

PLANNING APPLICATION NUMBER:P14/1207

Type of approval sought	Full Planning Permission
Ward	Quarry Bank & Dudley Wood
Applicant	Mr C. SHAW
Location:	1, COXCROFT AVENUE, QUARRY BANK, BRIERLEY HILL, DY5 2ED
Proposal	ERECTION OF 1 NO. DWELLING AND GARAGE
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is the triangular-shaped side and rear garden area of no.1 Coxcroft Avenue, a 1980's semi-detached house located at the end of a cul-de-sac. Coxcroft Avenue is characterised by similarly-styled two storey semi-detached houses, the houses on the same side of the road as the site being set along a staggered build line. There are a number of mature trees and hedges along the southern (side) and western (rear) boundaries. The site is at an elevated level above the gardens of houses on Bickon Drive to the south, there being a 2m drop in levels from the northern end to the southern end of the site. To the west are houses and an apartment block on Thorns Road which are at a higher level than the site.

PROPOSAL

2. Permission is sought to erect a 3-bedroom detached house at the site with an attached garage. Access to the property will be via a newly-created driveway at the end of the cul-de-sac. The development would have an irregular-shaped rear/side garden, 8m long at its longest point and 21m at its widest. The first floor accommodation is to be provided in the roof space of the building, with box dormers on the front and rear elevations.

PLANNING HISTORY

3.

APPLICATION	PROPOSAL	DECISION	DATE
P08/0575	Erection of One pair of 3no. Semi-Detached Dwellings with Associated Access and Parking	Refused	February '09
P10/0472	Erection of 1 no.Dwelling	Approved with Conditions	June 2010

4. Application P08/0575 was refused on the grounds that the proposed development would have an adverse effect on the amenities of the occupants of properties on Bickon Drive by reason of loss of outlook resulting from the elevated position of the proposed development and its close proximity to the site boundary, contrary to Policy DD4 of the UDP. A subsequent appeal was dismissed. The Inspector concurred with the Council's reason for refusal, and was also of the opinion that the development would appear out of place in its surroundings and would lead to a loss of outlook and privacy at the properties to the rear on Thorns Road.
5. The proposed development is identical to approved application P10/0472.

PUBLIC CONSULTATION

6. Neighbour notification letters have been sent to 25 properties. Four letters have been received, objecting to the development on the grounds that the development will result in a loss of daylight and that the removal of trees at the site will result in overlooking of adjoining properties and loss of privacy.

OTHER CONSULTATION

7. Group Engineer (Development): No objection.

Head of Environmental Health: No objection.

RELEVANT PLANNING POLICY

8. National Planning Policy

National Planning Policy Framework (NPPF) 2012

Black Country Core Strategy 2011

Policy HOU2 (Housing Density, Type and Accessibility)

Saved 2005 UDP Policies

Policy DD1 (Urban Design)

Policy DD4 (Development in Residential Areas)

Supplementary Planning Documents

New Housing Development SPD 2012

Parking Standards SPD 2012

ASSESSMENT

9. Key Issues

- Principle of the development;
- Impact on the character and appearance of the area;
- Residential amenity;
- Parking provision.

Principle

10. In assessing this application it is important to note that permission was previously granted for an identical development to that now proposed. In national planning policy terms the NPPF (introduced in 2012) states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the

local area. The fact that the proposal involves the development of a garden is not necessarily a reason for refusal in itself, provided that the development makes a positive contribution to the character of the area.

11. The NPPF also advises that housing applications should be considered in the context of a presumption in favour of sustainable development. Given that the site is within an established urban setting there is, in principle, national policy support for the type of development proposed, subject to the development being appropriate to the context of the area.

Character

12. Policy HOU2 of the Core Strategy requires that new housing developments should be of high quality design. Saved Policy DD1 requires that developments should make a positive contribution to the appearance of an area. Policy DD4 of the UDP seeks to ensure that residential development will be allowed where there would be no adverse effect on the character of the area. The design and scale of the building proposed would be similar to existing properties within the cul-de-sac and is therefore considered to be acceptable. The total garden area to be provided is approximately 130 square metres, which exceeds the 65 sq m guideline amount set out in the New Housing Development SPD for 3-bedroom houses and is of a similar size to gardens in the vicinity at adjacent properties. It is considered that the development provides sufficient private amenity space for the future occupants of the house.

