

# PLANNING APPLICATION NUMBER:P10/0177

|                         |  |
|-------------------------|--|
| Type of approval sought | Full Planning Permission   |
| Ward                    | NETHERTON WOODSIDE & ST ANDREWS  |
| Applicant               | Mr Steve Shaw  |
| Location:               | <b>LAND ADJACENT TO 34, OAK STREET, NETHERTON, DUDLEY, WEST MIDLANDS</b> |
| Proposal                | <b>ERECTION OF 1 NO DWELLING</b>   |
| Recommendation Summary: | <b>APPROVE SUBJECT TO A 106 AGREEMENT</b>                                |

## SITE AND SURROUNDINGS

- 1 The application site is a relatively flat gap site within a residential street. It has a frontage of 8.3 metres and depth of 33 metres. It accommodates a garage near the rear boundary with a driveway leading to it, accessed via a dropped kerb. There is a dwarf wall at the back of pavement line across most of the frontage. There is no noteworthy vegetation on the site.
- 2 There is a mix of dwelling types in this street (e.g. there are 2 storey flats opposite) and no rigid building line. The adjoining dwellings comprise no. 34 a hipped roofed semi detached dwelling and no. 30 a hipped roofed detached dwelling with projecting bayed element on the frontage. There is an alleyway at the rear, backed onto by terraced dwellings in Gill Street. On street parking is available in Oak Street.

## PROPOSAL

- 3 This is a detailed application for the erection of a 3 bedroom detached dwelling. It is shown with a hipped roof, a projecting ground floor element on the front elevation and

projecting single and 2 storey elements at the rear. Space for the parking of 2 vehicles is proposed at the frontage.

- 4 The Design and Access Statement submitted in support of the proposal states that the size, length, width and height of the proposed dwelling is appropriate to its surroundings.

## HISTORY

- 5 There is no relevant planning history.

## PUBLIC CONSULTATION

6 A total of 2 representations from the local community have been received, both raising concerns with respect to the proposed development. The relevant concerns in summary are:-

- Concerns are raised over the small gap between the proposed dwelling and the adjoining dwelling – *this is not essentially a planning issue- e.g. the plans do not show guttering overhanging the shared boundary – notwithstanding this, an additional note from applicant is recommended –*

- The proposed house is too large for the plot – *the proposed development is considered to provide adequate amenity space for future occupiers and space for parking, without unduly impacting on the amenity of the adjoining residents ;*

- Will cause overshadowing to the neighbour's rear garden and conservatory – *this issue is assessed elsewhere within the report.*

## OTHER CONSULTATION

7 Group Engineer (Development) – no adverse comments.

8 Head of Environmental Health and Trading Standards – no adverse comments.

## RELEVANT PLANNING POLICY

9 Unitary Development Plan (adopted 2005)

The following UDP policies are relevant:-

DD1 (Urban Design);

DD4 (Urban Design in residential areas);

DD6 (access and transport infrastructure);

DD7 (planning obligations)

H3 (housing assessment criteria)

UR6 (housing renewal area)

10 Supplementary Planning Documents (SPDs)

Planning Obligations

New housing development

Parking and travel plans.

## ASSESSMENT

11 The key issues are –

the principle of the development;

design

amenity;

parking;

planning obligations.

12 Principle of the development

This is a gap site within the urban area, in a local environment which is predominantly residential in character, in a Housing Renewal Area, and approximately 900 metres south-east of Netherton Local Centre. It is considered to be previously developed land, with the proposal, in principle, seeking to make the

efficient and positive re-use of the land. There is consequently broad planning policy support for this proposed development, especially in relation to UDP Policy H3.

13 Design issues

The proposal is considered positive in broad design terms, in filling in a gap in the streetscene (rather than for instance, constituting backland development -of which there are no noticeable examples within the local environment). In terms of detail, the proposed dwelling is shown with a roof of a similar style (hipped) and pitch and eaves line as the adjoining dwellings.

