

## **PLANNING APPLICATION NUMBER: P10/0226**

Type of approval sought	Full Planning Permission
Ward	WORDSLEY
Applicant	Mr R. WALKER
Location:	<b>LAND TO REAR OF 15, ASHWOOD AVENUE, WORDSLEY, WEST MIDLANDS</b>
Proposal	<b>ERECTION OF 1 NO DWELLING</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### **SITE AND SURROUNDINGS**

1. The application site measures 382m<sup>2</sup> and the site is currently laid with grass and forms part of a rear garden. It is enclosed by a 2m high close boarded fence with concrete posts and mature Leylandi conifers planted behind. There is a set of double wrought iron gates situated along the south-western boundary, which provides access into the rear garden. The topography is generally flat.
2. The surrounding area is predominantly residential and characterised by inter-war and post-war semi-detached and terraced properties. Abutting the sites eastern and northern boundaries are gardens associated with adjoining residential properties. Immediately adjoining the site to the west is an informal parking area providing parking for approximately six vehicles. This area is not laid with tarmac and the parking spaces are not laid out. Immediately running along the site's southern boundary is an unmade private access road. The access road is 5.5 metres wide and provides access to the rear of the dwellings on Ascot Gardens and Ashwood Avenue from Westminster Road. The properties on Ascot Gardens to the south are located at a raised ground level and across the access road.

## PROPOSAL

3. This proposal seeks full planning permission for a detached four bedroom dwelling with integral garage and car-parking on hard-standing to the western side. The dwelling would be accessed from Westminster Road via an access road and would benefit from parking to the front and side with a private garden to the side / rear.
4. The property itself would feature a pitched roof measuring 8.6m in height with an additional front facing gable to account for a 1m front projection. A reduction in the height of the dwelling and reduced pitch of the front facing gable have been requested and any amended plans will be reported as part of a pre-committee note.
5. The integral garage would project 1.8m to the front of the two storey front elevation and would benefit from a front facing gable. A mono-pitched canopy would join with the garage roof and project above the proposed front porch. The majority of the fenestration would be located on the front and rear elevations with no fenestration on the south-eastern elevation and one first floor window and ground floor door on the north-eastern elevation. Small amendments to the fenestration have been requested and will be reported via a pre-committee note.
6. The application has been accompanied by a design and access statement in support of the application.

## HISTORY

7. This property has six previous relevant applications.

<b>APPLICATION No.</b>	<b>PROPOSAL</b>	<b>DECISION</b>	<b>DATE</b>
DB/70/6831M01	Erection of 31 & 22 lock-up garages at Marlborough Gardens and Ascot Gardens	Approved with conditions	17.07.70
DB/72/11069	Outline application for the erection of a pair of semi-detached houses.	Refused	12.01.73
80/52970	Outline application for the erection of a pair of semi-detached houses.	Refused	15.12.80
83/52067	Outline application for the erection of one pair of semi-detached houses with garages.	Refused and appeal dismissed	08.12.83
97/51068	Change of use from vacant land to private garden.	Approved	07.01.98
P07/2243	Outline permission for the erection of a pair of semi-detached dwellings (outline)	Refused – approved on appeal	01.02.2008

P07/2243 was refused on the following grounds:

- The scheme would result in the creation of backland development failing to integrate with the existing physical layout of development within the area by virtue of the fact that the occupiers of the dwellings would look out onto parked vehicles on the private access road and the rear fencing associated with the dwellings on Ascot Gardens thereby resulting in a detrimental impact to residential amenity.
- The private access road in its current condition is not suitable for an increase in traffic that would be generated by the proposed development.

8. The application site and the adjoining informal parking area and private access road were supposed to have been developed as parking areas for the occupiers of properties in Ascot Gardens in the 1970's. The garages were never built.

Planning application 83/52067 was refused and dismissed at appeal on the basis that the Inspector agreed with the Local Planning Authority that the only suitable location for the provision of off-street garage/parking to serve Ascot Gardens was at the application site. The Inspector at the time considered that the on-street parking situation had reached a level where action was required to resolve the situation. Given this, the Inspector concluded that the application site and the adjoining parking areas should be laid out as an area for residents parking associated with the Ascot Gardens development. The Inspector also stated that the width of the private access road was insufficient to provide both satisfactory access to the appeal site as well as providing off street parking facilities for the occupiers of properties on Ascot Gardens raising concerns with respect to congestion and the obstruction of the private drive if larger vehicles needed to use the road.

In terms of the potential space between the proposed pair of semi-detached properties and adjoining dwellings the Inspector considered that these were sufficient. The Inspector did raise concerns with respect to the backland nature of the development, which would require considerable areas of screen fencing to achieve an acceptable level of privacy. The Inspector also raised concerns regarding the outlook to the front of the proposed dwellings which would be the fencing that forms the rear boundary of the houses in Ascot Gardens as well as the use of the access road by parked cars.

