for a family home is 70sqm.
- (vi) Given the mix of the orientation of the properties to the sun cycle, the separation distances and the height of the proposed bungalow, I feel it is extremely unlikely that the proposal would cause any significant loss of light to the occupants of the existing surrounding properties.
- (vii) Noise associated with a two-bedroom bungalow may be heard by occupiers of existing properties, but this would not be significant to warrant a refusal.
- (viii) The agent has signed the ownership certificate on behalf of the client stating that all the land shown outlined red on the location plan is in the ownership of the applicant.

10. Consultee responses

10.1 Planning Policy

The council's Planning Policy team object to the proposal as they believe the proposal would be over-intensive and erode the character of the original plot structure and street scene. However, I am of the opinion that



the reduction of the size of the plot (following amended plans) makes the scheme acceptable and as such complies with local and national planning policy (see points 11 and 12 below).

10.2 Highways

No objections subject to the boundary treatment to the front (adjacent to Grove Vale Avenue) being no higher than 0.9m.

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:

CSP4 - Place Making

DEL1 – Infrastructure Provision

HOU1 - Delivering Sustainable Housing Growth

HOU2 – Housing Density, Type and Accessibility

TRAN4 - Creating Coherent Networks for Cycling and for Walking

ENV3 – Design Quality

ENV5 – Flood Risk, Sustainable Drainage Systems / Urban Heat Island

ENV8 – Air Quality

SAD H2 – Housing Windfalls

SAD EOS 9 – Urban Design Principles

12.2 DEL1 is addressed by low NOx boiler provision and EVC parking. Sufficient cycle parking in garage or amenity space (TRAN4).

12.3 CSP4, ENV3 and SAD EOS 9 refers to design standards, and in my opinion would be of satisfactory design, in keeping with the existing character of the area.



- 12.4 HOU1 requires the local planning authority to deliver 63,000 homes up to 2026, at present there is a housing shortfall and hence the introduction of this dwelling would be a modest contribution to housing targets.
- 12.5 ENV5 requires development to reduce the capacity on sewers using SuDS, and the scheme can be conditioned to ensure that the scheme provides a drainage scheme that meets this requirement.
- 12.6 ENV8 and the Black Country Air Quality SPD considers the need to minimise the impacts of air quality and recommends mitigation measures for minor development. In this instance these are electric charge points, low NOx boilers and a construction management plan. All these are conditioned as part of the recommendation.
- 12.7 SAD H2, refers to new development being on brownfield land and compatible with other policies, of which the proposal is compliant.

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 (including appeal decisions)

It is my opinion that the applicant has overcome the above reasons for refusal by reducing the plot size (resulting in the host property maintaining the majority of the current plot structure), and that the proposed dwelling has also been reduced to match those of similar size on Grove Vale Avenue and Newton Close.



13.3 Overlooking/loss of privacy

The proposal would not cause any loss of privacy to the occupants of the adjoining properties as no windows (apart from a bathroom window), face windows of the existing residential properties.

13.4 Loss of light and/or outlook

It is anticipated that the proposal would not cause any significant loss of light to the occupants of the existing properties.

13.5 Overshadowing

Given the mixture of the orientation of the properties to the sun cycle, the separation distances and the height of the proposed bungalow, I feel it is extremely unlikely that the proposal would cause any significant loss of light to the occupants of the existing surrounding properties.

13.6 Public visual amenity

In my opinion, the introduction of a residential property into this area could actually be argued to enhance public visual amenity by creating an active frontage:



13.7 **Overbearing nature of proposal**

The proposal would be of a proportionate size, that reflects the character of the area.

13.8 **Access, highway safety and parking**

See point 10.2 above.

13.9 **Noise and disturbance from the scheme**

It is not anticipated that the proposal would cause any more noise than what is associated with a normal residential property.

13.10 **Nature conservation and loss of ecological habitats**

Any approval would require a scheme to protect the existing water course and its wildlife.

13.11 **Loss of trees**

A detailed landscaping scheme would need to be provided should planning permission be granted.

14 **Alternative Options**

14.1 Refusal of the application is an option if there are material planning reasons for doing so, however, in my opinion the applicant has addressed the previous reasons for refusal.

