

## **PLANNING APPLICATION NUMBER:P14/0165**

|                         |   |
|-------------------------|---|
| Type of approval sought | Full Planning Permission  |
| Ward                    | Netherton Woodside and St Andrews   |
| Applicant               | Mrs R. Farooq   |
| Location:               | <b>LAND ADJACENT TO 31, GADS GREEN, NETHERTON, DUDLEY, WEST MIDLANDS</b>  |
| Proposal                | <b>ERECTION OF 1 NO. DWELLING TO INCLUDE LOWER GROUND FLOOR ASSOCIATED 1 NO. BEDROOM ANNEX WITH ANCILLARY WORKS (RESUBMISSION OF WITHDRAWN PLANNING APPLICATION P13/0612)</b> |
| Recommendation Summary: | <b>APPROVE SUBJECT TO CONDITIONS</b>  |

### **SITE AND SURROUNDINGS**

1. The application site measures 760 sq m and is an unused overgrown parcel of land to the side and rear of a bungalow at 31 Gads Green. The site access is located between 31 Gads Green and the public right of way (PROW) which gives access to 3 and 4 Gads Green and leads towards Bumble Hole Conservation Area and St Georges Road.
2. Facing the site access on the south side of Gads Green, are a row of 1990's detached houses and on the opposite side of the PROW to the application site are a pair of 1950's era semi detached houses.
3. Adjoining the site to the south and west at a higher level is the bungalow and garden of 31 Gads Green, beyond which are located four houses and the rear gardens of 23-29 St Peters Road which face towards the site at a distance of some 20-27 metres.
4. To the north of the site at a higher level is a grassed area with a number of single storey buildings adjacent to the site boundary. The access for 3 Gads

Green also runs to the north of the site with a highways verge comprising a line of Hawthorn and Sycamore trees and general shrubbery before the PROW to the east.

5. The site is close to the Bumble Hole Conservation Area, the boundary of which is along the PROW.
6. There are levels differences within and adjoining the site with the site access sloping down into the site from Gads Green with a drop of 2.5m. The PROW which rises up from Gads Green towards St Georges Road is also set at some 3m higher level with the highway verge sloping towards the site.
7. The rear garden of the bungalow at 31 Gads Green has two levels, with the lowest level matching that of the application site and the higher level 2m above and fenced off, being level with the bungalow.

## PROPOSAL

8. This application seeks permission for a three storey detached house with a one bedroom parents annexe located on the lower ground floor. Vehicular access from Gads Green slopes down to the lower ground floor to a double garage with an additional higher level access to the main dwelling running above the subterranean garage. On the ground floor level is a lounge, sitting room, dining room, kitchen, study and two balconies, with five en-suite bedrooms at first floor.
9. The irregular shape of the site allows for garden areas to the side (west) and rear (north) of the property with two additional patio areas and balconies at ground floor level. The dwelling has been designed with obscure glazing to windows in the south western elevation to prevent any overlooking of the bungalow at 31 Gads Green.
10. The application is accompanied by a design and access statement, tree survey and ecological survey.

## HISTORY

11.

| APPLICATION No. | PROPOSAL  | DECISION  | DATE     |
|-----------------|---|-----------|----------|
| P00/51768       | Erection of two four bedroom detached houses  | Withdrawn | 04/01/01 |
| P08/0299        | Outline application for the erection of 2 No dwellings (access and layout to be considered)                             | Granted   | 30/04/08 |
| P08/0299/E1     | Extension of time of previously approved application P08/0299 (outline application for the erection of 2 No. Dwellings) | Granted   | 17/05/11 |
| P12/1397        | Erection of 1 No. dwelling to include lower ground floor associated 1 No. bedroom annex with ancillary works            | Withdrawn | 15/02/13 |
| P13/0612        | Erection of 1 No. dwelling to include lower ground floor associated 1 No. bedroom annex with ancillary works            | Withdrawn | 20/01/14 |

## PUBLIC CONSULTATION

12. The application has been advertised by direct neighbour notifications to 40 properties and the display of press and site notices. As a result, twenty two emails and letters of objection have been received raising the following concerns:

- Size of dwelling
- Not in keeping
- Out of scale

- Overlooking
- Possible future uses specifically a nursing home
- PROW unsafe during building works
- Overspill of parking onto street
- Existing parking issues
- Close to a nature reserve
- Increase in noise and disruption

13. Thirteen emails and letters of support have been received which include comments that the house has been reduced in size, would now fit in with surrounding area, utilises the difficult sunken plot, will improve security for people using the track, that the site is in a poor visual condition and a preference for one plot instead of two as approved by the outline permission.

