

PLANNING APPLICATION NUMBER:P10/1732

Type of approval sought	Full Planning Permission
Ward	QUARRY BANK & DUDLEY WOOD
Applicant	Mr Andrew Bate
Location:	58, NEW VILLAGE, NETHERTON, DUDLEY, WEST MIDLANDS, DY2 0DP
Proposal	ERECTION OF 1 NO DWELLING
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The site measures 0.03 hectares and comprises garden land within the curtilage of no. 58 New Village. The site is enclosed by a brick wall that extends approximately 3 metres high and which comprises an existing set of double gates providing access from the highway. New Village rises in a south to north direction with no. 58 New Village being sited approximately 1 metre higher than no. 56 New Village. The application site also slopes in a west to east direction with the front of the site being 2.8 metres higher than the rear of the site. The site is laid with grass and shrubs.
2. 58 New Village is a traditional L-shaped gabled property. Located to the north of the dwelling is a driveway accessed off New Village with a detached double garage and hard stand providing off street parking for the dwelling. The side elevation of this dwelling faces New Village with the principal elevations of the dwelling facing towards the application site and no. 12 Lantern Road.
3. Located to the south of the application site is a row of traditional inter-war hipped roof semi-detached dwellings. These properties are set back 7.7 metres from the highway and comprise long rear gardens that extend 30 metres in length. Located immediately

opposite the site is a further row of traditional inter-war hipped roof semi-detached dwellings of a similar style to those on the south side of the street.

4. The site is located within a predominantly residential area.

PROPOSAL

5. The proposal seeks the erection of 1 no. four bedroom, dwelling within part of the garden land associated with no. 58 New Village. The dwelling would be detached and set back between 7.4 and 8 metres from the highway. The dwelling would be set in 0.8 metres from the side boundary adjoining no. 56 New Village and 0.4 metres from the side boundary adjoining no. 58 New Village.
6. The dwelling would comprise a raised rear patio area. This would extend 3 metres deep from the rear elevation of the proposed dwelling and would be raised a maximum of 2 metres above the existing ground level. The raised patio area would be accessed by a set of steps from the garden area. The garden area would measure 14.8 metres deep including the raised patio area.
7. A hard stand would be provided to the front of the dwelling for the parking of two vehicles. This parking area would measure 7 metres deep and 4.8 metres wide.
8. The proposed dwelling would comprise a hipped roof with the eaves extending to 4.8 metres high and the ridge to 8.3 metres high. The dwelling would comprise a forward facing gable to its front elevation that would extend 1 metres forward of the principal elevation of the dwelling. The forward facing gable would comprise an integral garage that would have an internal dimension of 3 metres by 6 metres.
9. The front elevation would comprise a bay window to its ground floor with a hipped roof canopy over that would also serve to provide a porch over the front door. The dwelling would be brick on the ground floor with render to the first floor and would comprise brick headers and cills to windows. The roof would comprise velux windows to the front and a small pitched roof dormer to the rear.

10. The application is accompanied by a design & access statement.

HISTORY

11. None of relevance.

PUBLIC CONSULTATION

12. The application was advertised by way of neighbour notification letters being sent to the occupiers of eight properties within close proximity to the site. The latest date for comments on the original development was the 19th January 2011 and the 10th February 2011 on amended plans. No letters have been received from nearby residents making observations to the proposed development at the time of writing the report. Any letters received leading up to committee will be reported in a pre-committee note.

OTHER CONSULTATION

13. **Group Engineer (Development):** No objections subject to the applicant providing a satisfactory contribution towards transport infrastructure improvements.

14. **Head of Environmental Health and Trading Standards:** No adverse comments.

RELEVANT PLANNING POLICY

National Planning Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 – Housing

Regional Planning Guidance

15. The High Court Decision on 10th November 2010 in respect of the challenge by Cala Homes (South) Ltd (2010 EWHC 2866) quashed the Government's decision on 6th July 2010 to revoke the Regional Strategies. As a consequence the West Midlands Regional Spatial Strategy forms an ongoing part of the development plan.
16. The Chief Planner at the Department for Communities and Local Government wrote to all local authorities setting out that the Secretary of State expected them, and the Planning Inspectorate, to have regard to his letter of 27th May 2010, announcing his intention to abolish the Regional Strategies, as a material consideration in planning decisions.
17. However as the Regional Strategy still forms part of the development plan until it is abolished the following policies are considered relevant to the material consideration of this planning application:
 - QE3 Creating a high quality built environment for all.

Black Country Joint Core Strategy

- CSP2 Development Outside the Growth Network
- DEL1 Infrastructure Provision
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility

Saved Unitary Development Plan Policies

- DD1 Urban Design
 - DD4 Development in Residential Areas
 - CR4 Protected Frontages
 - CR13 Residential Development in Centres
18. The site is not designated for any particular use within the Adopted Dudley Unitary Development Plan (2005).