A subsequent application was submitted in 1997 to change the application site into garden land. In considering this application, the case officer at the time referred to the planning history whereby it was agreed in 1984 by the Planning Inspectorate that the land should be retained for future parking by the residents of Ascot Gardens.

Since 1984, the land had become an overgrown eyesore with the residents of Ascot Gardens continuing to park in the cul-de-sac or on the unmade track which provides

access to the site from Westminster Road. The Chief Environment Engineering and Transportation Office at the time considered whether the Council could lay out the land as a car park and properly surface the access track but no funds were available to carry out this work. There was also no possibility of the Council taking enforcement action at such a late stage. In conclusion, as there was no prospect of the site being laid out as a car park for the residents and given the longstanding untidy nature of the site, it was considered reasonable to grant planning permission for the site to form part of the garden area to no. 15 Ashwood Avenue.

## **PUBLIC CONSULTATION**

- Direct notification was carried out to twenty surrounding properties and four written representations objecting to the scheme have been received. The latest date for comments was 31<sup>st</sup> March 2010.
- The objections are based on the following material planning considerations:
  - The house would be larger in size than the previous semi-detached properties.
  - The dwelling would overlook neighbouring houses.
  - The access road is in a poor state of repair and could not cope with the extra strain from a further property with an increased requirement for parking.
- After amended plans were received showing an increased size of the integral garage a further 7 day neighbour notification period was allowed and the latest date for these comments was 6<sup>th</sup> April 2010. No further comments have been received.

## OTHER CONSULTATION

9.

- Group Engineer (Development): Concerns over the size of the proposed parking spaces. After an amended plan was received to demonstrate three adequately sized car parking spaces there have been no further concerns or objections.
- The Head of Environmental Health and Trading Standards: no adverse comments.
- Tree Preservation Officer: no adverse comments.
- Environment Agency: no adverse comments.

## RELEVANT PLANNING POLICY

- Adopted Unitary Development Plan (2005)

S2 Creating a more Sustainable Borough

S8 Housing

S16 Access and Movement

DD1 Urban Design

DD4 Development in Residential Areas

DD6 Access and Transport Infrastructure

DD7 Planning Obligations

DD10 Nature Conservation and Development

DD12 Sustainable Drainage Systems

H1 New Housing Development

H3 Housing Assessment Criteria

H6 Housing Density

LR2 Access to Public Open Space (errata)

AM14 Parking

NC1 Biodiversity

NC6 Wildlife Species

- Supplementary Planning Document(s)

New Housing Development: Establishing Local Context

Parking Standards and Travel Plans

Planning Obligations

Nature Conservation

PGN 12 – The 45 Degree Code

- Supplementary Planning Guidance

New Housing Development

Parking Standards and Travel Plans

- Regional Planning Guidance

CF1 Housing within the Major Urban Areas

CF4 The reuse of land and buildings for housing

QE1 Conserving and enhancing the Environment

QE7 Protecting, managing and enhancing the Region's Biodiversity and Nature Conservation Resources

- National Planning Guidance

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS9 Biodiversity and Geological Conservation

PPS23 Planning and Pollution Control

## ASSESSMENT

10. The proposed development must be assessed with regard to the following key issues:

11. Key Issues

- Principle
- Design and Siting
- Residential amenity
- Access and Parking
- Nature Conservation
- Planning Obligations

### Principle

12. The principle of residential development upon the site was established by the appeal decision (APP/C4615/A/08/2073543/WF) which was allowed following the refusal of planning application (P07/2243). The appeal decision granted outline planning permission for residential development with access approved. The difference between this full application and the previously approved outline permission is that this development would be for a single detached property with four bedrooms whereas the previous application was for 2 no. 3 bedroom properties with integral garages and amenity space surrounding.
13. This plot of land is situated within a residential area and further residential development would be a preferable use of the site. Due to the back-land nature of this development it would be preferable for this site to house a bungalow rather than a two storey dwelling. However, as two storey dwellings have been accepted as part of the previous approval a two storey dwelling has been made acceptable in principle through the appeal decision (P07/2243). The housing density of the proposal would also be less than achieved through the previous application and would be appropriate regarding the character of the area and the overall context of the site in accordance with Policy DD4 – Development in Residential Areas.
14. Although the proposed development would provide a poor outlook for the future occupants of the proposed dwelling and would face onto the back gardens of the properties on Ascot Gardens and parked vehicles the previous decision by the Planning Inspectorate considers that this would be acceptable for any future occupiers.

### Design and Siting

15. There is a diverse mix of residential property types, styles and ages in the locality ranging from terraced, semi-detached and detached. The design of the proposed house would be a fairly traditional style brick built, tiled dwelling and is mostly considered to be acceptable for the back-land location of the site. Amendments to reduce the size of the dwelling to ensure that it would not appear prominent, reduce the roof slope of the front projection to match with the gable on the garage and



changes to the fenestration details are awaited and would be reported via a pre-committee note.

