

PLANNING APPLICATION NUMBER:P14/0042

Type of approval sought	Full Planning Permission
Ward	Netherton Woodside and St Andrews
Applicant	Mr Mazhar Hussain
Location:	43, HALESOWEN ROAD, NETHERTON, DUDLEY, DY2 9QD
Proposal	CONVERSION OF GARAGE TO FORM HABITABLE ROOM WITH NEW BAY WINDOW TO FRONT. SINGLE AND TWO STOREY REAR EXTENSION (PROPOSED). ERECTION OF DETACHED STORAGE BUILDING IN REAR GARDEN (RETROSPECTIVE)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The 859m² application site comprises a 1950s hipped roofed detached house with red facing brick and concrete roof tiles. There are existing single storey additions to the rear of the property. The rear garden slopes downwards towards the east and some re-grading works have recently been carried out with a retaining wall and steps having been erected towards the end of the garden and partially along the southern boundary. A detached store has also been erected at the end of the garden on the lower ground level. There is parking to the front and side of the property.
2. 45 Halesowen Road is a three storey semi-detached house to the south of the site. This property has outbuildings to the rear which form a significant portion of the common boundary with the application property. The levels of the rear garden associated with this property also step down significantly and the remainder of the southern boundary comprises a low dwarf wall. A section of retaining wall which has recently been constructed within the rear garden of the application property appears approximately 600mm higher than the dwarf wall.

3. Mircon House (41 Halesowen Road) is a residential care home adjacent the site to the north and there is a relatively dense boundary treatment in place. There is a two storey wing to the rear of this premises and a small conservatory. There is an area of hard-standing immediately to the side/rear which is used for parking. The rear amenity space associated with this care home is concentrated towards the rear boundary and wraps around the northern and eastern boundaries of the application site. Netherton Park also borders the site to the east.
4. The property is situated within a mixed residential/commercial area and falls within Netherton Local Centre. The street scene comprises a broad mix of residential/commercial premises set upon a staggered building line.

PROPOSAL

5. It is proposed to convert the existing garage to form a habitable room and replace the existing garage door with a bay window. Existing single storey extensions would be removed from the rear and a two storey rear extension erected in order to enlarge the existing kitchen and provide a new dining room at ground floor with two additional bedrooms above. A replacement single storey rear extension would also be erected to provide a store/wc.
6. This application is also part retrospective to include the retention of a detached store which has been erected in the lower rear garden without the benefit of planning consent.
7. The proposed front bay window would replicate the existing bays within the front elevation with a flat roof and maximum projection of 1m from the principal wall. The two storey rear extension would project 4m from the existing rear elevation and would be 9.8m in width. It would be set in 8m from the southern boundary and 4.5m from the northern boundary. It would adopt a hipped roof which would be no higher than the ridge height of the main roof. A ground floor dining room window and first floor bedroom window would be inserted in the flank wall of the extension facing towards the southern boundary and a kitchen window and bedroom window would

also be inserted on the other side towards the northern boundary. All of these windows would be secondary light sources.

8. The proposed single storey rear extension would directly replace the existing single storey extensions which are to be demolished towards the northern boundary. This element of the proposal would finish level with the existing (main) rear and side elevations and would adopt a mono-pitch roof to a maximum height of 3.5m in height.
9. The detached outbuilding which has been erected in the far north eastern corner of the garden on a concrete plinth is at a significantly lower level than the main dwelling. This structure is 8.9m in length, 5.9m in width and a maximum of 2.6m in height. It is set in 0.75m from the rear (eastern) boundary of the site and 0.9m from the northern boundary. It has been constructed in block work with an unpainted render finish.
10. This application is being considered alongside application P14/0043 which proposes the completion and retention of the re-grading works and retaining walls within the rear/side garden and follows this application on the agenda.

HISTORY

11. None

PUBLIC CONSULTATION

12. Direct notification was carried out to two neighbouring properties and two ward councillors. One letter of objection has been received from a Councillor. The following material issues are raised;
 - That the driveway leads to a very busy road by a junction at the brow of a hill and that any increase in the size of the property and possible increase in traffic would be dangerous.

13. The same neighbours and Councillors were re-notified following receipt of amended plans detailing the conversion of the existing garage and replacement of the garage doors with a bay window. A second objection has been received from the same Councillor who raises the following material issues;

- That the additional habitable space will further exacerbate the traffic problems.

