

PLANNING APPLICATION NUMBER:P13/1585

Type of approval sought	Full Planning Permission
Ward	Upper Gornal & Woodsetton
Applicant	Mr & Mrs Graham Wright
Location:	16, MODEN HILL, SEDGLEY, DUDLEY, DY3 3YB
Proposal	ERECTION OF 1 NO. DWELLING (RESUBMISSION OF REFUSED APPLICATION P12/1127)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. This 0.06 hectares site currently forms part of the side garden of 16 Moden Hill. The garden is on a significant slope from east to west with several terraced levels. At the top of the slope the garden abuts Snowdon Rise and is bounded by a fence. Planted and self-seeded trees are present in this area. The second level to the garden comprises with primarily ornamental planting with a decked seating area. The lower level to the garden is managed grassland, this drops quite significantly towards the rear (western) boundary with 70 Moden Hill, a mature conifer hedgerow separates these dwellings. No. 70 is sited perpendicular to the application site, the rear garden running along the length of the boundary.
2. The existing property at 16 Moden Hill is a split level dwelling located on the corner of Moden Hill and Snowdon Rise. Fronting Snowdon Rise it is of single storey appearance, whereas it is two storey at the rear and facing Moden Hill. Vehicular access to the dwelling is from Moden Hill, where there is driveway to accommodate at least 4 vehicles. The northern boundary to the site comprises of mature conifer hedge. Beyond the top northern corner of the site is Green Belt land.

3. The northern boundary is adjoined by a Public Right of Way, beyond which is 10 Snowdon Rise, a two storey detached dwelling built on a similar level to the top of the application site.
4. Properties directly opposite in Snowdon Rise, are built on higher land, such that their ground floor is approximately level with the roof of 16 Moden Hill.
5. Further down the hill, to the west of the application site, there are four, three storey dwellings built off the slope.
6. The general topography of the area is one of significant changes in level from an east to westerly direction along Moden Hill where there are a mixture of property types from a variety of periods.

PROPOSAL

7. This application seeks approval for a split level, 3 bedroom dwelling in the side garden of 16 Moden Hill.
8. Due to the sloping site, although two storeys would in effect be created, this would appear as single storey fronting Snowdon Rise and two storey to the rear.
9. The floor level with Snowdon Rise would contain the garage with 3 bedrooms and bathroom.
10. The lower floor would contain a family room, lounge, kitchen, dining room and shower room.
11. The property would sit alongside No. 16 and is shown to measure between 9.6m and 10.6m deep by up to 11m wide. The front elevation would measure up to 4m to the ridge of the roof and 8.5m to ridge (5.5m to eaves) at the rear.

12. The rear garden would be between 12m to 16m long by a maximum 21m wide, giving an area of approximately 253m².
13. A new vehicular access from Snowdon Rise would be created, leading to at 3 spaces on the driveway and 1 in the proposed garage.
14. A Design and Access Statement, Protected Species Survey and Tree Report accompany this application.
15. During the course of this application further amendments were made to the scheme;
 - 3 off street car parking spaces on the driveway instead of 2
 - Gradient of driveway shown to be 1:8
 - An external charging point to be provided adjacent to at least 1 parking space.

RELEVANT PLANNING HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P12/1127	Erection of 1 no. dwelling	Refused	31/10/2012
		Appeal dismissed	12/06/2013
P12/0519	Erection of 1 no. dwelling (resubmission of withdrawn planning application P11/0955)	Refused	02/08/2012
P11/0955	Erection of 1 no. dwelling	Withdraw	06/12/2011
CC/75/1803	Erection of 5 detached houses with integral garages. (multi bound site - 1st of 2 sites).	Approved with Conditions	31/12/1975

16. Most recent planning applications P12/1127 and P12/0519 were refused on the following ground;
 - *The proposed dwelling, due to its position and scale, would result in a form of development that would be detrimental to the amenities of the occupiers of*

neighbouring properties through the overlooking of private rear gardens and the overbearing nature of the structure. The proposal would therefore be contrary to Policy DD4 of the Saved UDP.

17. Planning application P11/0955 was withdrawn following concerns raised by the local planning authority regarding;
- projecting garage protruding forward of the established building line within Snowdon Rise
 - proposed dwelling with external balconies would result in overlooking of private rear gardens of adjacent properties
 - that the development should respect local character of height and mass, generally 2 storey dwellings in surrounding area.