16. The dwelling would be fairly modest in scale in comparison to the site and previous size of the approved semi-detached dwellings and would respect the building form by aligning with the previous location of the approved dwellings. As back-land development this house would 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 Adopted Unitary Development Plan (2005).
17. The house would also be served by a relatively small but adequate garden area measuring over 11m in length and amenity space to the front of the property in accordance with the Supplementary Planning Guidance – New Housing Development.

#### Residential amenity

18. The application site would be accessed from Westminster Road via the approved access granted under planning application (P07/2243) and is set in a back-land location between Westminster Road and Ashwood Avenue. The proposed house would back onto residential gardens serving the properties fronting Ashwood Avenue. As a result, adequate separation distances of at least 32m (which is in excess of the dimensions required by Planning Guidance Note No. 17) would be achieved ensuring no direct overlooking would occur. As the property would be angled fronting towards the south-west the rear facing windows would not directly face any properties and would reduce any possible impact on privacy. The rear gardens of these properties would also be over 10m away from the proposed house and would not be directly in the line of sight. The properties on Westminster Road would be over 18m from the proposed dwelling which would be an adequate separation distance for rear facing windows facing onto a two storey blank side elevation. The properties on Ascot Gardens which are set at a slightly higher ground level than the application site would all be over 22m from the proposed front facing windows which would be an adequate separation distance.
19. The proposal would not breach Planning Guidance Note No. 12 – the 45 Degree Code – with regard to any neighbouring dwellings and existing amenity levels

currently enjoyed by the surrounding occupiers would be retained. The Head of Environmental Health and Trading Standards has also provided no objections to the proposal which would not adversely impact on residential amenity for neighbouring properties and would comply with Policy DD4 – Development in Residential Areas.

#### Access and Parking

20. The layout of the proposed development would see the provision of three off road parking spaces to serve the proposed house. The amended plans show that there would be one adequate space inside the integral garage measuring the required 3m by 6m internally. The other two spaces would be on the driveway to the eastern side of the property and to the front of the garage. The Group Engineer (Development) was satisfied that there would be sufficient space on the proposed hard-standing to accommodate this number of vehicles. The development would therefore accord with the standards required within the Parking Standards and Travel Plans SPD ensuring indiscriminate parking would not occur to prejudice highway safety or use of the access road by other properties.
21. Adequate visibility splays would also be achieved when entering and exiting onto Westminster Road in accordance with Policy DD6 – Access and Transport Infrastructure. Access to the property from the access side road off Westminster Road has been approved in principle by the previous approval of outline permission (P07/2242).

#### Trees & Nature Conservation

22. The Tree Preservation Officer has raised no objection to the scheme. Although there would be a loss of five trees and some vegetation as a result of the proposed dwelling it is considered that there would be no demonstrable harm to the visual amenity provided by the existing trees or any detrimental impact on nature conservation. In this respect the proposal therefore complies with UDP policy NC10 -The Urban Forest of the Adopted UDP.

#### Planning Obligations

23. Policy DD7 (Planning Obligations) of the adopted Dudley Unitary Development Plan (2005) and the Planning Obligations Supplementary Planning

Document require that new residential developments should mitigate against the consequential planning loss to the existing community. However, there is an extant permission (P07/2243) which would enable the development of housing on this site. Therefore, it would not be acceptable to request any contributions towards Section 106 monies due to this fall-back position. This is enhanced by the fact that a single detached dwelling is considered to have less impact on the local infrastructure than the previously proposed semi-detached properties.

## CONCLUSION

24. It is considered that the principle and the means of access of the proposed dwelling have already been established by the previously approved outline application. The siting and the design of the proposed dwelling is acceptable and would not cause demonstrable harm to visual amenity. The property would not impact on residential amenity for neighbouring houses and it is considered that the proposal would not prejudice highway safety or nature conservation and subject to the appropriate conditions the proposal therefore complies with the following Council policies; Policy DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, DD10 - Nature Conservation , AM14 – Parking, H1 – New Housing Development, H6 – Housing Density, EP6 - Light Pollution, NC1 - Biodiversity, NC6 - Wildlife and NC10 – The Urban Forest of the Adopted Unitary Development Plan (2005) and Supplementary Planning Documents; New Housing Development – A Guide to Establishing Urban Context, Parking Standards and Travel Plans and Planning Obligations.