- 14 The forward building line of the proposed dwelling is similar to that at no. 30. Notwithstanding this, this design issue is not considered significantly material within a streetscene with no rigid building line (e.g. no. 24 Oak Street is a bungalow which is recessed from the highway by approximately 25 metres).

- 15 It is considered there is space on the frontage to accommodate 2 cars, and potentially some landscaping and back of pavement line boundary treatment - a condition has been recommended to seek these environmental improvement to the streetscene.

16 Amenity

The adjoining dwelling (no. 34) has 2 side facing windows, one of which is obscure glazed, the other to a habitable room (kitchen). However, the proposed dwelling has been set back within the plot so as to prevent significant overshadowing to, and hindrance of outlook from, that kitchen window.

- 17 In addition, there is a single storey element on the rear elevation of the proposed dwelling which lessens any impact on the rear aspect of no. 34. In addition, the window at ground floor on the rear of the existing dwelling is to a conservatory (a non-habitable room). Given this, it is considered no significant impact to the amenity

of no. 34 will arise. However, this is subject to a condition removing permitted development rights on the proposed dwelling (essentially to prevent this dwelling extending further at the rear without the LPA being able to intervene to assess any impact on no. 34).

18 With regard to no. 30 (the other adjoining dwelling), that house has forward and rear building lines commensurate with the proposed dwelling and a facing blank elevation. No impact on the amenity of the occupiers of that existing dwelling is therefore likely to arise.

19 There is also sufficient separation distance to the dwellings at the rear in Gill Street (35 metres) to prevent overlooking – with, in any case, those dwellings running at an angle to the plot.

20 In terms of the amenity for the future occupiers of the proposed dwelling, there is considered to be an adequate rear garden space proposed: length between 12 and 14 metres and an area of 96 square metres. In addition, the recommended condition removing permitted development rights will prevent further built encroachment into this area.

21 Parking

The existing access to the garage is proposed to be utilised. The proposed dwelling is shown as being recessed from the highway by 8.5 metres, thus allowing for 2 parking spaces to be able to be provided on the frontage. It is considered that that amount of off road parking is acceptable for a dwelling of this size.

22 The existing garage on the site does not appear to be associated with either of the adjoining dwellings. Notwithstanding this, no. 30 has off-street parking available and there is unrestricted parking available on street in front of nos. 34 and 36. The loss of the garage as an off road parking space is therefore not considered to lead to significant overspill parking in the highway at this location, compromising highway safety.

23 Planning Obligations

The proposed development has a requirement 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.

- a) Public Open Space enhancement - £2474.53
- b) Transport Improvement Investment Monies - £401.31;
- c) Library contributions - £184.92
- d) Public Realm - £462.35
- e) Nature Conservation enhancement measures - £138.08
- f) Management and Monitoring Charge - £250

This gives rise to a total of £3911.19

24 The applicants have formally agreed to these off-site Planning Obligations.

## CONCLUSION

25 The proposed development represents the re-use of previously developed land for housing in the urban area, in a relatively sustainable location. The design and layout of the proposed dwelling is considered satisfactory, allowing for the proposal not to appear incongruous within the local environment nor impact on residential amenity. Measures are in place to ensure that any impact on the local infrastructure can be mitigated against. There is therefore concurrence with the development plan, in particular UDP Policies DD4 and DD7.

## RECOMMENDATION

- 26 It is recommended that the application be approved subject to:
- a) The development shall not be commenced until a scheme for the submission and approval of a planning obligation to guarantee the delivery of transport infrastructure improvement works, improvements to library provision, improvements to the public realm and Public Open Space, a financial contribution for nature conservation enhancement measures, and a management and monitoring fee, at a total cost of £3911.19, 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 –

### Note for applicant

A. This permission relates to the following plans – 3205/09/01A, 02A, 03.

B. This consent is given on the basis that all parts of the development including the guttering (foundations and fascia) are carried out on land within the ownership of the applicant. If you intend to carry out building work which involves one of the following categories: work on an existing wall or structure shared with another property (section 2 of the Act); building a free standing wall or wall of a building up to or astride the boundary wall with a neighbouring property (section 1 of the Act); excavating near a neighbouring building (section 6 of the Act) - you must find out whether that work falls within the Party Wall Act 1996. If it does, you must notify all adjoining neighbours.