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.
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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

16. Appendices

Site Plan

Context Plan

1515/1 Rev A – Floor Plan

1515/2 Rev A – Front Elevation

1515/3 Rev A – Rear Elevation

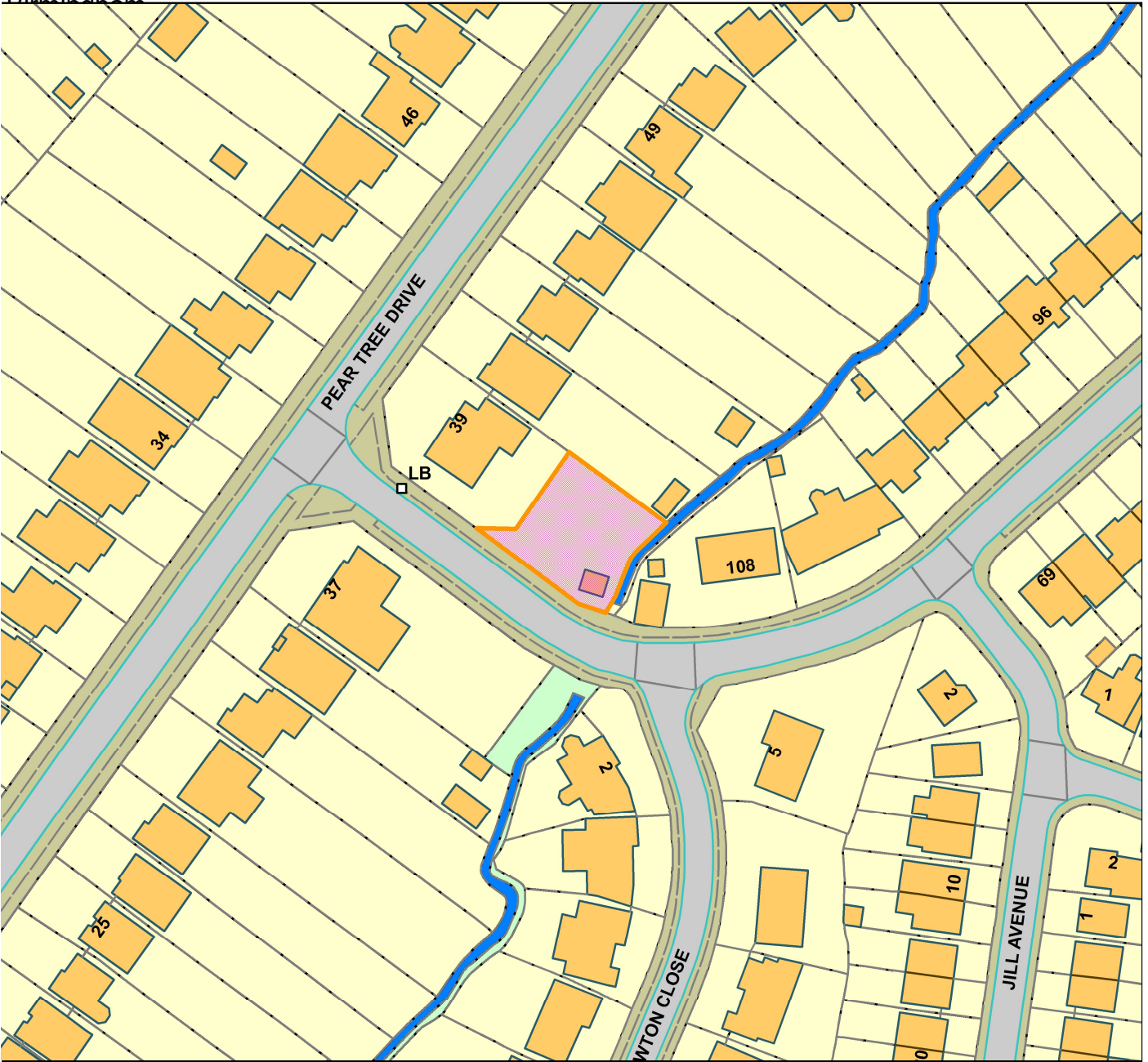
1515/4 Rev A – Rear Elevation

1515/5 Rev A – Site Plan