Residential Amenity

13. The side elevation of the proposed building would be approximately 20m from the rear windows of the nearest properties on Bickon Drive, which is 6m in excess of the guideline set out in the New Housing Development SPD for distance between existing windows and gable walls of new houses. Even allowing for the change in levels between the houses on Bickon Drive and the area of the site where the proposed building is to be located, it is not considered that the development would

have any harmful impact on outlook. There are no habitable room windows on the side elevation facing Bickon Drive and as such no loss of privacy will occur.

14. With regard to the impact on properties on Thorns Road, there is only one habitable room window on the rear elevation at first floor - this window would be sited close to the site's northern boundary, and would overlook the rear parking court of a flatted development on Thorns Road rather than the houses. The distance between this window and the rear windows of the flats would be 20m, 2m below the guideline set out in the New Housing Development SPD for distances between new and existing dwellings. Given that the properties on Thorns Road are at a higher level than the site, and the existing trees along the boundary are to be retained, it is not considered that the development would result in a loss of privacy to the occupants of the flats. The distance separation between the proposed building and the nearest house on Thorns Road (no.27) would be 22m, in accordance with SPD guidance.
15. In view of the above it is considered that the development accords with Saved UDP Policy DD4 in that it would not have any adverse impact on residential amenity.

Parking provision

16. Policy DD4 also requires that new developments should not have any harmful effect on highway safety. The Parking Standards SPD requires the provision of 3 parking spaces for a 3-bed dwelling, which in this case can be accommodated within the proposed garage and driveway. As such the development will not result in on-street parking.

CONCLUSION

17. The proposed development would not have any adverse effect on the amenities of the occupants of existing nearby properties, the character of the area or highway safety. As such the proposal does not contravene UDP Policy DD4.