Supplementary Planning Documents

- Parking Standards and Travel Plans Supplementary Planning Document
- New Housing Development Supplementary Planning Document
- Planning Obligations Supplementary Planning Document

Supplementary Planning Guidance

- PGN3. New housing development

ASSESSMENT

Key Issues

- Principle
- Density and Layout
- Design and Appearance
- Impact upon Residential Amenity
- Parking
- Planning Obligations

Principle

19. The proposed detached dwelling would be located within the private residential garden of No. 58 New Village. National planning policy guidance set out in PPS3: Housing has recently been amended (June 2010) so that the definition of previously developed land (pdl) now excludes private residential gardens and therefore this is an important material consideration to take into account of as part of this application.
20. The adopted UDP (2005) states that the Council expects to reach 90% of all its housing completions on pdl. The recently adopted Black Country Joint Core Strategy (JCS) increases this figure under Policy HOU1 – Delivering Sustainable Housing Growth to ‘at least’ 95% of new housing (gross) to be built on pdl. Whilst priority should be given to development on pdl in line with PPS3, (the ‘Brownfield first’ principle of the JCS and Policy HOU1) this does not preclude all development on garden land but it does lessen the weight that should be given to development of gardens in the balance of other considerations.

21. Greater emphasis is now on local policies to aid decision making. The New Housing Development Supplementary Planning Document (SPD) (2007) provides the mechanism by which to assess the appropriateness of new housing development and to define the weight that should be given to support the proposed development. This SPD provides detailed information on the implementation of housing policy in respect of design and density, so that local character and distinctiveness are paramount. The area where the proposed dwelling is located is characterised by predominantly semi detached dwellings and is considered to be a 'Suburban Inner' location in line with the New Housing SPD. The proposed dwelling would be in keeping with the character of the area, following a similar building line with semi detached properties along New Village.
22. The proposal is located within an accessible location, within close proximity to public transport at Cradley Heath train station, in Sandwell and the Local Centres of Netherton and Quarry Bank. This would ensure the delivery of housing within a sustainable location in line with Policy HOU2 of the JCS.
23. It is considered that despite the site being private garden land (non-pdl), other material considerations which relate to local distinctiveness and the sustainable location of the site demonstrate that housing development on this site would represent an efficient and effective use of land to meet sustainability objectives which weigh in favour of the proposal and the proposed development would be in accordance with Policies HOU1 and HOU2 of the JCS as well as the Council's own New Housing Development SPD.

Density and Layout

24. The proposed development would result in a gross density of 33 dwellings per hectare. The density of the existing development within the street is built at a similar density to that proposed with no. 52-42 New Village being built at a gross density of 32 dwellings per hectare.

25. The proposed siting of the dwelling would respect the existing regular building line within the street as well as the regular spacing between the existing dwellings. The proposed dwelling would respect the height and massing of the existing dwellings within the street as well as providing a small front garden with associated parking similar to other properties.
26. The proposed rear garden would extend to 14.8 metres in length and would be 10 metres wide. The garden would significantly exceed the minimum garden sizes set out within PGN3 and would be comparable in size to existing gardens within the street.
27. The proposed dwelling would provide access to the rear of the property via a side access gate. This would improve the disposal of garden waste and allow the storage of bins off the frontage of the site.
28. The overall density, form and layout of the proposed dwelling would complement the existing pattern of development within the street thereby ensuring that the development would not detract from the character of the area thereby being in accordance with Policy HOU2 of the JCS, Policy DD4 of the Adopted Dudley Unitary Development Plan (2005) and the Council's New Housing Development SPD.

Design and Appearance

29. Amended plans have been received during the consideration of the application altering the proposed roof design to a hipped roof, amending the proportions and style of the proposed windows on the property, adding a bay window, including both brick and render and amending the design of the proposed garage door and rear dormer.
30. The resultant dwelling would now complement some of the design features of the immediate hipped roof semi-detached properties ensuring that it would not detract from the character of the area and that it would be suitably assimilated into the existing street scene.

31. In light of the above, the proposed development would be in accordance with Policies DD4 of the Adopted Dudley Unitary Development Plan (2005) and Policy HOU2 of the JCS.

Impact upon Residential Amenity

32. The dwelling would adjoin no. 56 New Village. The side elevation of this property does comprise a window on the ground floor that serves the kitchen associated with the dwelling. The proposed dwelling would be positioned 4 metres from the side elevation of no. 56 New Village. The window is not the only light source that serves the kitchen within this dwelling. In view of the separation distance between the side elevation of no. 56 and proposed dwelling, in conjunction with the fact that the kitchen window is not the only light source serving this room, the proposed development would not have an adverse impact such as to warrant the refusal of planning permission in terms of loss of outlook or privacy. There are other windows within the side elevation of no. 56 but these do not serve any habitable rooms.
33. The side elevation of no. 58 comprises one of the principal elevations associated with the dwelling with main habitable room windows facing the application site. The side elevation of the proposed dwelling would be positioned 15.2 metres from the original side elevation of no. 58 and 12.7 metres between the conservatory that has been added onto the side of no. 58. The resulting separation distances would be sufficient to ensure the protection of the privacy and immediate outlook of the occupiers of this adjoining property.
34. The rear of the site backs onto a large area of grassed land that appears to be within the curtilage of no. 56 New Village and used for private amenity purposes. This land extends to some 40 metres in depth before backing onto the rear gardens associated with dwellings located on Dudley Wood Road. The significant separation distance provided by this open piece of land at the rear would ensure the protection of the residential amenity of the occupiers of the properties on Dudley Wood Road.

35. The proposed dwelling would not comprise any windows serving habitable rooms within its side elevations therefore ensuring the protection of the residential amenity of the occupiers of adjoining properties.
36. A revised plan has been requested from the agent (drg1079/004 A) which has lowered the finished floor level of the proposed house to within 70mm of that of the adjacent property. This revised level will ensure that the rear patio does not raise issues in terms of overlooking of the occupiers of the adjacent property, subject to conditions requiring the use of appropriate boundary treatment between the sites.
37. In view of the above comments, the proposed development would not have an adverse impact upon the residential amenity of the occupiers of nearby properties thereby being in accordance with Policy HOU2 of the JCS and Policy DD4 of the Adopted Dudley Unitary Development Plan (2005).

