

PLANNING APPLICATION NUMBER:P14/1622

Type of approval sought	Full Planning Permission
Ward	Amblecote
Applicant	Mr Paul Dalloway
Location:	9, ROYAL CLOSE, BRIERLEY HILL, DY5 3HW
Proposal	PART A: RETROSPECTIVE SIDE AND REAR BOUNDARY TREATMENT. PART B: RETROSPECTIVE OUTBUILDING.
Recommendation Summary:	PART APPROVE & PART REFUSE (SPLIT DEC'N)

SITE AND SURROUNDINGS

1. The application site forms part of the residential estate of Withymoor Village which comprises of similar dwelling house types set within plot types of a similar size with dwelling houses following established building lines. These properties are set back from the highway and benefit from modest driveways and garden areas to the frontage. Most of the properties have profited from minor alterations / extensions.
2. The site occupies a position at the highway junction of Royal Close with Conifer Close and is boarded to the front and rear by the respective cul-de-sac turning heads of these highways. The site relates to a detached property of facing brick construction. The property is surmounted with a pitched roof over with the ridge running from flank to flank. The property has previously been extended to include a modest gable feature within the canopy to the frontage and a facing brick ground floor side extension with pitched roof over positioned along the western flank elevation of the dwelling house and to the frontage of the single storey facing brick flat roof element.
3. Works have also been undertaken at the property which includes the erection of timber outbuilding within the rear garden area and the replacement of the dilapidated concrete post and timber boundary fence to the side and rear fronting on to Conifer Close.

4. The application site is bound to the east by the detached property of No. 11 Royal Close. Opposite the sites frontage are located the detached dwelling houses of No's. 12, 14 and 16 Royal Close, which are positioned perpendicular to the application site and fronting an access drive. To the rear, and at a lower level given the wider topography of the rear sloping down from north to south are the detached dwelling houses of No's. 5 to 7 (inclusive) Conifer Close and fronting the cul-de-sac turning head. The detached dwelling houses of No's 1 to 3 (inclusive) Conifer Close, are located to the west of the site and orientated perpendicular to the application site.

PROPOSAL

Part A

5. This is a retrospective application for the erection of a concrete block boundary wall to the side / rear boundaries that measures a maximum of 2.15 metres (m) in total height and comprises of a stepped form to mimic the topography of the wider area. As the boundary wall exceeds 1m in height and is adjacent to the highway planning permission is required.

Part B

6. This is a retrospective application for the erection of a timber outbuilding measuring a maximum height of 2.05m. The outbuilding abuts the existing single storey facing brick flat roof element attached to the property and located adjacent to the western flank elevation. The outbuilding measure 4.85m in depth and 2.36m in width and is used as an external bar area. Given the position and height of the outbuilding coupled with the outbuilding being attached to the single storey element forming part of the dwelling house, then planning permission is required.

HISTORY

7. Application Site

APPLICATION No.	PROPOSAL	DECISION	DATE
P12/0805	Full planning permission for a single storey side extension	Withdrawn	31/07/2012
P12/1057	Full planning permission for a single storey side extension (resubmission of withdrawn application P12/0805)	Approved with Conditions	27/09/2012

PUBLIC CONSULTATION

8. The application was advertised by way of neighbour notification letters being sent to the occupiers of 14 properties within close proximity to the site and by the display of a site notice. The final period for comment expired on 26/02/2015.

9. In response to the consultation exercise, correspondence in the form of a signed letter from the occupiers of 4 properties within Conifer Close has been received which objects to the development and raises material planning considerations which are summarised below;

- *Residents of Conifer Close have had their front views blighted since September (2014) by the unsightly construction of a further additional chip board building on and a concrete wall around the perimeter of No. 9 Royal Close. This has been made worse by redundant building materials comprising of pallets of concrete blocks and cement and bagged sand left on the verge to the side of the property since construction ceased;*
- *The property's rear and side boundary comprise the whole north-east aspect of Conifer Close. All 7 detached properties comprising this cul-de-sac can now see most of the wall. 6 properties are overlooked by the entire wall and building. However any owner chooses to maintain and present the property boundary of 9 Royal Close has a major impact on the visual integrity of the entire cul-de-sac. An*

attractive treatment would inevitably add value not only to 9 Royal Close but also the cul-de-sac and its surroundings. Conversely, our objection would suggest that the current owner has damaged the nature of the cul-de-sac and the value of the area;