### Reason for approval

The proposed development represents the re-use of previously developed land for housing in the urban area, in a relatively sustainable location. The design and layout of the proposed dwelling is considered satisfactory, allowing for the proposal not to appear incongruous within the local environment nor impact on residential amenity. Measures are in place to ensure that any impact on the local infrastructure can be mitigated against. There is therefore concurrence with the development plan, in particular UDP Policies DD4 and DD7.

### Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall not be begun until a scheme for the provision of –
  - Public Open Space enhancements;
  - Transport improvement investment;
  - Library improvements;
  - Public realm enhancements;
  - Nature conservation enhancements;
  - 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.
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 buildings 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that order, with or without modification) no development referred to in Part 1, Class A of the Schedule shall be carried out.
5. Prior to the commencement of development details of the design of the space between the dwelling and the highway shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, those details shall include a porous surfacing material for the 2 car parking spaces, landscaping and boundary treatment. That space shall be

implemented in accordance with the approved details prior to the occupation of the dwelling and thereafter retained for the life of the development.



Plot 0177  
LOCATION PLAN  
FOR COMMITTEE

WITHYMOOR ROAD

OAK STREET

GILL STREET

APPLICATION SITE

DARBY END

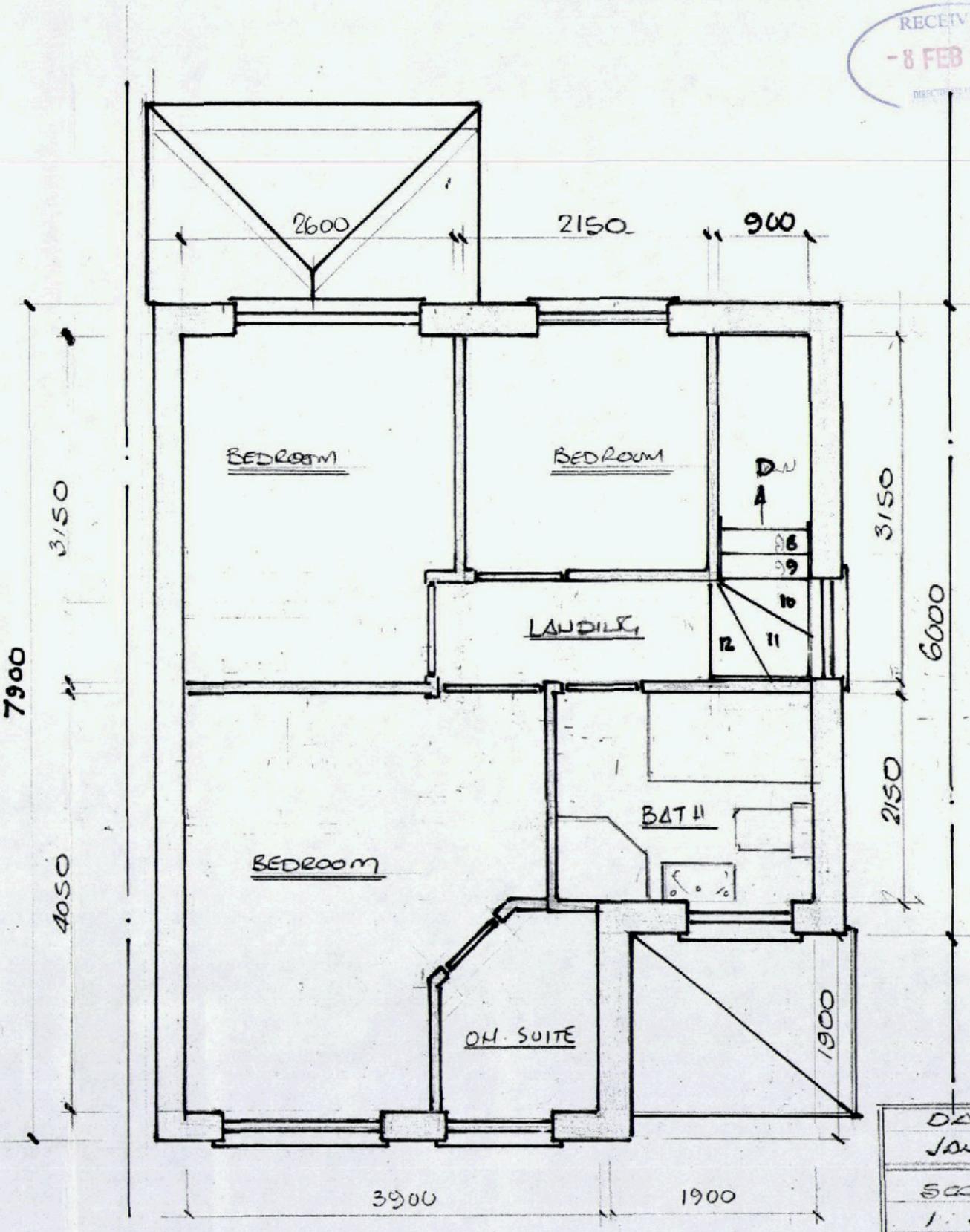
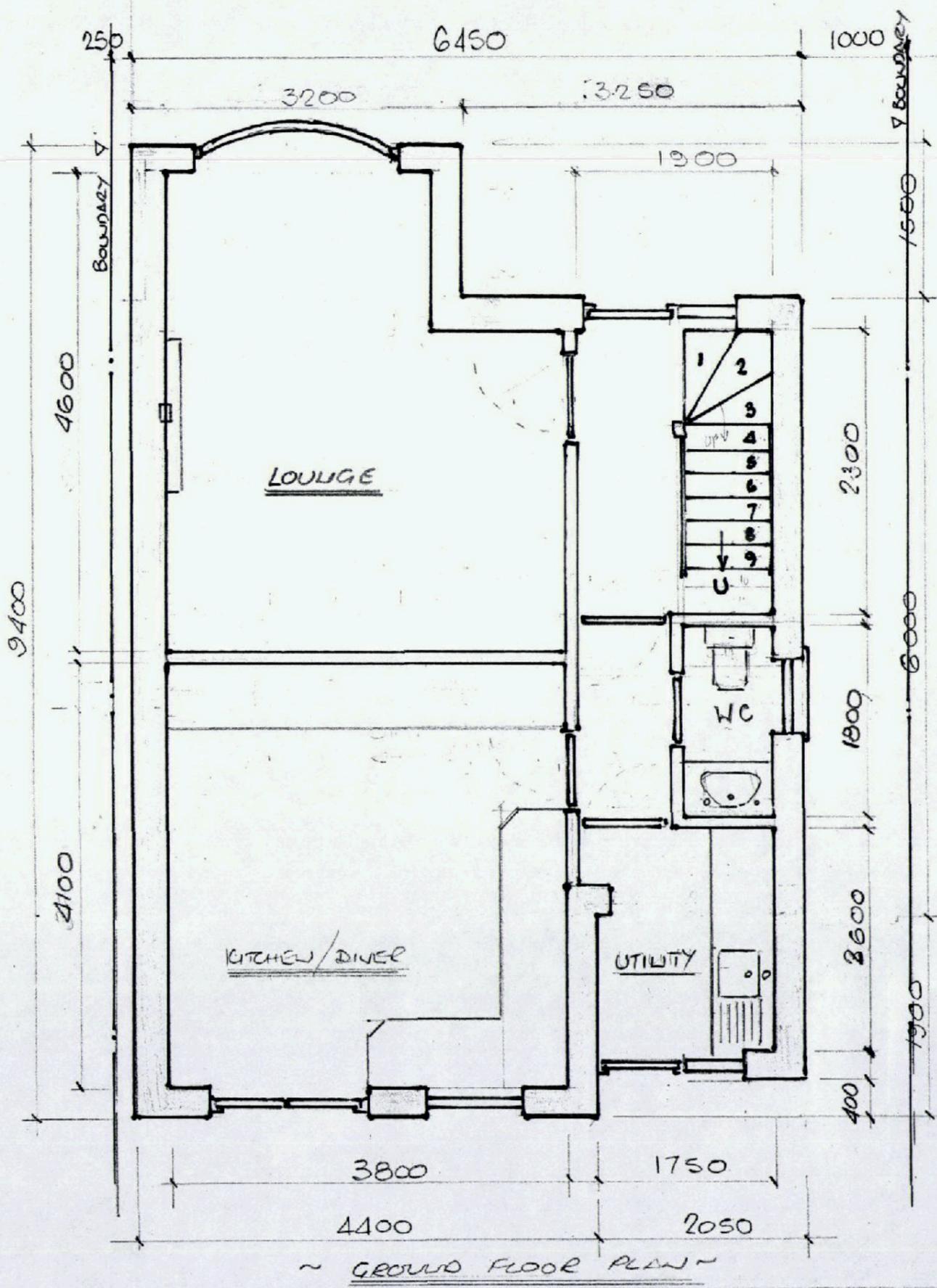