14. The letters of objection are mainly from Gads Green and St Peters Road. The thirteen email/letters of support are from Gads Green, one from an address in St Georges Road and one from the Bridgnorth area.

#### Councillors

15. An objection has been received from Councillor T Wood raising issues about potential loss of privacy, overlooking, overshadowing, visual impact, the design not in keeping and out of character with the area. The Councillor does not object to the development of the land but does not support this particular proposal.

16. An email of support has been received from Councillor S Safeena who is of the view that the application 'should be approved to help facilitate an easier lifestyle for the disabled residents'. It is understood that the term disabled residents relates to the appellant's parents who would be moving into the annexe.

## OTHER CONSULTATION

17. Head of Environmental Health and Trading Standards – No adverse comments in terms of noise, and subject to conditions relating to the assessment of the risks posed by any ground gases or vapours there are no objections.
18. Group Engineer (Highways) – no objections subject to conditions relating to the provision of the access and parking prior to first occupation.
19. West Midlands Fire Service – no objections.

## RELEVANT PLANNING POLICY

### 20. National Planning Policy Framework (2012)

The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

### 21. Black Country Core Strategy (2011)

- DEL1 Infrastructure Provision
- TRAN2 Managing Transport Impacts of New Development
- TRAN5 Influencing the Demand for Travel and Travel Choices
- CSP1 The Growth Network
- CSP2 Outside the Growth Network
- ENV3 Design Quality
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility

## 22. Saved Dudley Unitary Development Plan (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- EP7 Noise Pollution
- HE4 Conservation Areas
- UR9 Contaminated Land

## 23. Supplementary Planning Documents / Guidance

- Parking Standards
- Planning Obligations
- New Housing Development – Revised 2013

## ASSESSMENT

24. The main issues for consideration in this application are as follows:

- Principle
- Street Scene/Design
- Residential Amenity
- Access and Parking
- Planning Obligations

### Principle

25. There is an extant outline planning permission, P08/0299, for 2 dwellings approved in May 2011. The principle of residential development has therefore already been established by the granting and subsequent renewal of the outline planning permission.

### Street Scene/Design

26. The immediate area is characterised by 2 storey houses on St Peters Road, opposite the site in Gad Greens and at 1 and 2 Gads Green. There is one bungalow next to the site at 31 Gads Green and due to the change in levels, 3

Gads Green is a mixture of single and two storey and 4 Gads Green is a large dormer style dwelling.

27. The proposed house would be of 3 storey scale overall, with a hipped roof to reduce mass and visual impact, but would appear as a two storey dwelling from outside the site due to the sunken site levels. Whilst the proposed dwelling would undoubtedly be a large structure, the mass of the property has been limited by consolidating the design relative to previous applications and it is not now considered to be of a scale which would have an adverse impact upon the street scene and the immediate character of the area, in accordance with Saved Policy DD4.

28. The design would comprise a brick built dwelling with low hipped roof and generally balanced fenestration with tile feature panels and emphasis on window lintels and cills to provide features within the design.

#### Impact upon the Conservation Area

29. The application site is located to the west of the PROW and the boundary of the Bumble Hole Conservation Area is along the PROW and predominantly includes the land to the east side of the PROW. The application site adjoins other residential sites and the residential nature of the proposed scheme would have a neutral impact on the adjacent generally open conservation area and its surrounding environs.