RECOMMENDATION

18. It is recommended that the application be APPROVED, subject to the following conditions:

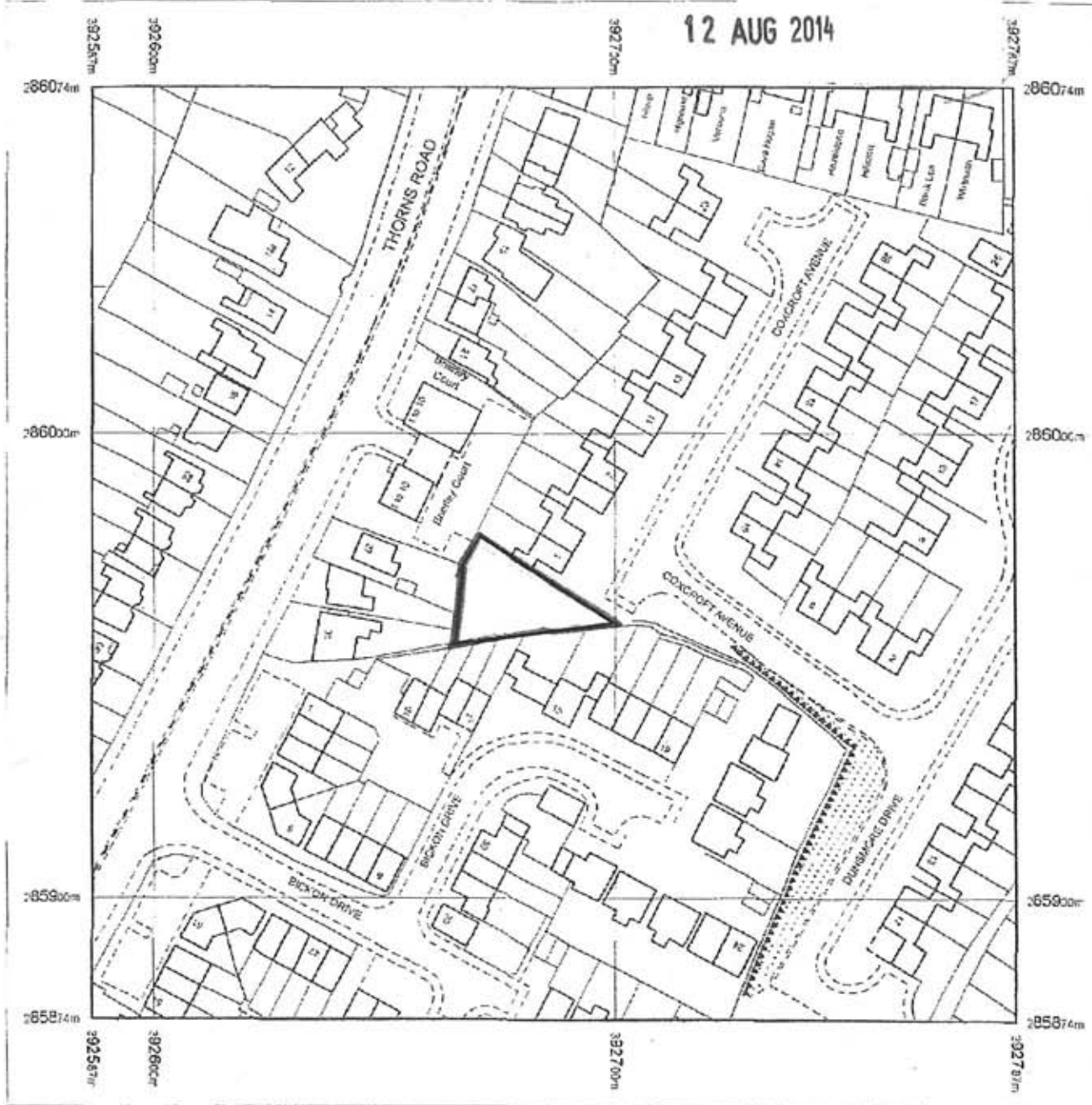
APPROVAL STATEMENT INFORMATIVE

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.

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. Prior to the commencement of development details of the proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved levels.
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. Prior to the commencement of development details of the boundary treatments, including retaining walls, to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details, which shall be installed on site prior to occupation and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
5. For the avoidance of doubt this permission relates to plan drawing nos 2,3,4 and 5.

12 AUG 2014



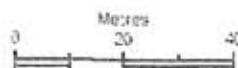
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The representation of a road track or path is no evidence of a right of way