PROPOSED DWELLING ON LAND BETWEEN  
FLOOR PLANS 30 & 34 OAK ST. NETHERTON

SCHEME 1

32 OAK STREET  
NETHERTON  
DUDLEY

RECEIVED  
- 8 FEB 2010  
DIRECTOR OF PLANNING



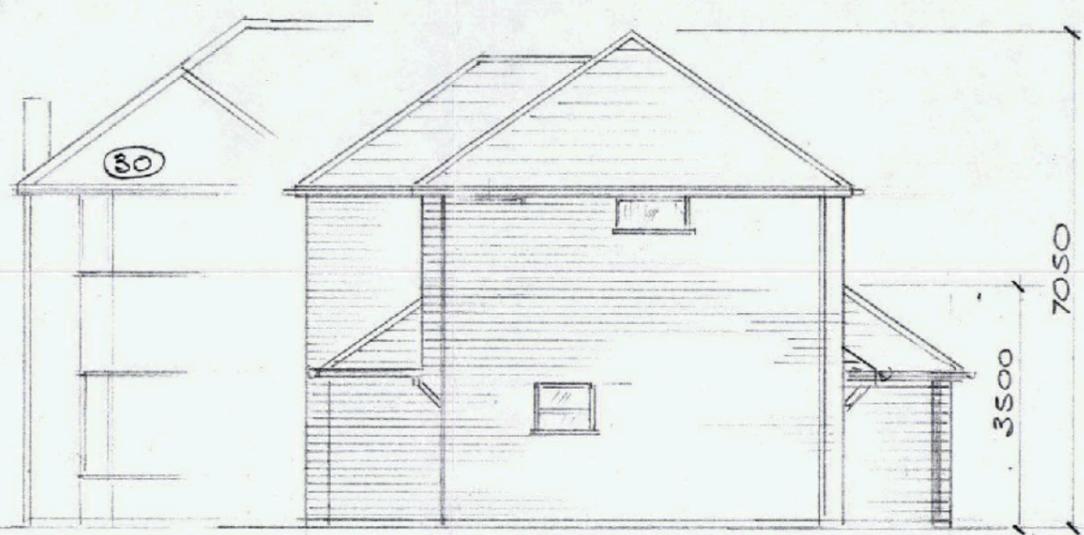
|        |            |
|--------|------------|
| DATE   | JAN 10     |
| SCALE  | 1:50       |
| DRG NO | 3205/10/03 |

