

PLANNING APPLICATION NUMBER: P09/1647

Type of approval sought	Full Planning Permission
Ward	Kingswinford South
Applicant	Nigel Round
Location:	127, BARNETT LANE, KINGSWINFORD, KINGSWINFORD, DUDLEY, DY6 9PN
Proposal	PART DEMOLITION OF EXISTING PROPERTY AND ERECTION OF 1 NO. DWELLING.
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site measures 0.03 hectares and forms part of no. 127 Barnett Lane which is a large detached dwelling built in the 1950s. The dwelling is of a traditional design with a pitched roof and forward projecting gable and front porch with hipped roof. It has been substantially extended with the addition of a double garage, two storey rear and single storey side extension. The dwelling has a disproportionately large frontage as it is set back from the road by approximately 14 metres and has a large sweeping gravel drive to the frontage with two access points off Barnett Lane.
2. No. 129 Barnett Lane is positioned to the north of the site and is a 1950s built hipped roof bungalow. No. 125 Barnett Lane is to the south of the site and forms part of a traditional hipped-roofed semi-detached pair. The site borders the flank boundary of no. 1 Barnett Close to the rear.
3. The site is set within a well established residential area and surrounding properties consist of a broad mixture of house types and designs. Immediately opposite the site is a mix of two-storey hipped and pitched roof semi-detached two storey dwellings and pitched roof bungalows built during the 1960s.

PROPOSAL

4. It is proposed to partly demolish no. 127 Barnett Lane and erect a four bedroom detached dwelling. The dwelling would be located to the southern side of no. 127 and would be set back 7 metres from the highway. It would incorporate a garage and the driveway would remain as currently exists with the new dwelling utilising the in/out access. The rear garden for the proposed dwelling would be 9.5m metres wide by 8.5m in length.
5. The dwelling would adopt a roughly L-shape footprint comprising a pitched roof with front and rear facing gables. It would also incorporate a forward projecting garage with front gable. The front elevation would include a hipped roof canopy above the front door and three sided bay window which would serve the lounge.
6. The application is accompanied by a Design & Access Statement.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
BH/54/1453	Erection of house	Approved with conditions	21/10/54
96/11252	Kitchen and bedroom extension	Approved	19/11/96
96/51563	Ground and first floor kitchen and bedroom extension to rear of dwelling house	Approved with conditions	29/11/96
P08/0863	Part demolition of 127 Barnett Lane and erection of 1 no. 4 bedroom dwelling	Refused	22/07/2008
P08/1548	Part demolition of 127 Barnett Lane and erection of 1 No. 4 bedroom dwelling (resubmission of refused application P08/0863)	Refused Dismissed at appeal	17/11/08 11/08/09

7. Application P08/1548 was refused on the following grounds;
- Concerns over the siting of the proposed dwelling in relation to no. 127 Barnett Lane through contravention of the 45 Degree Code and loss of light to habitable rooms as well as forming an overbearing structure close to the boundary with this dwelling.
 - Unacceptable levels of overlooking from habitable room windows within the side elevation of the existing rear extension at no. 127 to the private garden area which would serve the new dwelling.
 - The scheme failed to provide a suitable area of usable garden space for no. 127 Barnett Lane that would be substandard in terms of the size of the dwelling and out of context in terms of the general character of the area.
 - No agreement was reached with the applicant to the means to provide a contribution towards the provision and enhancement of public open space and play areas in the locality, a contribution towards transport infrastructure improvements, improvements to libraries and towards improvements to the public realm.
8. Application P08/1548 was subsequently dismissed at appeal. The Inspector considered that future occupiers of the new dwelling would be unacceptably overlooked by the window in the side elevation of the existing rear extension at no. 127 Barnett Lane. The Inspector also considered that the lack of an agreement to provide financial contributions was of concern. All other grounds of refusal were however refuted.

PUBLIC CONSULTATION

9. Direct notification was carried out to seventeen surrounding properties and no representations have been received. Any received prior to the Committee Meeting will be reported as a pre-committee note.

OTHER CONSULTATION

10. Group Engineer (Development): No objection
11. Head of Environmental Health & Trading Standards: No objection

RELEVANT PLANNING POLICY

- Adopted Unitary Development Plan (2005)

AM14 Parking

DD4 Development in Residential Areas

DD7 Planning Obligations

DD8 Provision of Open Space, Sport and Recreation Facilities

H1 New Housing Development

H3 Housing Assessment Criteria

H6 Housing Density

- Supplementary Planning Document

New Housing Development – A Guide to Establishing Urban Context

Parking Standards and Travel Plans

Planning Obligations

- Regional Spatial Strategy

QE3 Creating high quality built environment for all

- National Planning Guidance

Planning Policy Statement 3 – Housing

ASSESSMENT

12. Key Issues

- Principle
- Detailed Design
- Residential Amenity
- Highways & Parking
- Highway Safety
- Planning Obligations

Principle

13. The proposed dwelling would be located within a well established residential area.

The site constitutes previously-developed land since it comprises a dwelling and its

associated land. It is therefore considered that the re-use of this site for residential purposes is acceptable in principle and in this respect the proposal therefore complies with policies S8 – Housing and H3 – Housing Assessment Criteria of the adopted Unitary Development Plan 2005.

