

# PLANNING APPLICATION NUMBER:P09/0061

Type of approval sought	Full Planning Permission
Ward	HAYLEY GREEN & CRADLEY SOUTH
Applicant	Mr Andrew Cook
Location:	<b>38, LUTLEY AVENUE, HALESOWEN, HALESOWEN, WEST MIDLANDS, B63 4HU</b>
Proposal	<b>RETROSPECTIVE PLANNING PERMISSION FOR A DORMER WINDOW AND 2NO. WINDOW LIGHTS AT THE REAR OF THE PROPERTY.</b>
Recommendation Summary:	<b>APPROVE</b>

## SITE AND SURROUNDINGS

1. The application site is a former Council built semi-detached dwelling located within a frontage of similar dwellings. The property has been recently been extended, with the addition of a two storey side extension, single storey front extension, and rear conservatory and dormer. Prior to this there was a single storey and first floor rear extension erected.
2. A garden to the rear tiers down toward the rear boundary, which adjoins a Lutley Lane, a right of way that leads into the Lutley Mill Conservation Area, the site of the Grade II Listed Building.

## PROPOSAL

3. This application seeks retrospective approval of a rear dormer (mentioned above), which has been in place since approximately April 2007. A rear dormer was approved under planning application P05/2691, however, the dormer was not built in accordance with the approved plans, as a result of which the Enforcement team implemented formal proceedings. This application seeks retrospective approval for retention of this dormer.
4. It measures 0.9m high by 3.4m wide and 2.2m long.

## HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/2691	FIRST FLOOR SIDE AND SINGLE STOREY FRONT EXTENSION TO CREATE LIVING ROOM, PORCH AND ENLARGED LOUNGE WITH BEDROOM AND SHOWER ROOM AT FIRST FLOOR LEVEL. LOFT CONVERSION WITH REAR DORMERS AND REAR CONSERVATORY, PITCHED ROOF ABOVE EXISTING FLAT ROOFED REAR EXTENSION. (RESUBMISSION OF REFUSED APPLICATION P05/2061).	Approved with Conditions	20/02/2006
P05/2061	FIRST FLOOR SIDE AND SINGLE STOREY FRONT EXTENSION TO CREATE LIVING ROOM PORCH AND ENLARGED LOUNGE WITH BEDROOM, SHOWER ROOM AT FIRST FLOOR LEVEL. LOFT CONVERSION WITH REAR DORMER.	Refused	28/10/2005
91/51483	ERECTION OF FIRST FLOOR BATHROOM EXTENSION.	Approved with Conditions	30/09/91
85/52012	ERECTION OF LOUNGE KITCHEN GARAGE AND PORCH EXTENSION	Approved with Conditions	12/12/85

5. Planning application P05/2061 was refused on the following ground;
  - *The rear dormer would appear incongruous with existing buildings in the vicinity because of its large scale and poor relationship with existing elements of the house. In addition due to the proposed siting of the conservatory at the rear of an existing extension, the scheme would breach the Council's 45 Degree Code as stated in PGN 12, resulting in a detrimental effect on daylight entering the rear of number 39 Lutley Avenue. Due to these reasons the scheme would not accord with guidance set out in Policy DD4 - Development in Residential Areas of Dudley's Revised Unitary Development Plan.*
6. The points of concern were addressed within the subsequent application P05/2691. In relation to this current scheme, two smaller dormer windows were proposed to the rear, these were considered acceptable.

## **PUBLIC CONSULTATION**

7. Direct notification was carried out to all adjoining and adjacent properties as a result of which 1 letter of objection has been received, summarised as follows;
  - Intrusive and an eyesore
  - Would affect future property values

## **OTHER CONSULTATION**

8. None required

## **RELEVANT PLANNING POLICY**

9. Adopted UDP, 2005  
Policy DD4 – Development in Residential Areas
10. Planning Guidance Note 17 – House Extension Design Guide

## ASSESSMENT

11. The key issues in determination of this application would ordinarily be the impact upon the character and appearance of the area, and upon the residential amenities of adjacent occupiers. However, the plans as submitted show that the development already undertaken falls within the Permitted Development allowance roof alterations.
12. Class B of the Town Country Planning (General Permitted Development) Order 1995 (as amended), relates to the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. In relation to this current scheme, development is not permitted, if any part of the dwellinghouse would, as a result of works;
- Exceed the height of the highest part of the existing roof
  - Would extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway
  - Exceed the cubic content of the original roof space by more than 50 cubic metres
13. There is also the condition that materials used in the external works shall be of a similar appearance to those of the existing house.
14. In all respects the dormer that has been added to this dwelling complies with the above criteria. At this time the development is in situ and therefore does not constitute permitted development, however should the dormer be erected at this time then no formal planning consent would be required.