The representation of features as lines is no evidence of a property boundary



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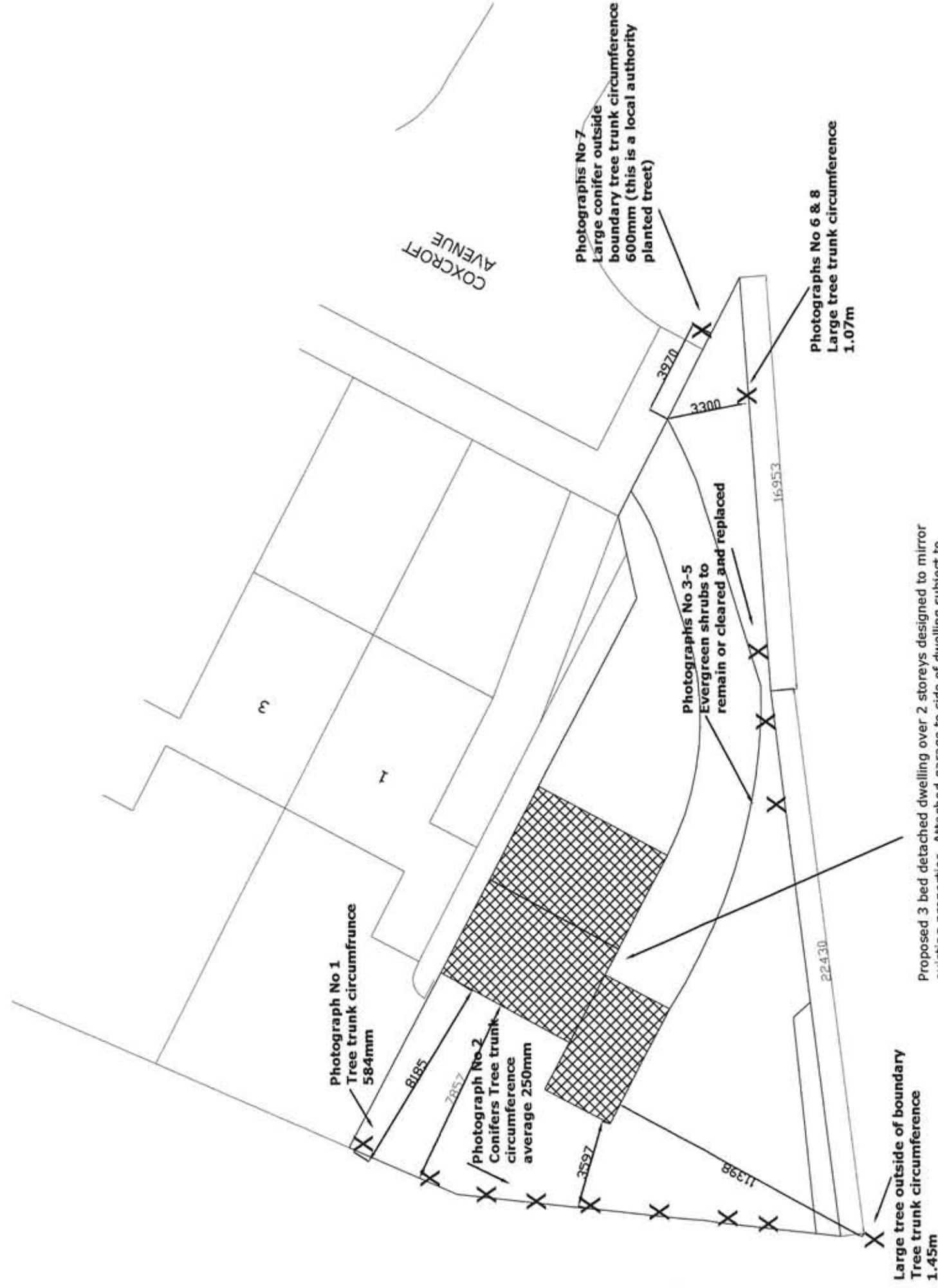
Client:
Messrs. Carl and
Colin Shaw

Date:
18/03/2008

Site Address:
1 Coxcroft Avenue
Quarry Bank
Brierley Hill

Org No:

01



Proposed 3 bed detached dwelling over 2 storeys designed to mirror existing properties. Attached garage to side of dwelling subject to approval and agreement, position open to advisement.

Final building position to be agreed.

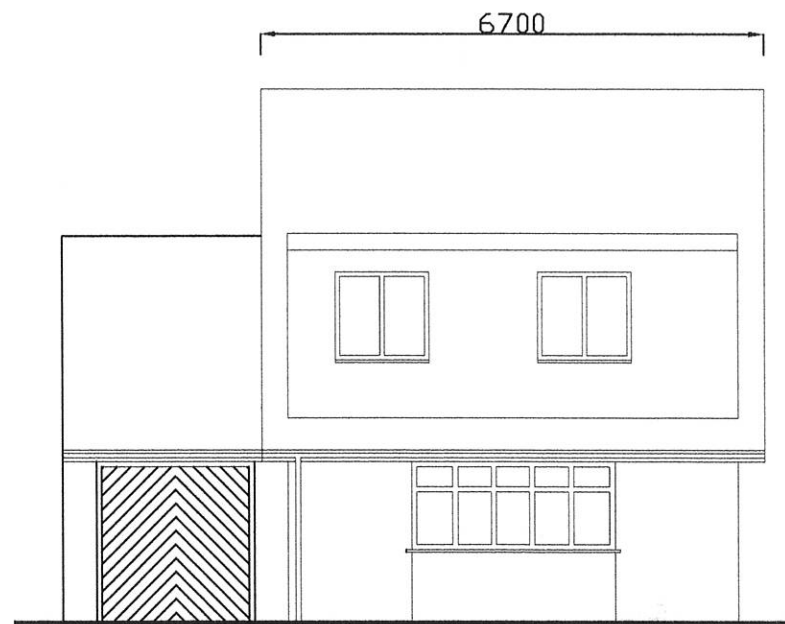
New house proposed to be 2.3m set back from front of existing.