PUBLIC CONSULTATION

18. Direct neighbour consultation was carried out to 16 adjoining and adjacent neighbours, as a result of which, 4 letters of objection have been received, summarised as follows;
- Overlooking and loss of privacy to adjacent properties
 - Will affect the stability of surrounding land
 - Inadequate drainage currently would be added to by new dwelling
 - Harmful to natural habitat and wildlife.
 - Moden Hill/Snowdon Rise unsuitable for additional vehicular traffic
 - Will result in overspill parking in Snowdon Rise and Moden Hill
 - New proposal does not present a design that sufficiently less massive to previous scheme.

OTHER CONSULTATION

19. Group Engineer (Highways): No objection subject to provision of a satisfactory plan showing the parking layout, gradient details, and a condition regarding an electric charging point.

20. Head of Environmental Health and Trading Standards: No objection.
21. West Midlands Fire Service: No objection

RELEVANT PLANNING POLICY

22. National Planning Policy Framework (NPPF) 2012

This sets out the Government's 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.

23. Black Country Core Strategy (BCCS) Policies 2011

CSP2 - Development outside the Growth Network

CSP4 – Place Making

HOU1 – Delivering Sustainable Housing Growth

HOU2 – Housing Density, Type and Accessibility

TRAN2 – Managing Transport Impacts of New Development

TRAN5 – Influencing the Demand for Travel and Travel Choices

ENV1 – Nature Conservation

ENV2 – Historic Environment and Local Distinctiveness

ENV3 – Design Quality

24. Saved UDP Policies 2005

DD1 – Urban Design

DD4 – Development in Residential Areas

NC6 – Wildlife Species

25. Supplementary Planning Document

Parking Standards (2012)

New Housing Development

Nature Conservation

ASSESSMENT

26. The key issues in determination of this application are;

- Principle of development
- Character and appearance of the area
- Residential amenities of nearby occupiers
- Highway safety
- Impact upon wildlife species

Principle of development

27. The recently issued National Planning Policy Framework encourages LPA's to boost significantly the supply of housing in sustainable locations. It also 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.

28. In the recent appeal decision for application P12/1127, the Inspector noted that;

'The footprint of the proposed dwelling would be slightly smaller than that of the host dwelling and in my view it would sit comfortably within the plot'.

The general principle of the development was therefore considered acceptable.

29. It is clear that the presumption in favour of sustainable development contained in the NPPF is not intended as a blanket justification for all such development. NPPF requires good design, which is a key aspect of sustainable development. These issues are explored below.

Character and appearance

30. BCCS policy HOU2 'Housing Density, Type and Accessibility' sets out the objectives for density and types of new housing, promoting the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics and mix of uses in the area where the proposal is located.

31. BCCS policies CSP4 'Place Making', ENV2 'Historic Character and Local Distinctiveness' and ENV3 'Design Quality' requires that all development demonstrates a clear understanding of historic character and local distinctiveness and demonstrates how proposals make a positive contribution to place-making and environmental improvement through high quality design.
32. The New Residential Development SPD (2012) is a useful tool in establishing a character led approach to new development based on identifiable context and characteristics. Whilst the site shares characteristic of development in 'outer suburbs' given that it fronts modern development in Snowdon Rise, the development criteria for 'rural fringe' has been used to assess whether this dwelling is designed within its context largely due to the position close to the countryside.
33. Development criteria that has been incorporated into the scheme include;
- respect local character of space around the dwellings
 - spacious gardens in width and length
 - Individual designs encouraged
 - provision of off street parking
 - development should respect the predominant style of architecture
 - development should respect the landscape character of the area
 - redevelopment of existing plots to reflect the dispersed arrangement of dwellings in the vicinity
34. The NPPF suggests that Council's should set out their own approach to housing density to reflect local circumstances.
35. The new dwelling would be built to a density of 17dph, which is considered appropriate for this area. Adjoining development in Snowdon Rise was built to 26dph, whilst No's 70-78 Moden Hill were built to a density of 21dph. The current proposal, along with 16 Moden Hill, would maintain a density of 14dph. In this respect the development would make efficient use of land.