Parking

38. The adopted Parking Standards and Travel Plan SPD seeks the provision of a maximum of 3 parking spaces for each four bedroom dwelling. In this case, the proposed development would provide the maximum parking requirement for a four bedroom property with the provision of three off street parking spaces.
39. The proposed access serving the development would utilise an existing footway crossover. This is not in active use with the car parking area for no. 58 New Village being situated to the north of the dwelling in the form of a double garage and hard stand. The proposed development would therefore not result in a loss of off street parking associated with the existing dwelling.
40. The proposed development would retain sufficient parking for the existing and proposed dwelling and would therefore not raise any highway safety concerns thereby being compliant with Policies CEN8 and TRAN5 of the JCS and the Council's Adopted Parking Standards and Travel Plans SPD.

Planning Obligations

41. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following contributions:

Libraries:	£191.39
Nature Conservation:	£150.80
Open Space, Sport and Recreation:	£3,293.44
Public Realm:	£478.53
Transport Infrastructure Improvements:	£415.35
Monitoring Charge	£250.00
TOTAL FINANCIAL CONTRIBUTION:	£4,779.51

42. The applicant has agreed to the payment of these offsite planning obligations.

CONCLUSION

43. It is considered that despite the site being private garden land (non-pdl), other material considerations which relate to local distinctiveness and the sustainable location of the site demonstrate that housing development on this site would represent an efficient and effective use of land to meet sustainability objectives which weigh in favour of the proposal.
44. The overall density, form and layout of the proposed dwelling would complement the existing pattern of development within the street thereby ensuring that the development would not detract from the character of the area.
45. The amended scheme would result in the creation of a dwelling whose architectural detailing complements the appearance of the properties that immediately adjoin the

site and the proposed development would not result in an adverse impact upon the residential amenity of the occupiers of nearby properties.

46. The proposed development would not raise any highway safety concerns through utilising an existing footway crossover to gain access to the site and providing sufficient parking to meet the needs of the existing and proposed dwelling.

RECOMMENDATION

47. It is recommended that the application be approved subject to:

- a) The applicant entering into a Section 106 Agreement for a contribution towards improvements to libraries, nature conservation enhancement, open space, sport and recreation, public realm, transport infrastructure improvements and a management and monitoring charge totalling £4,799.51
- b) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

Reason for approval

It is considered that despite the site being private garden land (non-pdl), other material considerations which relate to local distinctiveness and the sustainable location of the site demonstrate that housing development on this site would represent an efficient and effective use of land to meet sustainability objectives which weigh in favour of the proposal.

The overall density, form and layout of the proposed dwelling would complement the existing pattern of development within the street thereby ensuring that the development would not detract from the character of the area.

The amended scheme would result in the creation of a dwelling whose architectural detailing complements the appearance of the properties that immediately adjoin the site and the proposed development would not result in an adverse impact upon the residential amenity of the occupiers of nearby properties.

The proposed development would not raise any highway safety concerns through utilising an existing footway crossover to gain access to the site and providing sufficient parking to meet the needs of the existing and proposed dwelling.

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.

Conditions and/or reasons:

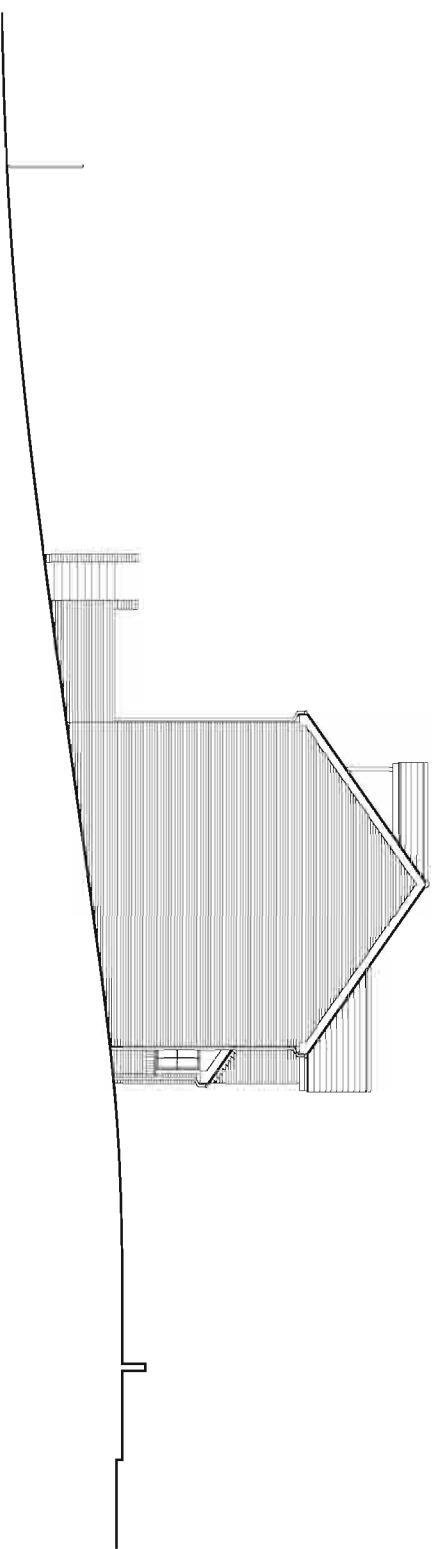
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No development shall take place unless an obligation under Section 106 of the Town and Country Planning Act 1990 between the local planning authority and all persons interested in the land within the application site has been executed, such obligation to secure the following:

the payment of £191.39 to libraries;
the payment of £3,293.44 to open space, sport and recreation ;
the payment of £150.80 towards nature conservation enhancement;
the payment of £478.53 towards improvements to public realm;
the payment of £415.35 towards transport infrastructure improvements and £250.00 for the monitoring, management and implementation of the above obligations.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: 1079/001 Rev A, 1079/002A and 1079/004.
4. Prior to the commencement of development, details of the works for the disposal of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. All works shall be completed in accordance with the approved details prior to the occupation of the dwellings hereby permitted.
5. Prior to the commencement of development, details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.


6. Prior to the occupation of the dwellings hereby permitted the parking area shall be surfaced and marked out in complete accordance with the approved plans, and thereafter maintained available for parking.
7. Prior to the commencement of development, details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall be permeable or the hard surfacing scheme shall include drainage to limit surface water runoff. The development shall be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
8. 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.
9. Prior to the commencement of development, details of the boundary treatments 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.



SITE PLAN



SITE SECTION


ECLIPSE
 ARCHITECTURE
 HAYWOOD HOUSE 40 NEW ROAD
 STOURBRIDGE WEST MIDLANDS DY8 1PA
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 DESIGN@ECLIPSEARCHITECTURE.CO.UK

Site:
Land Adjacent to 58 New Village
Dudley Wood.

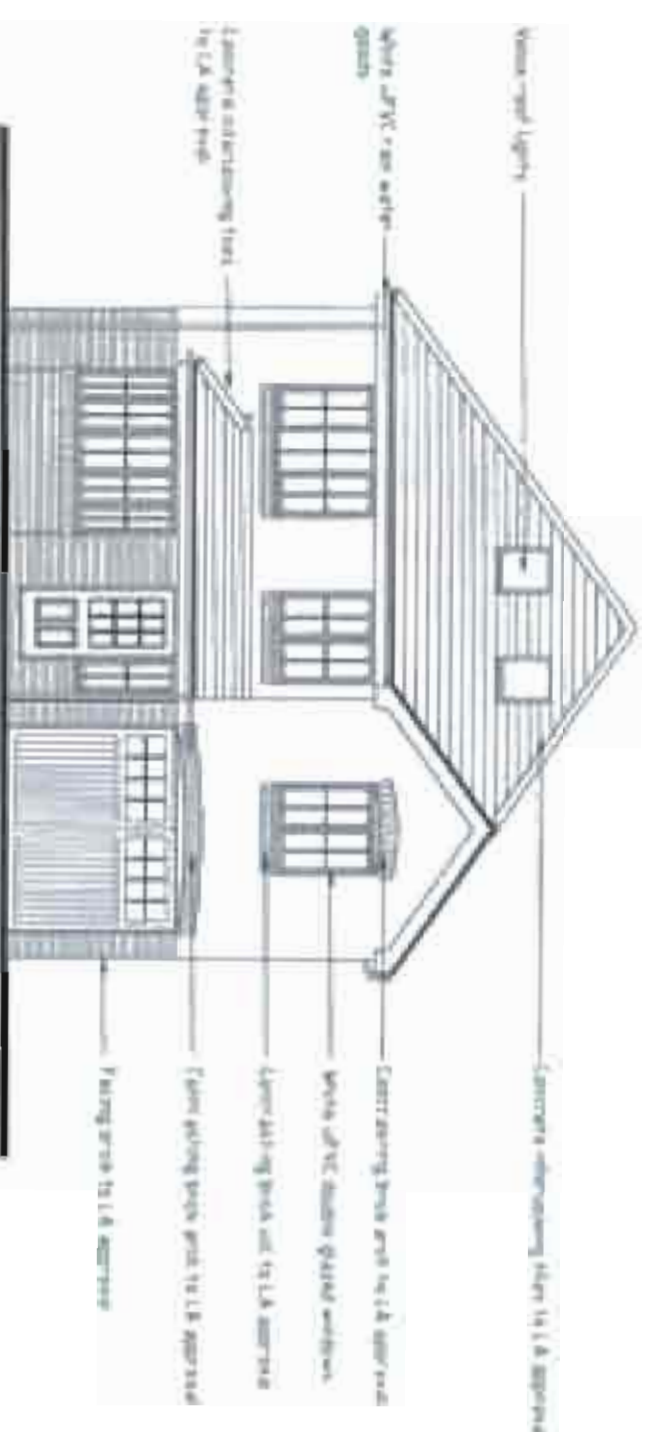
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Site Plan & Site Section