30. When viewed from the conservation area, there is an existing landscaped highways verge of up to 3.5 m width containing a number of trees and shrubbery which partly obscures the site. The steep drop into the site is noticeable from the PROW and the house would be at a lower level reducing the impact of its 3 storey height from the PROW, with the house would be set against the backdrop of existing houses. The side elevation facing towards the PROW has been revised to allow for a more active elevation facing towards the conservation area to give an improved visual appearance. It is considered that the setting of the proposed dwelling, its height and relationship to existing buildings would not appear inappropriate relative to the setting of the conservation area.

### Residential Amenity

31. The proposed dwelling is set within the site to allow a separation distance of 12m between the dwelling and 31 Gads Green at its closest point. Due to the higher level of the bungalow, close boarded fencing surrounding the higher level of the bungalow and that the bungalow angles away from the proposed dwelling, residential amenity would not be adversely affected. Windows facing the bungalow are also to be obscure glazed to prevent overlooking.
32. There would be a minimum separation distance of 28m rising up to 36m between the rear facing habitable windows of 23-29 (odds) St Peters Road and front/side habitable windows of the proposed dwelling. The ground floor balcony on the west side of the dwelling, would measure 2m wide by 6.2m long and would be a minimum 25m from the rear of the dwellings in St Peters Road.
33. There would be a separation distance of 20m between the blank side elevation of 3 Gads Green and the proposed dwelling which will be separated by boundary fencing and the side driveway of 3 Gads Green.
34. In regards to the impact upon 1 and 2 Gads Green whilst the front elevation of the proposed dwelling and the rear elevations of 1 and 2 do not face each other, the side elevation of the proposed dwelling would face east over the PROW and a portion of the rear gardens of 1 and 2 Gads Green. The upper two storeys of the proposed dwelling would contain one dining room window and one sitting room with two bedroom windows on the top floor on the east elevation. There would be minimum separation distances of between 12m and 28m between the side elevation of the proposed dwelling and the rear garden boundaries of 1 and 2 Gads Green respectively, which is considered to be appropriate to maintain amenity.



35. Between the front of the dwelling and the detached 1990's properties in Gads Green there would be a separation distance of 28m with intervening front drive, pavements and the highway.
36. Whilst undoubtedly the proposed dwelling would be a large structure and visible from neighbouring properties, the lower level difference within the site means that the proposed dwelling would have ridge heights comparable with, for example, 1 and 3 Gads Green.
37. Taking into account the separation distances, siting, height, massing, orientation and levels it is considered that on balance, the proposed dwelling would not adversely impact upon residential amenity, notwithstanding objections received, in accordance with Saved Policy DD4 of the adopted UDP (2005).

#### Access and Parking

38. Access to the site would provide for two driveways with the higher driveway to the right serving the main entrance and a lower driveway serving the double garage, parking area and annexe at the lower ground floor level. The site could therefore accommodate parking for some five vehicles with safe manoeuvring without overspill onto the locality. Subject to conditions the proposed scheme is considered satisfactory from a highways viewpoint, in accordance with UDP policy DD4.

#### Ecology

39. An ecological survey report submitted with the application concluded that there was no potential for bat roosting on the application site and no badger sets were found on the site. Common toads were found on the site during the survey, but no Great Crested Newts.
40. There is an opportunity to enhance the areas wildlife potential by planting a suitable mix of native species when landscaping using a mix of species already found within the local area and provide more suitable habitats for protected species, such as bat boxes, within the redevelopment site.

## CONCLUSION

41. The siting and the external appearance of the proposed dwelling are considered to be acceptable and to have a neutral impact upon the setting of the conservation area. The proposed development will make full and efficient use of the land and the scheme conforms to the local context and character of the area. Neighbours amenity and street scene are not considered to be adversely affected and the scheme is in accordance with the Core Strategy and Saved UDP Policies.

## RECOMMENDATION

42. 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.