36. Whilst the Inspectorate agreed with the principle of an additional dwelling on this plot, with regard to the external appearance the following concern was raised;
- ‘...the proposed dwelling would be significantly taller. Its catslide style roof would add significant bulk to the building. It would appear ‘top heavy’ and would be a stark contrast to the traditional roof pitch of the host dwelling. To my mind, the overall height and mass of the proposed dwelling, combined with its elevated position, would result in it appearing overly dominant and imposing when viewed from the rear of No. 70 Moden Hill below, even accounting for the presence of the tall hedge running along the shared boundary.*
37. In order to address this, the plans have been amended to ensure the maximum scale of the dwelling would be two storey. The inappropriate catslide roof has been removed, with a traditional roof at a 30-degree pitch as a replacement. This significantly reduces the overall height and mass of the proposed new build. The elevated position of the plot is now much reduced, achieved by lowering the front access driveway off Snowdon Rise. Compared to 16 Moden Hill, the overall height of the proposed dwelling would be some 0.6m higher (eaves 1m higher). These changes address the Inspectors concerns with regard to the external design of the property which overly dominated and imposed upon views from the rear of No. 70 Moden Hill.
38. The elevation fronting Snowdon Rise would give the appearance of a bungalow, sitting between the slightly lower 16 Moden Hill and higher 10 Snowdon Rise, it would follow the south to north topography, resulting in a tiered effect with regard to building height. It would not sit forward of the established building line to Snowdon Rise, maintaining a frontage between to 6.5m and 8m deep.
39. The external design of the dwelling would be appropriate within Snowdon Rise and Moden Hill, which have a variety of house types of single, two and three storey scale. The dramatic changes in land levels add to the varied roofscape. It would not therefore appear overly dominant or incongruous within the streetscene.

40. The building would also respect the east to west topography; development opposite (1 to 2 Snowdon Rise) would still stand above the proposed development.
41. There is ample space around the dwelling guarding against a cramped appearance, existing and proposed planting would be sufficient to mitigate the visual impact of the additional built development.
42. The Council's Tree Protection Officer advises that whilst the group of trees that front onto Snowdon Rise do make a contribution to the area, it is their communal value that makes the contribution. On an individual basis, the trees are not overly good specimens and the Tree Report confirms this assessment. However, a condition is requested to provide some replacement trees along the Snowdon Rise frontage as part of the landscaping scheme.
43. The proposal makes a positive contribution to place making through high quality design. It would therefore comply with BCCS Policies CSP4, ENV3 and HOU2, and Saved UDP Policies DD1 and HE4.

Residential amenity

44. No. 70 Moden Hill adjoins the western boundary, a mature conifer hedgerow separates these dwellings, this neighbour's garden is some 1.5m beneath the lowest part of the application site garden.
45. With regard to privacy and overlooking The Inspector concluded on the previous scheme that;

'Given the steep nature of Moden Hill, many dwellings look down on properties below and this arrangement inevitably leads to a degree of overlooking. To this end, No. 70 Moden Hill is already overlooked by 16 Moden Hill and although an additional dwelling would increase the intensity of overlooking, against the context I have described, I do not consider this to be objectionable'.

Loss of privacy was clearly not an issue that was afforded substantial weight.

46. No. 70 is sited perpendicular to the application site and there is still a distance of between 25m to 30m from the rear elevation of the proposed dwelling to the nearest point of this neighbour's property. The perpendicular arrangement helps to protect any direct views between habitable rooms. It is considered that no direct loss of privacy to habitable rooms would arise.
47. The position of the rear elevation would be in line with the existing rear elevation of 16 Moden Hill, and would be between 12m to 17m from the garden boundary of 70 Moden Hill. The presence of a conifer hedge and lower land level would also help screen any direct overlooking from proposed habitable rooms to users of the garden. The combination of boundary treatment and separation distances would ensure that the immediate outlook from and privacy to the garden of these neighbours and those beyond would not be adversely affected.
48. 10 Snowdon is located on higher land level, the presence of the intervening Public Right of Way and conifer tree screen would ensure these neighbours would not be unduly harmed by the proposal.
49. There would be 22m separation between the proposed front elevation and No.2 Snowdon Rise, adequate separation to protect the residential amenities of these neighbours.
50. The new dwelling would have a private rear garden of between 12m-16m long, with an area of approximately 253m². Providing more than adequate private amenity space for this 4 bed dwelling in excess of minimum standards set out in the New Housing Development SPD. The plans also confirm that existing boundary treatment north and west boundaries would be retained.
51. The proposal would comply with BCCS Policy HOU2 which seeks to minimise amenity impacts and Saved UDP Policy DD4.

Highway safety

52. The Group Engineer (Development) raises no objection to this proposal, subject to provision of electric charging point which can be secured by condition. The scheme would provide at least 2 off-street parking spaces in accordance with the Parking Standards SPD (2012).
53. This ensures that the development would not have a detrimental effect upon highway safety and that adequate provision is made for the parking and manoeuvring of vehicles associated with the proposed development in accordance with BCCS Policy CSP4 and Saved UDP Policy DD4.