14. The proposed development would result in a gross site density of 33 dwellings per hectare. The area immediately surrounding the site is characterised by a mix of detached and semi-detached two storey dwellings and bungalows. The density of existing development in the area ranges from 23.5dph to 41dph. It is therefore considered that the density of the proposed development would not be uncharacteristic or out of context with the intensity of development within the surrounding area. In this respect the proposal therefore complies with Planning Policy Statement 3 – Housing (November 2006), Policy H6 – Housing Density of the adopted Dudley Unitary Development Plan 2005 and the Council's Supplementary Planning Guidance – New Housing Development (March 2007).

Detailed Design

15. The design of the dwelling has not been altered since the previously refused application. The dwelling would be a modern design with integral garage and rear Juliet balcony. The fenestration detailing would generally line through and would appear proportionate within the elevations. The windows would be defined by brick cills and headers and the overall design would incorporate traditional embellishments. It is considered that the dwelling would complement the appearance of no. 127 Barnett Lane and would not appear out of context with the mixed character and appearance of the street scene. In this respect, the proposal therefore complies with policy DD4 of the Adopted Dudley Unitary Development Plan (2005).

Residential Amenity

16. The Inspectors decision ruled that there would be no demonstrable harm to the general amenities of no. 127 Barnett Lane and that no habitable room windows would be unreasonably affected by the proposal. The Inspector also considered that an adequate amount of rear amenity space would be reserved for the occupiers of no. 127 Barnett Lane. The only issue which remains outstanding from the

Inspectors decision is the side facing window in the rear extension of no. 127 which the Inspector agreed would overlook the rear amenity area of the proposed dwelling. As the proposed plans indicate that the window within the extension has been bricked up, it is therefore considered that this previous reason for refusal has been overcome. Based on the Inspectors decision and the action taken by the applicant, the proposal is therefore considered acceptable in this regard and there would be no demonstrable harm to neighbouring amenity of existing or future occupiers. The proposal therefore complies with Policy DD4 – Development in Residential Areas of the Adopted Dudley UDP (2005).

Highways and Parking

17. The existing large driveway serving no. 127 Barnett Lane would remain and would provide adequate off street parking to meet the needs of the proposed and remaining dwelling. In this respect the proposal therefore complies with Policy AM14 – Parking of the Adopted Unitary Development Plan (2005) and the Council's Parking Standards and Travel Plans Supplementary Planning Document.

Planning Obligations

18. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following contributions;

Offsite Contributions:

The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:

- Libraries - £184.92
- Open Space, Sport and Recreation - £3181.97
- Transport Infrastructure Improvements - £401.31
- Public Realm - £462.35
- Nature Conservation Enhancements - £151
- Management and Monitoring Charge - £250

Total Offsite Contribution equates to £4631.55

The applicant has submitted a Unilateral Undertaking which is yet to be verified. As this document has not been legally verified, the applicant has also been asked to agree to the commuted sum via a Section 106 Agreement at this stage. If the Unilateral Undertaking is verified and/or the applicant agrees to the commuted sum via the Section 106 route this will be reported as a pre-committee note.

Onsite Contributions:

The proposal does not attract a requirement for the provision of onsite planning obligations.

CONCLUSION

19. It is considered that the proposed dwelling would relate satisfactorily to the wider context whilst protecting visual and residential amenity. The Inspectors decision made on the previously refused application refuted the majority of the original reasons for refusal and those that remain outstanding have been satisfactorily addressed. The proposal therefore complies with Policy AM14 – Parking, DD4 – Development in Residential Areas, DD7 – Planning Obligations, DD8 – Provision of Open Space, Sport and Recreation Facilities, H1 – New Housing Development, H3 – Housing Assessment Criteria and H6 – Housing Density of the Adopted Dudley Unitary Development Plan (2005)

RECOMMENDATION

20. It is recommended that the application be approved subject to;

- a) The development not beginning until a scheme for the submission and approval of a planning obligation to guarantee a contribution of £4631.55 for the provision of off site transport infrastructure improvements, library improvements, Open Space, Sport and Recreation Improvements, Public Realm improvements, nature conservation enhancements and monitoring and management charge has been submitted to and agreed in writing by the Local Planning Authority

- b) The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
- c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary;

Reason for the Grant of Planning Permission

It is considered that the proposed dwelling would relate satisfactorily to the wider context whilst protecting visual and residential amenity. The Inspectors decision made on the previously refused application refuted the majority of the original reasons for refusal and those that remain outstanding have been satisfactorily addressed. The proposal therefore complies with Policy AM14 – Parking, DD4 – Development in Residential Areas, DD7 – Planning Obligations, DD8 – Provision of Open Space, Sport and Recreation Facilities, H1 – New Housing Development, H3 – Housing Assessment Criteria and H6 – Housing Density of the Adopted Dudley Unitary Development Plan (2005)

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan and to all relevant material considerations including Supplementary Planning Guidance.

The above is intended as a summary of reasons for the grant of planning permission for further detail please see the application report.