## CONCLUSION

15. The rear dormer has been in place for a period of almost 2 years (approximately April 2007), at that time it would not have constituted Permitted Development, and therefore it cannot benefit from the current Permitted Development criteria. However, having regard for the potential for the applicant to implement this development under the recently amended permitted development rights (which took place on October 1<sup>st</sup> 2008) it would be unreasonable to refuse the application.

## RECOMMENDATION

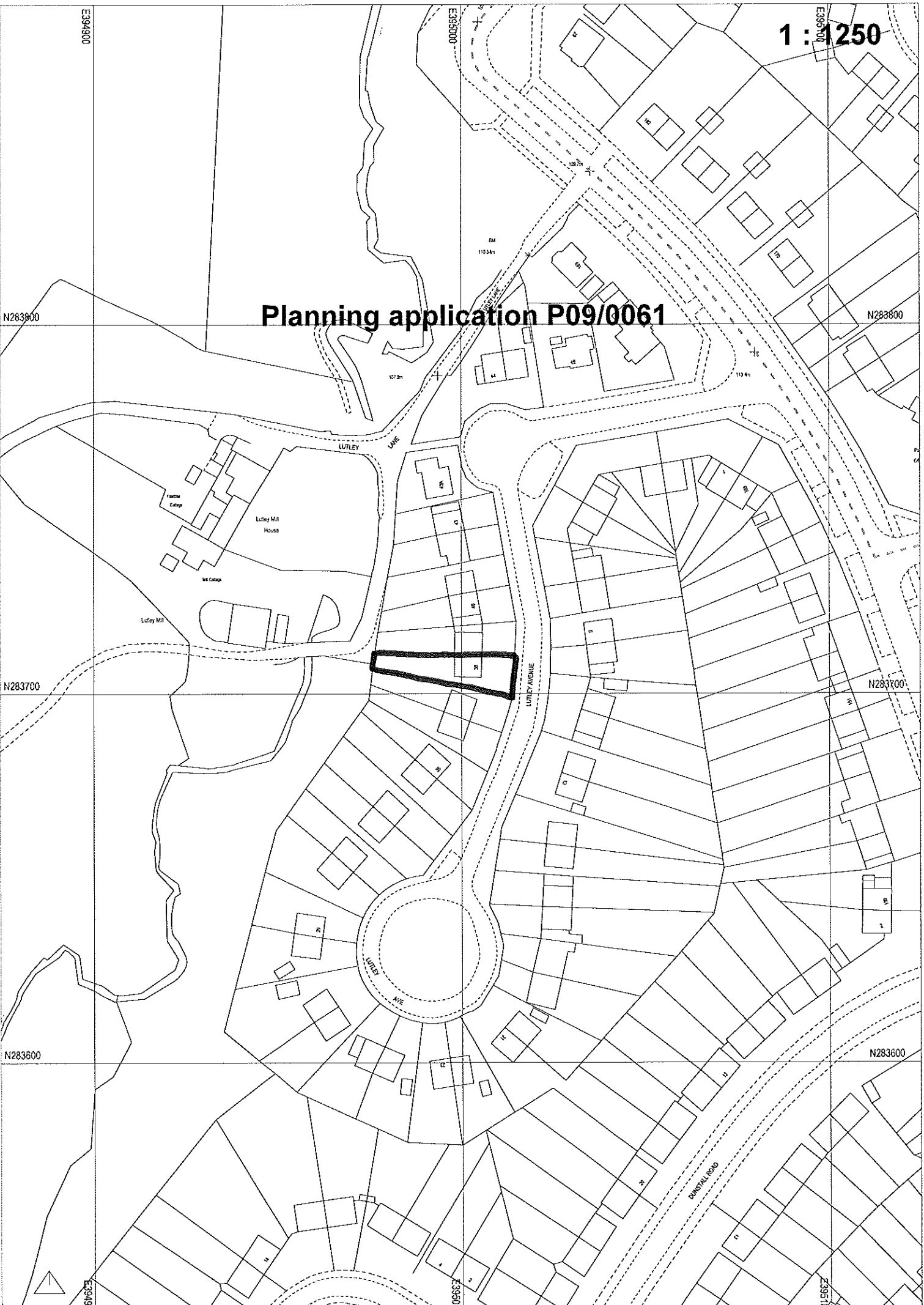
16. It is recommended that this application be approved.

