

PLANNING APPLICATION NUMBER:P12/0052

Type of approval sought	Full Planning Permission
Ward	Amblecote
Applicant	Chris Pearson
Location:	63, BROMPTON DRIVE, BRIERLEY HILL, BRIERLEY HILL, DY5 3NZ
Proposal	FOLLOWING DEMOLITION OF EXISTING GARAGE, ERECTION OF 1 NO. DWELLING
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site measures 230m² and the site is currently a detached garage situated adjacent to no. 63 Brompton Drive. The rear part of the site is laid with grass as it forms part of the rear garden of the original property and the front is predominantly hard-surfaced and provides parking space. The application site is a plot of land measuring 7.25m wide and 31.5m deep and is located at the end of an access driveway located off Brompton Drive. The site is enclosed by a 1.8m high close boarded fence along the western and northern elevations and the topography on-site is generally flat.
2. The surrounding area is an established residential estate characterised predominantly by semi-detached properties with pitched roofs built on a fairly staggered building line. The estate was built during the early 1970s and no. 63 Brompton Drive is a brick-built two storey semi-detached house which currently benefits from a detached garage to the west of the property. No. 63 Brompton Drive benefits from a fairly wide plot with a pedestrian pathway directly to the south of the site.
3. A local park is situated to the east of this row of houses.

PROPOSAL

4. This proposal seeks approval for a two storey three bedroom house.
5. The house would be set back by 1.9m from the front of the adjacent property and would measure 7.7m in length, 5.7m in width with a 7m high pitched roof. There would be a front facing gable feature with front porch canopy.
6. Two car parking spaces would be provided to the front of the dwelling whilst two new spaces would be provided to the front of the original house.
7. A design and access statement has been submitted in support of the proposal.

HISTORY

8. This property has two previous relevant applications.

APPLICATION	PROPOSAL	DECISION	DATE
P10/1270	Demolition of existing garage and erection of 1 No. dwelling	Withdrawn	26.10.10
P10/1459	Demolition of existing garage and erection of 1 no. dwelling (resubmission of withdrawn application P10/1270)	Refused	13.01.11

P10/1459 was refused by Development Control Committee on 13th January 2011 for the following reasons:

- It is considered that the proposal would result in cramped form of development that would have a detrimental impact on the character of the area and the streetscene. The proposal would therefore be contrary to UDP Policy DD4.
- The proposed development would not leave sufficient parking and manoeuvring space at No.63 Brompton Drive for two vehicles. The proposal is therefore contrary to UDP Policy DD4.
- The lack of an undertaking to make a contribution towards transport infrastructure improvements and a management and monitoring charge is

contrary to the requirements of Policy DD7 of the adopted Dudley Unitary Development Plan and adopted Planning Obligations Supplementary Planning Document and would lead to an increase in demand on local facilities with no compensation or enhancement, thus resulting in harm to the wider community around the site.

P10/1459 was later dismissed at appeal on 31st October 2011 on highway safety and visual amenity grounds.

PUBLIC CONSULTATION

- Direct notification was carried out to thirteen surrounding properties to advertise the proposal. Three written representations objecting to the scheme have been received. The latest date for comments was 8th February 2012.

- The objections were based on the following material planning considerations:
 - 'Garden grabbing' and loss of garden / amenity space
 - High safety due to the lack of parking and manoeuvring space;
 - The front facing gable and other design features such as brick-work detail would be out of keeping with the surrounding houses;
 - The rear projection past the houses on this row would mean that the dwelling would be out of proportion;
 - Impact on daylight provision to the rear facing habitable room windows due to rear projection;
 - The estate has an open and spacious feel and this dwelling would not comply with that;
 - Design style and cramped appearance;
 - This would set a precedent for other new build properties on the estate;
 - The character and layout of the area would be compromised;
 - There is a lack of green landscaped areas at the expense of parking space;
 - Insufficient parking distance at the front of the proposed and existing properties

Other non material planning considerations have also been discussed within the letters.

OTHER CONSULTATION

- Group Engineer (Development): No adverse comments.
- Tree Preservation Officer: No comments received.
- Head of Environmental Health and Trading Standards: no adverse comments in terms of noise or disturbance. Conditions have been suggested to ensure that any possible land contamination and ground vapour issues can be solved prior to development.