Note for Applicant

The development hereby approved shall be built in accordance with the approved drawings referenced Drawing No. A1.174/07A Sheet 1 of 4, 2 of 4, 3 of 4 and 4 of 4 unless otherwise agreed in writing by the Local Planning Authority.

Conditions and/or reasons:

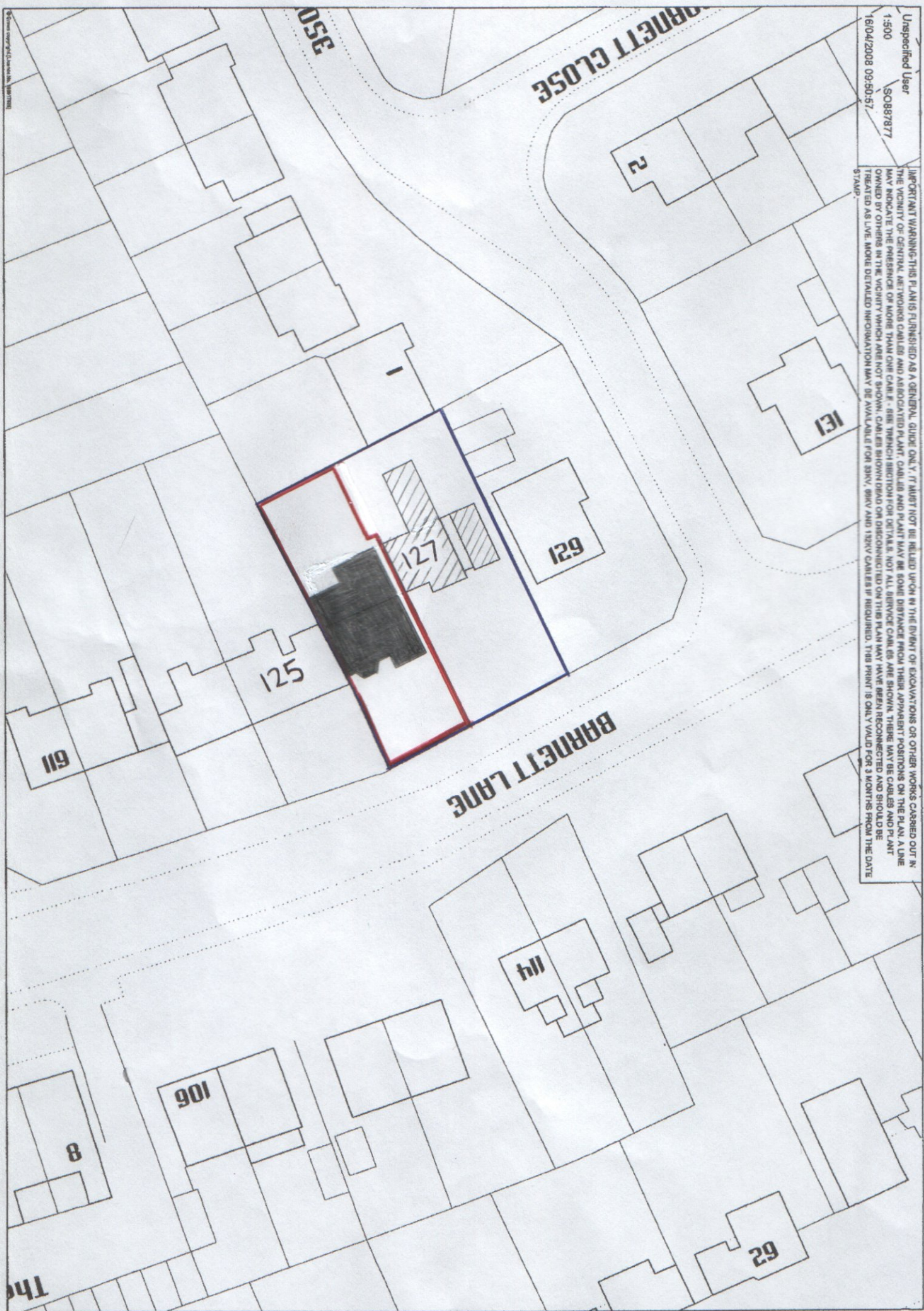
1. 1. The development shall not begin until a scheme for the provision of:
 - a. Off site transport infrastructure improvements
 - b. Off site library improvements
 - c. Off site open space, sport and recreation improvements
 - d. Off site Public Realm improvements
 - e. Off site nature conservation enhancements
 - f. Management and Monitoring Charge

has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the method, timing and arrangements to comply with the Council's policies for the provision of the infrastructure required in connection with the proposed development.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
4. Prior to the commencement of development, details of the types, sizes and locations of the boundary treatments around the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in complete accordance with the approved details prior to the occupation of the dwelling hereby approved and thereafter retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any order revoking or re-enacting that order with or without modification, no development referred to Part 1 Classes A and E shall be carried out without the prior written approval of the local planning authority.