### **NOTE TO APPLICANT**

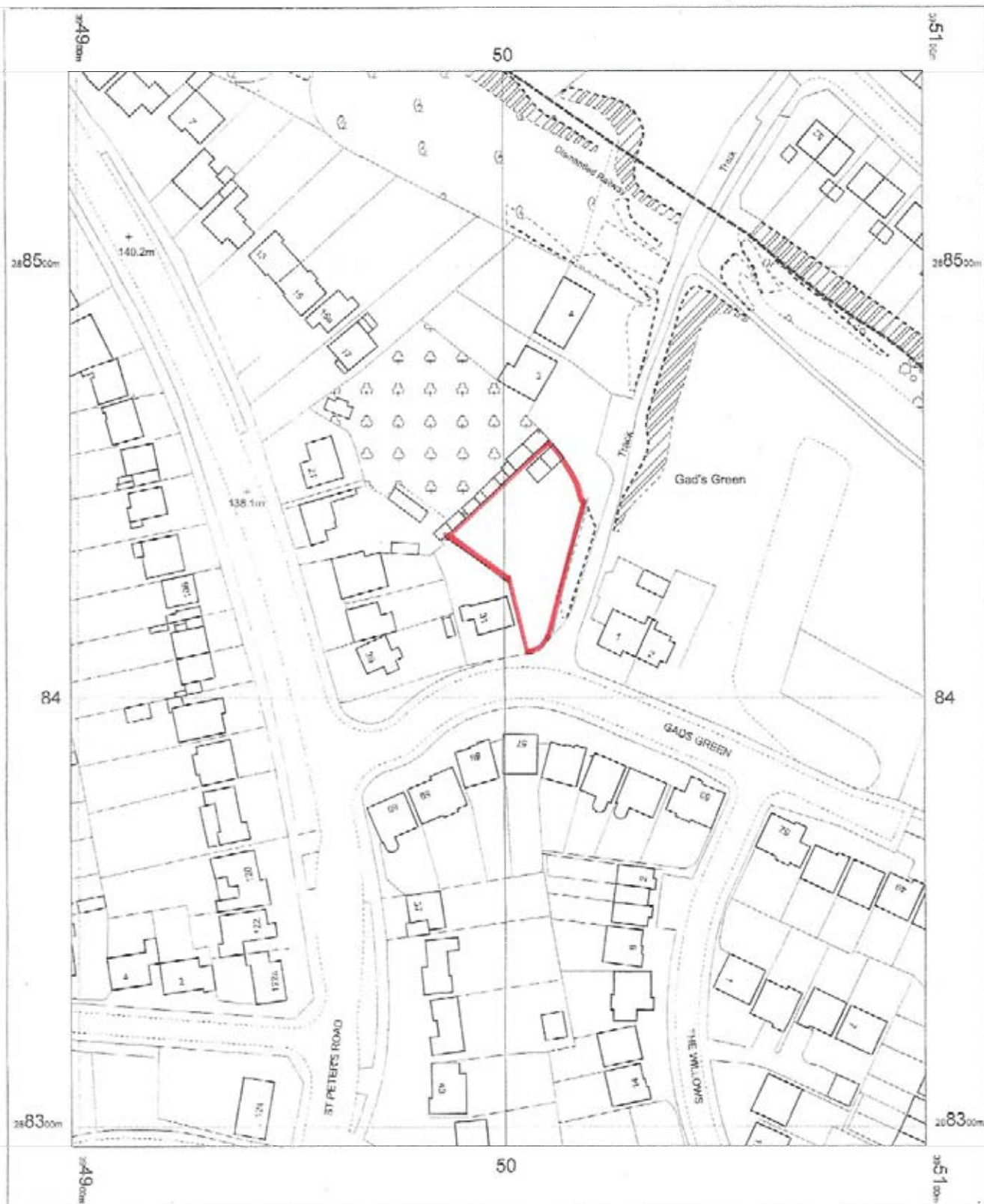
The granting of planning permission does not confirm the structural integrity of the proposed development. Local Planning Authorities do not have a duty of care to individual landowners when granting applications for planning permission and are not liable for loss caused to an adjoining landowner for permitting development.

Sections 77 and 78 of the Building Act 1984, provides Local Authorities with powers to take action with respect to dangerous buildings/structures. Therefore, should the development raise concerns in the future with respect to its structural stability there are powers under separate legislation to planning that would enable the situation to be rectified.