RELEVANT PLANNING POLICY

National Planning Policy

- PPS3: Housing
- The Draft National Planning Policy Framework (NPPF) was published for consultation on 25th July 2011. The Planning Inspectorate have issued guidance which makes it clear that the NPPF is capable of being a material consideration and therefore regard has to be had for the document. However, it carries limited weight at this stage of the process as it is in draft form and subject to possible change. Existing national planning policy remains and carries substantial weight.

Black Country Core Strategy (BCCS)

- Vision, Objectives and Sustainability Principles
- CSP2 – Development Outside the Growth Network
- CSP4 – Place Making
- CSP5 – Transport Strategy
- HOU1 – Delivering Sustainable Housing Growth
- HOU2 – Housing Density, Type and Accessibility
- DEL1 - Infrastructure Provision
- TRAN2 – Managing Transport Impacts of New development
- TRAN5 – Influencing the Demand for Travel and Travel Choices
- ENV3 – Design Quality

Saved Unitary Development Plan (2005) (UDP)

- DD1 Urban Design
- DD4 Development in Residential Areas

Supplementary Planning Document(s)

- New Housing Development: Establishing Local Context
- Parking Standards and Travel Plans
- Planning Obligations

ASSESSMENT

9. The proposed development must be assessed with regard to its principle, design and siting within the context of the local area and listed building nearby. The amenity of nearby residential properties as well as the parking standards and relevant planning obligations must also be assessed.

10. The key issues are

- Principle
- Design and siting
- Residential Amenity
- Access and Parking
- Nature Conservation

Principle

10. Planning Policy Statement 3: Housing (PPS3), Annex B does not include private residential gardens in the definition of previously developed land (PDL). However the change to PPS3 does not prevent development on land that does not fall within the definition of previously developed land. The effect of the change is to place greater emphasis on local policies allowing local planning authorities to determine the best solutions for their areas taking into account the development plan and all other material considerations.

11. Whilst the changes to PPS3 – Housing, removes residential garden land from the definition of previously developed land the footprint of the proposed dwelling would not be significantly larger than that of the existing detached garage of no. 63 Brompton Drive, which would be demolished as part of the proposal. On this basis, any encroachment onto the previous garden land would be classed as minimal and the main emphasis should be on whether the proposal would be appropriate in terms of the relevant BCCS, UDP Policies and Supplementary Planning Documents.
12. The Inspector for the appeal of application number P10/1459 stated that in principle the proposed residential dwelling would be acceptable. The general principle of new residential development on the site within this residential area would be acceptable subject to all other material planning considerations. In this regard the proposed development would be consistent with the requirements of Policies HOU1 and HOU2 of the adopted BCCS and PPS3 – Housing.

Design and Siting

10. Policy DD4 of the saved UDP seeks to ensure that new developments do not have any adverse effect on the character of an area. The proposal would not project past the building line to the front and would in fact be set back from the street scene so as not to be a dominant feature. The proposal would not appear out of place within the context of the street scene and wider residential area when viewed from elsewhere within the estate.
11. The housing density of the plot (50 dwellings per hectare) would be appropriate and would relate to the existing character and overall context of the surrounding area (which ranges from 40 to 53 dwellings per hectare). The plot width for the existing and proposed dwelling would also be acceptable and comparable with other plot widths on the residential estate. The proposal would therefore be in accordance with Policy DD4 – Development in Residential Areas and the New Housing Development SPD.

12. The design of the proposal would relate to the surrounding properties by reason of the replication of the pitched roof and fenestration design of nearby dwellings. The size of the property would be fairly modest in scale and mass in comparison to the site area and surrounding dwellings. The footprint, height, mass and overall size of the dwelling would also be appropriate to the plot and the house would not appear out of keeping with the area. Despite the projection to this rear this would not create an overly large dwelling of excessive rear projection. The property would relate to the size and footprint of other properties within the access road, for example to no. 69 Brompton Drive which features a two storey rear addition.
13. With the location of the proposed dwelling being at the end of the access drive and due to the house being set back by 1.9m from the front of no. 63 Brompton Drive this would ensure that the property would not appear dominant within the street scene. Setting back the front elevation of the dwelling from this building line would be acceptable and the dwelling would relate well to the existing layout and character of the area. The dwelling would generally line through with the buildings already on this access driveway (Nos. 63, 65, 67 and 69 Brompton Drive) so as not to appear dominant or out of keeping.
14. The estate as a whole is characterised by semi-detached and some detached houses laid out in an informal but nonetheless carefully planned fashion. This proposal would accord with that mix of housing already present within the estate.
15. The proposed dwelling would have access directly onto the driveway which leads to Brompton Drive with vehicular parking to the front of the building. Generally, the proposal would replicate the design elements of the surrounding properties and be constructed in materials that would be appropriate within this location. The proposal would therefore be acceptable and would not appear out of keeping with the area so would therefore comply with Policy DD1 – Urban Design and DD4 – Development in Residential Areas of the Saved Unitary Development Plan (2005).
16. The site is located where public and private space adjoins due to the footpath to the front of the parking area. The submitted plan shows that the landscape area with