Scale:
1/200

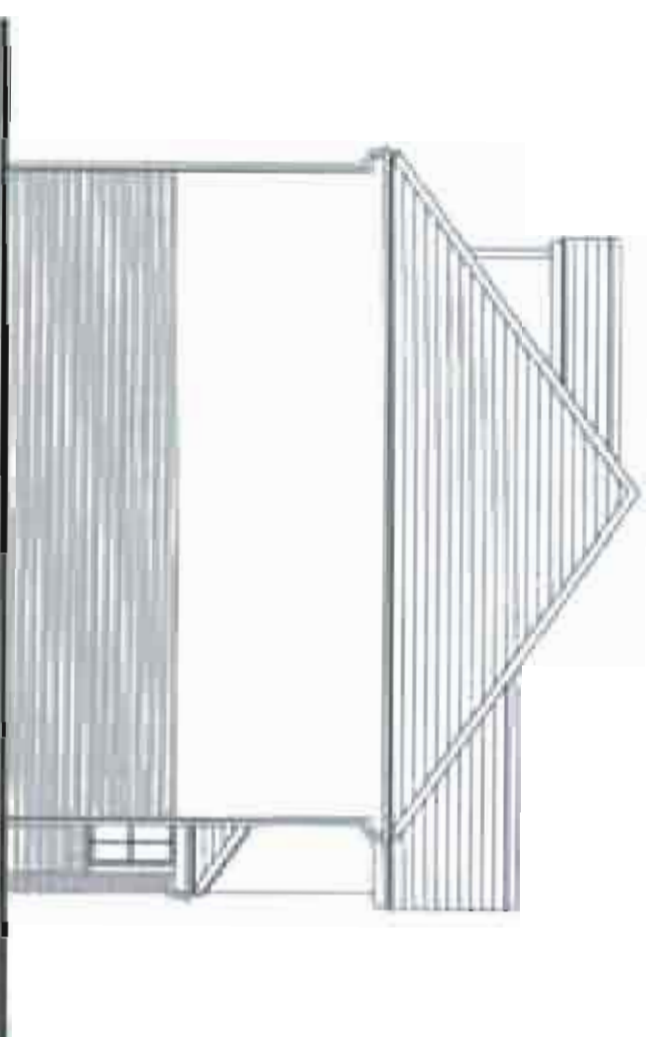
Date:
November 2010

Dwg No.:
1079/002

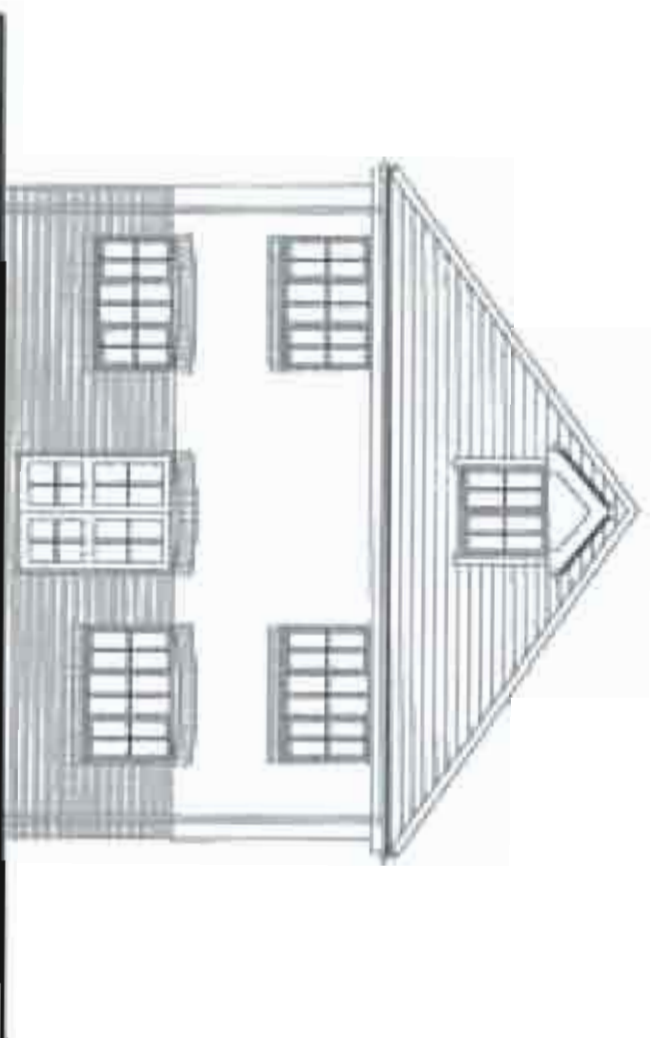
Notes: Dimensions to be taken only. Do not scale from drawings.
 Where necessary, refer to the relevant drawings for details.
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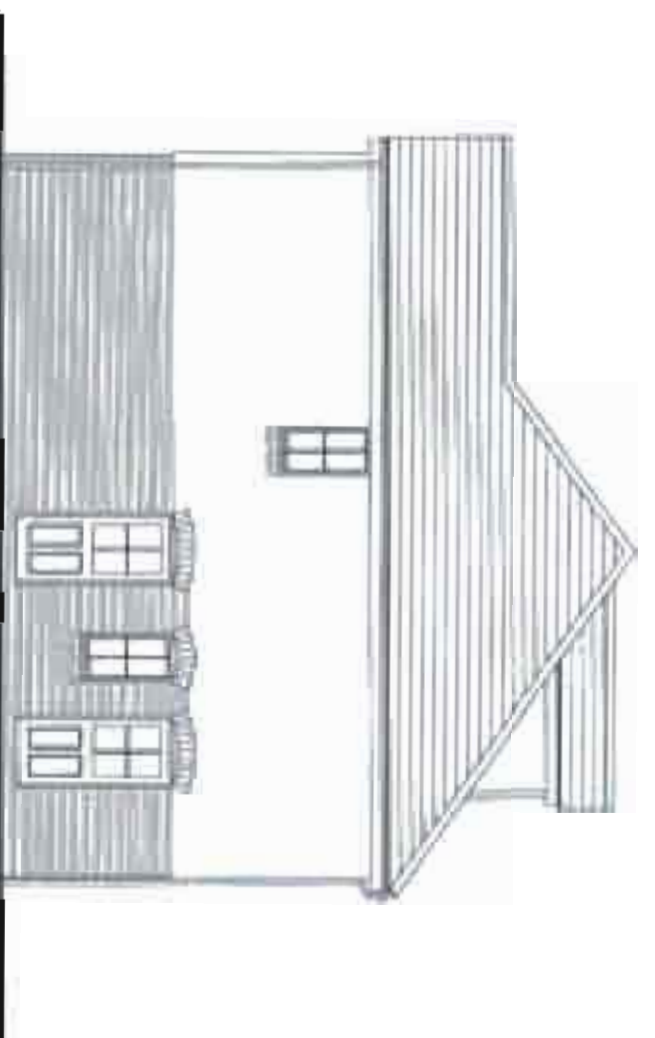
FRONT ELEVATION