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 hereby permitted shall be carried out in accordance with the following approved plans: 31GG/001-2014, 31GG/002-2014, 31GG/003-2014, 31GG/004-2014, 31GG/005-2014, 31GG/006-2014 and the 1:1250 scale location plan.
3. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.
4. Prior to the commencement of development, details of the types, sizes and locations of the boundary treatments around the site and 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 dwellings hereby approved and thereafter retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
5. Prior to first occupation of the dwelling, the means of access and parking areas will be provided in accordance with the approved details and graded, levelled, surfaced, drained and marked out. These areas will be maintained for no other purpose for the life of the development.
6. 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.
7. No additional openings shall be formed in the side elevations of the dwelling hereby approved without the prior written approval of the local planning authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2 Part A Class A, B, C, D and E of that order shall be carried out.

9. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
10. Notwithstanding the approved drawings, prior to the commencement of development, details of the fenestration 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.
11. Prior to the commencement of development, details of the existing and 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.
12. Prior to the commencement of development, details of the retaining walls (and structural calculations) to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The retaining walls, as agreed, shall be implemented on site prior to first occupation of the dwelling and thereafter maintained for the lifetime of the development.
13. No development shall commence until details for the provision of automatic security gates have been submitted to and approved in writing by the Local Planning Authority. The automatic security gates shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
14. Prior to the commencement of development, a plan detailing the type and location of bat roost provision on the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the development hereby approved, the agreed provision will be installed on site and thereafter maintained available for use for the lifetime of the development.
15. No development shall begin until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
16. Where the approved risk assessment (required by condition 15) identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
17. Unless otherwise agreed in writing with the LPA, the approved scheme (required by condition 16) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.
18. The lower ground floor of the building hereby approved shall not be sold-off or sub-let separately from the main dwelling, but occupied and used as ancillary to the main dwelling dwelling unit.



OS Mastermap  
01 November 2012, ID: CM-00187183  
[www.centremapslive.co.uk](http://www.centremapslive.co.uk)

1:1250 scale print at A4, Centre: 394998 E, 288420 N

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| A |      |           |
|   | Date | Revisions |

**Client**

**MRS. REHANA FAROOQ,  
9 SELBORNE ROAD, DUDLEY, DY2 8LJ**

|                  |
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| <b>Job Title</b> |
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**PROPOSED ERECTION OF ONE DETACHED DWELLING ON  
LAND ADJACENT TO 31 GADSDEN GREEN, NETHERTON,  
DUDLEY, DY2 9HQ.**

**Drawing Title**

### PROPOSED SITE PLAN

**Scale**

1:200,

Date \_\_\_\_\_

29<sup>th</sup> JANUARY 2014.

**Drg No:**

No: 31GG/001-2014.

Rev:

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## PROPOSED SITE PLAN

RIDGE 144.20  
EAVES 143.50  
FFL 141.40  
FFL 138.70  
FFL 136.00



FRONT



SIDE



REAR



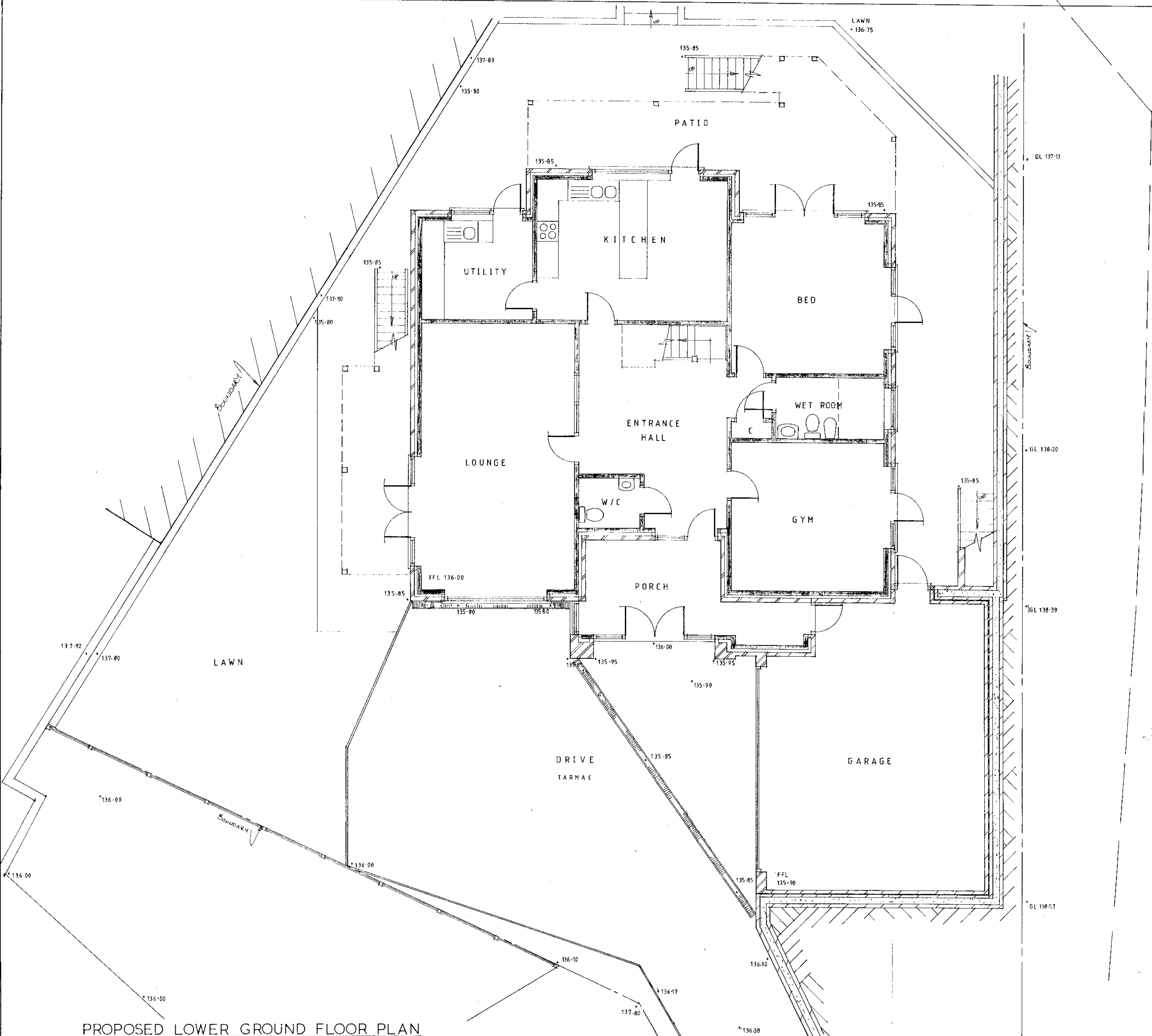
SIDE

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| <b>A</b>   |             |                  |
|  | <b>Date</b> | <b>Revisions</b> |
| <b>Client</b>  |             |                  |
| <b>MRS. REHANA FAROOQ,<br/>9 SELBORNE ROAD, DUDLEY, DY2 8LJ</b>  |             |                  |
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| <b>Drawing Title</b>   |             |                  |
| <b>PROPOSED ELEVATIONS.</b>  |             |                  |
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| <b>Date</b>  |             |                  |
| <b>29<sup>th</sup> JANUARY 2014.</b>   |             |                  |
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PROPOSED LOWER GROUND FLOOR PLAN

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| A | Date | Revisions |
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Job Title  
PROPOSED ERECTION OF ONE DETACHED DWELLING ON  
LAND ADJACENT TO 31 GADSDEN, NETHERTON,  
DUDLEY, DY2 9HQ.

Drawing Title  
PROPOSED LOWER GROUND FLOOR PLAN

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Date  
29th JANUARY 2014.

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### Job Title

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LAND ADJACENT TO 31 GADS GREEN, NETHERTON,  
DUDLEY, DY2 9HQ.