Protected Wildlife Species

54. A Protected Species Survey was submitted under the requirements of Saved UDP Policy NC6 – Wildlife Species.
55. A number of recommendations are proposed to ensure a mitigation strategy is submitted to protect badgers which are known to forage on this site, ensure clearance works avoid the bird breeding season and ensure the protection of habitats to continue to support wildlife.
56. The survey work is satisfactory, and as long as relevant conditions are attached to implement the recommendations, it would be in accordance with Saved UDP Policy NC6 – Wildlife Species, BCCS Policy ENV1 – Nature Conservation and the Nature Conservation SPD.

New Homes Bonus

57. Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application.
58. The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic

benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.

59. The Bonus provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes are sufficiently prioritised within supply, there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.
60. This proposal would provide 1 house generating a grant of 1 times the national average council tax for the relevant bands per annum for 6 years.
61. Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

62. The proposal respects the character and distinctiveness of the area making a positive contribution to place making through high quality design without harming the amenity of existing or future occupiers. There would be no detrimental impact on highway safety or protected wildlife species. The development would comply with BCCS Policies CSP2 - Development outside the Growth Network, CSP4 – Place Making, HOU1 – Delivering Sustainable Housing Growth, HOU2 – Housing Density, Type and Accessibility, TRAN2 – Managing Transport Impacts of New Development, TRAN5 – Influencing the Demand for Travel and Travel Choices, ENV1 – Nature Conservation, ENV2 – Historic Environment and Local Distinctiveness, ENV3 – Design Quality, Saved UDP Policies - DD1 – Urban Design, DD4 – Development in Residential Areas and NC6 – Wildlife Species, and Supplementary Planning Documents - Parking Standards (2012), New Housing Development and Nature Conservation.

RECOMMENDATION

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

INFORMATIVE NOTE – THE COAL AUTHORITY

ALL DEVELOPMENTS WITHIN COALFIELD STANDING ADVICE AREAS

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.

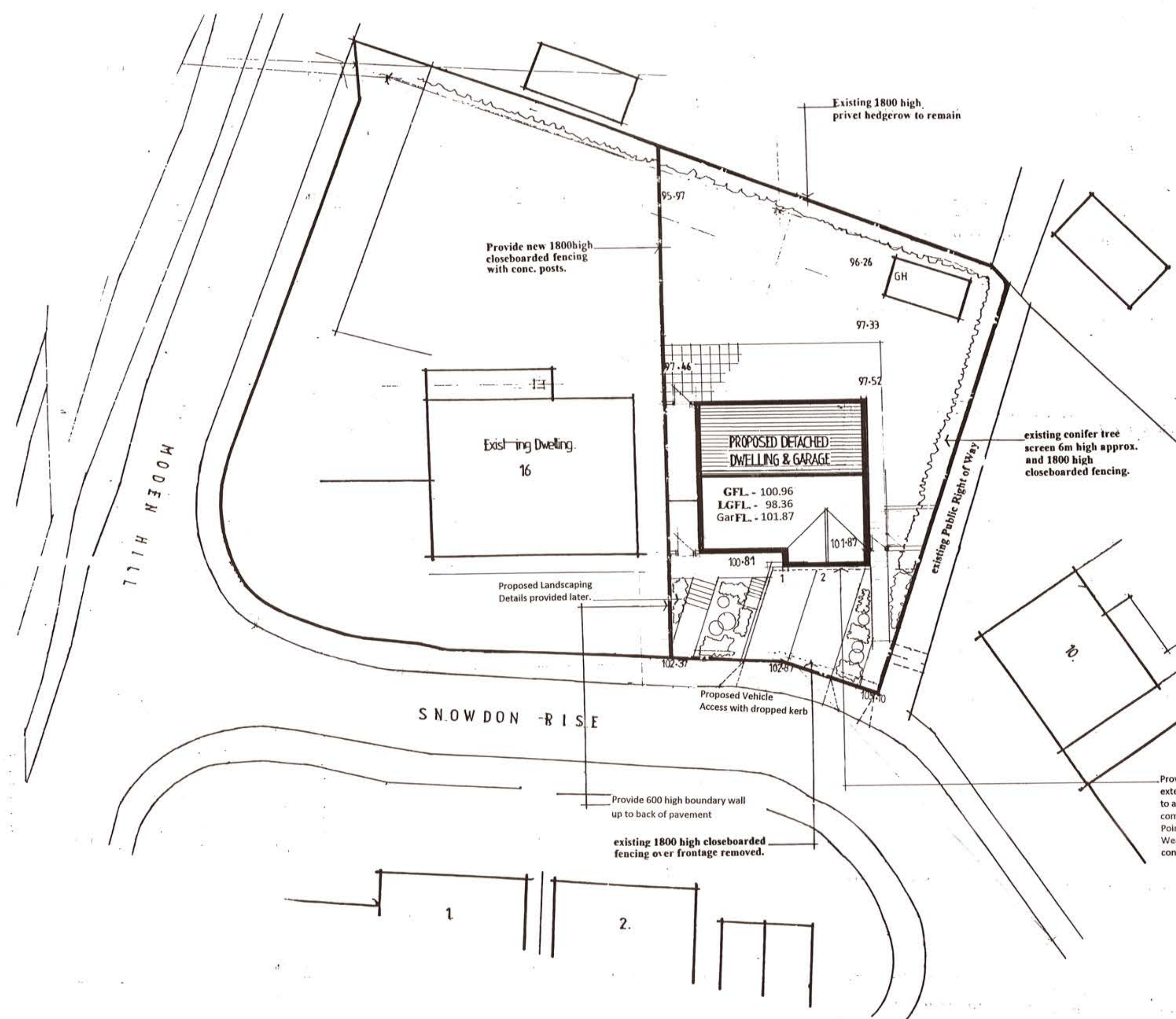
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