fencing would be partially restored to create a barrier between these important spaces. This would accord with the request that the Inspector made within the appeal of P10/1459. The use of a landscaped area as well as the sufficient parking space would also reduce any adverse visual impact that the dwelling would have upon the area.

17. As stated within the Inspector's report the proposed dwelling itself was not found to be unduly harmful. The proposed setting back of the dwelling from the highway has ensured sufficient space to the front so that the dwelling would no longer appear cramped and the proposal would therefore comply with HOU1 and HOU2 of the adopted BCJCS as well as Policy DD4 of the saved UDP.

Residential amenity

14. The application site would be accessed from a private driveway off Brompton Drive. The development would be set in a side garden location where there is an existing detached garage. The proposed house would be surrounded by residential gardens and other properties.
15. The rear projection of the proposed dwelling would not contravene the 45 degree code guidelines with regards to the rear windows on No. 63 Brompton Drive as both windows are for one room. Despite the rear projection there would not be significant impact on daylight provision for the occupiers resulting from this rear projection. The two storey side wall would not be hard up against the boundary and would not appear overbearing to the occupiers. The front elevation would also be set back from the front of this property so would not impact on daylight provision or outlook for the occupiers with regards to any front facing windows. The side facing window facing towards this property would be conditioned to be obscurely glazed and top opening to ensure no impact on privacy for the occupiers.
16. The two storey western side elevation would be a sufficient distance of 18.25m from No. 10 Rosemoor Drive. This would be a satisfactory distance to ensure that the rear facing windows on this property did not experience any loss of daylight

provision or outlook due to the development. The proposed side facing window on the new dwelling would be conditioned to be obscurely glazed and non opening to ensure that privacy would not be impacted for the occupiers of this house.

17. The rear conservatory extension to No. 9 Rosemoor Drive would not directly face onto the side elevation of the proposed dwelling and would be 16m from the development. The rear facing windows on the proposed dwelling would also not benefit from direct overlooking of the rear garden of this property so there would be no impact on amenity for the occupiers.
18. No. 11 Rosemoor Drive would be a distance of at least 25.5m from the proposal and no overlooking would be possible of this property.
19. The side elevation of No. 61 Brompton Drive would be a distance of 18.5m from the front facing windows on the proposed dwelling. There are no windows within this side elevation to be impacted on from a loss of daylight or outlook. The front facing windows on the proposed dwelling would not enable overlooking of the rear garden of this property due to the separation distance.
20. The rear garden of No. 71 Brompton Drive would be a distance of 11.25m from the proposed rear facing windows on the dwelling. This would be a sufficient distance to ensure that privacy would not be impacted on for the occupiers due to overlooking. The house would be no closer to the proposed dwelling than the existing properties on this access road (due to previous extensions) to impact on residential amenity.
21. All other properties would be at least 25m from the proposed dwelling or not in direct line of sight. These separation distances are in excess of the dimensions required by Planning Guidance Note No. 17 and ensure no direct overlooking would occur. The first floor windows in the eastern and western elevations would be obscurely glazed and top opening to ensure that there would be no impact on privacy for the properties nearby. The permitted development rights to enable replacing the windows or extending the property would be removed to ensure that

residential amenity for surrounding dwellings would be maintained for the life of the development.

22. The Head of Environmental Health and Trading Standards has also provided no objections to the proposal (subject to the suggested conditions) which is considered to not adversely impact on residential amenity for neighbouring properties and would therefore comply with Policy DD4 – Development in Residential Areas.

23. The dwelling would also be served by an adequate garden area measuring 11m in length which is in accordance with the PGN3 – New Housing Development and Policy DD4 of the saved UDP.