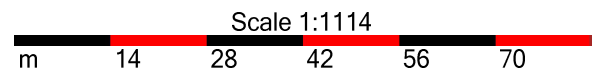
DC/22/66593

Rear Garden Of 39 Pear Tree Drive, Great barr,
Birmingham



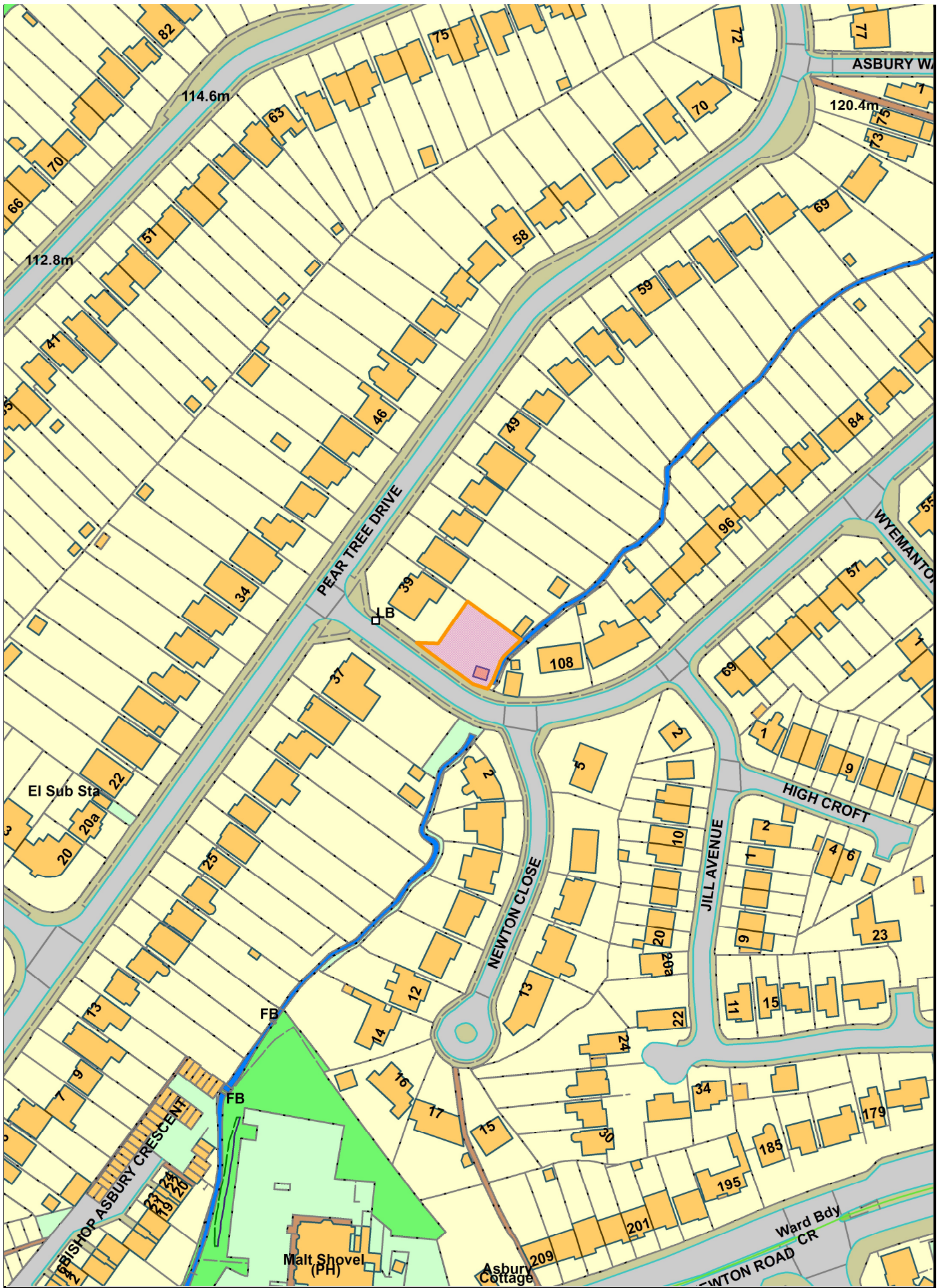
Legend

Scale 1:1114



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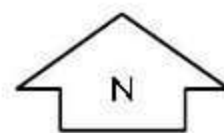
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Date	15 March 2022
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Location Plan