APPROVAL STATEMENT INFORMATIVE

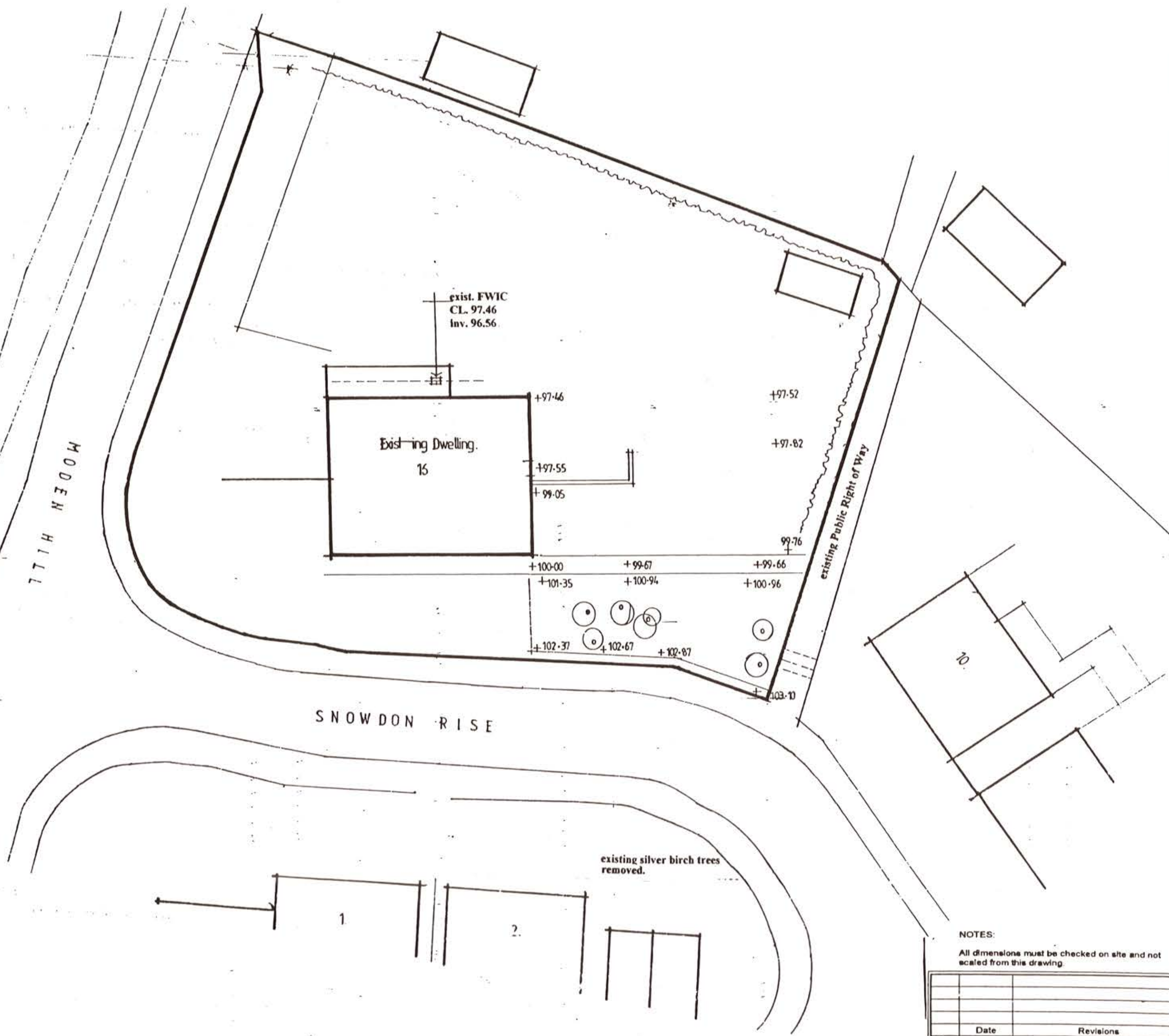
In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining 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:

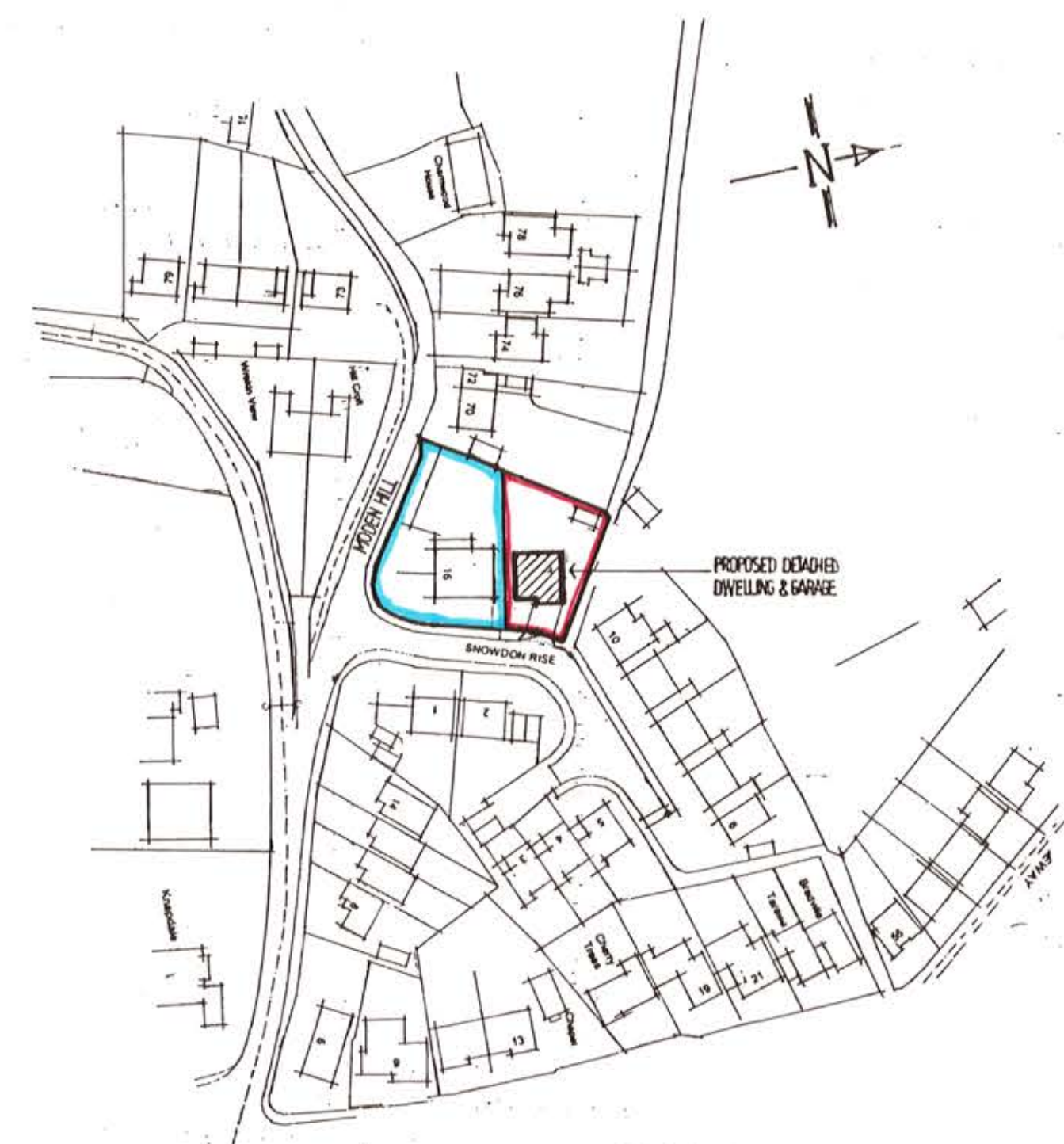
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: GW.3267/12/F, GW.3268/12/F (exc. the parking layout) and GW.3269/12/F (exc. the parking layout), Amended Site Plan received 10/12/2013.
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 landscaping scheme (which shall include provision of tree replacement on the Snowdon Rise frontage) 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. Any new trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment (including the retaining walls) to be erected. The boundary treatment shall be carried out in accordance with the approved details shall be and completed before the dwellings are occupied.
6. Unless otherwise agreed in writing, the parking spaces shall have a hard surface that is either made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, and shall be provided prior to first occupation and retained for the life of the development.
7. Prior to the commencement of development, details of biodiversity measures to be incorporated into the development in line with those recommended in the Ecological Scoping Survey dated September 2011 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.
8. 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.
9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification), no development permitted by Classes A, B or E of Part 1 of Schedule 2 of the Order, shall be carried out within the site of the dwelling hereby permitted (except as expressly approved by this grant of planning permission) without the prior approval in writing of the Local Planning Authority.