- *Until the construction of the new wall (to which we object), the rear fencing from the garage to the adjacent rear garden of their neighbours in Royal Close was post, gravel board and panel. This was in keeping with the predominant style of fencing. The construction of a concrete wall is completely out of keeping with the locality and is detrimental to visual amenity;*
- *The natural topography of the rear garden is a slope from the rear house to the end of the property, onto and past the cul-de-sac. The rear limit of the garden is over a metre lower than the house. The owners chose to create a horizontal platform (a decking area) covering the whole garden level with the house;*
- *Located on the raised decking area is a hot tub, situated under an open sided construction measuring approximately 4m by 3m. They also have erected a hexagonal gazebo measuring some 2.5m and have partially constructed an outbuilding, which is subject to this retrospective application and is referenced as a bar. This building is finished with painted chip board side and back panels without any thought for visual amenity, especially as the erected structure protrudes above the boundary wall; and*
- *Concern is also raised to the structural integrity of the wall, including foundations. Also, no drainage appears to have been built into the wall.*

10. Correspondence has also been received from a local resident supporting the scheme. The correspondence has been considered and the following material planning considerations are summarised below;

- *Further to objections raised by residents of Conifer Close, the supporter notes that their property in Royal Close may be outside of the area directly affected by the development; however, they do live and pass by the application site on most days;*

- *The supporter is not against the wall and feel it is (or will be) an improvement on the fencing that was continuously in a poor state of repair alongside the side of the garage;*
- *The comments about the hot tub, gazebo, recreation areas and decking have no bearing on the construction of the wall and reflect the general hostility that is currently being shown towards the owners; and*
- *The supporter notes that they are aware that there are safeguarding reasons for the need for a robust secure border that gives the protection necessary to the vulnerable children within the property and it is important that this is taken in to account. Once the wall is completed it will have less impact than in its current unfinished state.*

11. In addition to the above, correspondence has been received from the applicants stating;

- *The wall is a necessity to safeguard children at the property and based on a Risk Assessment that had to be undertaken recently for the Fostering Agency. Social workers can be contacted to confirm that the safety of the children living at the property is paramount. The applicants along with the Fostering Agency are extremely vigilant when it comes to the well-being and security of the children living at the property;*
- *Comments raised from local objectors are incorrect, and it should be clarified that the boundary wall is not finished. The wall is to be rendered / painted an agreed colour, as advised, and finished to a high standard. Building materials located at the site are positioned on the applicants land;*
- *The referenced hexagonal Gazebo structure is not a permanent fixture; and*

- *The outbuilding structure shall be finished to all enclosed elevations, including the rear elevation.*
12. It should be noted that the decking area has been in situ for in excess of 4 years and therefore is afforded deemed consent and is immune from enforcement action. The other development – hot tub, outbuilding structures referenced (open sided structure over the hot tub and hexagonal gazebo) have been inspected during the recent site visit to the property on 05/02/2015, and it can be confirmed that these are afforded permitted development rights and therefore do not require regularising through formal planning permission. The land to the back edge of the footway of Conifer Close forms part of the application site and is within the applicant's control. For clarity, it is not highway land as alleged.
13. It should be noted that in the determination of the planning application all comments raised will be tested by the below stated policies.

OTHER CONSULTATION

14. Group Engineer Highways: No objections to the proposed development.

RELEVANT PLANNING POLICY

National Planning Guidance (2012)

- The National Planning Policy Framework

Saved Unitary Development Plan (2005)

- DD4 Development in Residential Areas

Supplementary Planning Document

- Parking Standards (2012)

ASSESSMENT

15. Key Issues

- Impact upon the character of the area and residential amenity; and
- Highway Safety

Impact upon the character of the area

16. Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan applies in the consideration of development proposals within residential areas. Saved Policy DD4 seeks to ensure that development would not adversely affect the character of the area or residential amenity. Saved Policy DD4 also states that the scale, nature and intensity of the proposed development should be in keeping with the character of the area.