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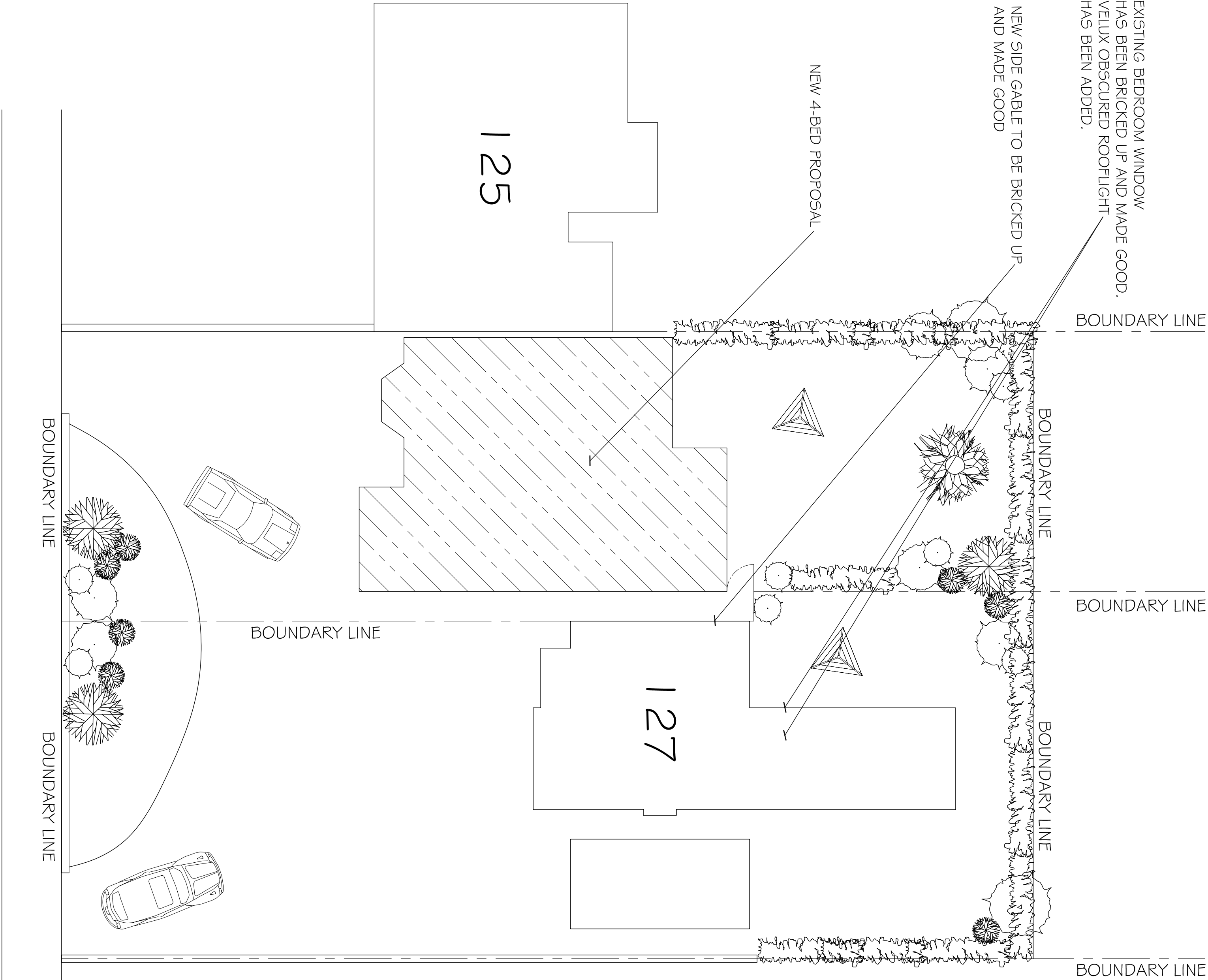
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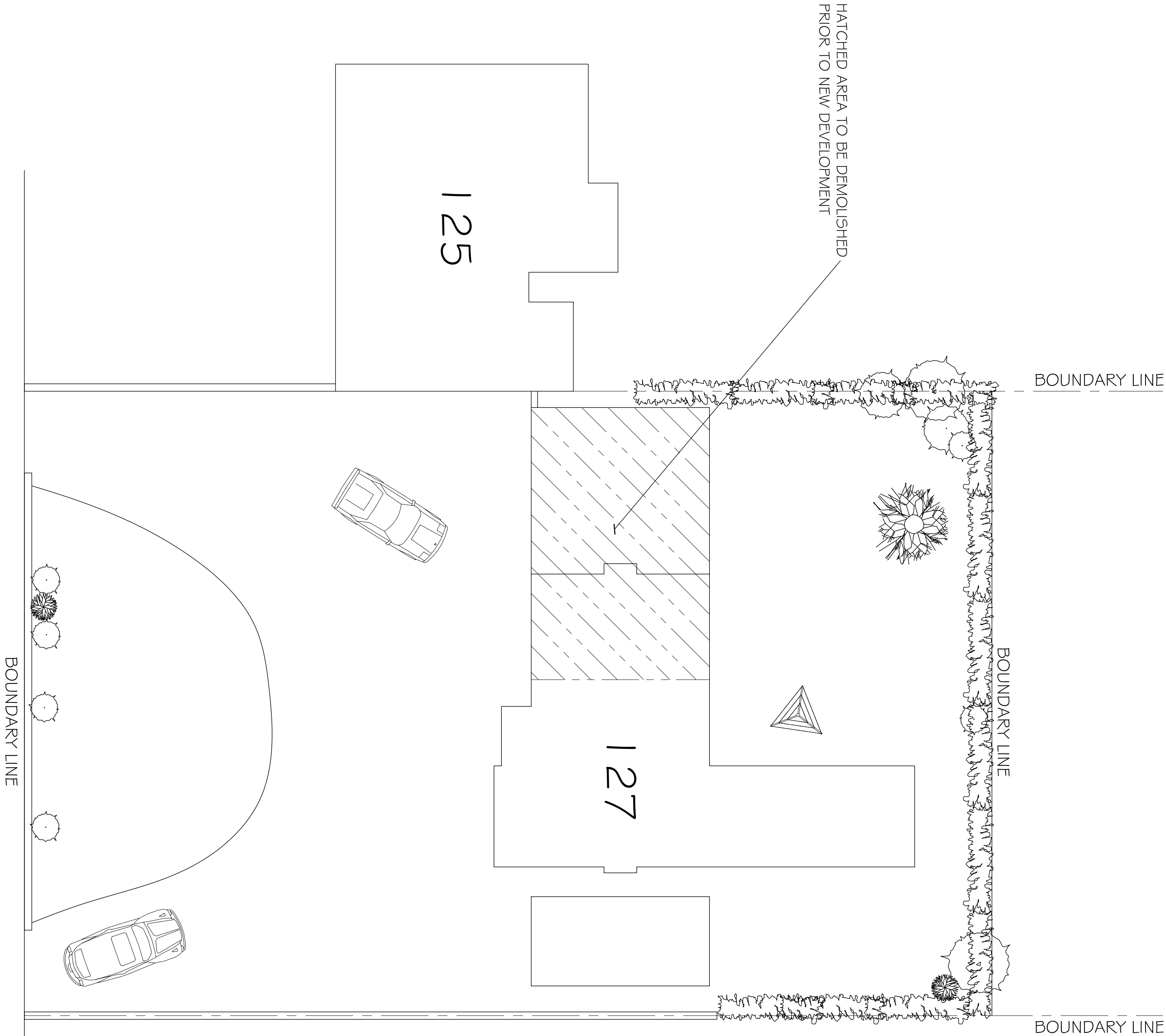
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BARNETT LANE