P10177 elevation

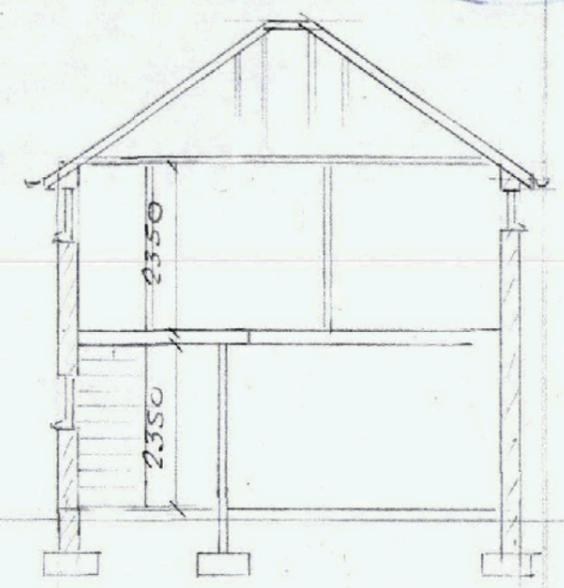
RECEIVED  
- 8 FEB 2010  
DIRECTOR OF THE  
DEPARTMENT OF



~ FRONT ELEVATION ~



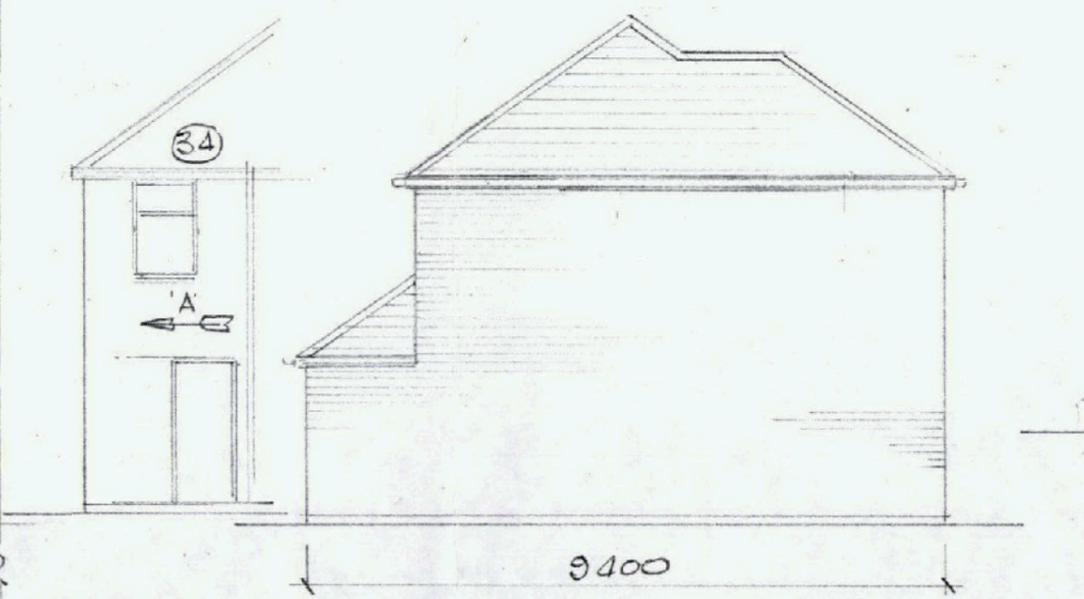
~ VIEW ON ARROW A ~



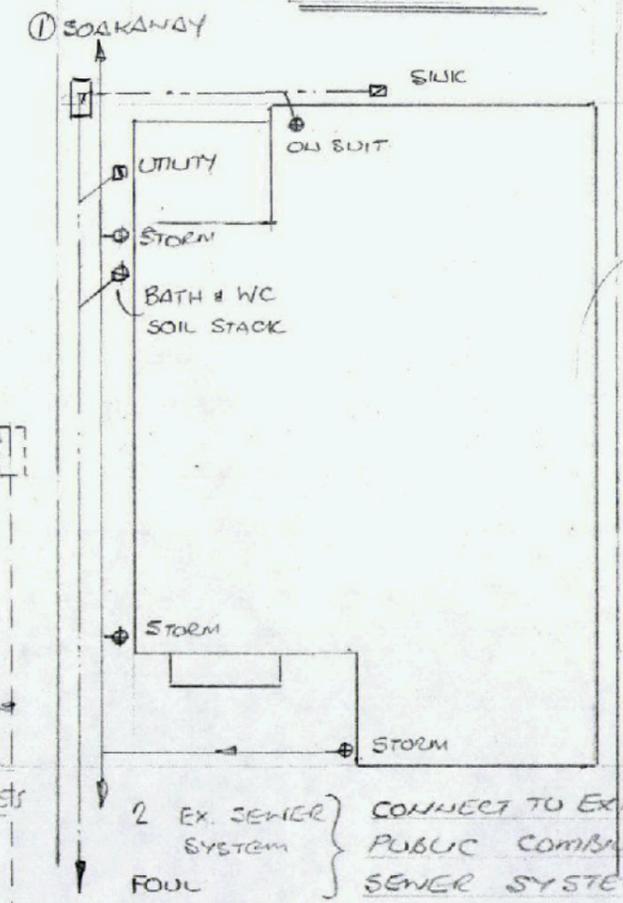
~ SECTION THRU ~



~ REAR ELEVATION ~



~ VIEW ON ARROW B ~



SEWER SYSTEM  
REV 'A' FEB 10 DRAWING UPDATED

PROPOSED - 3 BEDROOM DETACHED DWELLING  
ON LAND BETWEEN  
30-34 - OAK STREET  
NETHERTON  
DUDLEY

ROOF DEADWHAFT PLAIN CLAY TILES OR MARLEY "ASHMORE" CONCRETE PAN TILE.  
BUCKWORK FACING BRICK STYLE, COLOUR & TEXTURE TO BE DETERMINED

SEWERS FOUL - CONNECT TO EXISTING FOUL SENER. SYSTEM. - (MAIN SENER IN ROADWAY)  
STORM - NO VISIBLE SIGNS OF STORM ON PROPERTY - TO SOAKAWAY - OR ALTERNATIVE.

