

# Report to Planning Committee

**22 June 2022**

<b>Application Reference</b>	DC/22/66735
<b>Application Received</b>	7 March 2022
<b>Application Description</b>	Proposed creation of first floor with two storey front and single storey rear extensions.
<b>Application Address</b>	31 Timbertree Road, Cradley Heath, B64 7LF
<b>Applicant</b>	Igloo Construction Ltd
<b>Ward</b>	Cradley Heath & Old Hill
<b>Contact Officer</b>	Beth Astley-Serougi <a href="mailto:Beth_AstleySerougi@sandwell.gov.uk">Beth_AstleySerougi@sandwell.gov.uk</a>

## 1 Recommendations

1.1 That planning permission is granted subject to the following conditions:

- (i) Proposed windows on the first floor side elevations are to be obscure glazed;
- (ii) External materials shall match those of the existing dwelling; and
- (iii) Parking to be laid out and retained as such.

## 2 Reasons for Recommendations

2.1 It is considered the proposed development is acceptable in terms of design, appearance and scale and would not result in any significant loss of amenity to neighbouring residential properties.



### 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 At its last meeting Planning Committee members resolved to visit the site.
- 4.2 This application is being reported to your Planning Committee because it has received 12 objections.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[31 Timbertree Road, Cradley Heath Aerial View](#)  
[31 Timbertree Road, Cradley Heath, Street View](#)

### 5 Key Considerations

- 5.1 The site is unallocated within the development plan.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)  
Overlooking/loss of privacy  
Loss of light and/or outlook  
Design, appearance and materials



## 6. The Application Site

- 6.1 The application relates to a detached bungalow located in the residential area of Timbertree Road, Cradley Heath. The character of the surrounding area is residential in nature.
- 6.2 The applicant is proposing to construct a first floor with two storey front extension and single storey rear extensions which will convert the property to a 5 bed two storey house.

## 7. Planning History

- 7.1 There is no relevant planning history.

## 8. Application Details

- 8.1 The applicant is proposing to create a first floor to the property resulting in 4 bedrooms with en-suite. A single storey rear extension is proposed to create more living space. The front extension will create a porch/open porch as well as further space for one of the first floor bedrooms.

Proposed Dimensions:

Single Storey Rear: 3.1m in length, 3.7m width and a height of 3.5m maximum.

Single Storey Front Extension: 3.9m in length and a width of 3.6m

First Floor: 12.7m in length and a width of 7.4m

## 9. Publicity

- 9.1 Subsequent to the last meeting, members should be aware that issues have been raised by residents regarding procedural matters and ownership of the land. I have made relevant enquiries and have received a revised Certificate B, Solicitors letter confirming ownership and confirmation from the owner that they have no objections to the



proposal. Furthermore, a parking layout is included in the revised plan showing three parking spaces on the front drive. These documents are appended to the committee report.

9.2 The application has been publicised by neighbour notification letter and at the time of writing has received in total 12 objections.

### 9.3 Objections

Objections have been received on the following grounds:

- i) The proposal is too large in terms of scale and massing
- ii) The proposal would cause a loss of light to adjacent dwellings.
- iii) The proposal would cause a loss of privacy to adjacent dwellings.
- iv) The proposed extensions and alterations are out of character with surrounding properties.
- v) The proposal would result in the loss of a single storey bungalow.
- vi) The proposal changes the bungalow to a 5 bedroom property and therefore there would be an increase in car parking demand – possible overspill onto an already narrow road.
- vii) Concerns that the property would be rented as House in Multiple Occupation and would not be used by one family due to the number of bedrooms with en-suite facilities.

Immaterial objections have been raised regarding boundary issues, loss of property value and that the bungalow should be retained for older people.

### 9.4 Responses to objections

I respond to the objector's comments in turn:

- (i) It is considered that the proposed development would not be unduly dominant in terms of scale or massing. The first floor will not project further than the existing bedroom window. The overall design of the proposed development is not disproportionate to the



scale of buildings in the surrounding area. The roof design is a hipped roof which is sympathetic to adjoining properties.