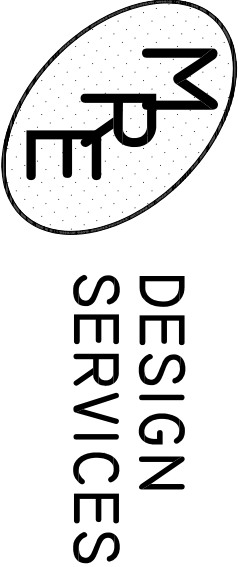
PROPOSED PLAN
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BARNETT LANE

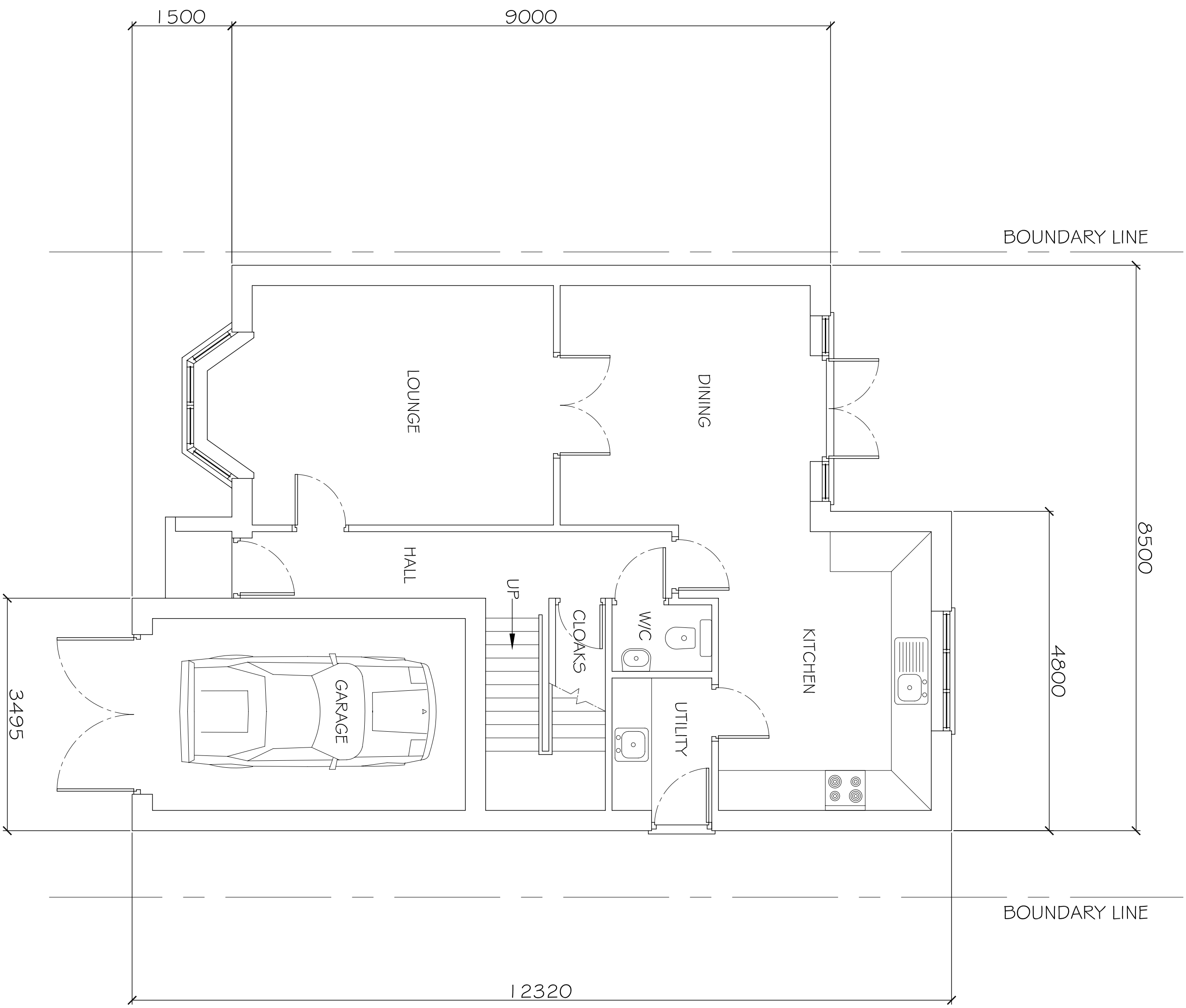
EXISTING PLAN
SCALE 1:100

CLIENT	MR. & MRS. ROUND		
PROJECT	PROPOSED 4-BEDROOM DETACHED HOUSE		
TITLE	SURVEY & PROPOSALS		
	127, BARNETT LANE, KINGSWINFORD, DY6 9PN		
	DRAWN M. EDWARDS		
	SHEET 1 OF 4		
	DRAWING NO. A1.174/07A		