## RECOMMENDATION

25. It is recommended that the application be approved subject to;

### **Reason for The Grant of Planning Permission**

It is considered that the principle and the means of access of the proposed dwelling have already been established by the previously approved outline application. The

siting and design of the proposed dwelling is acceptable in principle and would not cause demonstrable harm to visual amenity due to the location of the dwelling. The property would not impact on residential amenity for neighbouring houses and it is considered that the proposal would not prejudice highway safety or nature conservation. Subject to the appropriate conditions the proposal therefore complies with the following Council policies; Policy DD1 – Urban Design, DD4 – Development in Residential Areas, DD6 – Access and Transport Infrastructure, DD10 - Nature Conservation , AM14 – Parking, H1 – New Housing Development, H6 – Housing Density, EP6 - Light Pollution, NC1 - Biodiversity, NC6 - Wildlife and NC10 – The Urban Forest of the Adopted Unitary Development Plan (2005) and Supplementary Planning Documents; New Housing Development – A Guide to Establishing Urban Context, Parking Standards and Travel Plans and Planning Obligations.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan and to all relevant material considerations including Supplementary Planning Guidance.

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

### **Note for Applicant**

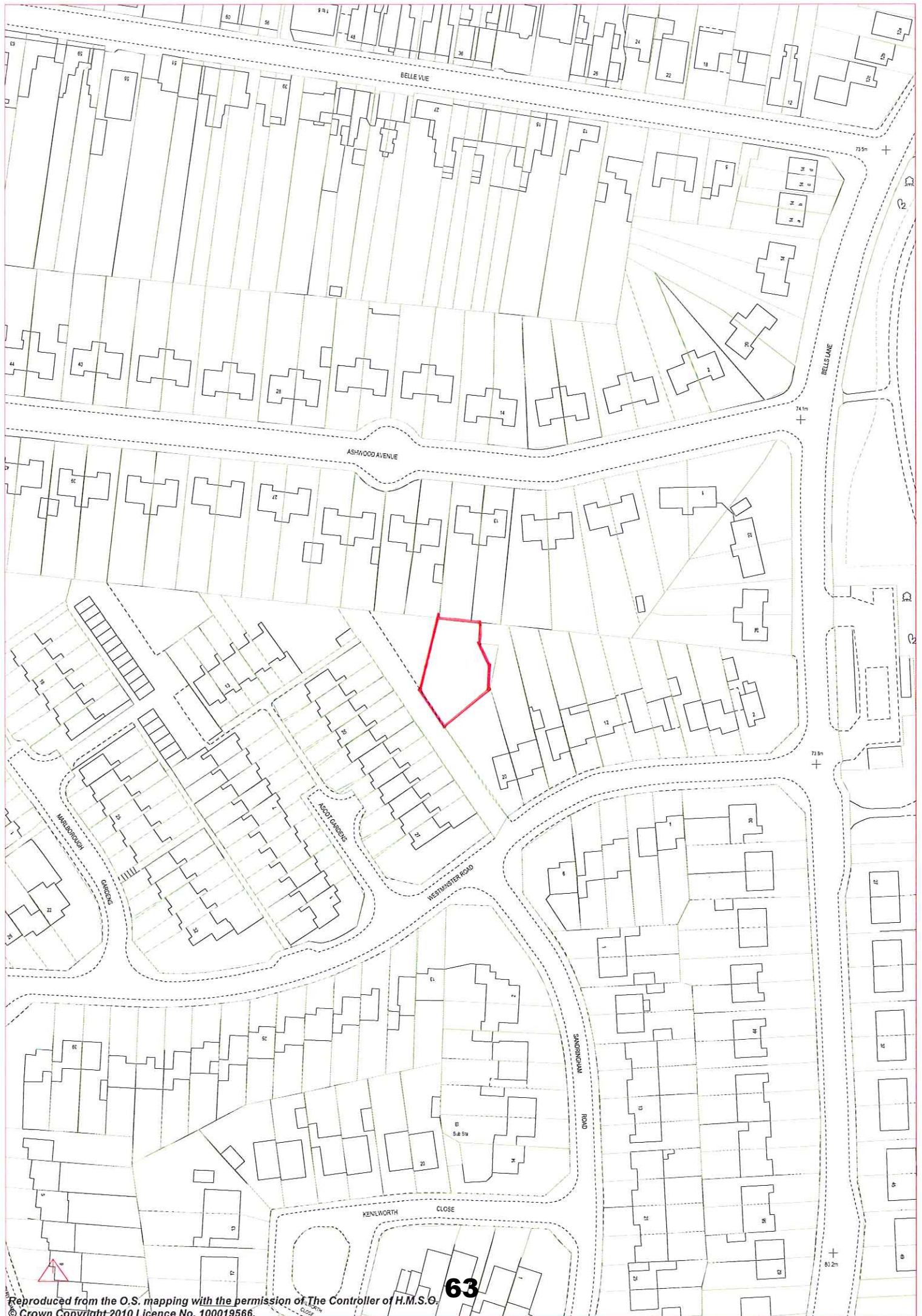
The development hereby approved shall be built in accordance with the approved drawings referenced Drawing No. '09:72:04' unless otherwise agreed in writing by the Local Planning Authority.

#### 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. 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.
3. 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.