Access and Parking

24. The layout of the proposed development would see the provision of two off road car parking spaces on the frontage of the property to serve the proposed three bedroom dwelling. The existing three bedroom property would also benefit from two car parking spaces at the front of the dwelling. These four spaces would be accessed off the private access road at the front of this row of properties.

25. The Group Engineer (Development) is satisfied that there would be sufficient space on the proposed hard-standing to accommodate the required number of vehicles for each property and there would be a sufficient distance to enable access and egress. The 12m gap between the front of the proposed dwelling and the landscaping strip is considered as a sufficient distance to provide adequate manoeuvring space to gain access to all of these parking spaces. The proposal would now accord with the requirements of the Inspector for appeal of P10/1459. The development would therefore accord with the standards required within the Parking Standards and Travel Plans SPD and TRAN2 of the adopted BCCS to ensure that the development would not prejudice highway safety.

CONCLUSION

26. Notwithstanding the fact that this development would involve the part development of garden land, it is considered that the more efficient use of land, the prospect of achieving an acceptable layout which contributes to the mix of dwelling types and tenures, weigh in favour of the proposal. 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. With appropriate conditions there would be no detrimental impact on highway safety or residential amenity. The proposal would therefore comply with HOU2, DEL1 Policy DD1 and DD4 (Development in Residential Areas) of the saved Dudley UDP as well as PGN3 – New Housing Development.

RECOMMENDATION

It is recommended that the application is approved subject to the following conditions:

REASON FOR THE GRANT OF PLANNING PERMISSION

Notwithstanding the fact that this development would involve the part development of garden land, it is considered that the more efficient use of land, the prospect of achieving an acceptable layout which contributes to the mix of dwelling types and tenures, weigh in favour of the proposal. 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. With appropriate conditions there would be no detrimental impact on highway safety or residential amenity.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Black Country Core Strategy (2011), the Saved UDP (2011) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

Informative Note

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal working; geological fissures; mine gas and previous surface mining site. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Buildings Regulations approval.

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. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

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

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 approved shall be carried out in accordance with the details shown on plans labelled '879:01G' and '879:02B'

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 occupation of the dwelling hereby approved, the parking spaces shall be marked out in accordance with the approved scheme and surfaced using a porous material 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 each dwellinghouse. The areas shall be maintained as such for the life time of the development unless otherwise agreed in writing by the Local Planning Authority.
5. 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.
6. Prior to the commencement of development, details of the boundary treatments /walls/fences to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include location of boundary treatment. Elevation details shall also be supplied, or planting species/distances, as appropriate. 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.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any order revoking or re-enacting that order with or without modification, no development referred to Schedule 2, Part 1 Classes A, B, C, D, E, F, G, H and I shall be carried out without the prior written approval of the local planning authority.
8. The first floor windows to be installed in the eastern and western elevations of the building hereby approved shall be obscure-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and thereafter maintained in that condition.
9. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed with the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of contaminants and permit the risk-based assessment of the development site.