PROPOSED SITE PLAN SCALE: 1:200



EXISTING SITE PLAN SCALE: 1:200



LOCATION PLAN scale 1:1250

NOTES:
All dimensions must be checked on site and not scaled from this drawing.

Date	Revisions

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Client
MR. & Mrs. G WRIGHT

Job Title
**LAND ADJ. 16, MODEN HILL
SEDGLEY,
DUDLEY.
DY3 3YB**

Drawing Title
**PROPOSED SPLIT-LEVEL
DETACHED DWELLING AND
GARAGE**

PROPOSED SITE and LOCATION PLANS

Scale
1:1250 1:200

Date
AUG. 2012 Drawn by

Drw. No.
GW. 3269/12 Rev
F

This Contractor is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before work starts.

The Contractor is to comply in all respects with current building legislation - British Standard Specifications, Building Regulations, C.D.M. Regulations and Party Wall Act 1996 velc., whether or not specifically stated on this drawing.

This drawing must be read with and checked against any structural, geotechnical or other specialist documentation provided.

This drawing may not show final design details of foundations, ground conditions or ground contaminants. Each area of ground relied upon to support any structure depicted (including drainage) must be investigated by the Contractor. A suitable method of foundation should be provided allowing for existing ground conditions. Any suspect or fluid ground, contaminants on or within the ground, should be further investigated by a suitable expert. Any earthwork constructions shown indicate typical slopes for guidance only and should be further investigated by a suitable expert.

Where existing trees are shown to be retained they should be subject to a full Arboricultural inspection for safety.

All trees are to be planted so as to ensure they are a minimum of 5 metres from buildings and 3 metres from drainage and services. A suitable method of foundation is to be provided to accommodate the proposed tree planting.

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Provide new 1800high
closeboarded fencing
with conc. posts.

Existing Dwelling.
16

PROPOSED DETACHED
DWELLING & GARAGE

GFL - 100.96
LGFL - 98.36
GarFL - 102.12

Proposed Landscaping
Details provided later.

Proposed Vehicle
Access with dropped kerb

SNOWDON RISE

SITE PLAN
Scale 1:200

The boundary walls to be set back 3m. from
the back of the pavement and to be no higher
than 600mm. including any structures and
planting.

