

# PLANNING APPLICATION NUMBER:P14/1768

Type of approval sought	Full Planning Permission
Ward	Cradley and Wollescote
Applicant	Mrs J. Brown
Location:	<b>4, MASONS CLOSE, CRADLEY, HALESOWEN, B63 2SX</b>
Proposal	<b>PART A: REAR GARDEN BOUNDARY WALL (RETROSPECTIVE)</b> <b>PART B: SINGLE STOREY SIDE/REAR EXTENSION.</b>
Recommendation Summary:	<b>PART APPROVE &amp; PART REFUSE (SPLIT DEC'N)</b>

## SITE AND SURROUNDINGS

1. The application site is a semi-detached dwelling occupying a plot of 399m<sup>2</sup> and is set at the head of a cul-de-sac. The application dwelling has a single storey rear conservatory.
2. To the west of the site is number 5 Masons Close, the adjoining semi-detached dwelling. To the east is number 3 Masons Close. This neighbouring dwelling is also a semi-detached dwelling which is angled away from the application dwelling as the properties follow the highway. This neighbouring property has a detached outbuilding close to the common boundary with the application site and this boundary is treated with a 1.8m high fence. To the rear of the site is a Public Right of Way. The Public Right of Way sits at a lower level than the rear garden of the application site and slopes downwards from west to east.

## PROPOSAL

3. This application seeks approval for a single storey side/rear extension. The proposed extension would be to the east of the dwelling, being wider to the front as the proposed footprint splays to follow the tapered boundary. The proposed extension would extend beyond the original rear elevation but finish short of the rear elevation of the existing conservatory being finished with a flat roof to the side and

pitched roof to the conservatory element to the rear. Part of the proposed floor plan incorporates a conservatory with has a side facing window. This element of the proposal is off the common boundary to the east and is proposed as obscure glazed and non-opening.

4. Also for consideration as part of this application is a rear boundary wall. This is a retrospective installation and varies in height as it follows the land level drop from west to east. From the garden elevation the wall rises from 2.437m at the east to 3.04m to the west. From the Public Right of Way the heights step from 3.04 from the west to 3.105 to the east. The wall is currently finished in render to the garden side with both elevations noted to be treated with paint and render on plans.

5. Given the above the description of proposed works is as follows:

Part A: Rear garden boundary wall (Retrospective)

Part B: Single storey side/rear extension.

## HISTORY

6.

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/2175	Rear Conservatory	Approved with Conditions	07/11/2005
P10/0061	Rear conservatory (Following demolition of existing conservatory)	Approved with Conditions	03/03/2010

## PUBLIC CONSULTATION

7. 2 letters have been received, following consultation with 7 adjoining neighbours and the posting of a site notice. The following issues raised relate to the retrospective rear wall only and not the proposed extension:

- Too high and overbearing
- Will attract graffiti

Ward Councillor Richard Body has commented on the retrospective wall stating that he is in support of the development as he considers the wall to be roughly in line with neighbouring fences.

## OTHER CONSULTATION

8. None required.

## RELEVANT PLANNING POLICY

9. Saved Unitary Development Plan Policies (2005)

- DD4 – Development in Residential Areas
- AM13 – Public Rights of Way

10. Supplementary Planning Guidance

- Planning Guidance Note (PGN) 17– House Extension Design Guide (1997)
- Parking Standards (2012)

## ASSESSMENT

- Impact on visual amenity and character of the area
- Residential amenity

### Impact on the visual amenity and character of the area

#### Retrospective Wall

11. The wall is located upon the boundary with a Public Right of Way where it is characteristic to have means of enclosure associated with the adjoining dwellings abutting the Right of Way. However, the height of the wall is uncharacteristic with the typical height being between 1.8 and 2.4m

12. As viewed from the Public Right of Way the wall has a significant impact on visual amenity and is considered to be very overbearing. This element of the proposal is therefore deemed to create a discordant feature which appears incongruous and unduly prominent due to the excessive height of the boundary treatment. As such,

the proposal would contravene Policy AM13 – Public Rights of Way of the adopted UDP (2005).