Part A

17. The application site comprises a detached property occupying a prominent corner plot with the side / rear boundary treatment exclusively being located within Conifer Close to the rear. Given the natural topography of the area, the application property occupies an elevated position relative to the properties fronting Conifer Close and especially those properties positioned around the turning head to the rear of the site.
18. Boundary treatments on such properties occupying corner plots, project into sensitive visual areas and should therefore take into account the visual impact upon the streetscene to both the side and rear. Boundary treatments should not be unduly prominent nor out of character in the streetscene.
19. The application site forms part of the wider Withymoor Village, a relatively modern residential estate. Typically residential boundary treatments within the estate comprise of timber fence panels or facing brick walls and piers with coping stones,

constructed from a similar facing brick to the dwelling houses occupying the estate, or a combination of these boundary treatments.

20. The replacement boundary treatment, which formally comprised of a timber fence with concrete posts and gravel boards occupies a similar position and in this regard, no concern is raised to the position of the boundary treatment or indeed the height of the replacement boundary treatment, which is comparable to the height of the neighbouring boundary treatments at the rear of the site; however, concerns are raised with regard to the overall design and existing / proposed finish of the boundary treatment.
21. Typically, residential boundary treatments of brick construction would marry up to the host property of the site and would adopt brick piers and coping stones with either decorative detailing within walls to break up there scale and massing and / or railings / timber panels inserted between piers. This would be the preferred and best fit design at such a location as this.
22. Whilst it is acknowledged that the boundary treatment is unfinished and the applicants have advised they would render the boundary treatment and agree a colour of render treatment with the Local Planning Authority, it is considered that the proposed render treatment would be out of keeping within the surrounding residential environment and would also fail to assimilate with not only the host property but also the respective street scenes it would form a part. As such the boundary treatment is considered to impact upon visual and residential amenity. This view is substantiated through comments received through the public consultation process. The boundary treatment therefore contravenes Saved Policy DD4 of the Dudley Unitary Development Plan.
23. During the site inspection and general assessment of the area, it was noted that no other rendered boundary walls or dwelling houses were observed in the locality. It is therefore considered that the design of the wall coupled with the proposed render treatment finish would fail to assimilate with the surrounding area and would form an

incongruous addition to the respective street scenes of Royal Close and Conifer Close.

24. The Local Planning Authority understand the want, need and desire of the applicants to want to erect a replacement boundary treatment occupying a similar position and height to the previous boundary treatment which had fallen into a poor state of repair to ensure their property remained secure and safe for all occupiers of the property and in this regard and for clarity, no objection is raised to boundary treatment in this position and of this height.
25. With regard to the structural integrity of the boundary treatment, including concerns from local residents with regard to the footings of the wall, drainage and general construction methodology, the Local Planning Authority have no firm indication to substantiate or refute these claims; however, the applicants have stated that substantial footings were installed and the wall was cured during the construction process.

Part B

26. The timber outbuilding assimilates with other structures located within the rear garden area of the application site and is considered to be of an appropriate, scale, mass and design for this residential locality. Whilst the use, as a bar may be unusual, it is considered to be a use that would be incidental to the occupiers enjoyment of the dwelling house and therefore no objection is raised in this regard.
27. Notwithstanding this, the applicants have advised that the structure is only partially completed and that the rear elevation of the structure, which abuts the boundary treatment to Conifer Close and marginally protrudes above it, shall be finished with a log lap cladding to marry up to the remainder of the elevational treatment of the structure. Currently it is of a chip board finish, painted black. It is considered that the log lap elevational treatment would better help assimilate the structure within the locality and this would be controlled by way of planning condition. In this regard the outbuilding with revised finish would not be detrimental to visual or residential

amenity and the development is considered to accord with the aspirations of Saved Policy DD4 of the Dudley Unitary Development Plan.

Highway Safety

28. The development would not impact upon the existing off street parking arrangements serving the site and no additional burden on the existing highway infrastructure through on street parking would occur as a result of the development. As such, no issues are raised with regard to parking arrangements or general highway safety, in spite of the boundary walls position adjacent to the highway. These views are shared by the Group Engineer (Highways). The development is therefore considered to be in accordance with Saved Policy DD4 and the Parking Standards Supplementary Planning Document.

