

# PLANNING APPLICATION NUMBER:P07/2029

Type of approval sought	Outline Planning Permission
Ward	QUARRY BANK & DUDLEY WOOD
Applicant	Miss Yvonne Poyner
Location:	<b>LAND ADJACENT TO, 38, BRICK KILN STREET, QUARRY BANK, BRIERLEY HILL, WEST MIDLANDS, DY5 2AP</b>
Proposal	<b>OUTLINE APPLICATION FOR 1 NO DWELLING (ACCESS &amp; LAYOUT TO BE CONSIDERED)</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## SITE AND SURROUNDINGS

1. The application site is a rectangular shaped plot of land currently utilised as a garden and parking area of No38. The plot is located mid-way along Brick Kiln Street. The plot would use part of the existing parking area for No38. The plot is located mid-way along Brick Kiln Street. The plot would be set back 2m from the back of the footpath in a similar staggered layout to that of No 38.
2. The plot is bounded on both sides by a mixture of residential properties with all properties on this side of the street developed adjacent to, or within close proximity to the back of the footpath. The rear garden area of the proposed development would have a border with the White Horse Inn public house bowling green.

## PROPOSAL

3. The proposed application is an outline application for the erection of 1 No. dwelling. The factors to be considered are siting and access with all other matters to be reserved for subsequent approval.

4. The dwelling proposed would be a three bedroom detached house that would have a width of 4.2m and a depth of 8.7m.
5. The garden amenity length would be 15m and the garden area would be approximately 69 square metres for the proposed dwelling. The garden amenity length would be 12m and the garden area would be 67 square metres for the existing dwelling at No.38 (3 bedrooms).
6. Five shared parking spaces for the proposed and existing dwelling at No 38 would be provided to the rear of the proposed new dwelling, with access via the existing gated access. The driveway would be 4.1m in width and a small section of wall adjoining No.38 would be removed to add further width to the front entrance giving an overall width of approximately 5.2m.
7. The application is accompanied by a design & access statement.

## HISTORY

8.

<b>APPLICATION No.</b>	<b>PROPOSAL</b>	<b>DECISION</b>	<b>DATE</b>
P06/0834	Outline application for the erection of 1 No. detached house	Refused	19/06/06

9. The previous application was refused for the following reasons:

- The proposal would result in a form of development that would have an adverse impact on the character of the area due to the siting of the property not relating to the layout of the other properties on the South-West side of Brick Kiln Street.
- The proposal would have an adverse impact on the residential amenity of the two adjacent dwellings with regards daylighting, overshadowing and loss of outlook from the habitable rooms and rear garden.

## PUBLIC CONSULTATION

10. Neighbours adjacent to/nearby the site were consulted and as a result one letter of objection was received on the grounds:
- Proposed parking area would have an adverse impact on neighbours' amenity, by way of increased noise and disturbance to private rear garden areas.
  - Proposed parking area may be used for repairing cars.

## OTHER CONSULTATION

11. The Head of Environmental Protection: No objections subject to condition.
12. Group Engineer, Development: Proposed parking layout would not provide sufficient parking provision due to the way in which the spaces are aligned and therefore no useable parking provision is provided. Refusal recommended.

## RELEVANT PLANNING POLICY

13. Unitary Development Plan (2005)
- Policy DD1 (Urban Design)
  - Policy DD4 (Development in Residential Areas)
  - Policy DD6 (Access and Transport Infrastructure)
14. Supplementary Planning Guidance
- Planning Guidance Note 3 (New Housing Development)
  - Planning Guidance Note 12 (The 45 Degree Code)
  - Parking Standards and Travel Plans

15. National Policy Documents

- PPS3 - Housing

## ASSESSMENT

16. The key issues are whether the amendments would overcome the refusal reasons of P06/0834 relating to:

- Highways safety
- Impact upon the character of the area
- Residential amenity

17. Highways safety

Both the existing and proposed 3 bedroom dwellings would be required to provide 2 off-street car parking spaces each, under the Parking Standards and Travel Plans Supplementary Planning Document. The Group Engineer, Development has recommended refusal of the application on the grounds that the layout of the proposed car parking spaces would render them unusable. However, verbal confirmation has been received from the Group Engineer that there would be sufficient space to accommodate 4 useable off-street car parking spaces within the given area. This can be conditioned as part of the approval of the current application. Therefore, subject to receipt of a satisfactory revised car parking layout, the application would not be likely to result in a detrimental impact on highways safety, in accordance with DD6 - Access and Transport Infrastructure of the adopted Dudley Unitary Development Plan (2005) and Supplementary Planning Guidance - Parking Standards and Travel Plans.