#### Extension

13. The proposed extension is considered to be appropriate in terms of scale and design. The flat roof design is appropriate within the context of the surrounding area given the age and style of the properties. Further, it would be of appropriate scale, height and massing, thereby doing no harm to the visual amenity and character of the wider locality. The development would therefore comply, in terms of visual considerations, with saved Policy DD4 of the adopted UDP and the provisions in PGN17.

#### Residential amenity.

14. The proposed extension would do no harm to the residential amenity of the occupiers of the neighbouring properties. Number 5 Masons Close would remain unaffected as the proposed extension would not extend beyond the conservatory in situ. Given the boundary treatment in situ and tapered boundary line there is not considered to be an issue with loss of privacy or daylight to the occupiers of number 3 Masons Close. The proposed side facing window would be conditioned to remain obscure glazed and non/top opening. The retrospective wall is not considered to be detrimental to neighbouring occupiers. Despite excessive height its location away from the rear elevations of nearby properties ensures no loss of outlook or overbearing impact. Given the site situation it is thereby considered that the neighbours would not be adversely affected in terms of the receipt of light and the enjoyment of outlook, and would cause no other substantial harm in terms of overshadowing or overlooking. The proposed development would therefore comply with saved UDP Policy DD4, PGN12 and PGN17, in terms of protecting the amenity of neighbouring occupiers.

## **CONCLUSION**

15. The site occupies an elevated position adjacent to a Public Right of Way where it is considered that the existing wall is an inappropriate boundary treatment by ay of

excessive height resulting in a prominent and overbearing addition to the detriment of the Public Right of Way.

## 1<sup>st</sup> RECOMMENDATION

Part Approve and Part Refuse (split decision)

## 2<sup>nd</sup> RECOMMENDATION

Enforcement action is authorised to remove the upper three courses of the blockwork from the wall adjacent to the Public Right of Way.

### Reason for Refusal

1. When viewed from the Public Right of Way the wall has a significant impact on visual amenity and is overbearing deemed to create a discordant feature which appears incongruous and unduly prominent due to the excessive height contrary to the requirements of Policy AM13 – Public Rights of Way of the adopted UDP (2005).

### 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 extension hereby permitted shall be carried out in accordance with the following approved plans: 14-79-02
3. The proposed window to be installed in the side elevation of the conservatory hereby approved shall be obscure-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and thereafter maintained in that condition.
4. The materials to be used in the approved development shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.

### Informative

#### Part A

The Local Planning Authority is aware of the requirement of paragraph 186 and 187 in the National Planning Policy Framework to work with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application. In this case after careful balanced consideration the Local Planning Authority considers that there are insurmountable technical issues in

relation to design and appearance that have not been satisfactorily resolved to demonstrate that the scheme would result in the creation of a sustainable form of development and thereby failing to improve the economic, social and environmental conditions of the area.

## Part B

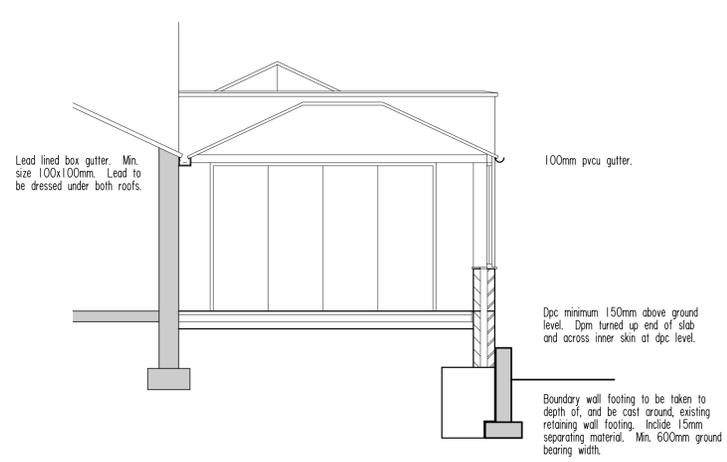
In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to the Coal Authority.