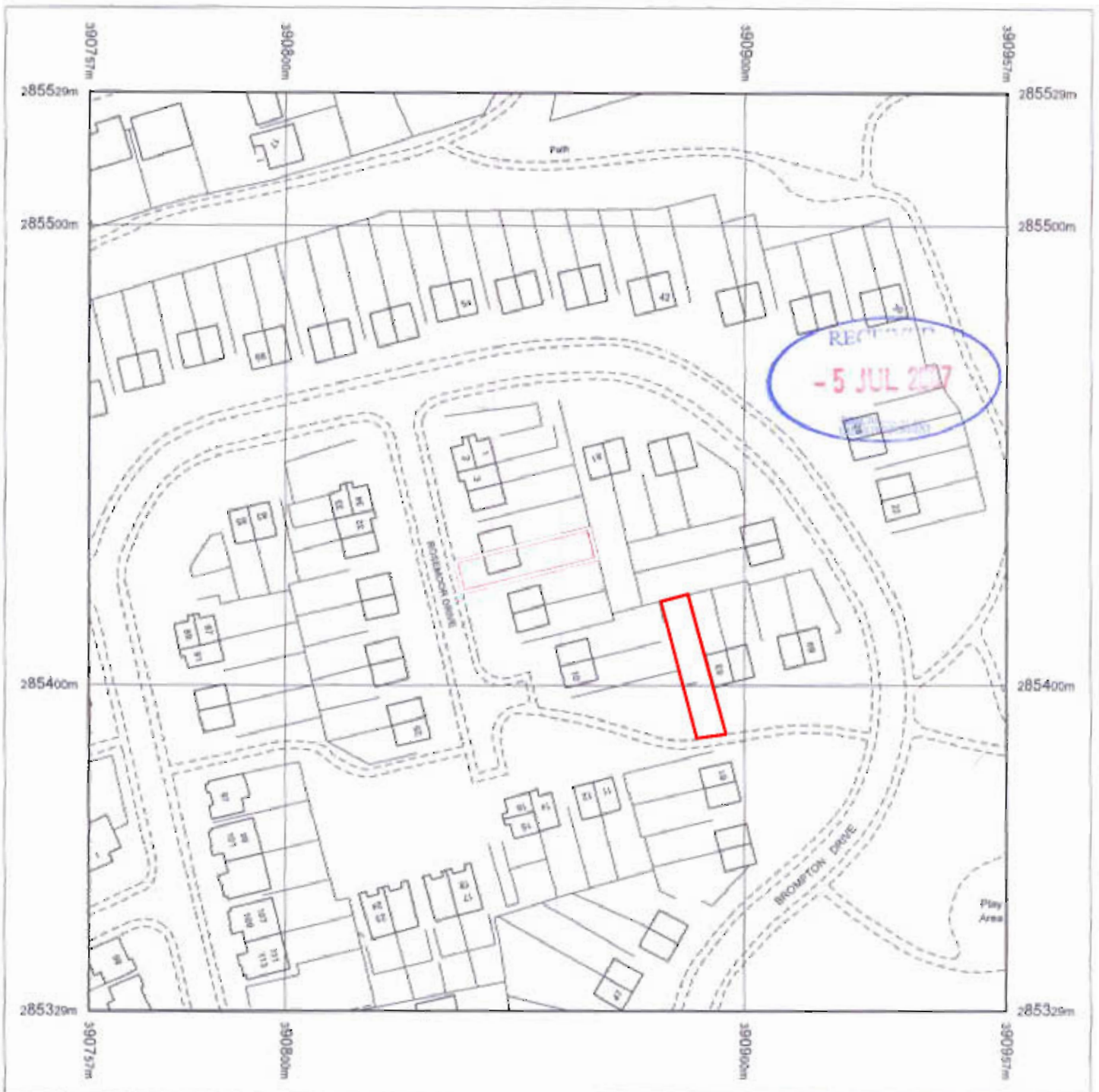
Where the investigations identify the presence of contamination, development shall not begin until a scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority. The scheme shall include provisions for validation monitoring and sampling.

Unless otherwise agreed in writing with the LPA, the scheme shall be implemented before the development is first occupied, and be retained throughout the lifetime of the development.

10. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed with the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of ground gases and vapours that have the potential to pose a risk to human health and the wider environment.

Where the investigations identify the presence of ground gases and vapours, development shall not begin until a scheme to protect the development from the effects of such gases and vapours has been submitted to and approved by the local planning authority. The scheme shall include provisions for validation monitoring & sampling.

Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall be implemented before the development is first occupied; and be retained throughout the lifetime of the development.



Produced 03.07.2007 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2007.

Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS Sitemap is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

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.