Site Address: 1 Coxcroft Avenue Quarry Bank Brierley Hill	Date: 14/10/2014	Drng No: 5	Project title: Proposed development a single 3 bed detached house and garage	Drng Title: Tree location survey	Copyright: R Hayward, Not to be reproduced without permission	Surveyors House 32 Bramble Close Cradley Heath West Midlands B64 5QQ
Client: Mr Colin Shaw	Drawn by: R Hayward			Scale:1:200		



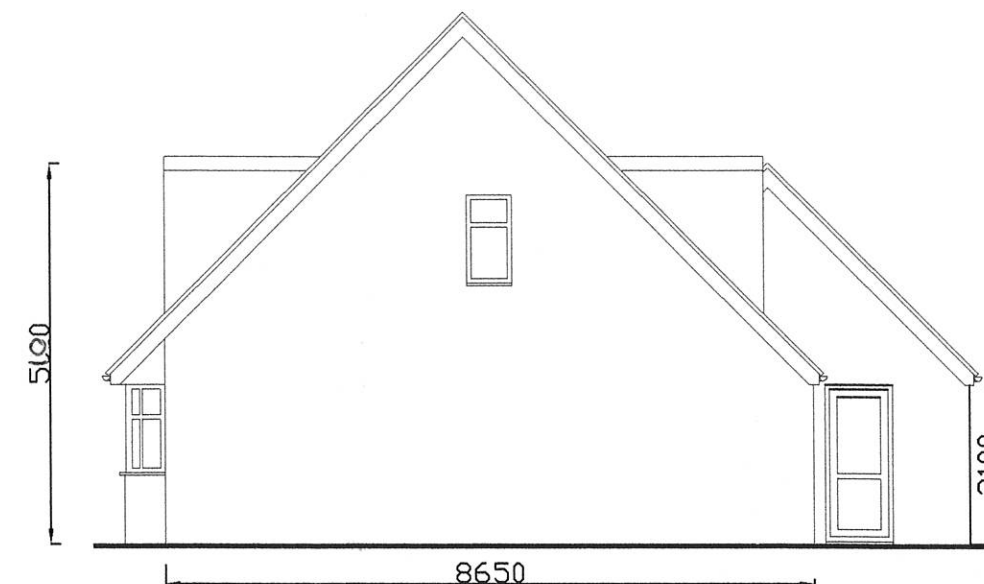
Site Address: 1 Coxcroft Avenue Quarry Bank Brierley Hill	Date: 18/03/2008	Drg No: 04	Project title: Proposed development of 1No 2 storey, 3 bed house.	Drg Title: Existing site Layout with ground levels. Scale:1:200	Copyright, R Hayward, Not to be reproduced without permission	Hayward Building Consultancy Ltd. Surveyors House 32 Bramble Close Cradley Heath West Midlands B64 5QQ
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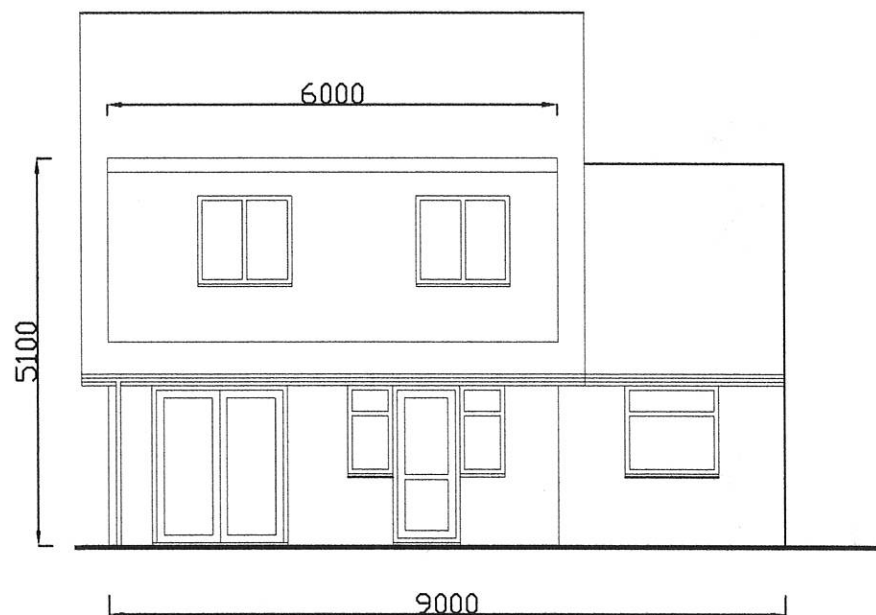
PROPOSED FRONT
ELEVATIONS