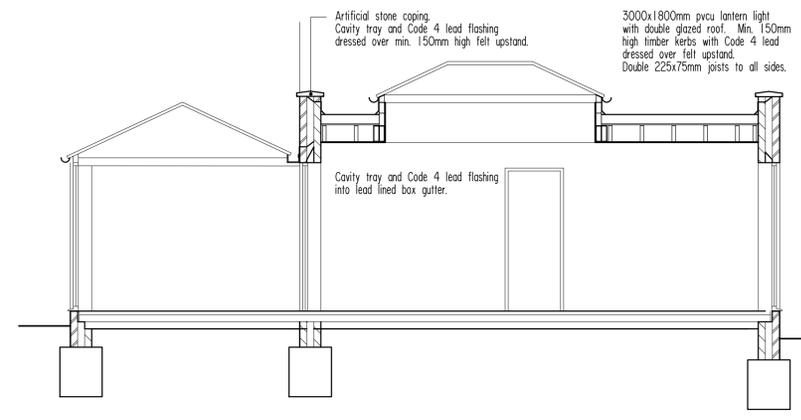
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

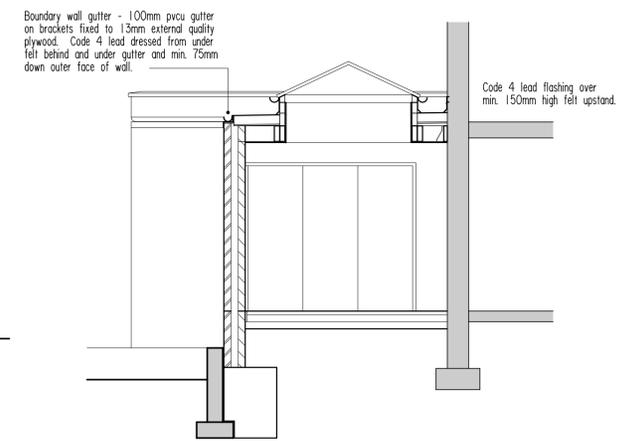
Do not scale. Figured dimensions only to be taken from drawing. The contractor is to visit the site and be responsible for taking & checking dimensions relative to this work.