CONCLUSION

29. The existing outbuilding is proposed to be finished with a log lap cladding to the rear elevation to better marry up with the existing log lap cladding found upon the existing elevations. This would be controlled by planning condition to enable the development to better assimilate with its surroundings. The alterations to the outbuilding and its proposed finish would comply with Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan.
30. The retrospective boundary treatment that has been erected to the side and rear is considered to have an adverse impact on visual and residential amenity due to the overall design and proposed finish of the wall which forms a highly conspicuous feature at the back edge of the highway. Furthermore, the boundary wall fails to relate to the host property and the respective street scenes it forms a part. The development therefore contravenes Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan.

1st RECOMMENDATION

31. It is recommended that Part A is REFUSED for the following reason:

1. The retrospective boundary treatment to the side and rear is visually obtrusive having an adverse impact on visual and residential amenity due to the overall design and prominent position the boundary wall occupies at the back edge of the highway. The existing blockwork boundary wall fails to assimilate with the surrounding development whilst the boundary wall, with a proposed render finish, would also fail to relate to the host property and the respective street scenes it would form a part. The development therefore contravenes Saved Policy DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan.

32. It is recommended that consent for Part B is APPROVED subject to the following conditions:

Conditions and/or reasons:

1. Within 3 months from the date of this permission, the rear elevation of the outbuilding adjacent to Conifer Close and referenced as 'BAR' on the submitted plans shall be finished in a log lap treatment to the entire rear elevation which matches with the existing log lap present on the remainder of the outbuilding and shall be retained and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Bar - rear elevation', 'Bar - side elevation', 'Block Plan' and 'Location Plan'.