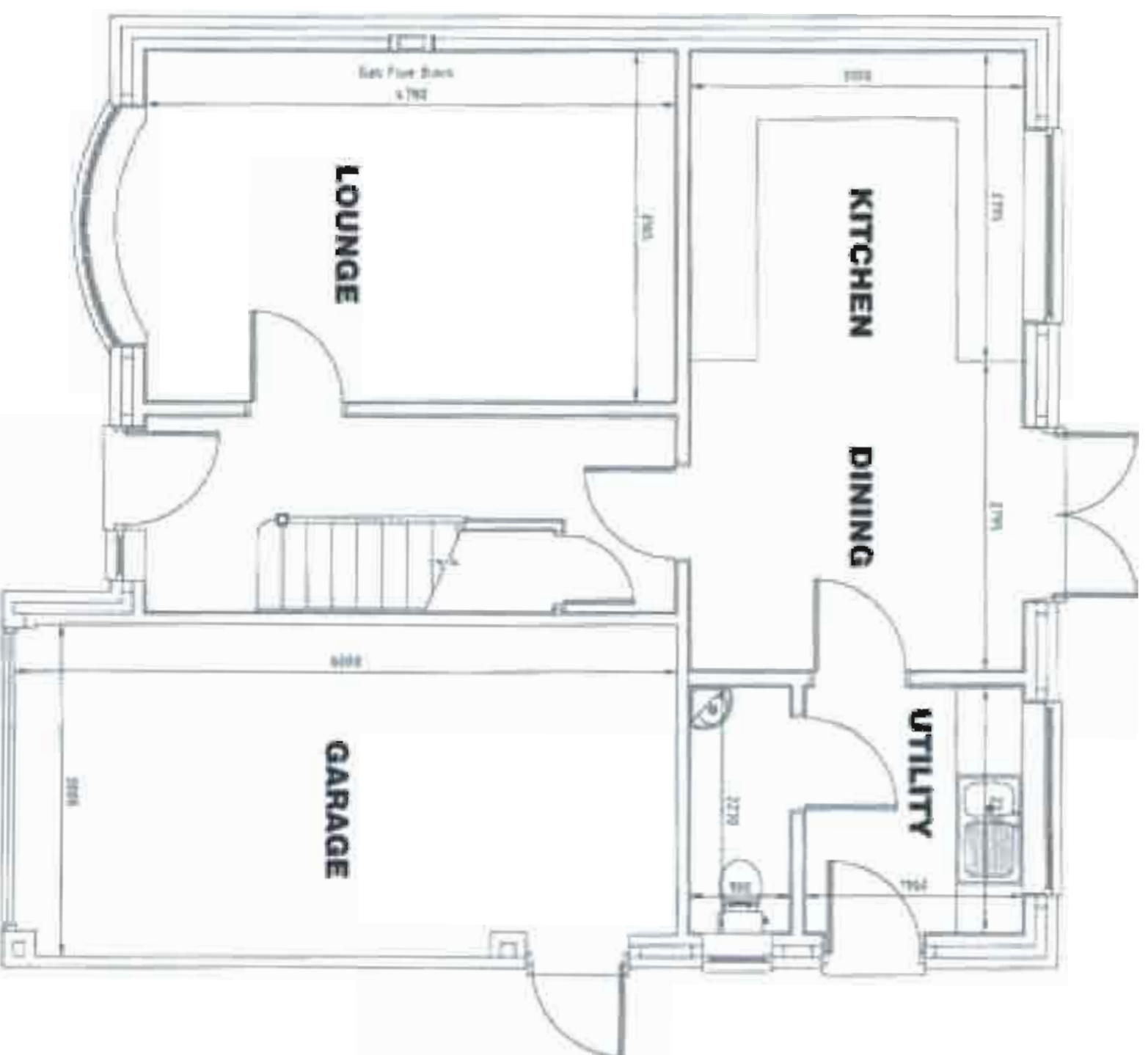
SIDE ELEVATION



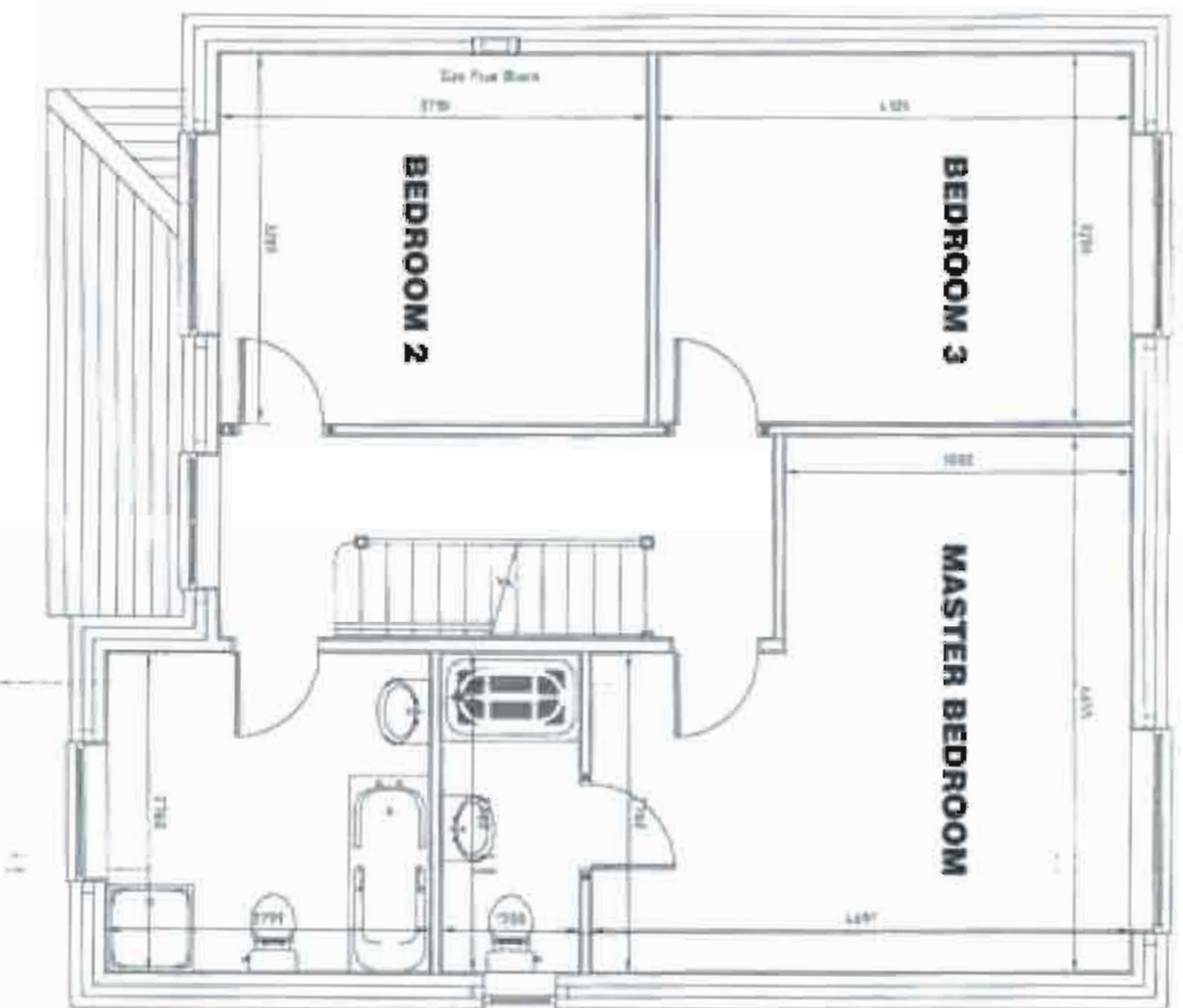