Section A-A



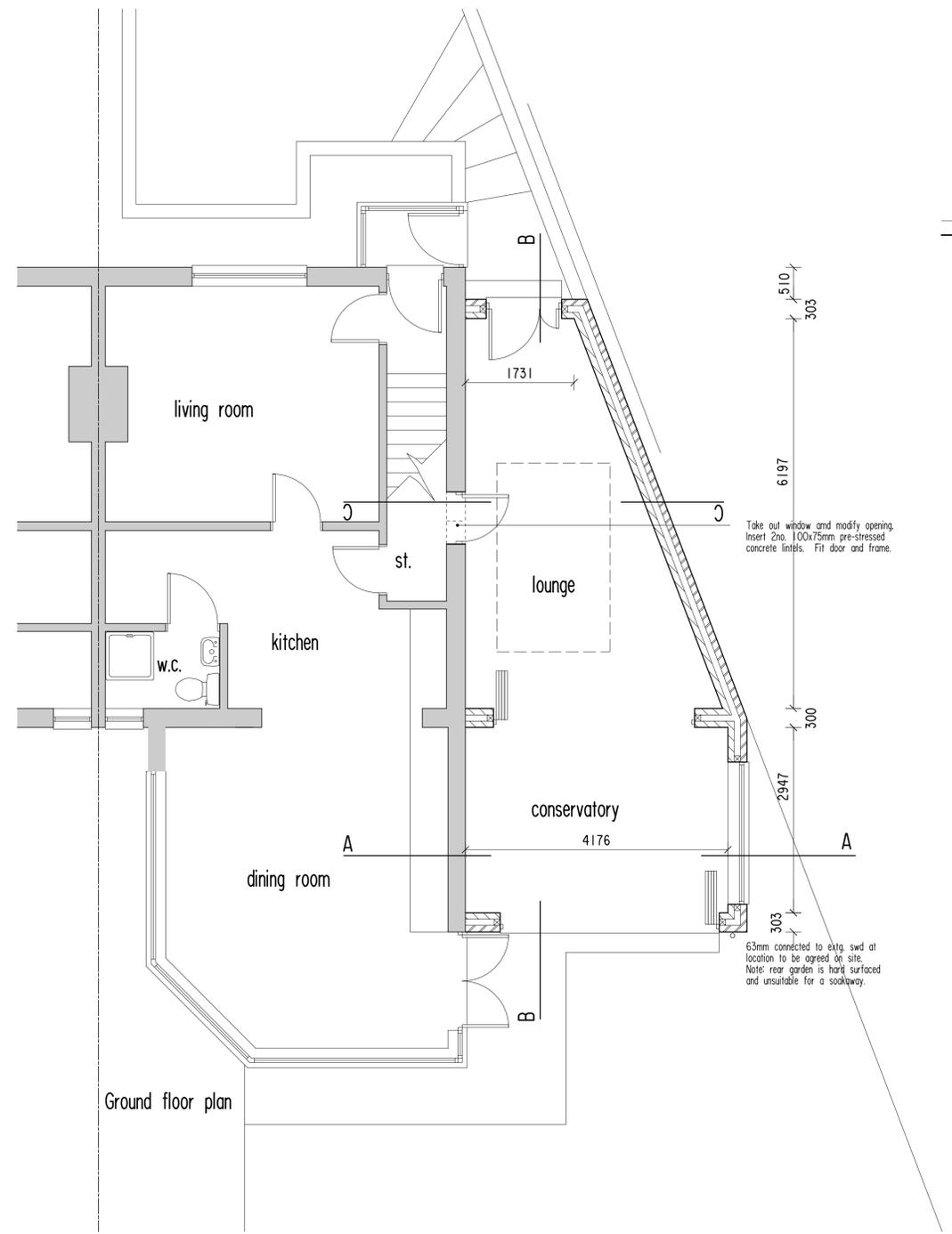
Section B-B



Section C-C



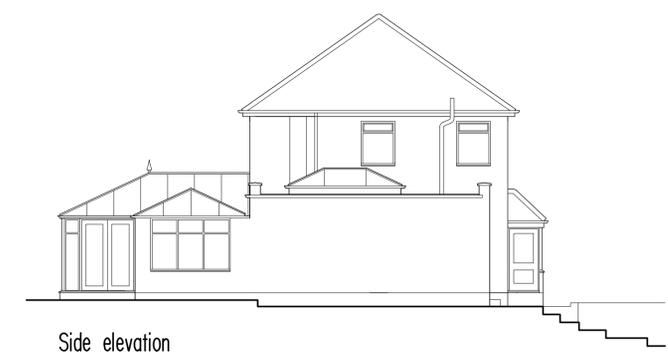
Location plan



Ground floor plan



Front elevation



Side elevation



Rear elevation

Flat roof - 12mm white spar chippings bedded in bitumen on HT250 felt, bitumen bonded to HT150 felt, bitumen bonded to Type 36 glass fibre base perforated felt, partially bonded to total of 130mm Kingspan TR21 Thermafloor insulation (50mm layer under 100mm layer), bonded with bitumen to Type 28 felt vapour barrier, nailed to 20mm external quality plywood on firings on 225x50mm joists at 450mm ctrs. 13mm plasterboard and skim ceiling.

Walls - external: 103mm facing brick outer skin, 100mm cavity filled with 100mm Rockwool Cavity Wall Batts which are to start 150mm below top of floor insulation and be continuous with roof insulation, 100mm Thermalite Shield concrete block inner skin, 13mm plaster. Stainless steel wall ties at 750mm horizontal and 450mm vertical centres. Insulated cavity closer/vertical dpc to all openings. New walls to be joined to existing with Catnic Stronghold Wall Connectors. Internal: 2no. skins 100mm Thermalite Shield lightweight concrete blockwork with 100mm cavity. 13mm plaster both sides.