4. Prior to occupation of the dwelling hereby approved, the access drive and parking area serving the approved dwelling shall be 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 the dwellinghouse. The area shall be maintained as a parking area able to accommodate three vehicles 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. No part of the development hereby permitted shall be commenced until detailed plans and sections showing existing site levels and finished floor levels of the dwelling have been submitted to and approved in writing by the Local Planning Authority and the development thereafter shall only be carried out as approved.
8. 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.
9. No windows shall be installed in the south-eastern elevation of the dwelling hereby approved without the prior consent of the Local Planning Authority.

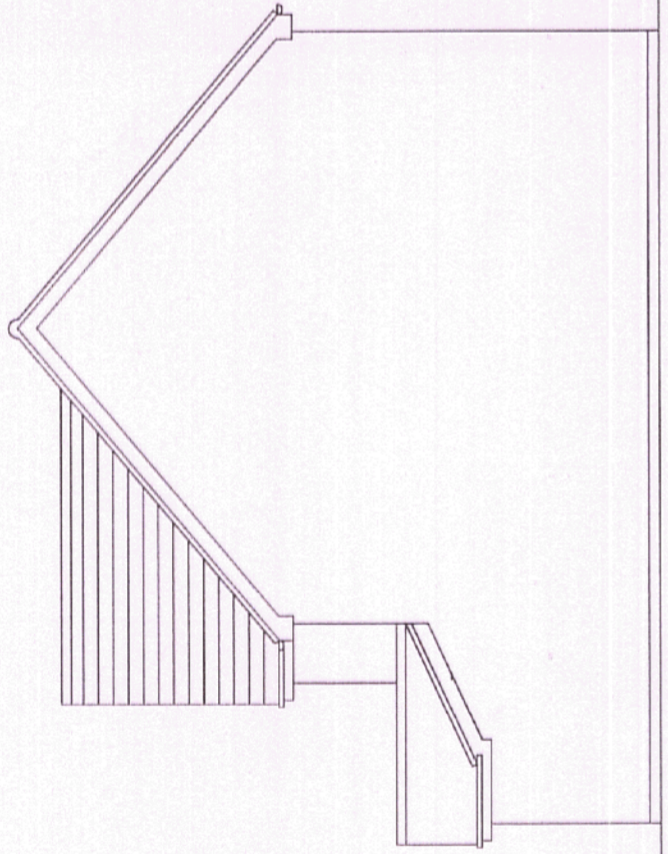


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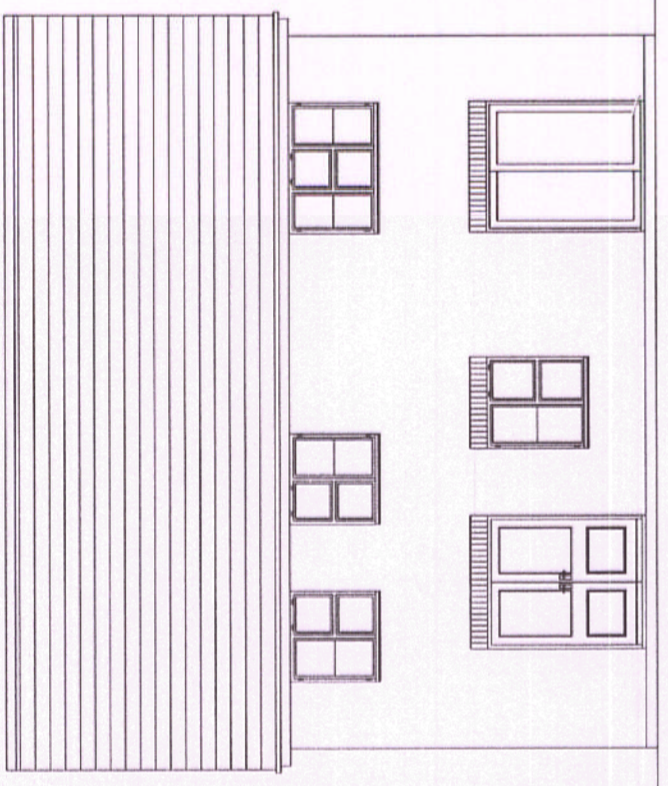
Do not scale. Figured dimensions only to be taken from drawing. The contractor is to visit the site and be responsible for taking & checking dimensions relative to this work.