EXISTING PUBLIC  
SEWER & MANHOLES  
34 OAK STREET

|                |                |                       |
|----------------|----------------|-----------------------|
| DATE<br>JAN 10 | SCALE<br>1:100 | DOC N°<br>3205/10/02A |
|----------------|----------------|-----------------------|

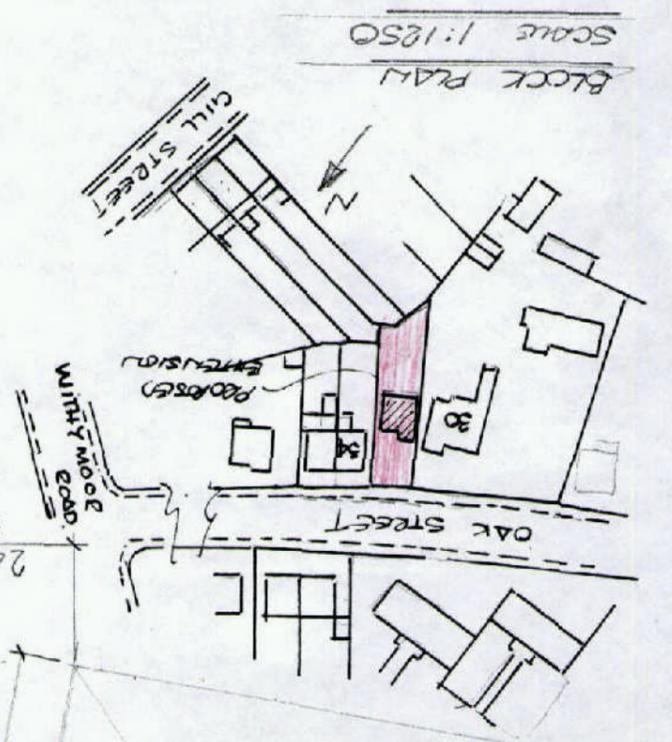
Location + block plan

|  |       |             |
|--|-------|-------------|
| DATE                                   | SCALE | VARIOUS     |
| MAY 09                                 |       |             |
| REV 'A' REVISIONS ADDED                |       |             |
| EXPLANATORY NOTES ADDED FOR DESIGN APP |       |             |
| DEG 10                                 |       | 3205/09/01A |