Scale 1:1250 when printed at A4 size
 Map Data Copyright 2022 Google Earth



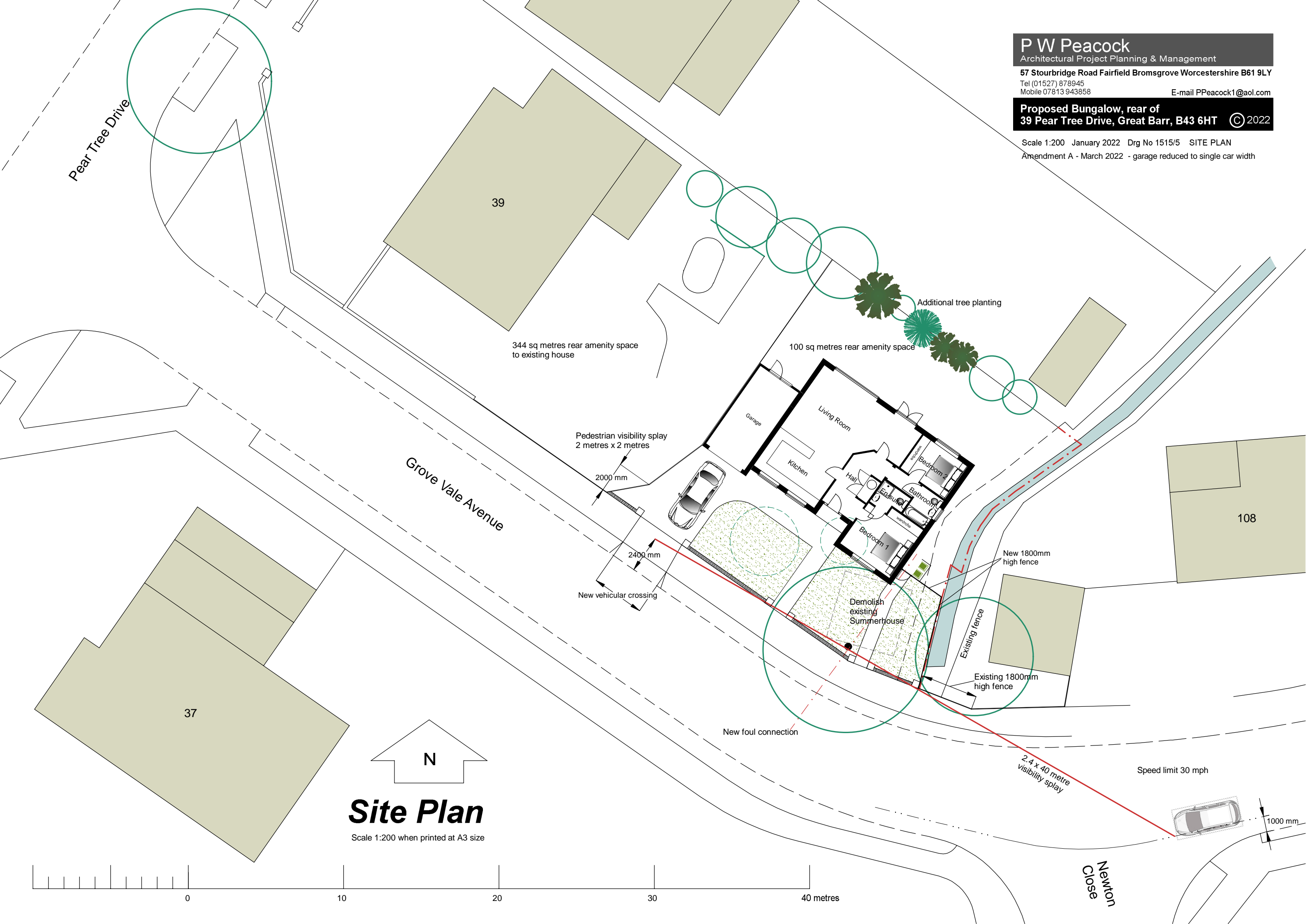
Amendment A - March 2022 - garage reduced to single car width

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57 Stourbridge Road Fairfield Bromsgrove Worcestershire B61 9LY