- (ii) The amended plans illustrate the 45-degree code is complied with. The first floor habitable windows of neighbouring property will not be significantly impacted in terms of loss of light. See also material considerations section 13.3.
- (iii) See material considerations section 13.2.
- (iv) See material considerations section 13.4.
- (v) The proposal would change the bungalow to a 5 bed house, however this is not a reason for refusal. The surrounding area has various house types and the conversion would not be incongruous with the surrounding area.
- (vi) Highways have raised no objections. See also material considerations section 13.5.
- (vii) In regard to concerns that the property could be an HMO, under permitted development legislation if there are 6 or less persons in an HMO then no planning permission is required and is in effect permitted development. Therefore, concerns regarding HMO in this instance are not a reason for refusal.

## 10. Consultee responses

10.1 Highways have no objections subject to the parking laid being laid out and retained as such.

## 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



12.2 As there are no concerns raised over the impact of the amended proposal on residential amenity, or in respect to its design and appearance, the development is considered to be compliant with 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 Overlooking/loss of privacy

When taking into consideration the proposed development, the first floor will not project further than the general building line of the surrounding properties located to the east of the applicants' property. The properties to the rear of the applicants' property are 55m maximum in distance from the current existing rear wall of the bungalow. Furthermore, the distance from the proposed first floor rear facing window on the extension to the properties at the rear is approximately 57 metres. This significantly exceeds the Council's Adopted Guidance for separation distances which is 21 metres for rear to rear windowed elevations. Therefore, I am satisfied no loss of privacy would occur to properties located on Haden Park Road.

The relationship of the proposed development to adjacent neighbours would not be overly dominant to an extent that would warrant a refusal. There is a distance of 5.2m from neighbouring elevations and the proposed side elevation of the applicants' property.

#### 13.3 Loss of light

The amended plans demonstrate the 45-degree code from the habitable windows of adjacent neighbouring property. The proposed development



adheres to the code and therefore there will not be a significant impact on light to habitable windows. The proposed first floor will be set back from the boundary with neighbouring property by approximately 1.8m. Furthermore, the window located on the neighbouring property (western side elevation) is a garage window and therefore not a habitable window.

The single storey rear element will adjoin the existing rear projection of the applicants' property. I do not consider the proposed rear extension to have a significant impact on loss of light of habitable windows. The extension is sympathetic to neighbouring properties and comprises of a mono-pitched roof.

### 13.4 Design, Appearance and materials

I consider that the proposed development of a first floor will not detract from the visual amenity of the surrounding area. There is not a specific or dominant design code on the street and therefore the proposed development will not detract from the variety of house types in the street. There are also designs, like that the current proposal, evident on the road.

An external materials condition has been included within the recommendation to ensure the proposed materials would match the existing property.

### 13.5 Parking

The applicant has provided a drawing which shows that three vehicles cannot be accommodated within the drive. This meets the parking standards for a five-bedroom property.

## 14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. However, it is considered that this proposal would



comply with relevant planning policies and there are no material considerations to warrant refusal.