18. Impact on the character of the area

The character of the surrounding area is mixed, with all properties on this side of the street developed adjacent to, or within close proximity to the back of the footpath,

generally all with direct road access. The revised proposal has relocated the siting of the dwelling by placing it within close proximity of the pavement and would be comparable with the siting of dwellings on the South-West side of Brick Kiln Street, therefore it is considered that the refusal reason relating to layout has been overcome and it would thus be compatible with the character of the immediate area, in accordance with DD1 - Urban Design of the adopted Dudley Unitary Development Plan (2005).

19. Residential amenity

It is considered that the size of the proposed car parking area (to be reduced to accommodate 4 cars) would not be sufficient to contribute a significant amount of traffic noise disturbance to neighbours at the rear of the site, particularly as part of the site area is an existing parking area.

The revised proposal has relocated the siting of the dwelling by moving it forward, therefore the dwelling would not impinge upon the 45 degree code and would not have an adverse impact upon daylighting, overshadowing and loss of outlook from the habitable room windows of the neighbouring properties. It is therefore considered that the refusal reason relating to residential amenity has been overcome, in accordance with DD4 -Development in Residential Areas of the adopted Dudley Unitary Development Plan (2005) and Supplementary Planning Guidance - Planning Guidance Note 12 - The 45 Degree Code.

The proposed and existing dwellings would provide at least 65 square metres of required garden amenity areas for 3 bedroom dwellings, in accordance with PGN 3 - New Housing Development.

## CONCLUSION

20. It is considered that the amendments made under the current application would overcome the refusal reasons of P06/0834 and would not have an adverse impact on highways safety, character of the area, or residential amenity. The proposal is

therefore in accordance with Policy DD1 - Urban Design, Policy DD4 - Development in Residential Areas and Policy DD6 - Access and Transport Infrastructure of the Adopted UDP (2005), Planning Guidance Note 3 - New Housing Development, Planning Guidance Note 12 – The 45 Degree Code and Supplementary Planning Guidance - Parking Standards and Travel Plans. For the reasons outlined, approval is recommended.

## RECOMMENDATION

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

### Reason for Approval of Planning Permission

It is considered that the amendments made under the current application would overcome the refusal reasons of P06/0834 and would not have an adverse impact on highways safety, character of the area, or residential amenity. The proposal is therefore in accordance with Policy DD1 - Urban Design, Policy DD4 - Development in Residential Areas and Policy DD6 - Access and Transport Infrastructure of the Adopted UDP (2005), Planning Guidance Note 3 - New Housing Development, Planning Guidance Note 12 – The 45 Degree Code and Supplementary Planning Guidance - Parking Standards and Travel Plans. For the reasons outlined, approval is recommended.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) 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

The development hereby permitted shall be built in accordance with the approved drawing numbered BP62870-2, unless otherwise agreed in writing by the Local Planning Authority.

### Conditions and/or reasons:

1. Approval of the details of the external appearance of the buildings, scale of the development and landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the local planning authority before any development is begun.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
3. Development shall not begin until details of the type, texture and colour of materials to be used in external elevations have been submitted to and approved by the local planning authority. The development shall proceed in accordance with the approved details.
4. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane & carbon dioxide. Where the investigations identify the presence of methane and/or carbon dioxide the development shall not begin until a scheme to protect the development from the effects of such gases has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
5. Notwithstanding the submitted plans, development shall not begin until a detailed scheme for the parking of vehicles has been approved by the local planning authority, and the new dwelling shall not be occupied until the car park has been constructed in accordance with the approved details.
6. Development shall not begin until details of the visibility splays to be provided at the junction between the proposed means of access and the highway have been submitted to and approved by the local planning authority and no building shall be occupied until the visibility splays have been provided in accordance with the approved details.