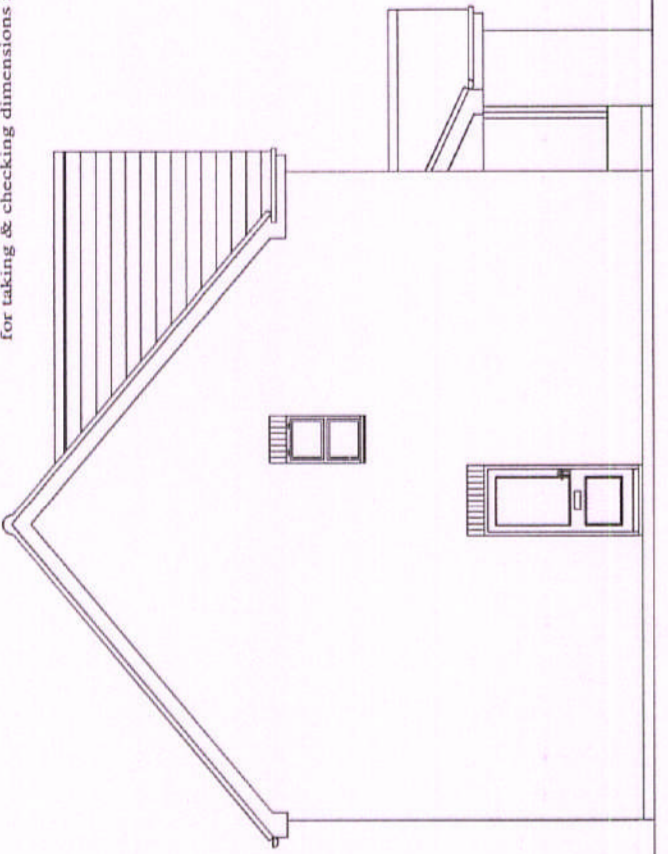
Front elevation



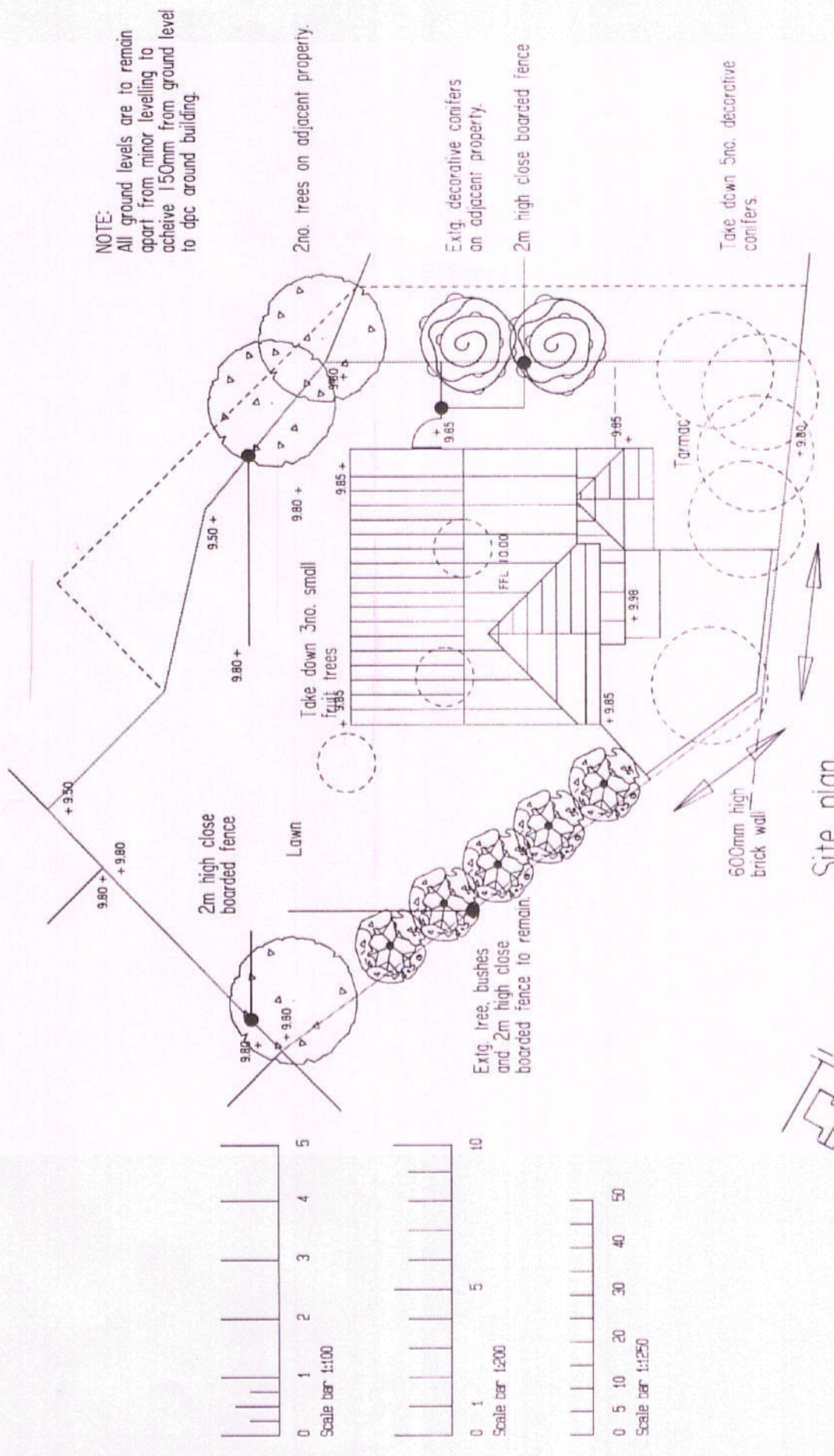
Side elevation



Rear elevation



Side elevation



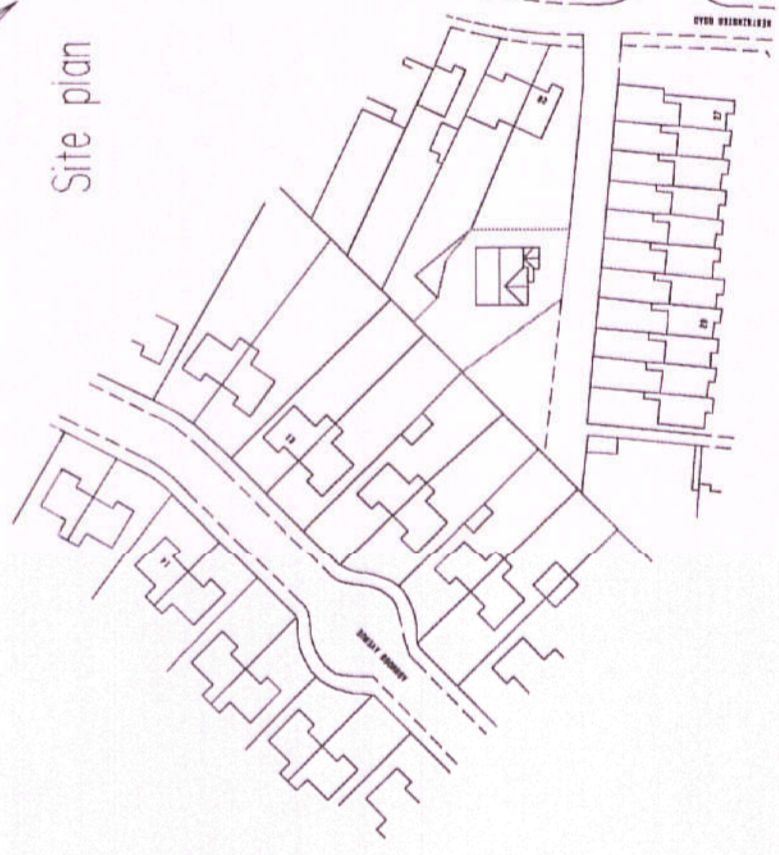