REAR ELEVATION



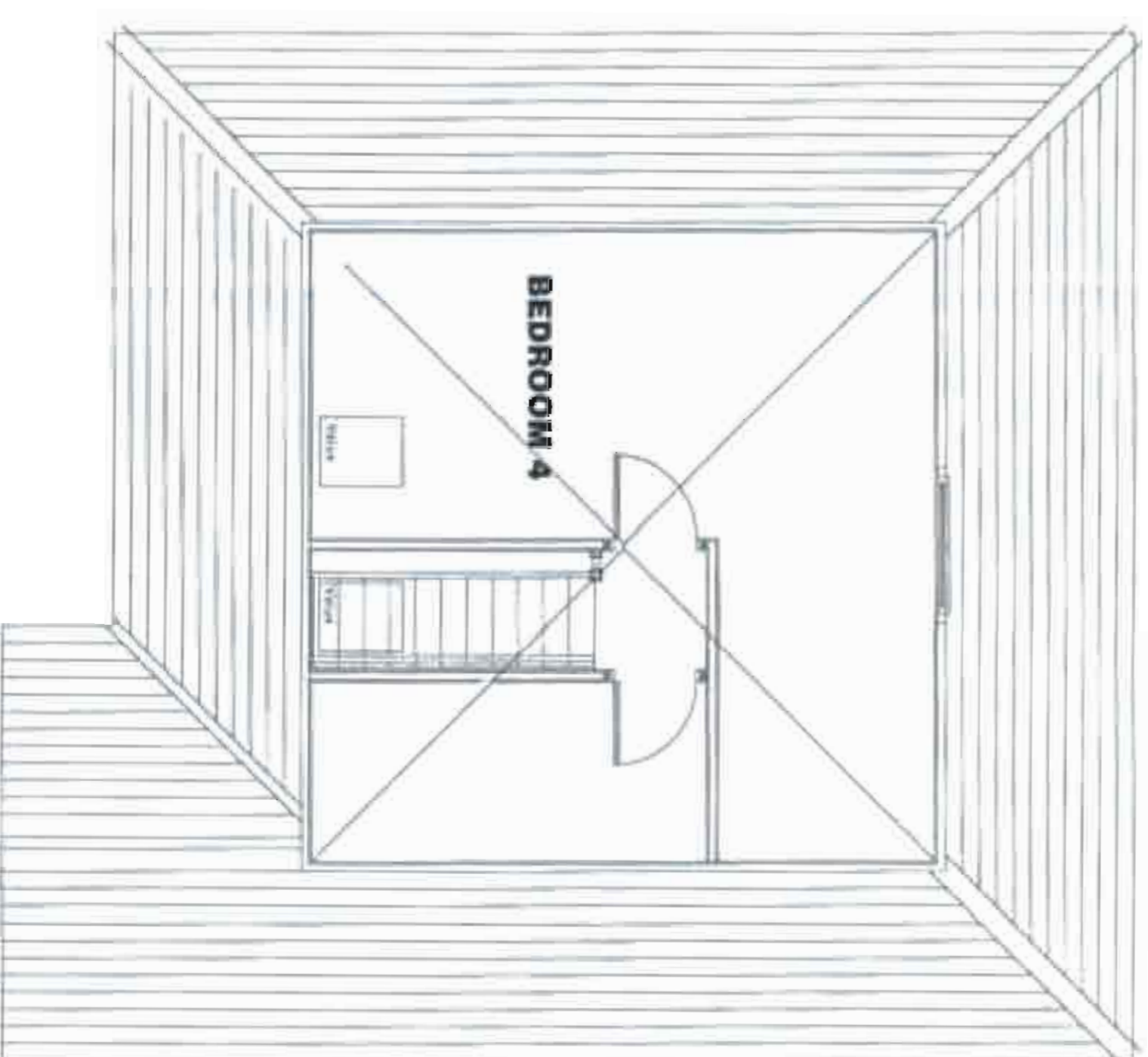
SIDE ELEVATION