**Proposed House, rear of
 39 Pear Tree Drive, Great Barr, B43 6HT** © 2022

Scale 1:1250 January 2022 Drg No 1515/6 LOCATION PLAN



Pear Tree Drive

39

344 sq metres rear amenity space to existing house

100 sq metres rear amenity space

Additional tree planting

Pedestrian visibility splay 2 metres x 2 metres

2000 mm

2400 mm

New vehicular crossing

Grove Vale Avenue

Demolish existing Summerhouse

New 1800mm high fence

Existing fence

Existing 1800mm high fence

New foul connection

2.4 x 40 metre visibility splay

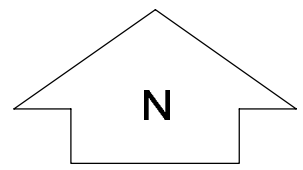
Speed limit 30 mph

1000 mm

Newton Close

37

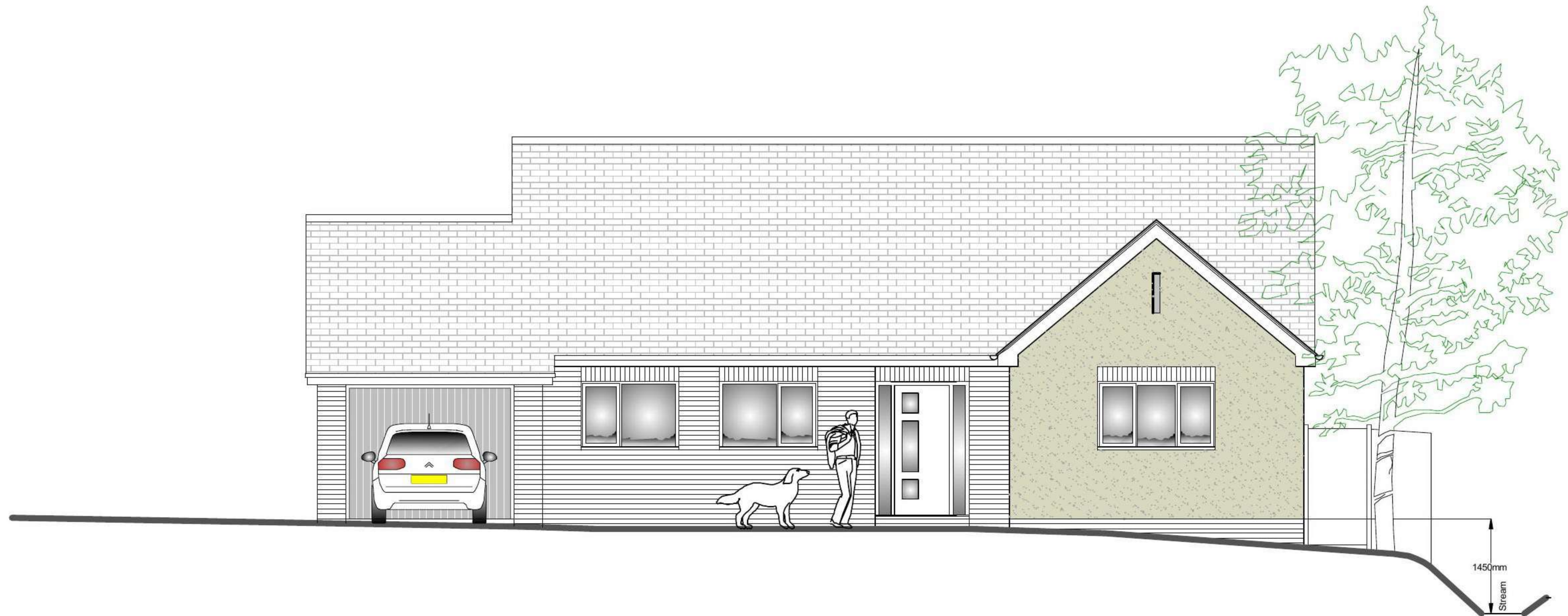
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Site Plan