## 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

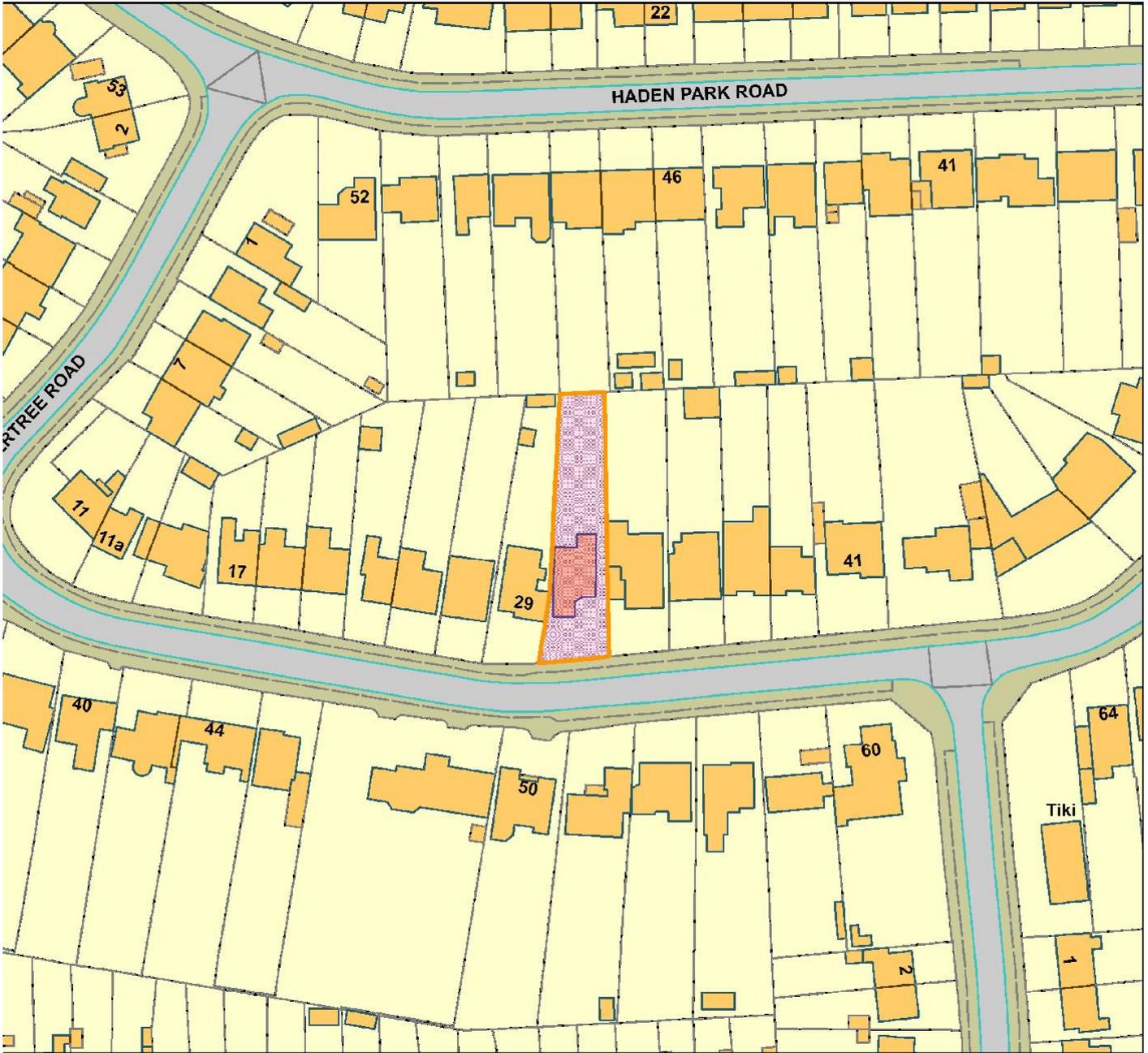
Context Plan

Plan No. 02 Rev F

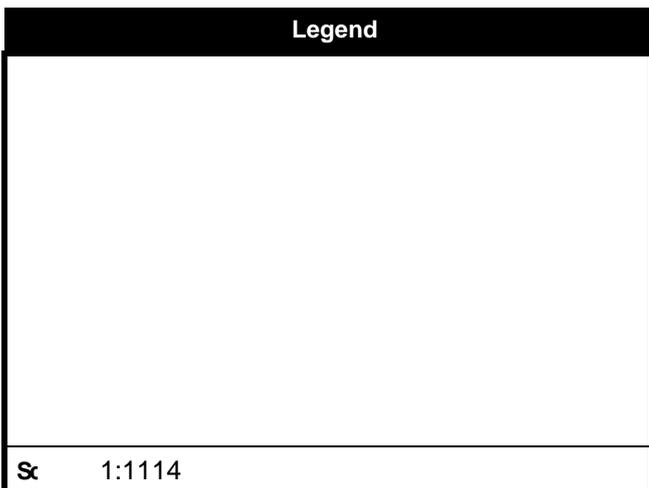


DC/22/66735

31 Timertree Road, Cradley Heath



**Legend**

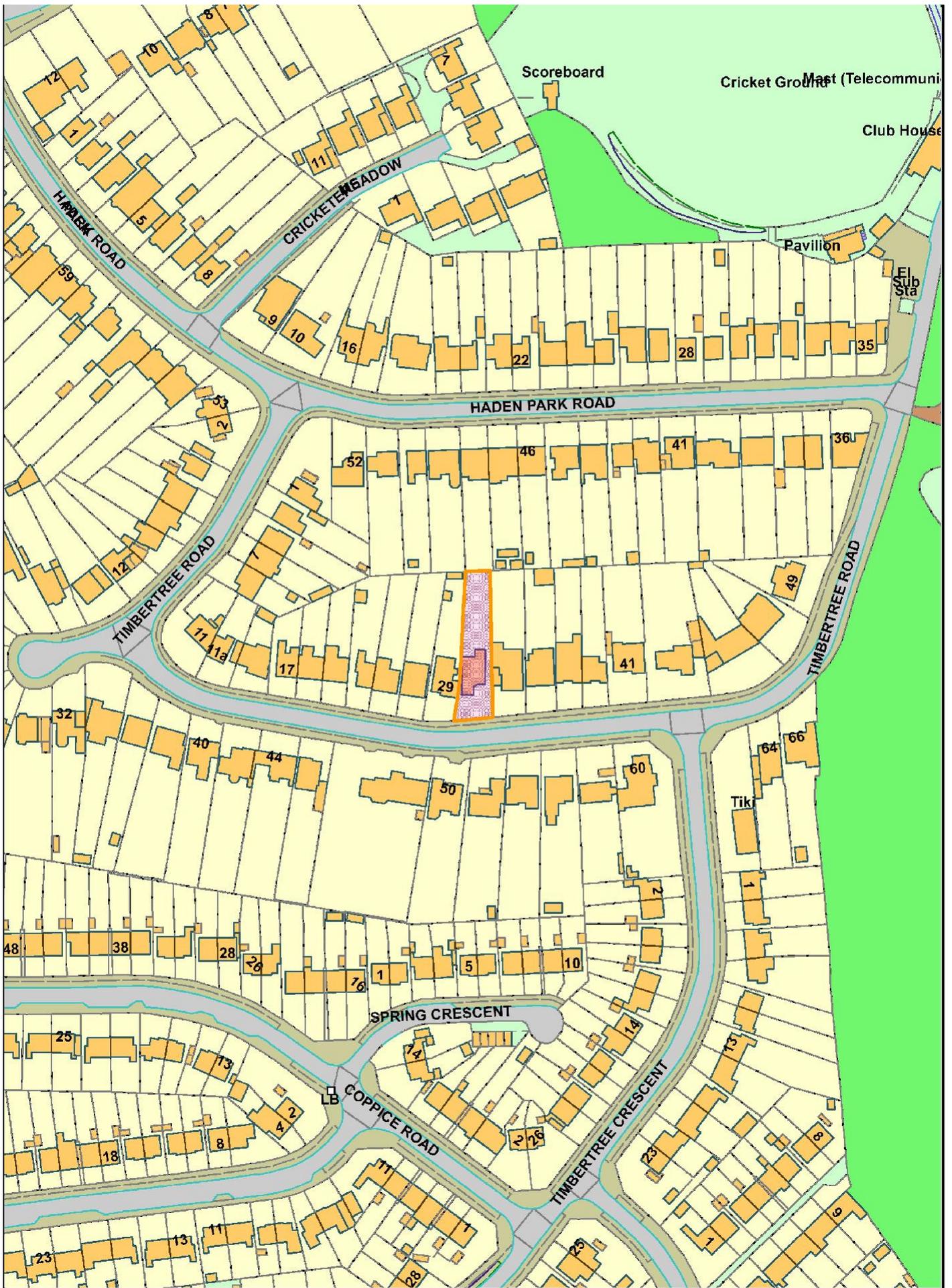


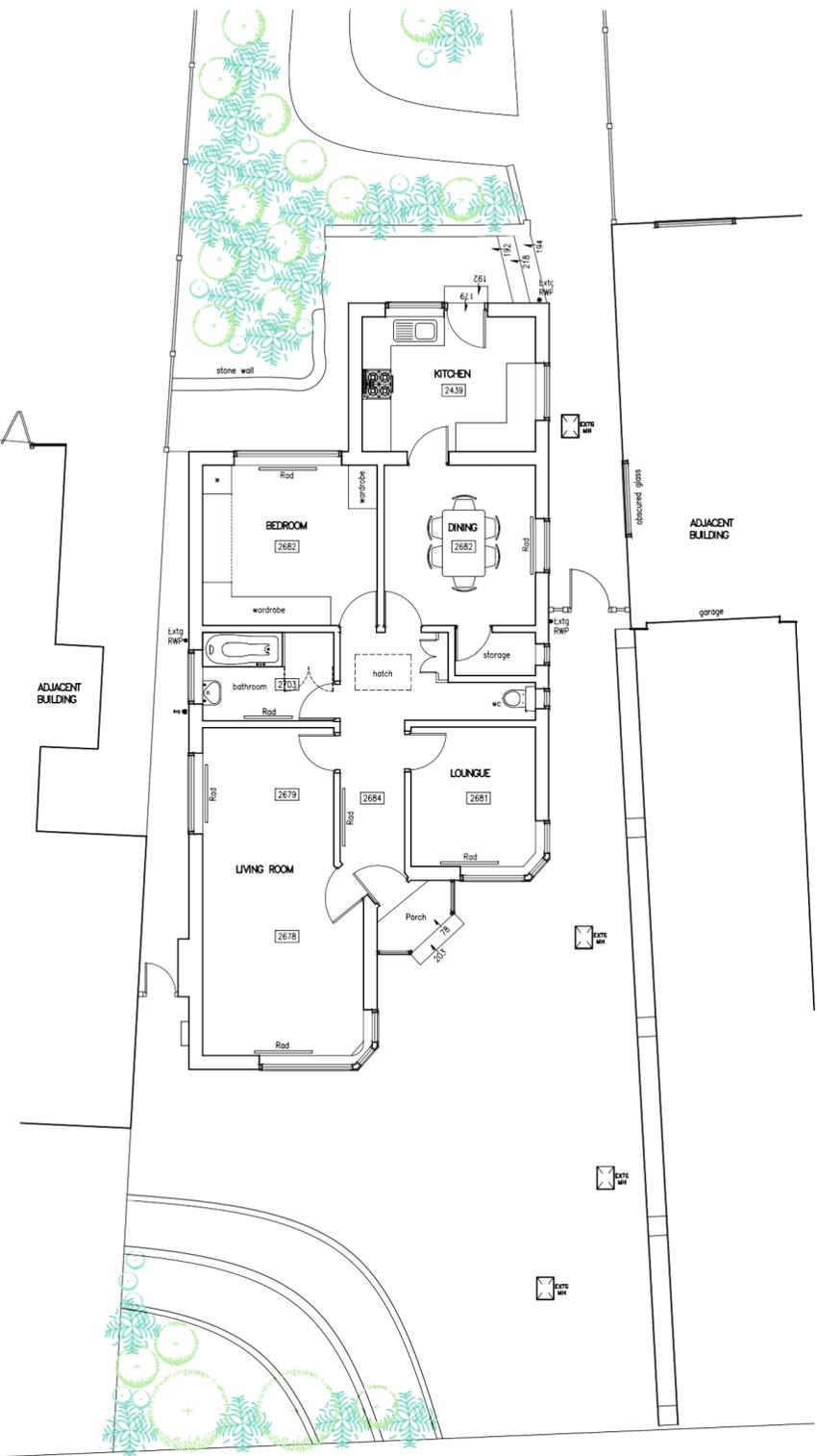