Foundations - 600x700mm concrete trench fill footings, founded minimum 1000mm below adjacent ground level. Lean-mix to be used to take footings below invert of any adjacent drains.

Ground floor - 50mm screed, 100mm concrete slab, 500 gauge polythene separating membrane, 100mm Kingspan K3 Floorboard insulation, with 25mm thickness turned up to floor level at external walls, 1200 gauge polythene dpm, blinding and well consolidated hardcore.

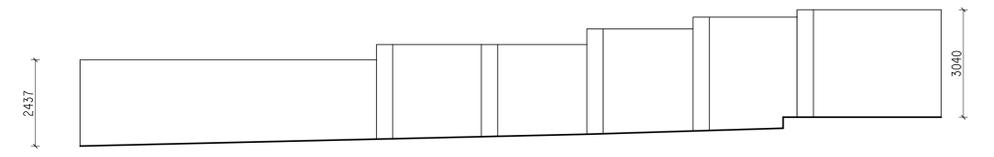
Lintels - external walls: galvanised m.s. insulated open back lintels, ie: Catnic CG90/100. Weepholes at 900mm centres, min. 2no. per opening. Internal block walls: 100x65mm pre-stressed concrete. All lintels to have min. 150mm bearings.

Windows - white PVC to match existing, double glazed with low emissivity glass, ie: Pilkington 'K' glass, to inner pane and 20mm argon gas filled air gap. Max. U<sub>v</sub> value 1.8W/m<sup>2</sup>K. All rooms to have trickle vents, totalling 5,000mm<sup>2</sup>. Any glass in doors, adjacent screens or below 800mm from floor level is to be toughened safety glass to BS6206. NOTE: manufacturer to provide a WER (window energy rating) certificate.

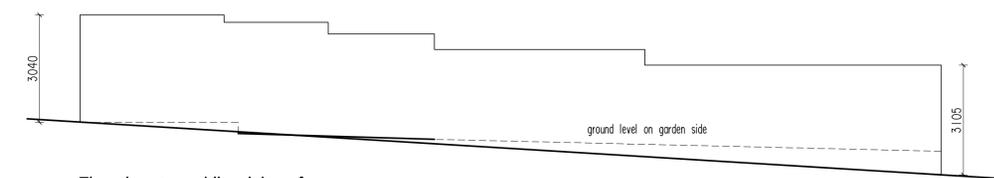
Drainage - all new drains to be 100mm dia. polyethylene laid to a min. fall of 1:80. All drains under extension to be surrounded with 150mm pea gravel. Where drains pass through walls they are to have lintels over and be surrounded with 50mm compressible material.

Structural timber - C16 grade, Tanalised or similarly preservative treated.

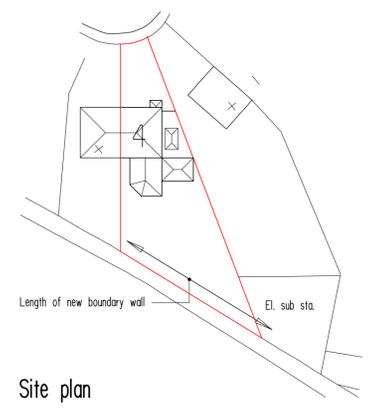
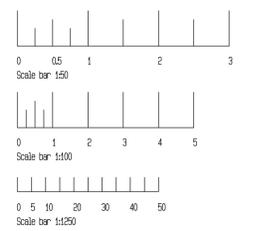
Electrical safety - all electrical works, including smoke detection/alarm system, are to be carried out by a competent person in compliance with BS7671 and Part P. A relevant compliance certificate, ie: NICEIC, is required to allow the issue of a Building Regulations completion certificate.



Elevation to garden



Elevation to public right of way



Site plan

Mr. & Mrs. J. BROWN  
 PROPOSED EXTENSION  
 4 MASONS CLOSE  
 CRADLEY  
 WORKING DRAWING  
 14:79:02

Scale 1:50 1:100 1:500 1:1250  
 Date December 2014

**MFL Design**

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