Scale 1:200 when printed at A3 size



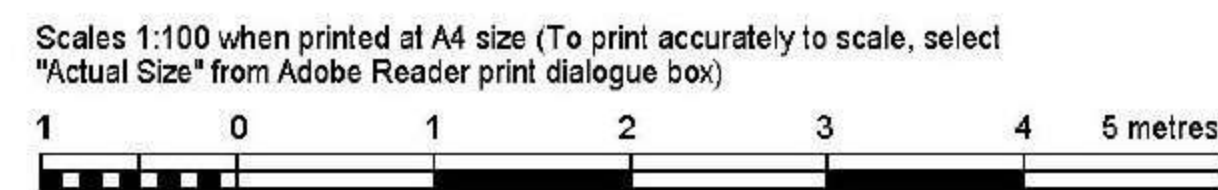


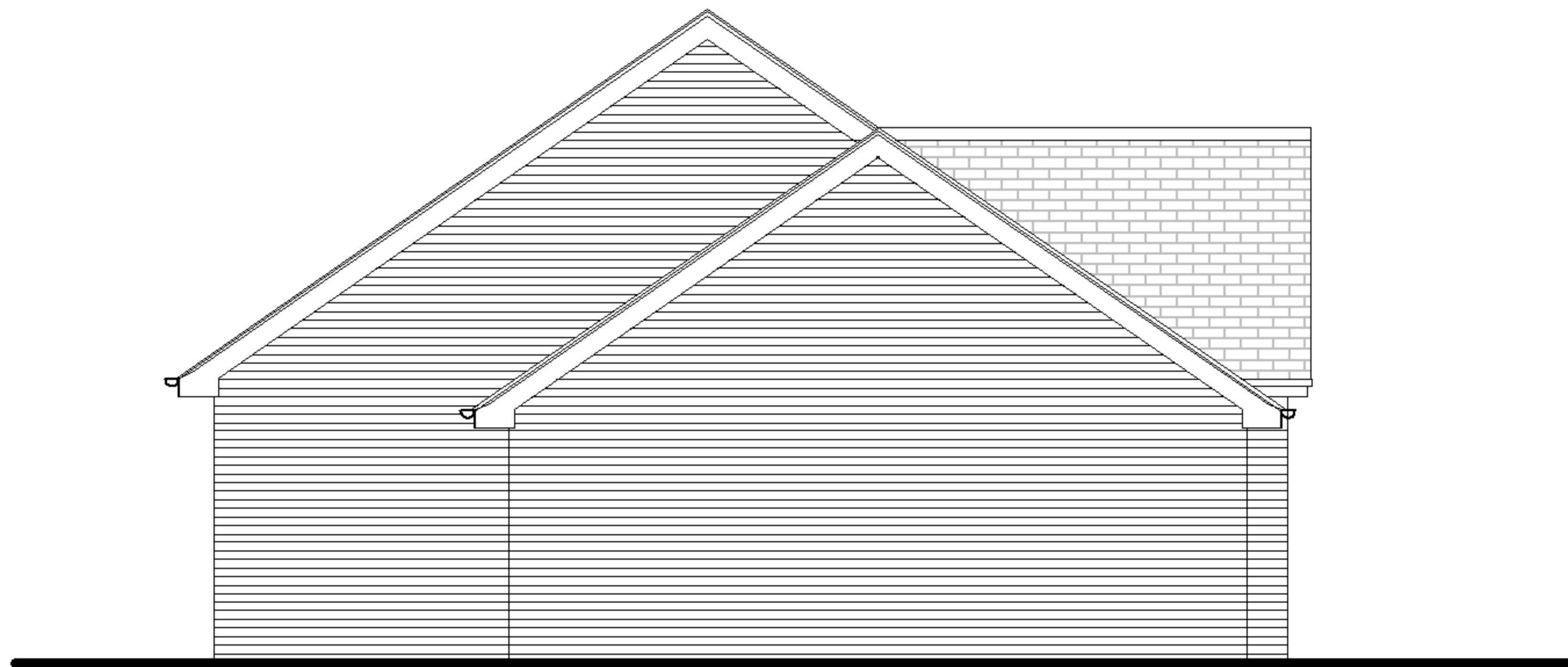
Proposed Front Elevation

Amendment A - March 2022 - garage reduced to single car width

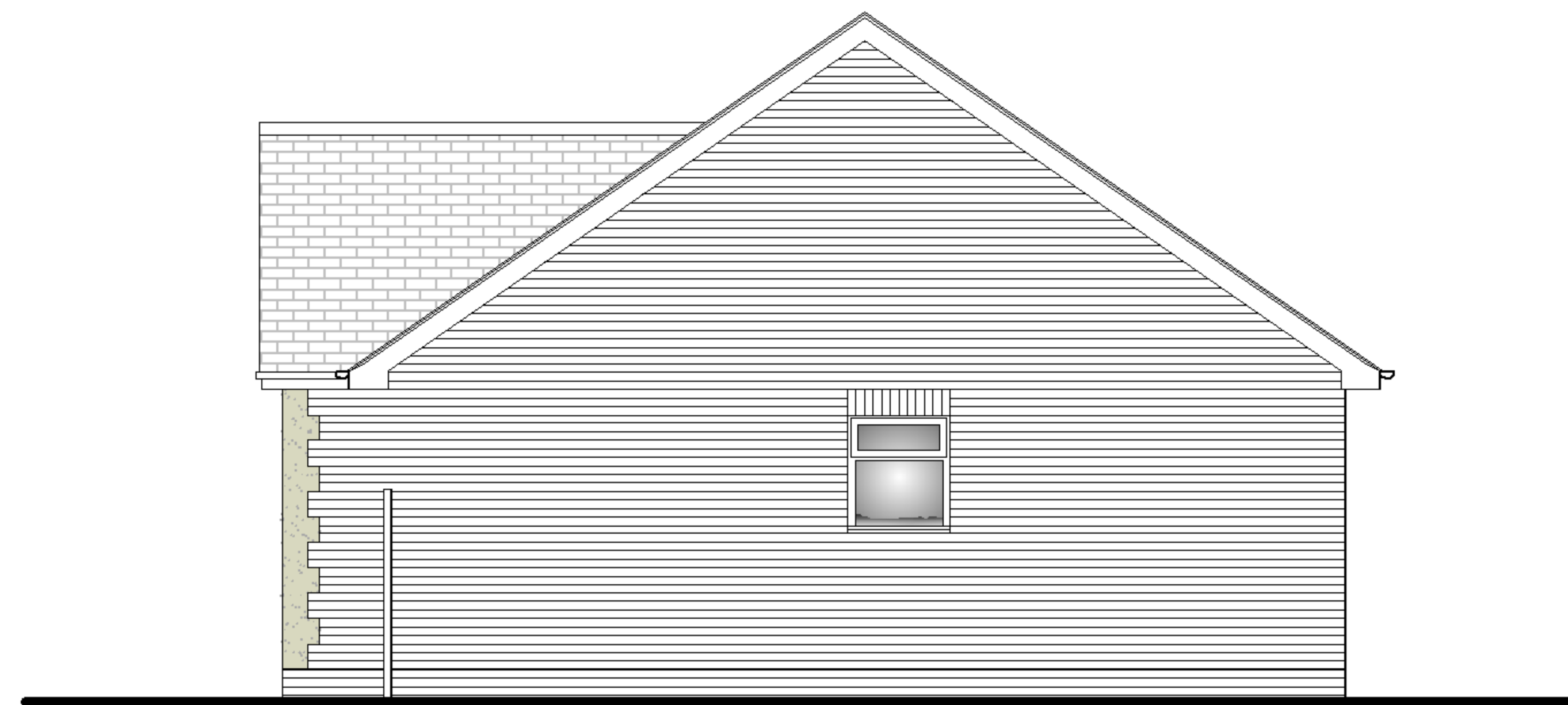
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**Proposed Bungalow, rear of
 39 Pear Tree Drive, Great Barr, B43 6HT © 2022**