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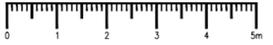
© Crown copyright and database rights 2019  
Ordnance Survey Licence No 100023119

<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	25 April 2022
<b>OS Licence No</b>	

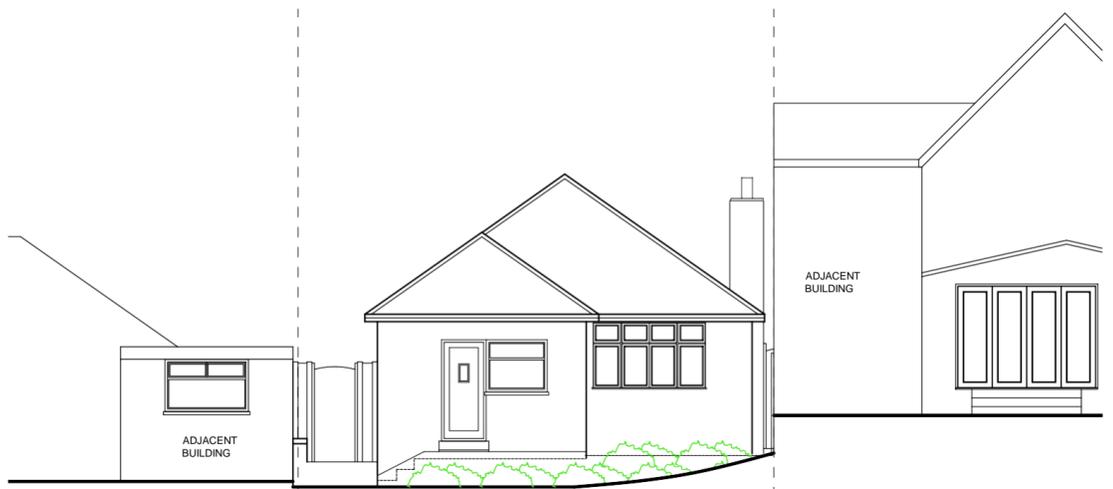




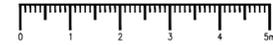
EXISTING GROUND FLOOR PLAN 1:100



EXISTING FRONT ELEVATION 1:100



EXISTING REAR ELEVATION 1:100



EXISTING EAST ELEVATION 1:100



EXISTING WEST ELEVATION 1:100



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  4. Client to commence with construction work only upon receipt of full and unconditional building regulations approval.