14. The final date for receipt of representations is 26th February 2014 and any further comments received will be reported in a pre-committee note.

OTHER CONSULTATION

- None required

RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF) (2012)

Black Country Core Strategy (2011)

- ENV3 Design Quality

Saved Unitary Development Plan Policies (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas

Supplementary Planning Documents / Guidance

- PGN 12. The 45 Degree Code
- PGN 17. House extension design guide

ASSESSMENT

15. Key issues;

- Visual Amenity
- Neighbour Amenity
- Highway Safety

Visual Amenity

16. Saved Policy DD4 of the UDP states that alterations to residential dwellings will be allowed provided they do not adversely affect the character of the area or residential amenity. The proposed front bay window would be modest and would relate satisfactorily to the existing design. The majority of the proposed works would be carried out to the rear of the property and the extensions would relate satisfactorily in design terms. Whilst the proposed two storey addition and the outbuilding is large, the property occupies a generous plot and sufficient rear amenity space would remain to serve its occupiers.
17. The outbuilding currently appears untidy as it has an unpainted render finish and it is therefore considered appropriate to attach a condition, ensuring that it is painted to improve its visual appearance. Subject to condition, there would be no demonstrable harm to the street scene or character and appearance of the area and in this respect it is therefore considered compliant with saved UDP Policy DD1 and DD4 of the Dudley UDP (2005) and PGN 17 – House Extension Design Guide.

Neighbour Amenity

18. The proposed two storey extension would be set in significantly from the southern boundary. The property to the south has high sided outbuildings running along the majority of the common boundary and no loss of light or outlook would be experienced in this respect. There would be no contravention of the 45 Degree Code guidelines relative to the proposed extensions.
19. The relationship with the care home to the north of the site is nearer, however, at its closest point the two storey element of the proposal is 4.5m from the common boundary. Again there would be no contravention of the 45 Degree Code guidelines with regards to the two storey and single storey elements of the proposal. There may be some loss of light to the area immediately to the rear of the care home given the orientation of the two properties, however, this area is used for parking

and would generally receive limited light given the dense boundary planting. Refusal of permission is not therefore considered justifiable in this regard.

20. It is considered that the first floor bedroom windows proposed on both sides of the proposed two storey rear extension have the potential to overlook the private spaces to the rear of the neighbouring property to the south and the care home to the north. These windows are secondary light sources and it is therefore considered appropriate to condition the use of obscure glazing and restrict the openings in order to prevent overlooking.
21. Under Class E of the General Permitted Development Order (as amended) 2008 an outbuilding can be erected within the curtilage of a dwelling up to a maximum height of 2.5m if it falls within 2m of a boundary and provided that the total area of ground covered by structures (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse). The outbuilding only marginally exceeds this height allowance by 100mm and if it was reduced in height it could be a significantly larger structure. Also if 2m from a boundary, the building could also be significantly taller at up to 4m in height without the need for planning permission.
22. The outbuilding is set in significantly from the southern boundary and there has been no loss of amenity in this respect. Whilst the structure sits close to the boundary with the area of amenity space serving residents of the adjacent care home, this area occupies a secluded location enclosed by high trees and as such receives limited light. As the outbuilding is only 100mm higher than what could be erected under permitted development refusal of permission is not considered justifiable. It is, however, considered appropriate to attach a condition ensuring that the outbuilding is ancillary to the use of the main dwelling for the lifetime of the development.
23. It is considered that there would be no demonstrable harm to the general amenities of neighbouring properties which adjoin the site and the proposal is therefore considered compliant with saved Policy DD4 – Development in Residential Areas of the UDP (2005).

Highway Safety

24. The property is a large family dwelling and the addition of the extensions would increase the number of bedrooms from four to six. There is ample parking provision within the curtilage of the property and refusal of permission on highway safety grounds is not considered justifiable.

CONCLUSION

25. It is considered that the proposed extensions would relate satisfactorily to the existing dwellinghouse protecting visual and residential amenity. The outbuilding is only marginally higher than what can be erected under permitted development and there would be no demonstrable harm to neighbouring amenity. Subject to appropriate conditions, the proposal is considered compliant with Saved UDP Policies DD1 - Urban Design and DD4 – Development in Residential Areas, Planning Guidance Note 17 – House Extension Design Guide and 12 The 45 Degree Code.