Proposed Side Elevation A



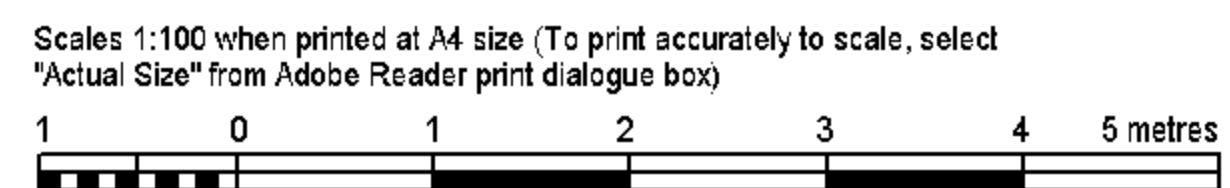
Proposed Side Elevation B

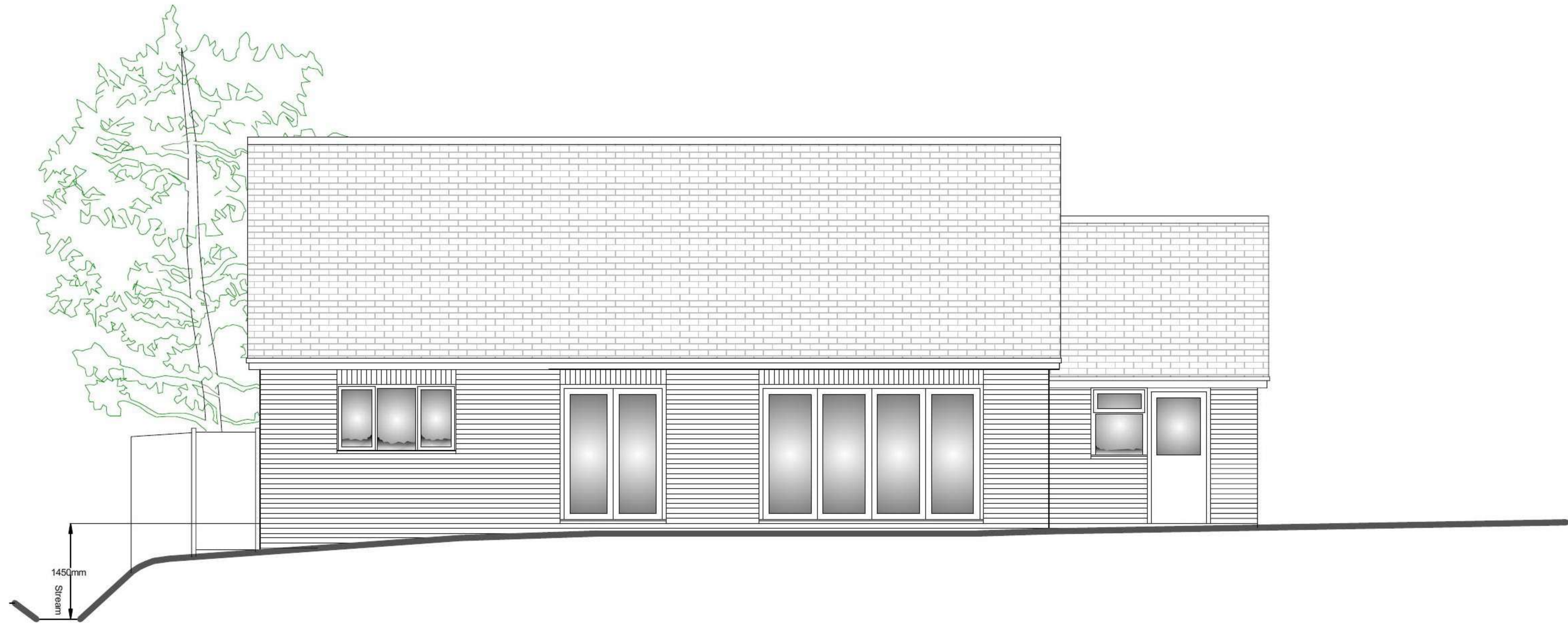
Amendment A - March 2022 - garage reduced to single car width

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Proposed Bungalow, rear of
39 Pear Tree Drive, Great Barr, B43 6HT © 2022