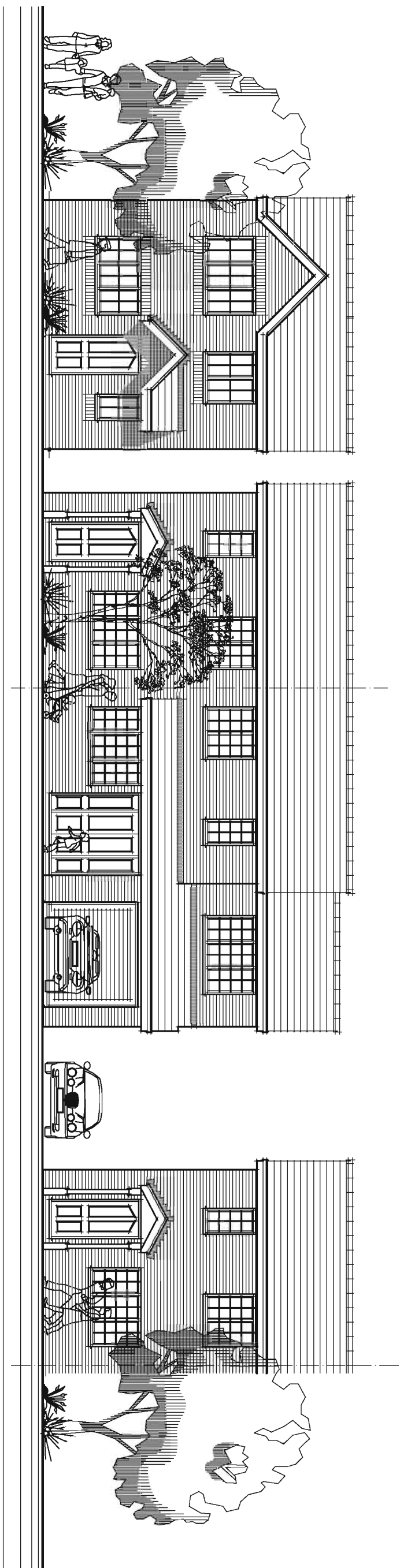


Scale 1:1250

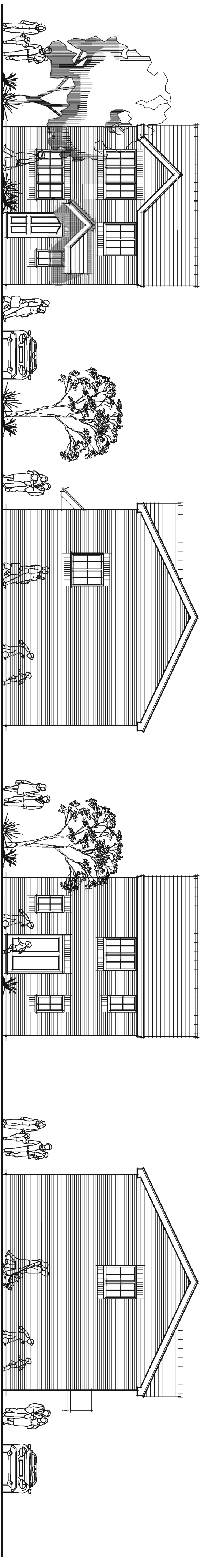
Supplied by: **Outlet User**
 Serial number: 00297800
 Centre coordinates: 390857 285429

Further information can be found on the OS Sitemap information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk





STREET SCENE

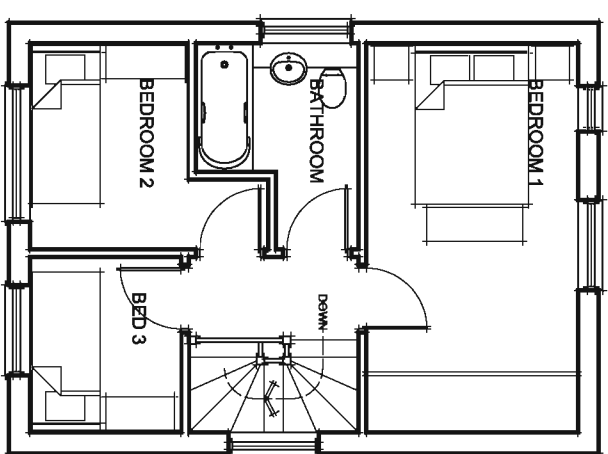
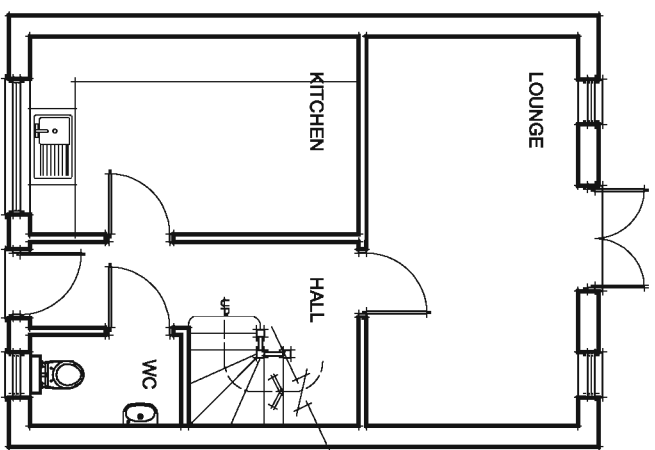


FRONT ELEVATION

SIDE ELEVATION

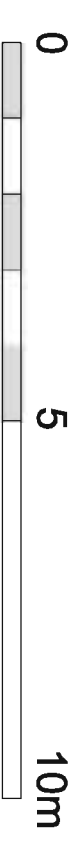
REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN

FIRST FLOOR PLAN



(1:100 Scale)

REV'B' - AMENDED TO SUIT PLANNERS REQUIREMENTS - NOV. 2010

Job
**proposed dwelling at land adjacent to
 63 BROMPTON DRIVE
 STOURBRIDGE**
 Client
MR C. PEARSON

S C H E M E
 Date
SEPT. 2010
 Scale
1:100 @ A2 SCALE
 Job No.
879:02B

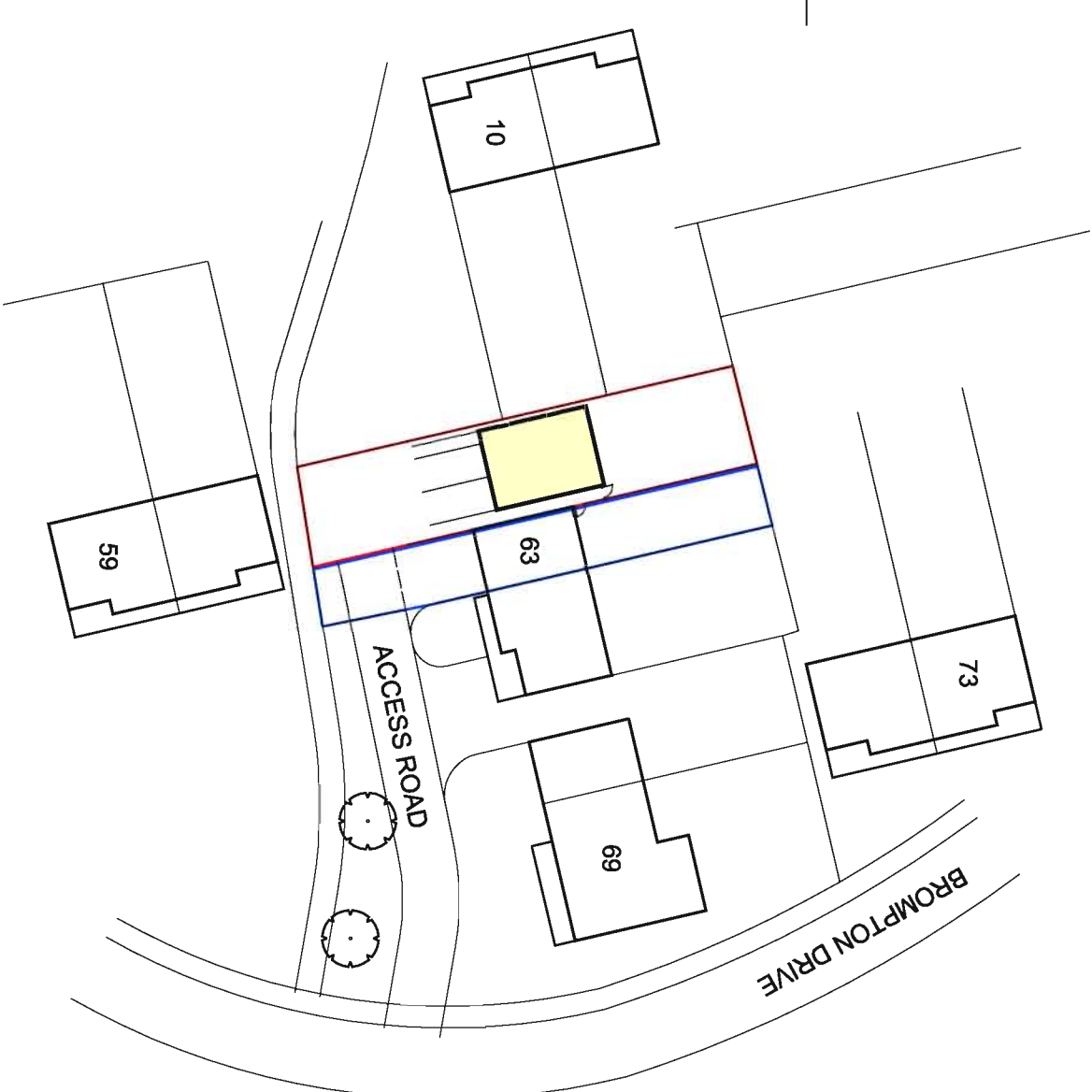
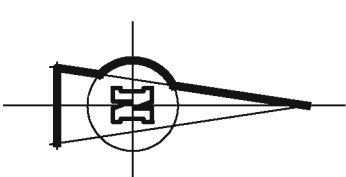
1.8m HIGH TIMBER FENCE