2nd RECOMMENDATION

33. Enforcement Action is taken against the erected boundary wall positioned to the side and rear of the site.

H.M. LAND REGISTRY

TITLE NUMBER

WM 208941

ORDNANCE SURVEY PLAN REFERENCE	SO 9185	SECTION R	Scale 1:1250
COUNTY WEST MIDLANDS	DISTRICT DUDLEY	Crown copyright 1980	

2006/02315

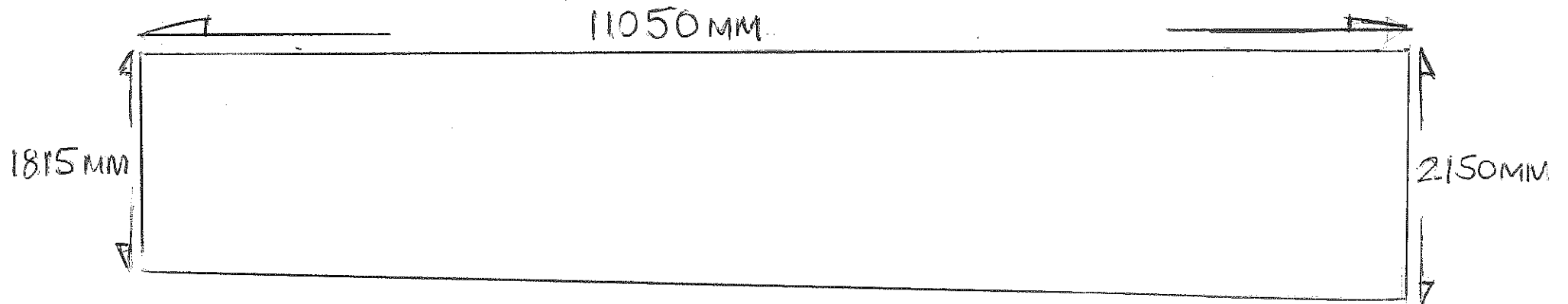


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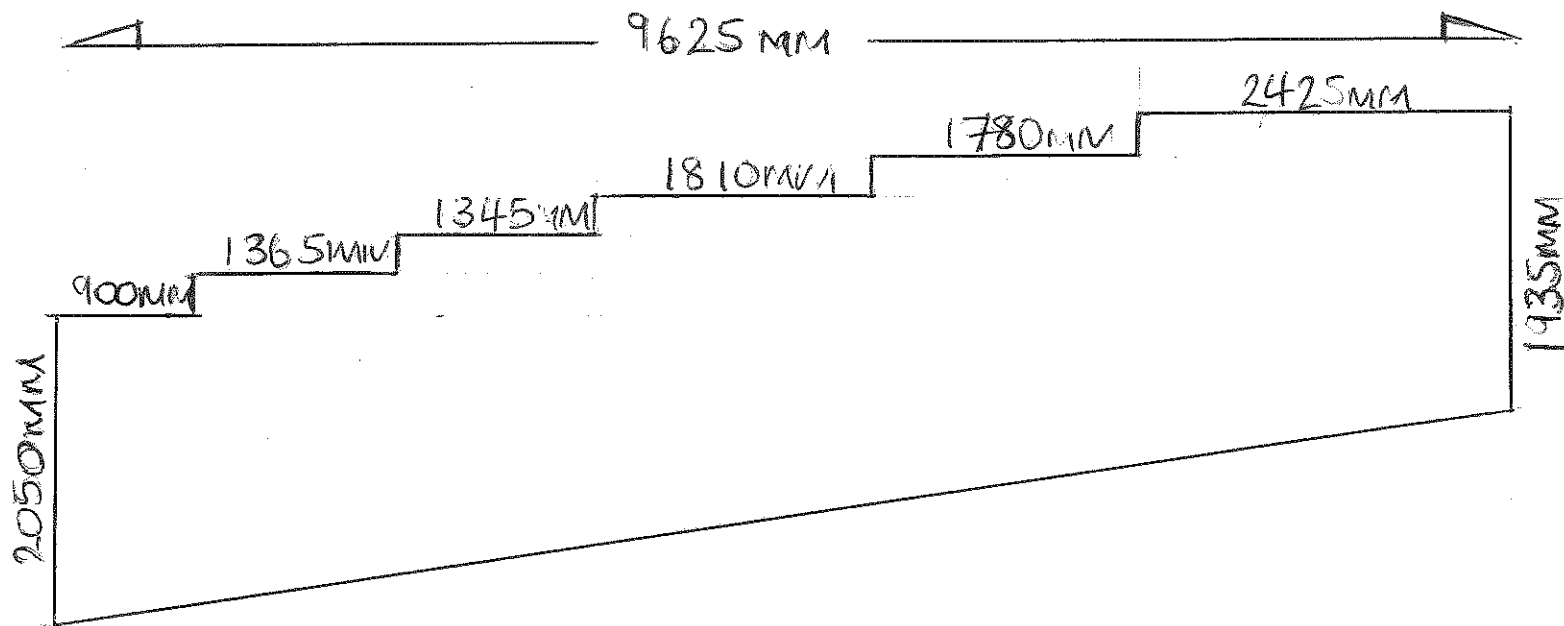
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WALL REAR ELEVATION 1:50



WALL-SIDE ELEVATION 1:50



SCALE
1:200 (A4)

Proposed
New wall

Max Height
2.3 m

Outdoor
Bar
Area.

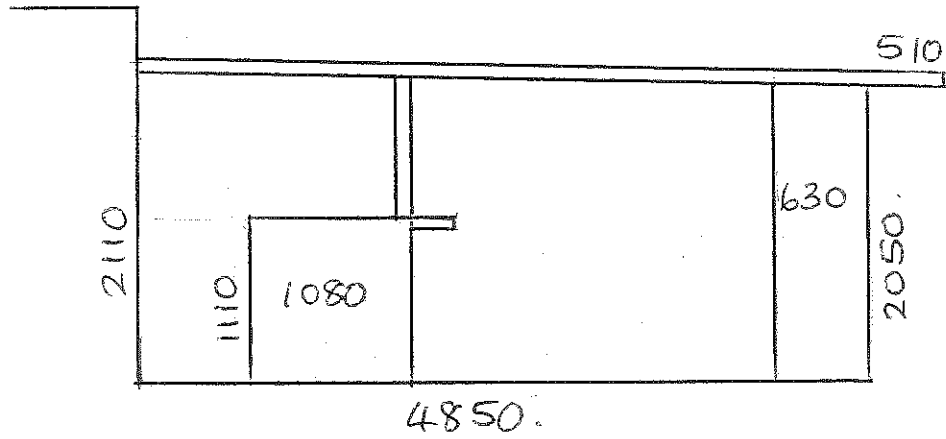
CONIFER CLOSE

9

11



BAR - SIDE ELEVATION 1:50.



BAR- REAR ELEVATION 1:50