West elevation added	A	10/03
Revision:	Issue:	Date:

Drawn By: ABM	Scale: AS SHOWN	Date: FEB 2022
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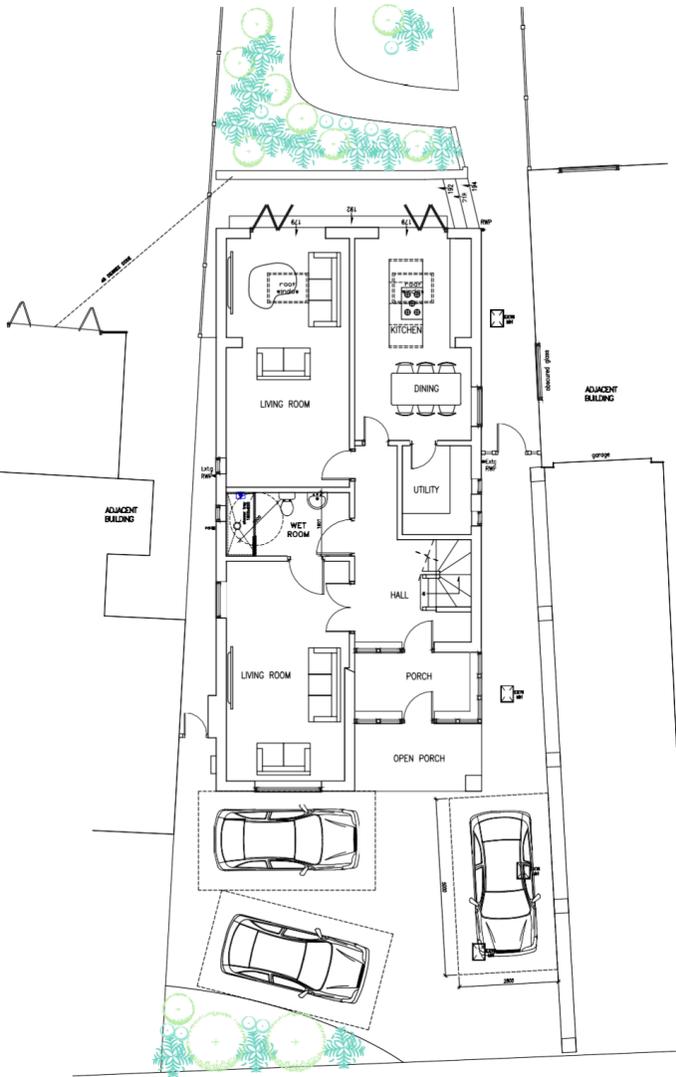
**Brophy Riaz & Partners**  
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 48A HYLTON STREET, JEWELLERY QUARTER, B'HAM B18 6HN  
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**REZA TABTABAI**