Site plan

A : 08/03/10 : Levels added.  
Revisions:

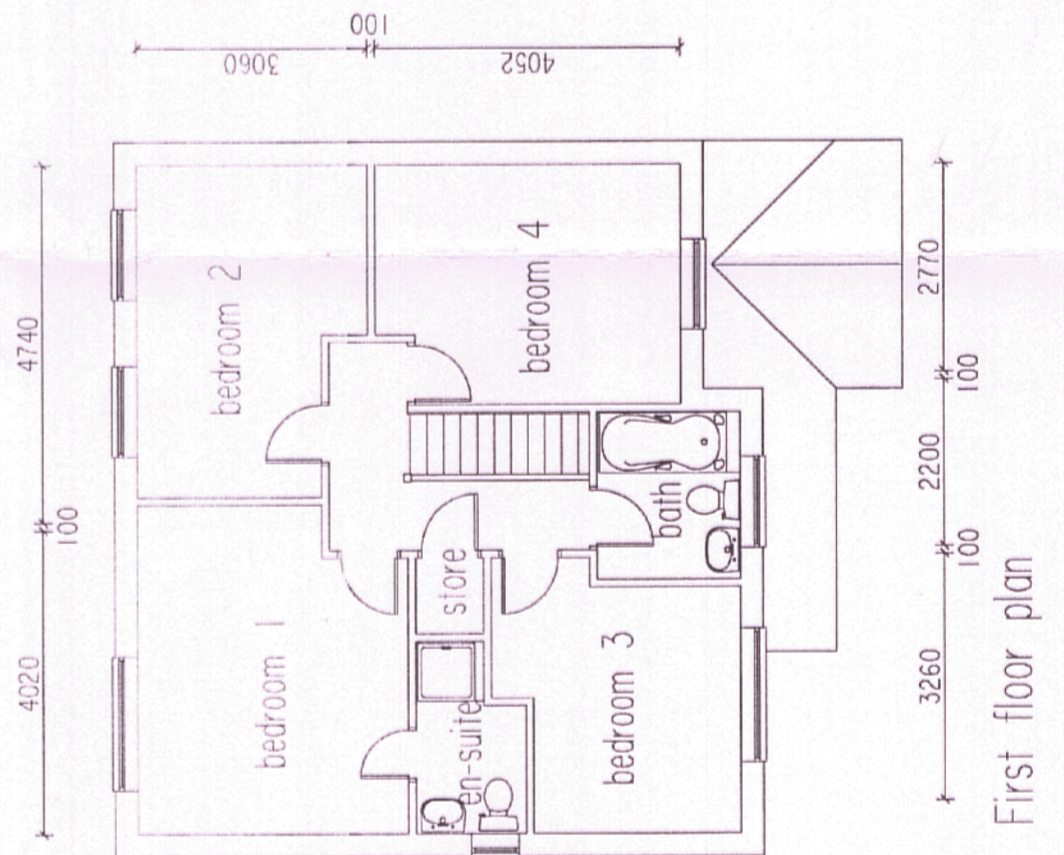
R. WALKER ESQ  
PROPOSED HOUSE  
rear of 15 ASHWOOD AVENUE  
WORDSWLEY