NOTE: PLANT IS RELATIVELY FLAT & LEVEL WITH ADJACENT PROPERTIES

RECEIVED  
7 FEB 2010  
DIRECTOR OF PLANNING

LOCATION PLAN  
SCALE 1:100  
LAND BETWEEN  
L<sup>OS</sup> 30 & 34 OAK STREET  
HETTERTON  
DURLEY



GENERAL: SHOULD GROUND CONDITIONS BE UNSUITABLE FOR SOAKAWAY, PROVIDE 2<sup>ND</sup> SEPARATE SYSTEMS FOR FOLL & STORM, ONLY TO BE COMBINED WHEN ACTUAL CONDITIONS INTO EXISTING COMBINED FOLL & STORM SINK

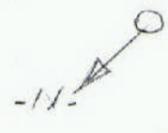
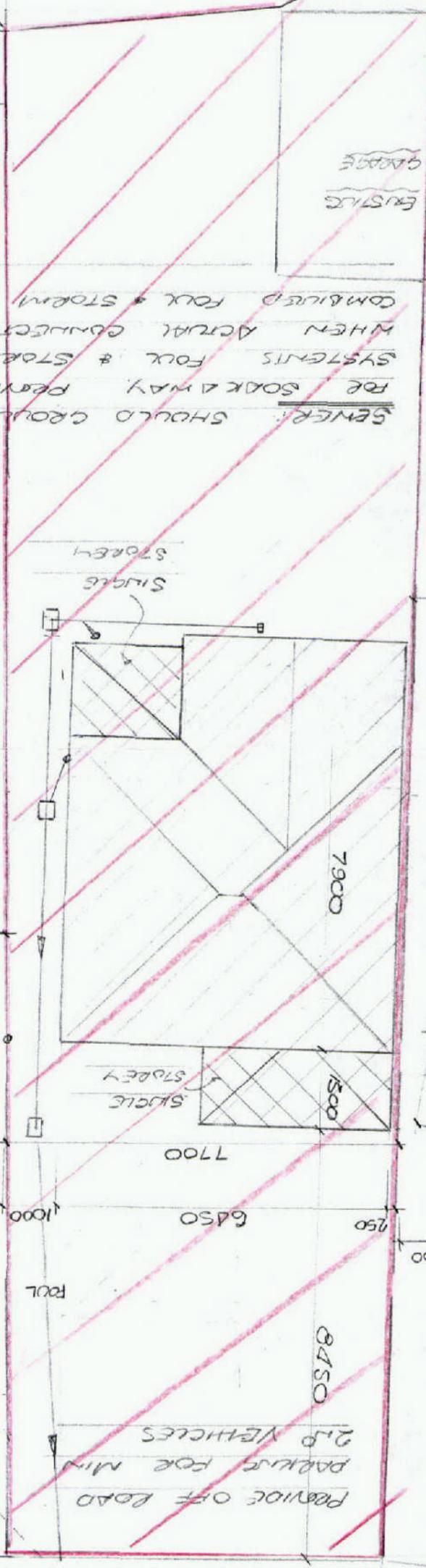
NOTE: EXISTING SINK BEAR TO SIDE OF NO 34 IS "PUBLIC" IT IS SUGGESTED WITH THE AUTHORITY OF GENERAL TEST & CHECK OF NO 34 A COLLECTION BE MADE INTO ONE OR OTHER EXISTING MANHOLES ALTERNATIVE CONDUIT TO SINK IN ROAD

STORM WATER - SHOULD GROUND CONDITIONS PERMIT TO A SUITABLE SOAKAWAY - 5m FROM ANY BUILDING ALTERNATIVE TO COMBINED SINK SYSTEM (EXISTING)

NOTE: DIMENSIONS MK'D \* ARE MEASURED FROM BUILDING PROPERTY & CAN ONLY BE ASSUMED APPROX \*

IT IS ASSUMED THAT COMBINED SINK FROM MANHOLE (FRONT) NO 34 IS CONNECTED TO MAIN IN ROAD (RECORDS CLEAR)

EX. MANHOLE  
MV 2.34M



1:1  
9" MAN SINK