

## **PLANNING APPLICATION NUMBER:P06/1929**

Type of approval sought	Full Planning Permission
Ward	Sedgley
Applicant	Mr MacDonald
Location:	<b>248, NORTHWAY, DUDLEY, DY3 3RL</b>
Proposal	<b>SINGLE STOREY SIDE EXTENSION TO CONVERT EXISTING CAR PORT INTO LIVING ROOM WITH BAY WINDOW. FLAT ROOF ENTRANCE PORCH TO SIDE.</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### **SITE AND SURROUNDINGS**

- 1 Number 248 Northway was built in the early 1970s. It is a detached house with a steeply pitched gable ended roof and a bay window to the front. The property is situated on a corner plot at the junction with Rowena Gardens.
- 2 The property benefits from flat roofed dormers in both sides of the roof and an attached side carport/garage which is set back from the front elevation by 2.4m. The house also has a modest rear conservatory.
- 3 The main entrance to the house is situated underneath the carport.

### **PROPOSAL**

- 4 It is proposed that the existing carport to the side is converted into a living room and that a new front entrance is located on the side of the house facing Rowena Gardens.

- 5 It is further proposed that a small flat roofed canopy is erected over the new main entrance.
- 6 The proposed living room extension would have a bay window to the front.
- 7 The canopy over the new main entrance would project towards Rowena Gardens by 0.6m. It would be supported by two brick pillars.

## HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
DB/70/6987	Erection of 43 detached & 6 pairs of semi-detached houses.	Approved with conditions	17/07/70
90/51492	Erection of fencing to enclose land within garden.	Refused	06/09/90

- 8 DB/70/6987 – the first of the above applications was the planning permission granted for the erection of the house. Planning condition 5 of that consent reads ‘The open plan arrangement shown for the frontages of the dwelling houses shall be kept permanently free of any type of wall, fence or other structures, other than necessary retaining walls.’

## PUBLIC CONSULTATION

- 9 Eleven letters of notification were sent to neighbouring properties. Five letters of objection were received from local residents. An email objecting to the proposals was received from Councillor Caunt and a representation was received from Councillor Fraser MacNamara who requested that the report was considered by the

Development Control Committee in view of the extent of local concern to the proposals.

- 10 The letters refer to a restrictive covenant. One of the provisions of the covenant bound the owners of the property ‘...not to erect or place or cause or permit to be erected or placed next to the road to which the dwellinghouse fronts any fence, wall, hedge or entrance gates but to maintain the same at all times thereafter as an open forecourt’.
- 11 Areas of concern relate to;
- The proposed canopy protruding beyond the building line.
  - The relocation of the main entrance to the house encouraging visitors to the house to park in Rowena Gardens.
  - The proposed pillars encroaching on the return frontage.
  - The proposals leading to the future creation of a driveway or hardstanding.
  - Issues related to the legality or otherwise of moving front doors.

## OTHER CONSULTATION

- 12 None required.

## RELEVANT PLANNING POLICY

- 13 Supplementary Planning Guidance Note 17 – House Extension Design Guide
- 14 Supplementary Planning Guidance Note 12 – The 45° code
- 15 Policy DD4 – Development in Residential Areas – Adopted UDP (2005)

## ASSESSMENT

- 16 PGN17 and Policy DD4 of the Adopted UDP seek to both protect residential amenity and encourage proposals to respect the character of residential areas when proposals for extensions to dwellings are assessed.
- 17 PGN12 seeks to protect neighbouring properties from adverse impact on amenity caused by impact upon privacy, daylight and outlook by assessing proposals against the 45<sup>0</sup> code.
- 18 The existence of a restrictive covenant is not a planning matter and, therefore, would not justify a refusal of permission. The potential future creation of a hardstanding, drive or pathway could be undertaken as permitted development.
- 19 It is considered that the proposed side extension would be in keeping with the existing house: It would be modest in scale, involving only the enclosure of the existing carport and the addition of a front bay window. The latter would complement the property's existing front bay window, being similar in style.
- 20 With regard to the second part of the proposals, the insertion of a door into a wall does not require planning permission. However, the proposed canopy does require permission as it would stand 0.6m closer to the highway than the existing house. It is these aspects of the proposals that have caused the most controversy.
- 21 It is noted that the structure would cover an area of less than 1 square metre and that the applicant could use permitted development rights to erect a fully enclosed entrance porch with a footprint over three times the size without needing planning permission. It is considered that the canopy would be a modest addition to the house that would not harm the open aspect of the corner plot and would not, therefore, harm visual amenity.

- 22 As a consequence of the previous considerations and as there would be no contravention of the Council's 45 degree code, the proposals are considered to be acceptable and compliant with policy.

## CONCLUSION

- 23 It is considered that the proposed development is acceptable in terms of scale and appearance and would have no adverse impact on residential amenity. It would not have a detrimental impact on the streetscene and is compliant with Policy DD4 of the Adopted UDP. There would be no contravention of PGN 17 guidance. The installation of a door with a small canopy over in the side elevation would not be contrary to the open plan restriction placed on the original consent for the property.

## RECOMMENDATION

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

### Reason for Approval

It is considered that the proposed development is acceptable in terms of scale and appearance and would have no adverse impact on residential amenity. It would not have a detrimental impact on the streetscene and is compliant with Policy DD4 of the Adopted UDP. There would be no contravention of PGN 17 guidance. The installation of a door with a small canopy over in the side elevation would not be contrary to the open plan restriction placed on the original consent for the property.

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 external materials used in the development hereby permitted shall match in colour, form and texture those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