RECOMMENDATION

26. It is recommended that the application is 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.

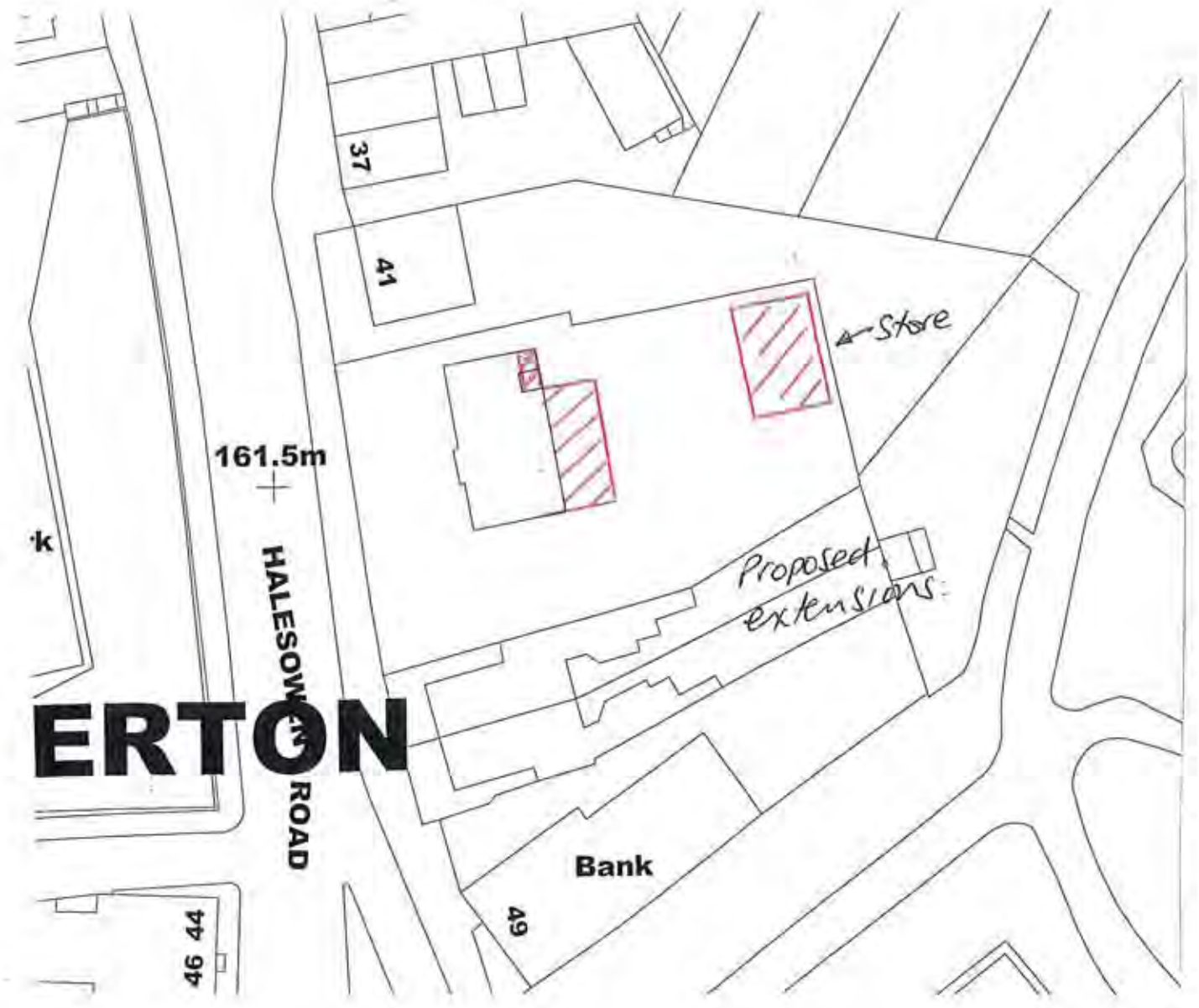
NOTE TO APPLICANT

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 extensions hereby approved 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: Referenced existing f.floor plan, proposed g.floor plan, proposed f.floor plan, existing g.floor plan, Store in Rear Garden (all received on 13th January 2014) and the unreferenced proposed and existing elevations drawing entitled 43 HALESOWEN ROAD NETHERTON SCALE 1:100.
3. The materials to be used in the extensions hereby approved shall match in appearance, colour and texture those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
4. Within three months of the date of this decision, the outbuilding hereby approved shall be painted a colour that shall first be agreed in writing by the Local Planning Authority and maintained as such for the lifetime of the development.
5. The first floor window to be inserted in the northern side elevation of the original dwellinghouse shall be obscure glazed to a minimum of level 3 and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the windows are installed.
6. The two first floor bedroom windows to be inserted in the side elevations of the two storey rear extension hereby approved shall be obscure glazed to a minimum of level 3 and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the windows are installed.