**AMENDED PLAN**  
SKETCH SCHEME 3  
09/12/10

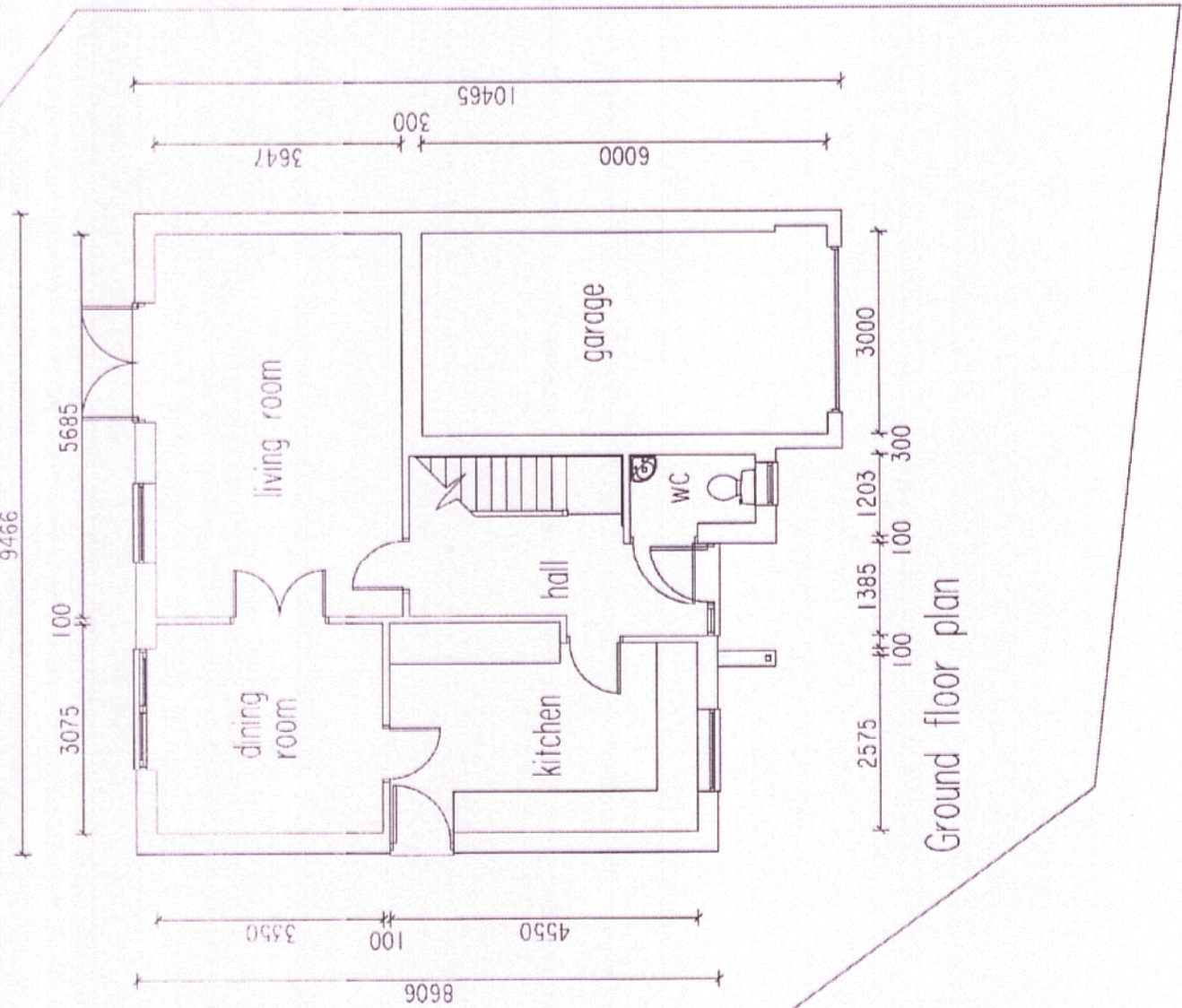
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Date March 2010



Location plan



First floor plan



Ground floor plan

**MFL Design**  
Architectural Design Service  
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Architectural Technologists

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