### Drawing Title

PROPOSED GROUND FLOOR PLAN

### Scale

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### Date

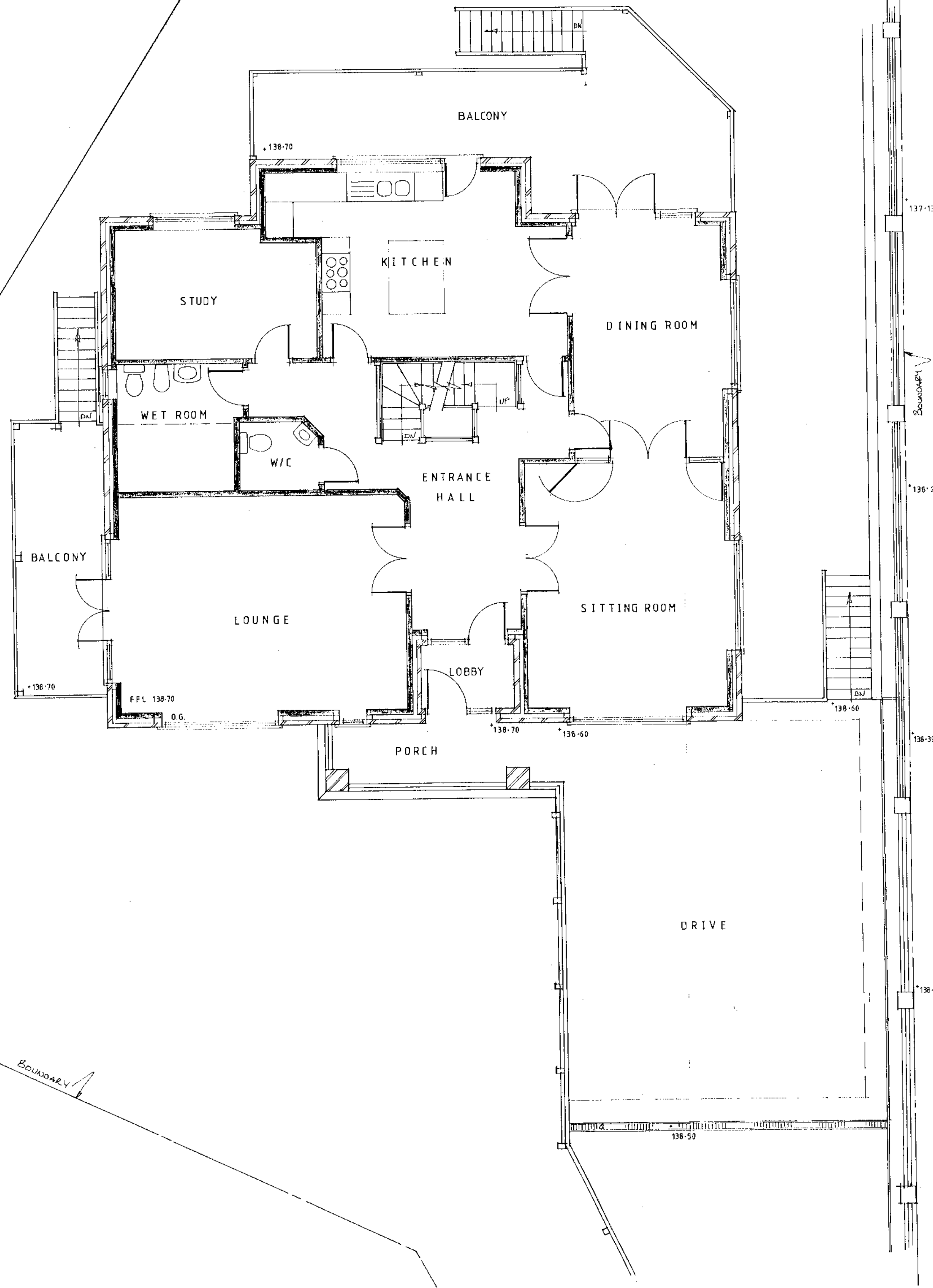
29<sup>th</sup> JANUARY 2014.