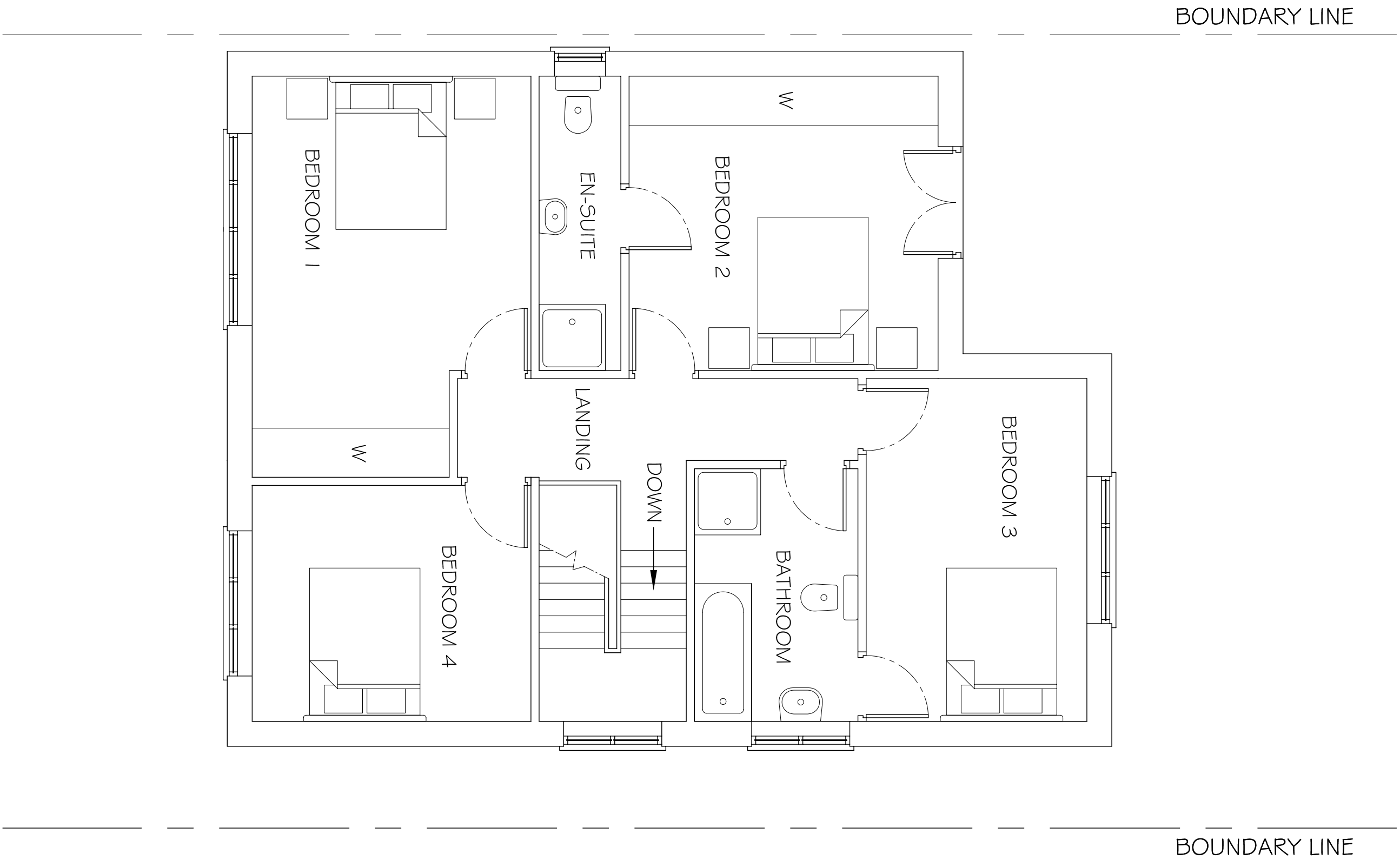




CLIENT	MR. & MRS. ROUND
PROJECT	PROPOSED 4-BEDROOM DETACHED HOUSE
	127, BARNETT LANE, KINGSWINFORD, DY6 9PN
TITLE	SURVEY & PROPOSALS
<div><div><div>MRE</div><div>DESIGN SERVICES</div></div></div>	
DATE	APRIL 2008
SCALE	1:50
DRAWN	M. EDWARDS
SHEET	2 OF 4
DRAWING NO	A1.174/07A