PLOT 1
87.0 SQ.M

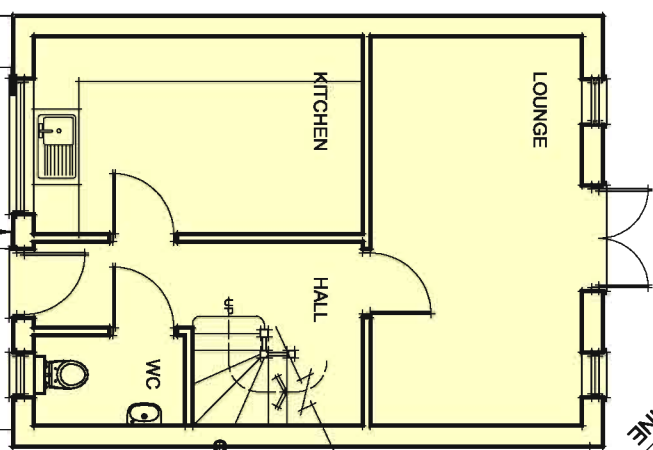
1.8m HIGH TIMBER FENCE

1.8m HIGH TIMBER FENCE

No.71



BLOCK PLAN
SCALE 1 : 5 0 0



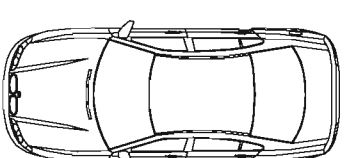
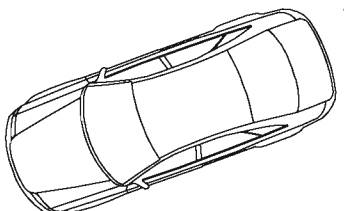
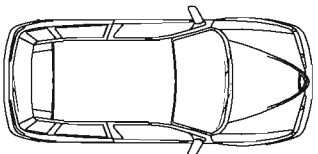
DEMOLISH EXTG. GARAGE

No.63

No.65

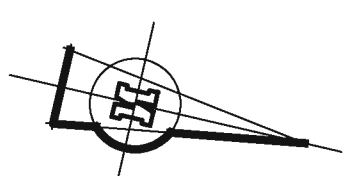
No.67

No.69

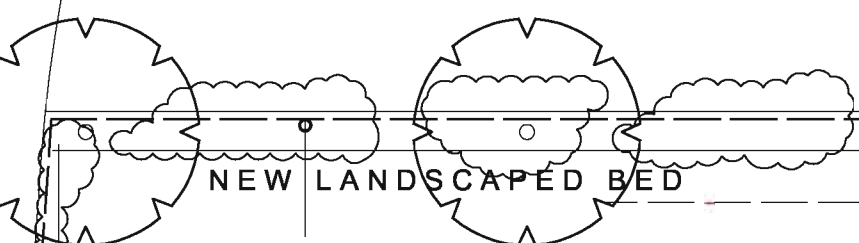


KEY:
+100.00 EXISTING LEVELS
+100.00 PROPOSED LEVELS

BROMPTON DRIVE



PRIVATE ACCESS ROAD
(TARMAC)



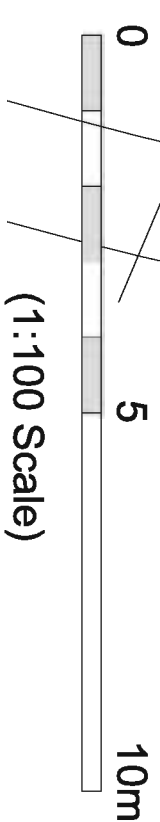
EXISTING 1.0M HIGH FENCE

NEW LANDSCAPED BED

PUBLIC FOOTPATH

LANDSCAPED

LANDSCAPED



S C H E M E

No.61

S I T E P L A N

S C A L E 1 : 1 0 0

Job
proposed dwelling at land adjacent to
63 BROMPTON DRIVE
STOURBRIDGE
Client
MR C. PEARSON

Date
SEPT. 2010
Scale
1:100 @ A2 SCALE
Job No.
879:01G