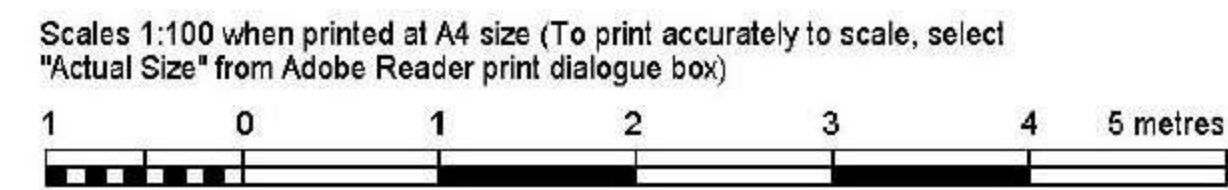


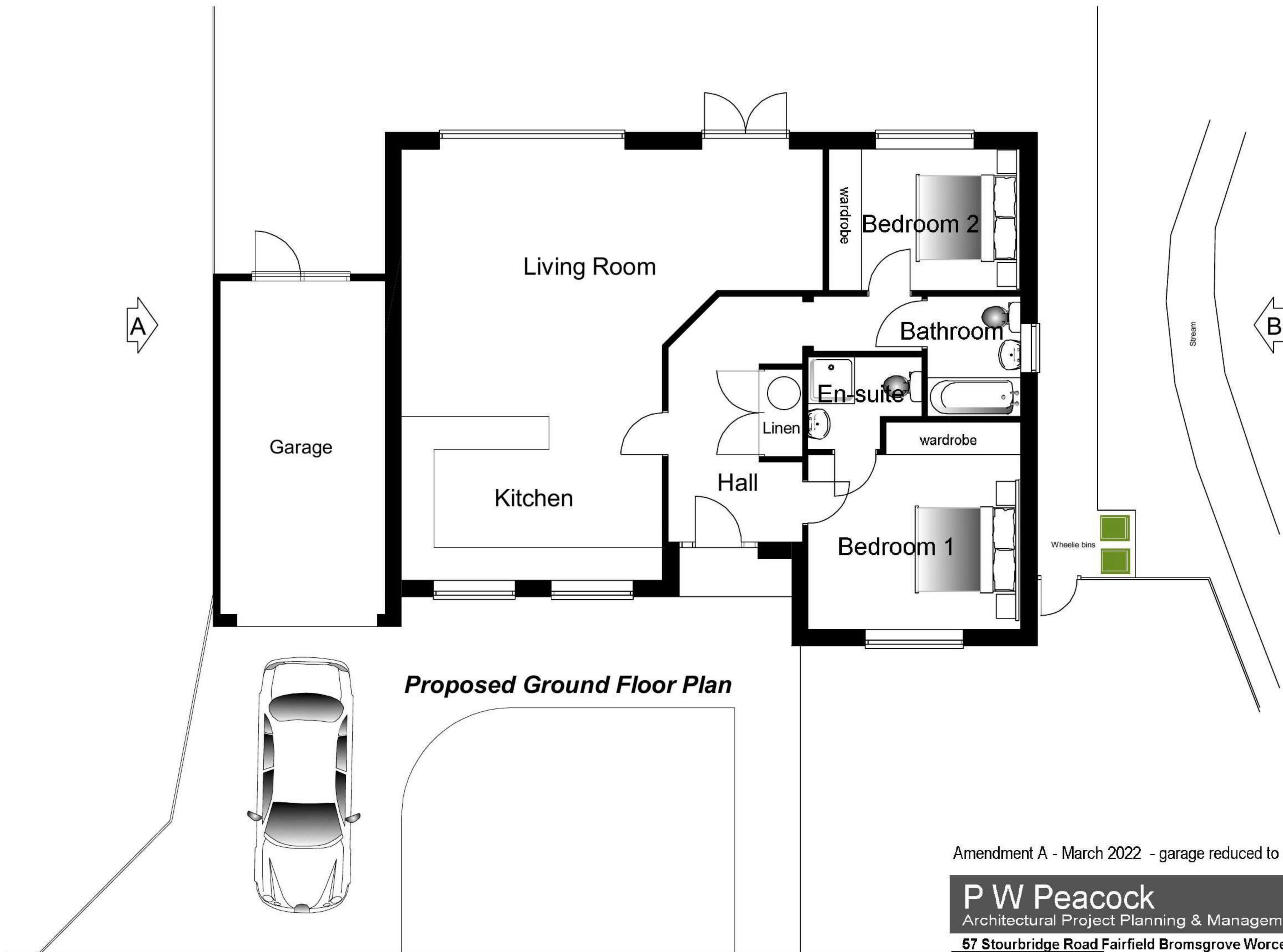
Proposed Rear Elevation

Amendment A - March 2022 - garage reduced to single car width

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Proposed Bungalow, rear of
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Amendment A - March 2022 - garage reduced to single car width

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**Proposed Bungalow, rear of
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