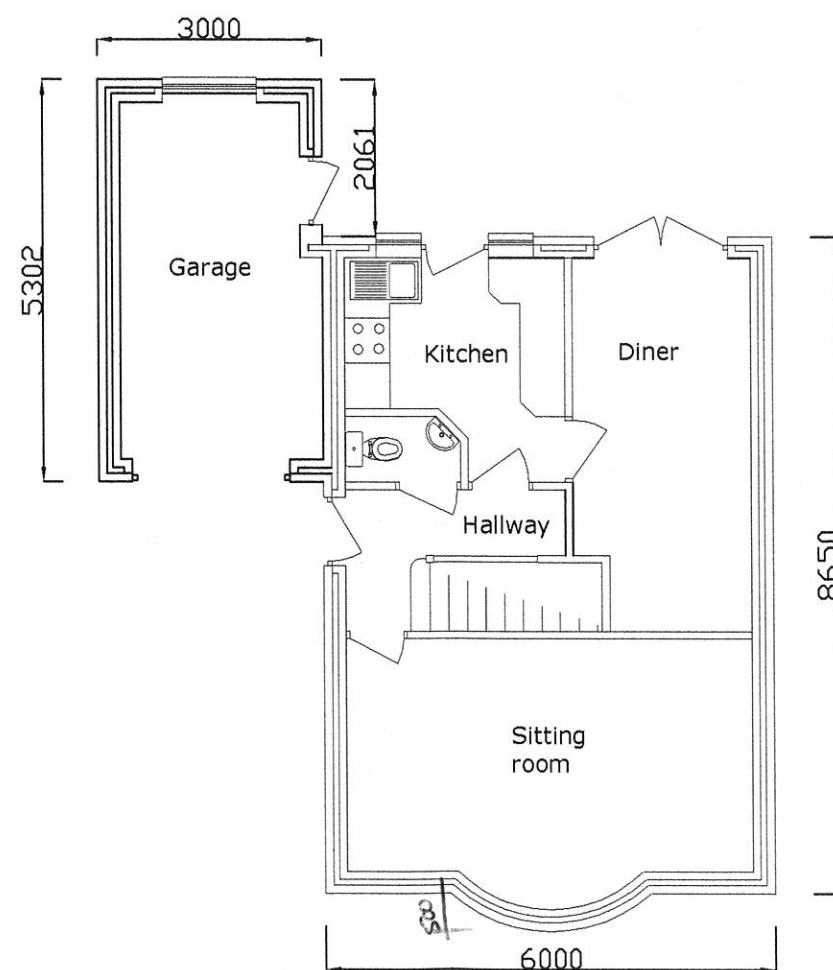
PROPOSED SIDE
ELEVATION



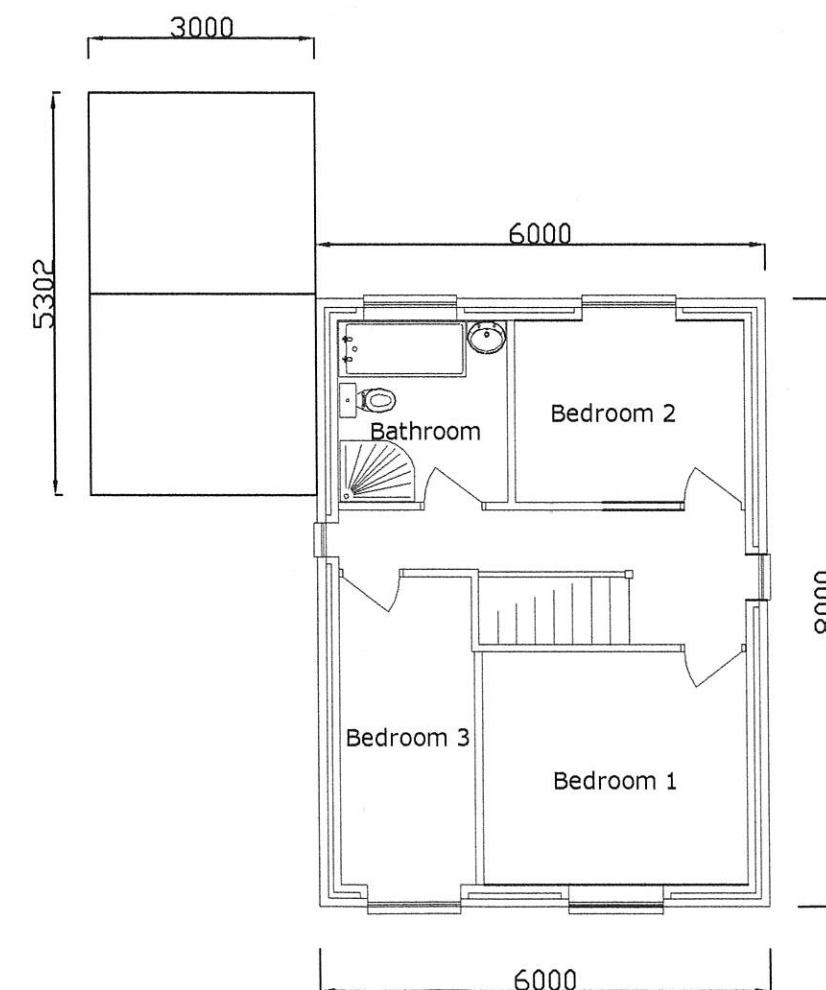
PROPOSED SIDE
ELEVATION



PROPOSED REAR
ELEVATIONS



PROPOSED GROUND
FLOOR LAYOUT



PROPOSED 1st floor
layout

<p>Site Address: Adjacent No 1 Coxcroft Avenue, Quarry Bank, Brierley Hill</p> <p>Client: Mr Colin Shaw</p>	<p>Project title: Proposed development of one 3 bed getached house</p>	<p>Drawn by: R Hayward</p> <p>Drg No: 03 Revised</p>	<p>Date: 13/10/2014</p> <p>Scale:1:100</p>	<p>Drg Title: Proposed elevations and floor layout (revised)</p> <p>Copyright, R Hayward, Not to be reproduced without permission</p>	<p>32 Bramble Close Cradley Heath West Midlands B64 5QQ</p>
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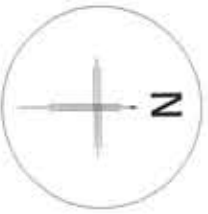
12 AUG 2014



Legend

House
location
proposed

front soft landscaping



Site Address: 1 Coxcroft Avenue Quarry Bank Brierley Hill	Client: Messrs. Carl and Colin Shaw
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Date:	12/01/2010
Drawn by:	R Hayward

Drug No:

02

Project title:
Proposed
development of 1No
2 storey, 3 bed
house.

Drug Title:
Proposed site
layout

Scale: 1:200

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