Electric Vehicle Charging Points

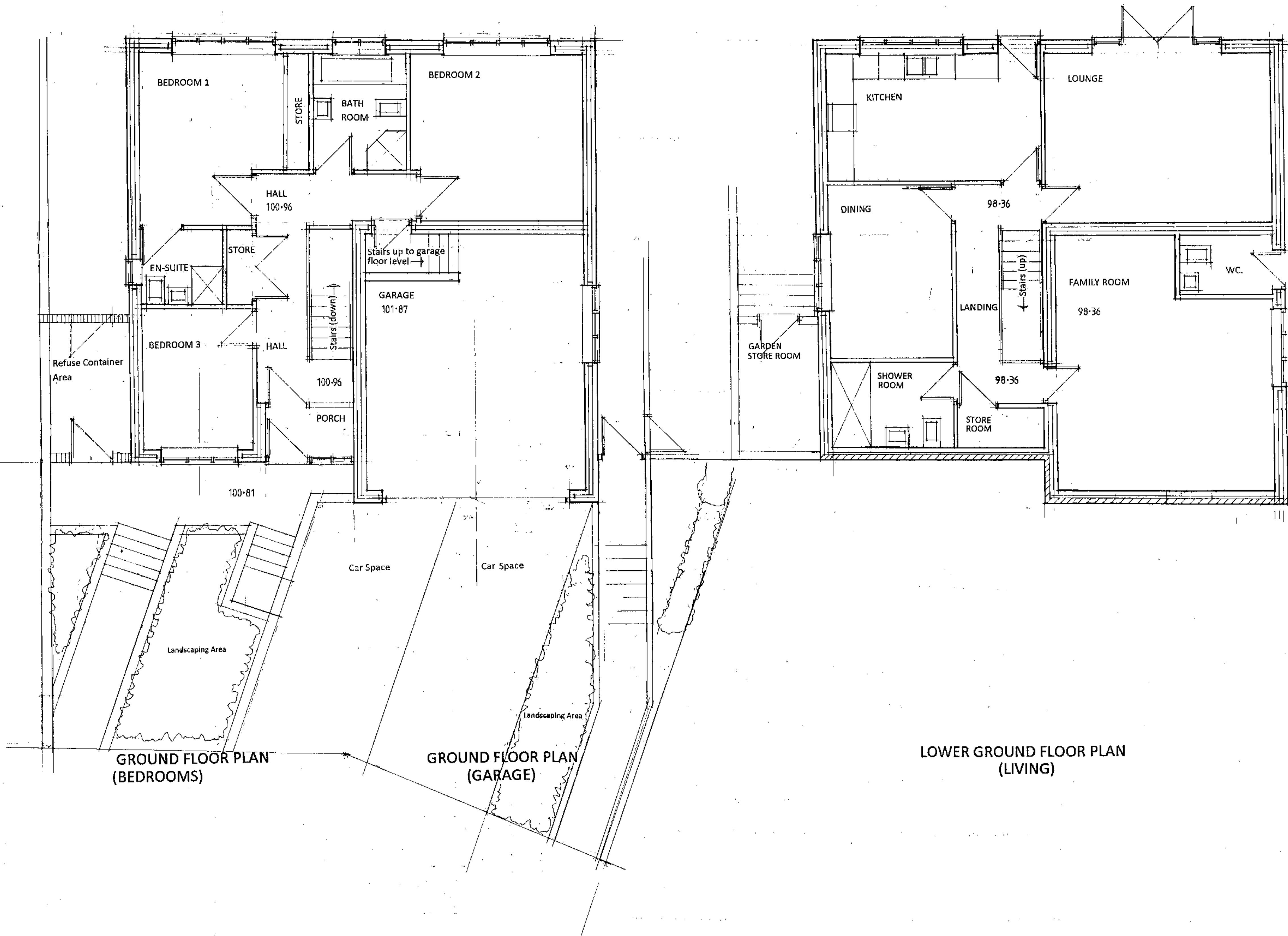
an external charging point shall be provided adjacent to at least 1 parking space for each dwelling. To allow for an easy upgrade to a faster charge bespoke facility in the future, the charging points should be supplied with an independent 32 amp radial circuit complying with BS7671 or an equivalent standard. However as a slow charge facility will currently be adequate for most residential situations, a 3 pin 13 amp external socket will be required. The socket should be to BS1363 or an equivalent standard and must have a locking and weatherproof cover.

existing conifer tree
screen 6m high approx.
and 1800 high
closeboarded fencing.

existing Public Right of Way

The fencing to the Public Right of Way to be
set back 3m. from the back of the pavement
and to be no higher than 600mm. including
any structures and planting.

10 DEC 2013



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LAND ADJ. 16, MODEN HILL,
SEDGLEY,
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Drawing Title

PROPOSED SPLIT-LEVEL,
DETACHED DWELLING AND
GARAGE

PROPOSED PLANS

Scale 1:50

Date AUG. 2012 Drawn by

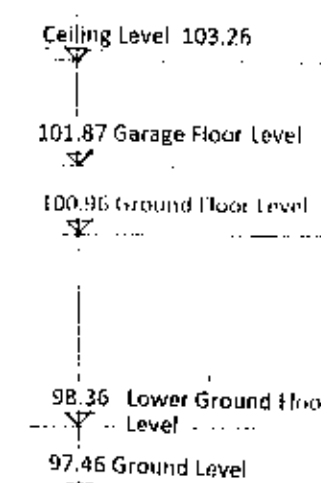
Orig No GW. 3268/12 Rev F

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Side Elevation
facing No. 10, Snowden Rise.

Section



Rear Elevation.

NO. 16 MODEN HILL

Side Elevation
facing No.16 Moden Hill

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Date	Revisions
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Client:

MR. & Mrs. G WRIGHT

Job Title

LAND ADJ. 16, MODEN HILL

SEDGLEY.

DUPLEY.

DY3 3YB

Drawing Title

**PROPOSED SPLIT-LEVEL
DETACHED DWELLING AND
GARAGE**

PROPOSED ELEVATION

Scale 1:100

Date **AUG. 2012** Drawn by

Drp No GW. 3267/12