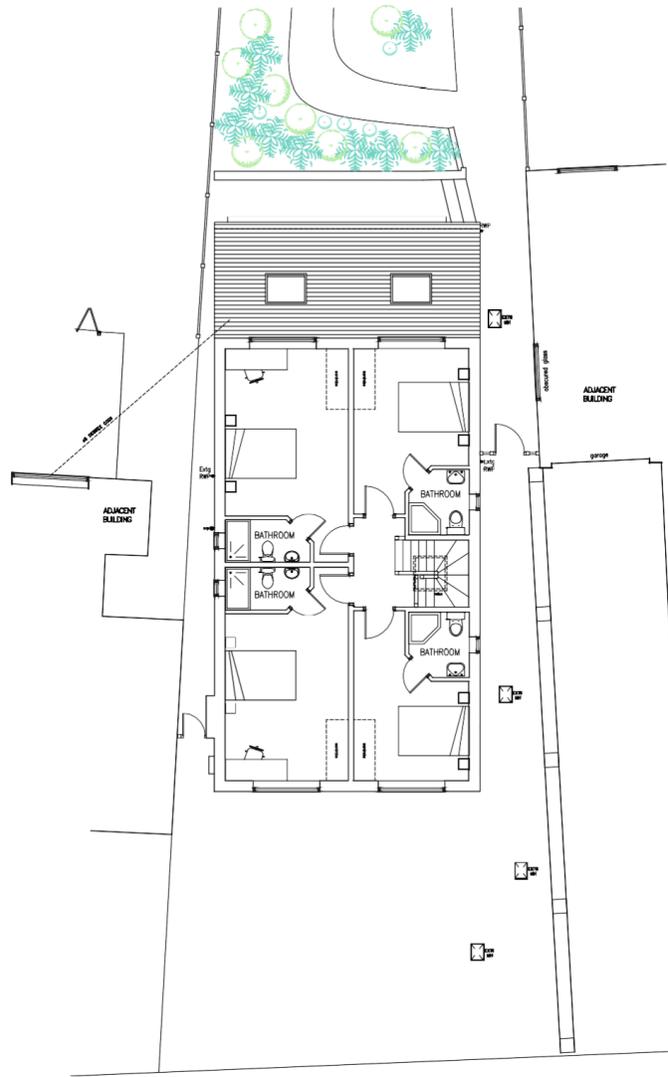
job:  
**31 TIMBERTREE ROAD  
 CRADLEY HEATH  
 B64 7LE**

drawing:  
**EXISTING PLAN AND  
 ELEVATIONS**

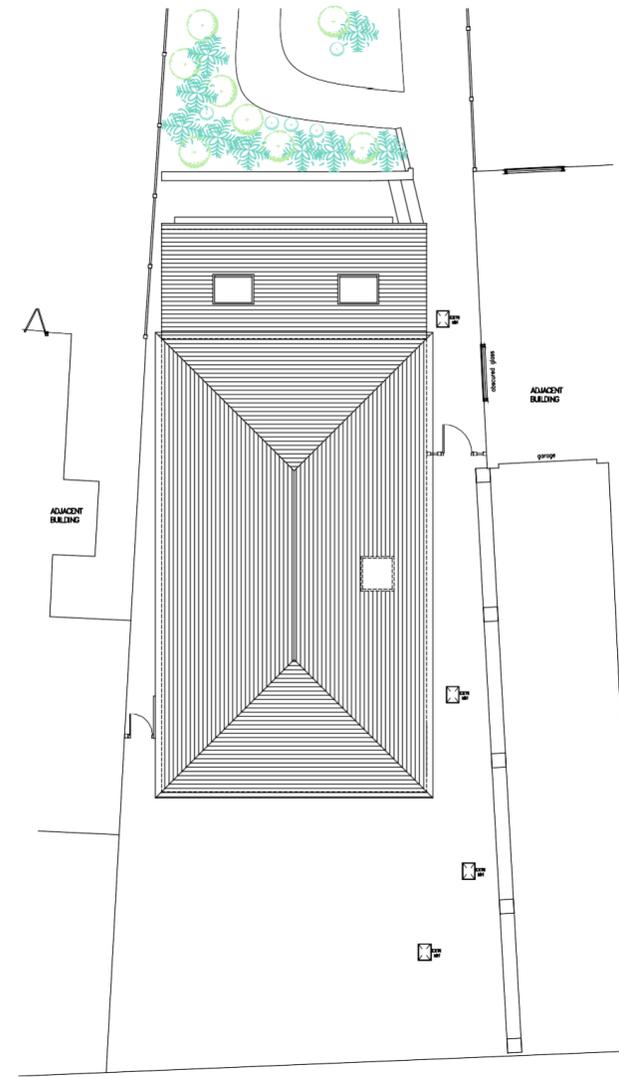
Job No: 3573	Drq No: 01	Issue: A
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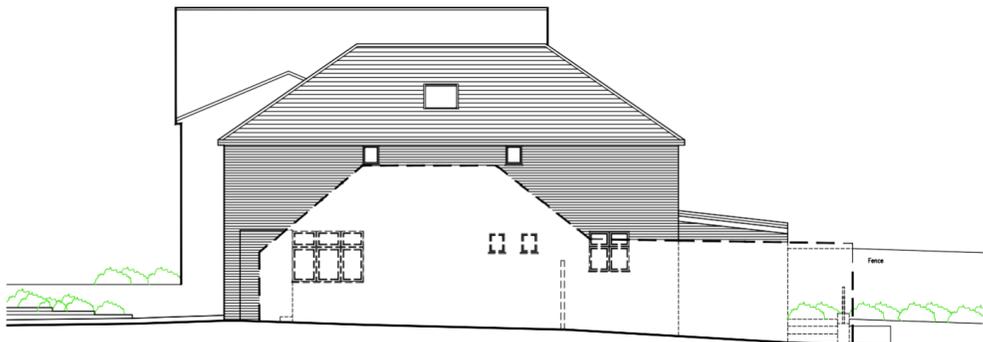
PROPOSED GROUND FLOOR PLAN 1:100