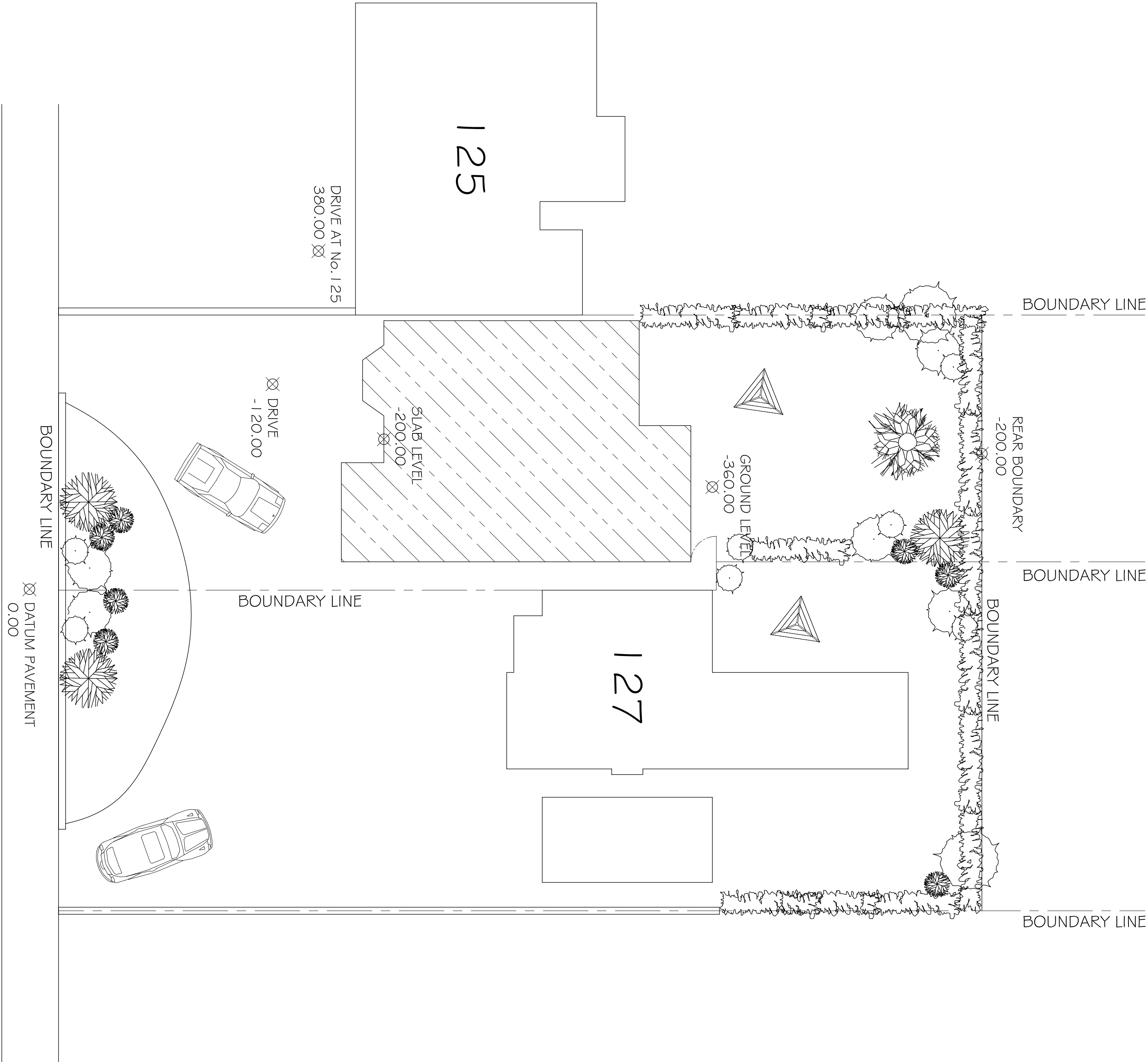


PROPOSED GROUND FLOOR PLAN



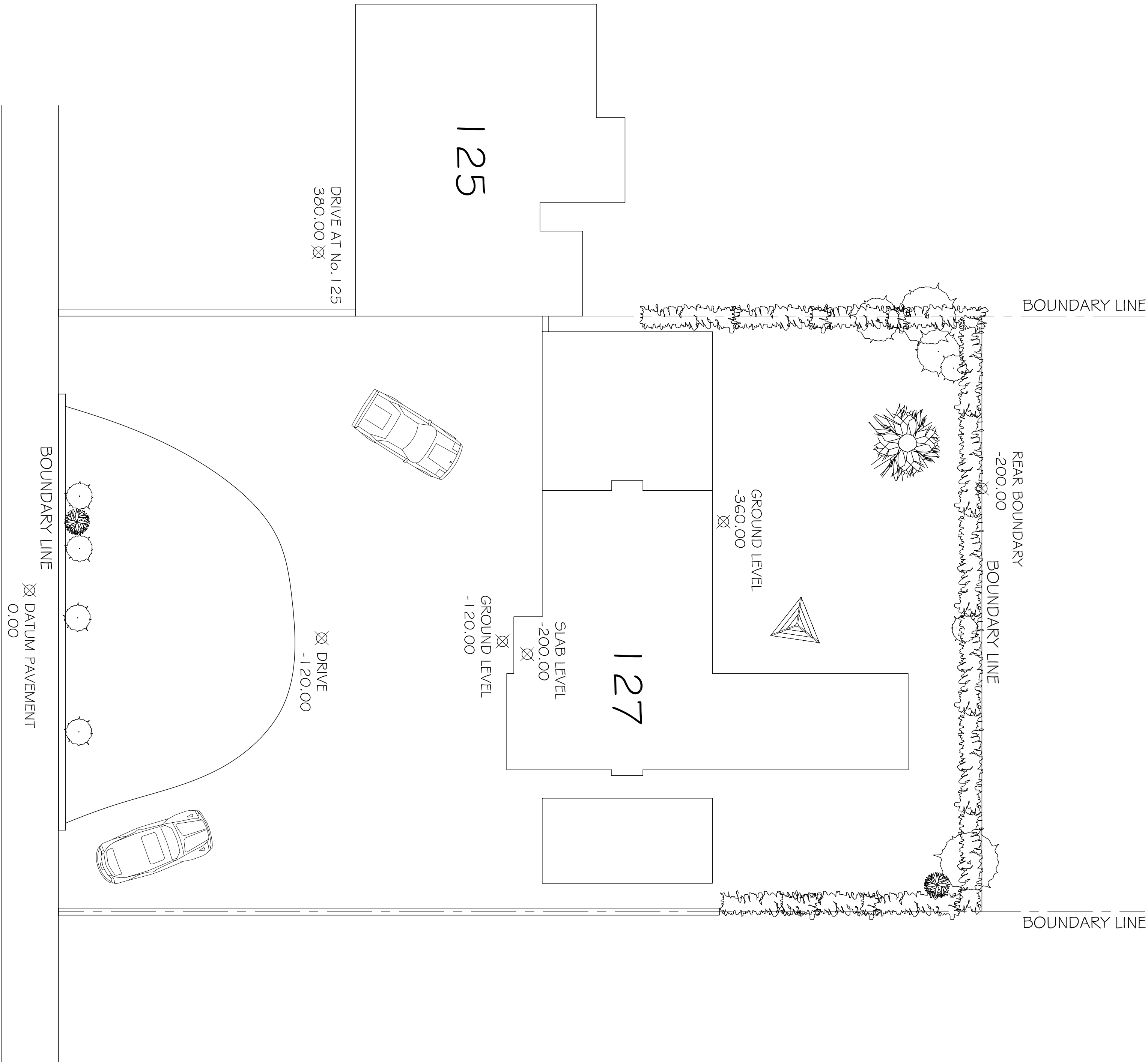
PROPOSED FIRST FLOOR PLAN

CLIENT	MR. & MRS. ROUND		
PROJECT	PROPOSED 4-BEDROOM DETACHED HOUSE		
TITLE	SURVEY & PROPOSALS		
	127, BARNETT LANE, KINGSWINFORD, DY6 9PN		
	MRE DESIGN SERVICES		
DATE	APRIL 2008	DRAWN	M. EDWARDS
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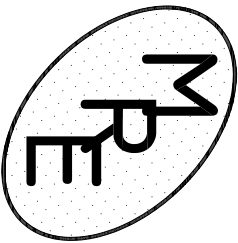
BARNETT LANE

PROPOSED SPOT LEVELS LAYOUT
SCALE 1:100



BARNETT LANE

EXISTING SPOT LEVELS LAYOUT
SCALE 1:100

CLIENT	MR. & MRS. ROUND		
PROJECT	PROPOSED 4-BEDROOM DETACHED HOUSE		
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TITLE	SURVEY & PROPOSALS		
			
DATE	APRIL 2008	DRAWN	M.EDWARDS
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