43 HALESOWEN RD
NETHERTON



1:500



1:1250

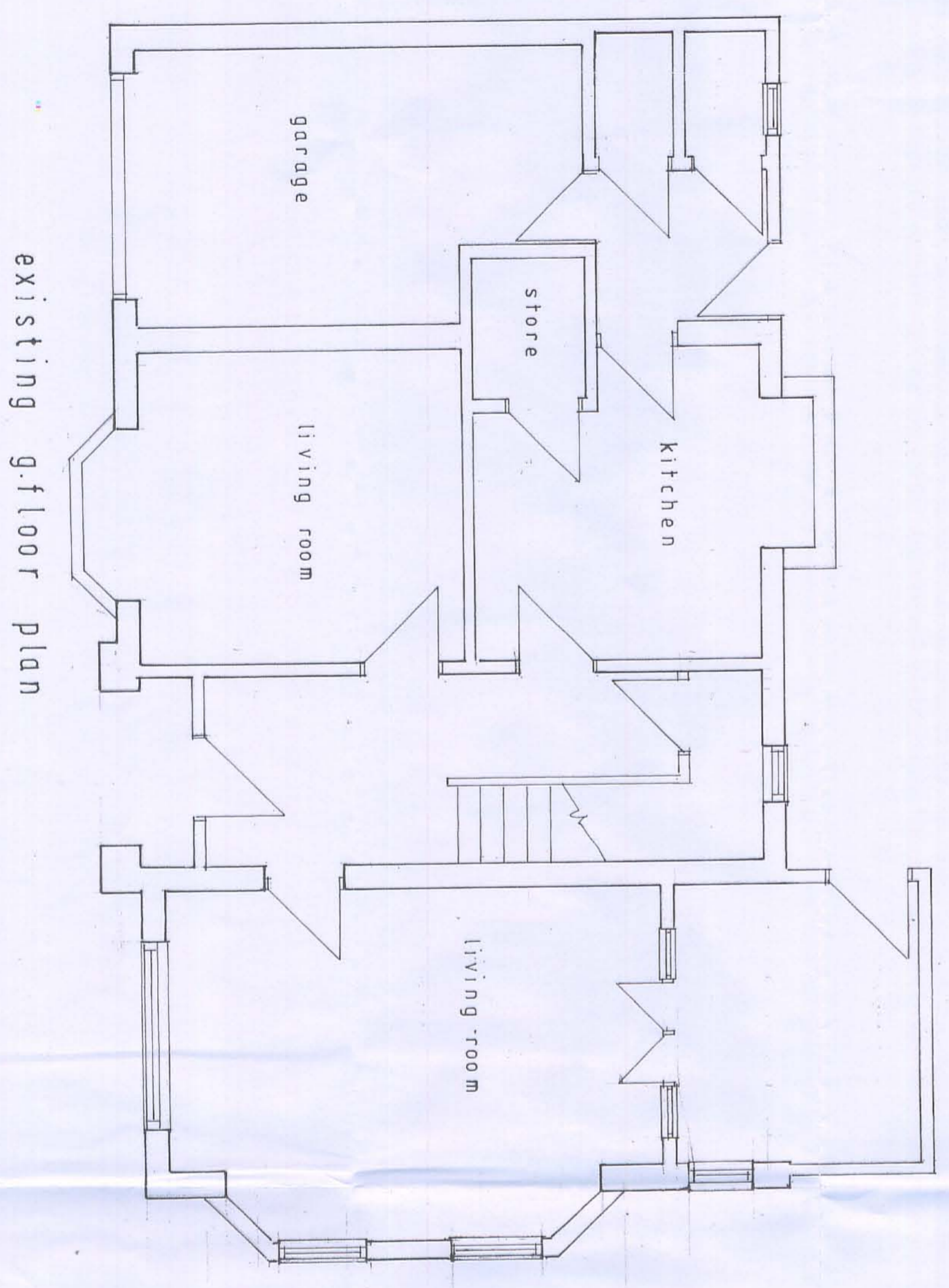
13 JAN 2014

P14/0042
Existing Ground
Floor Plan
(Amended)