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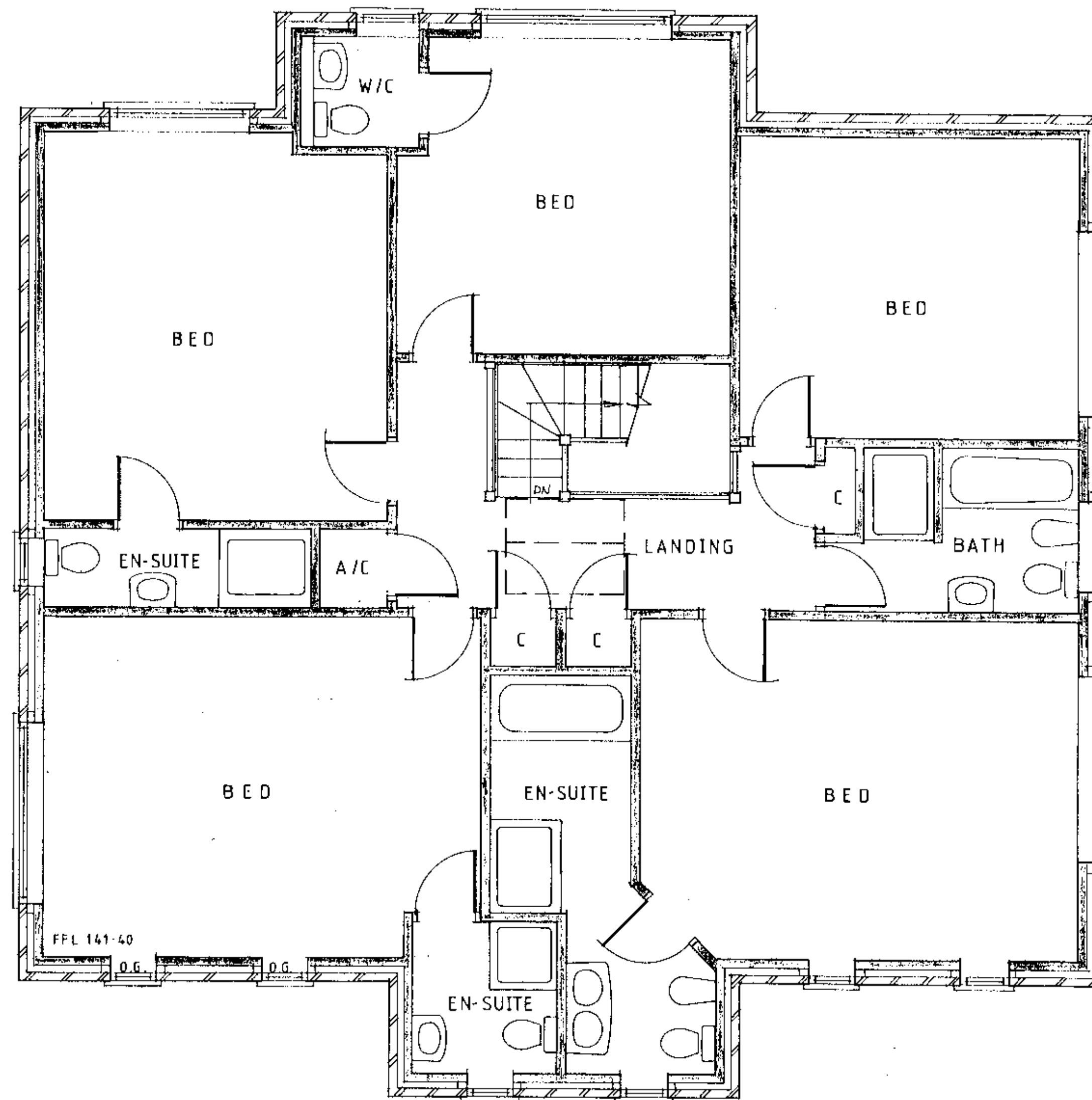
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PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

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| A  | Date | Revisions |
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| Job Title<br>PROPOSED ERECTION OF ONE DETACHED DWELLING ON<br>LAND ADJACENT TO 31 GADSDEN GREEN, WETHERTON,<br>DUDLEY, DY2 9HQ.  |      |           |
| Drawing Title<br>PROPOSED FIRST FLOOR PLAN   |      |           |
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