### REASON FOR GRANT OF PLANNING PERMISSION

The rear dormer has been in place for a period of almost 2 years (approximately April 2007), at that time it would not have constituted Permitted Development, and therefore it cannot benefit from the current Permitted Development criteria. However, having regard for the potential for the applicant to implement this development under the recently amended permitted development rights (which took place on October 1st 2008) it would be unreasonable to refuse the application.

1 : 1250

# Planning application P09/0061





FRONT ELEVATION - PROPOSED

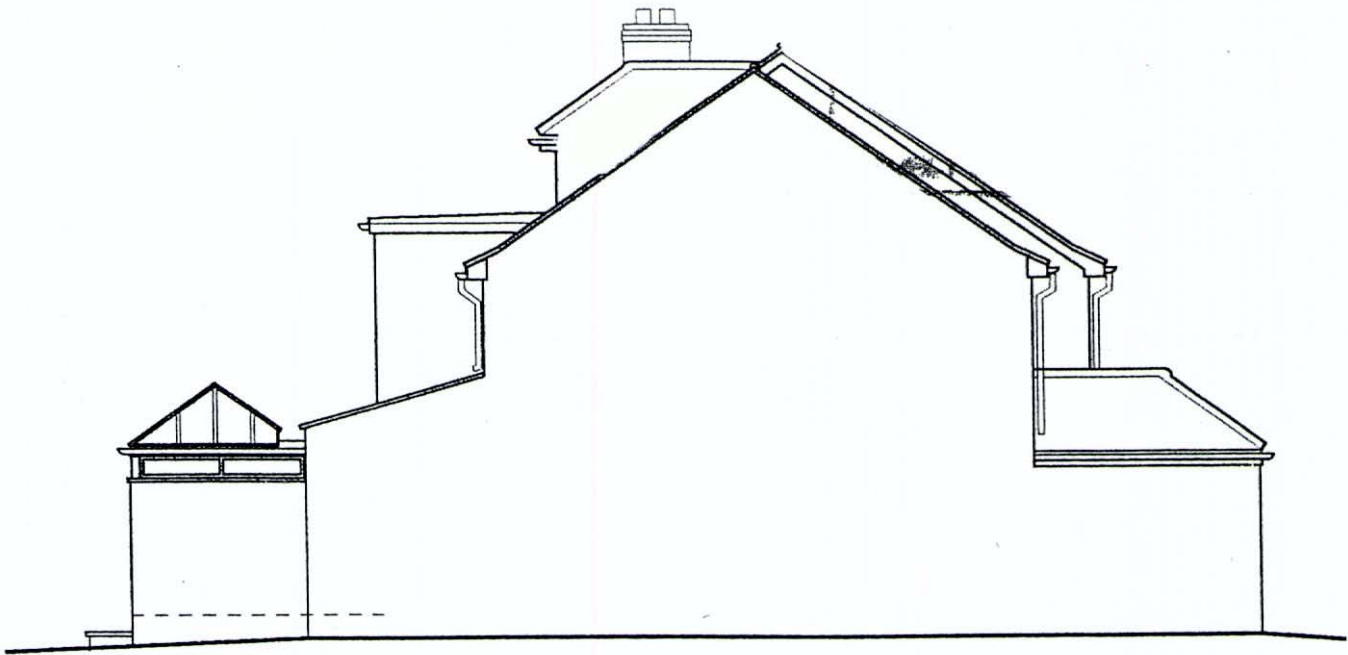


REAR ELEVATION - PROPOSED

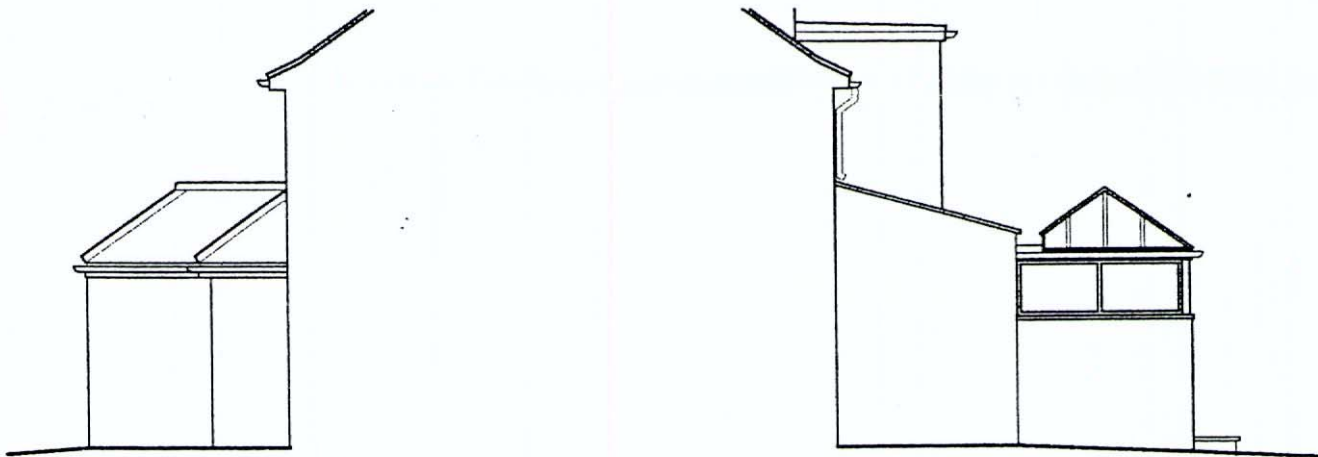


- NOTES:
- Roof - Concrete interlocking tiles to match existing
  - Walls -
    - Front extension - Facing bricks to match existing.
    - Elsewhere - Painted render to match existing.
  - Windows/doors - Stained hardwood to match existing.

Proposed elevations  
P09/0001



SIDE ELEVATION - PROPOSED



PART SIDE ELEVATIONS - PROPOSED

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23 JAN 2009  
DIRECTORATE OF THE  
LOCAL ENVIRONMENT  
OCT 2008

2

Project:

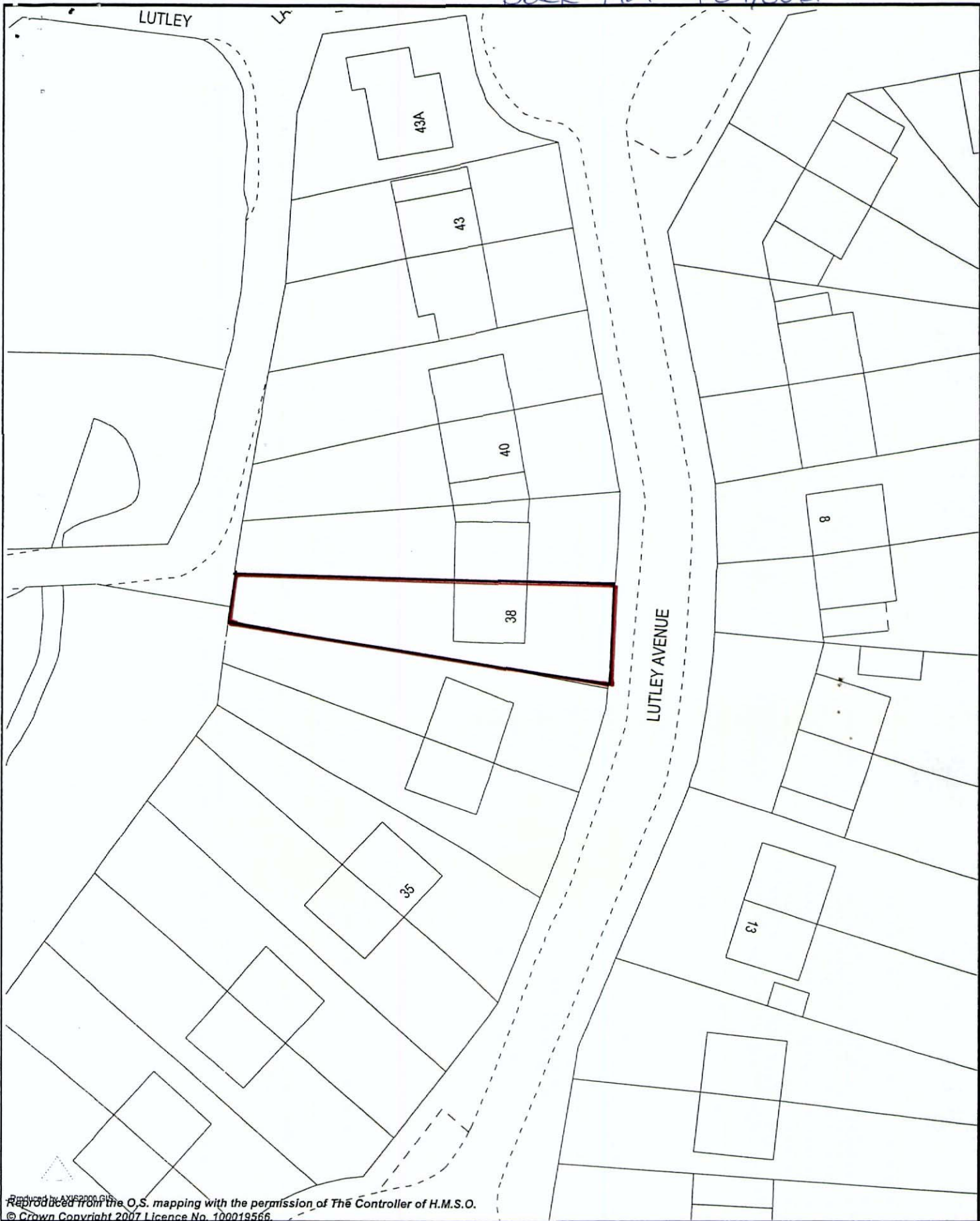
REAR DOORMEN, INCORPORATING  
2 WINDOW LIGHTS.  
For: Mr & Mrs A. Cook  
38 Lutley Avenue, Halesowen.

Drawing:

PROPOSED ELEVATIONS

Scale 1:100





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**ENFORCEMENT ACTION**

38 LUTLEY AVENUE  
 HALESOWEN

L/167/02/01

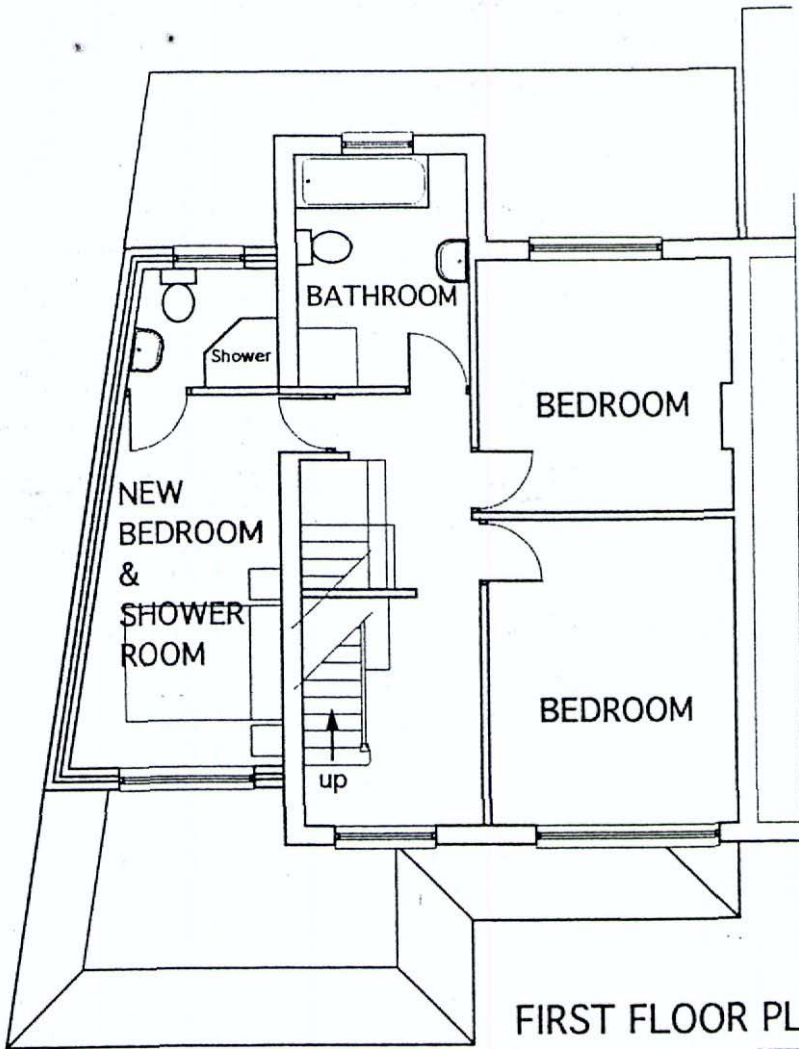
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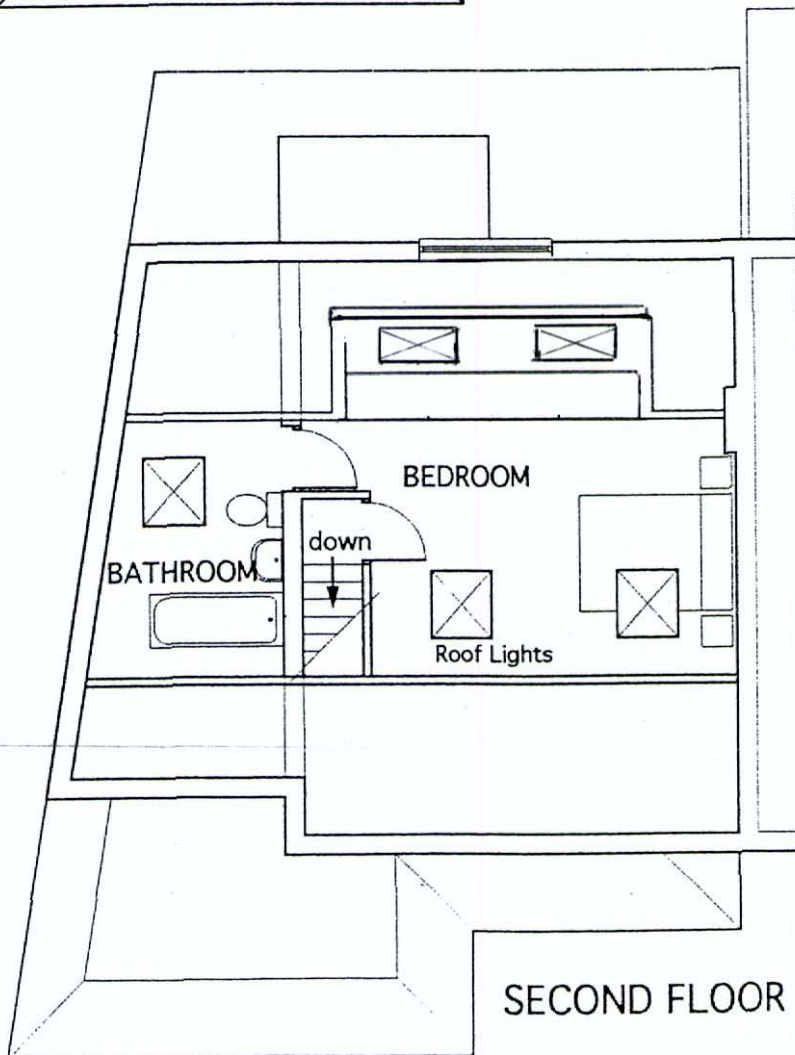


DIRECTORATE OF THE URBAN ENVIRONMENT,  
 Director of the Urban Environment,  
 John Millar

Proposed floor plans  
P09/0061.



FIRST FLOOR PLAN - PROPOSED



SECOND FLOOR PLAN - PROPOSED

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