43 HALESSOWEN RD

NEITHERTON

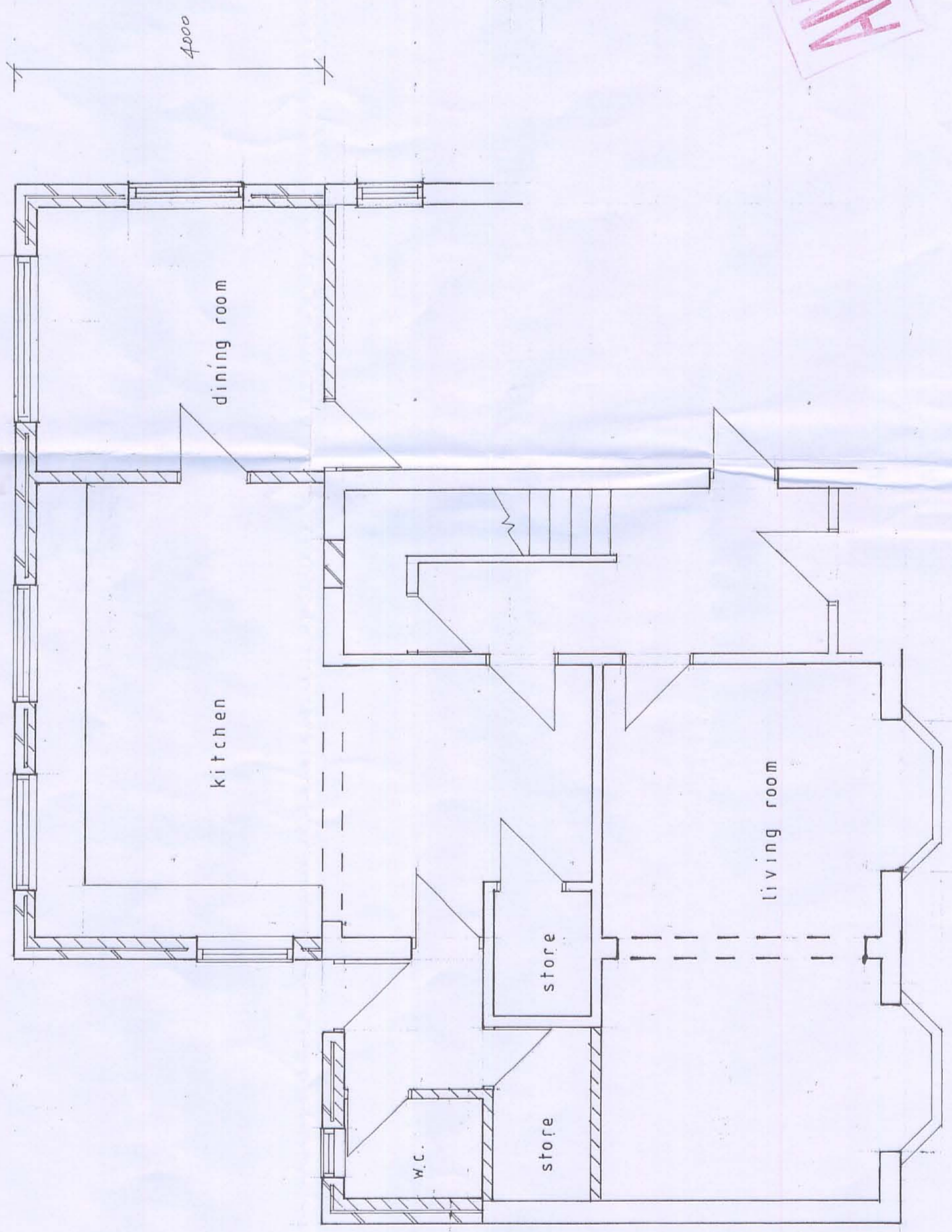
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AMENDED PLAN

P14/0042
Proposed Ground
Floor Plan
(Amended)

43 HALE SOWEN RD
NETHERTON
SCALE 1:50



AMENDED PLAN

Proposed g. floor plan