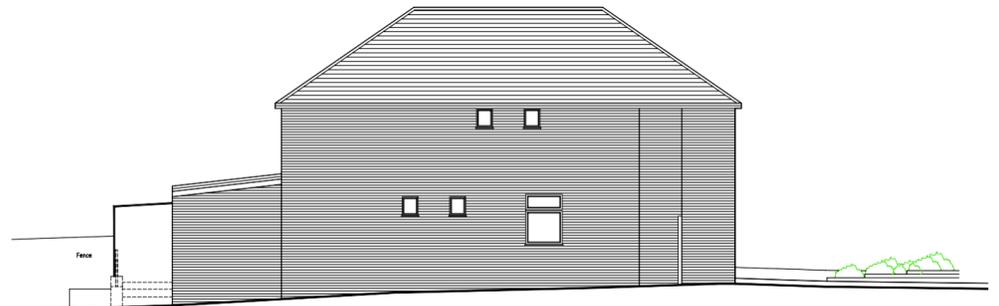
PROPOSED FIRST FLOOR PLAN 1:100



PROPOSED ROOF FLOOR PLAN 1:100



PROPOSED EAST ELEVATION 1:100



PROPOSED WEST ELEVATION 1:100



PROPOSED STREET ELEVATION 1:100



PROPOSED REAR ELEVATION 1:100



LOCATION PLAN 1:1250



SITE PLAN 1:500

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Parking plan shown	G	31/05
East elevation amended	F	14/04
45 degree code added	E	16/03
Road name added to location plan	D	16/03
West elevation added	C	10/03
Revision:	Issue:	Date:

Drawn By: ABM	Scale: AS SHOWN	Date: FEB 2022
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e-mail: info@brpuk.net

client:  
**REZA TABTABAI**

job:  
**31 TIMBERTREE ROAD  
CRADLEY HEATH  
B64 7LE**

drawing:  
**PROPOSED PLANS  
AND ELEVATIONS**

Job No: 3573	Drw No: 02	Issue: G
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Beth Astley-Serougi

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From:

Sent:

To:

Subject:

letter of completion 31 Timbertree

Attachments:

letter of completion 31 timbertree.pdf

**CAUTION:** This email originated from outside of the Council / Children's Trust. Do not click links or open attachments

Dear Ms. Astley-Serougi

Further to your communication exchange [REDACTED] regarding ownership of 31 Timbertree i am writing to confirm that i am the legal owner of the property (please see attached the letter from my solicitors) and that i had given consent to [REDACTED] to make planning application as he sees fit via his company [REDACTED]. I hope the above is satisfactory but please let me know if there is any further information required.

Kind Regards

[REDACTED]



City Point  
29 King Street  
Leeds  
LS1 2HL

Tel: 0113 207 0000  
Fax: 0113 242 1703  
www.LawBlacks.com

[Redacted]

Your Ref:  
Our Ref: CZH/KHA1504/1  
[Redacted]  
Telephone: 0113 322 2861

29 April 2022

Dear [Redacted]

**Re: Purchase of 31 Timbertree Road, Cradley Heath B64 1LF**

We write to confirm that we have now completed the purchase of your property, and would take this opportunity to extend to you every best wish in your new home.

We are dealing with the post-completion formalities, including registration of your title, and will confirm when these matters have been concluded. At that stage, your title deeds will be forwarded to HSBC UK Bank Plc.

If you have any queries in the meantime, on this or any other matter, please do not hesitate to contact us.

Yours sincerely

[Redacted]  
**Solicitor Partner**  
**BLACKS SOLICITORS LLP**