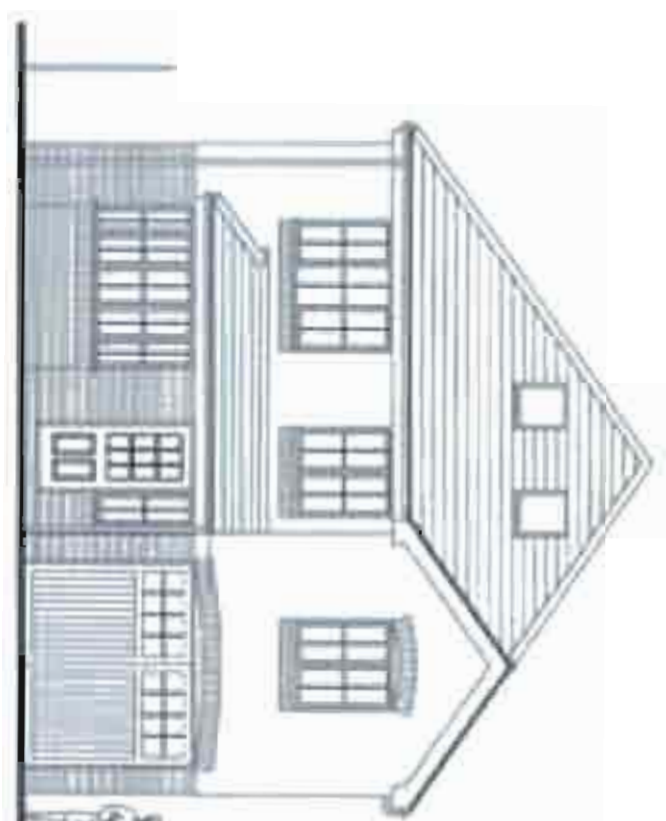
GROUND FLOOR PLAN



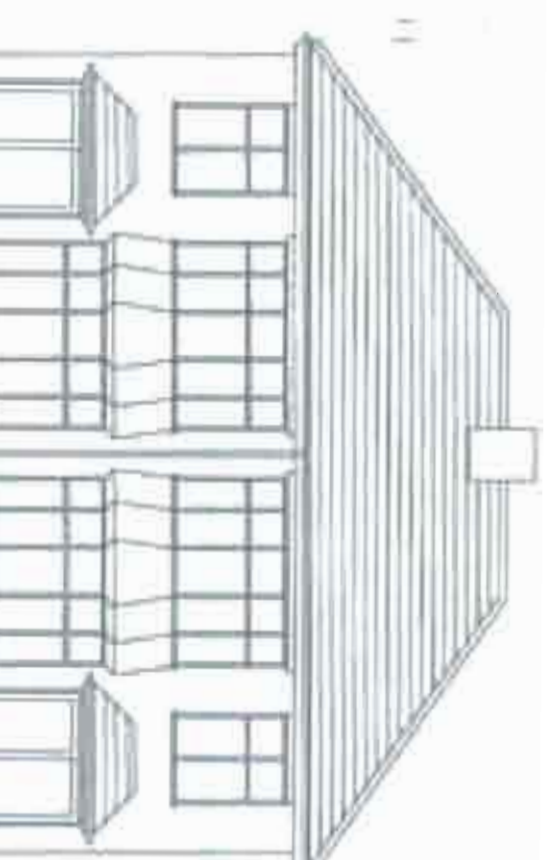
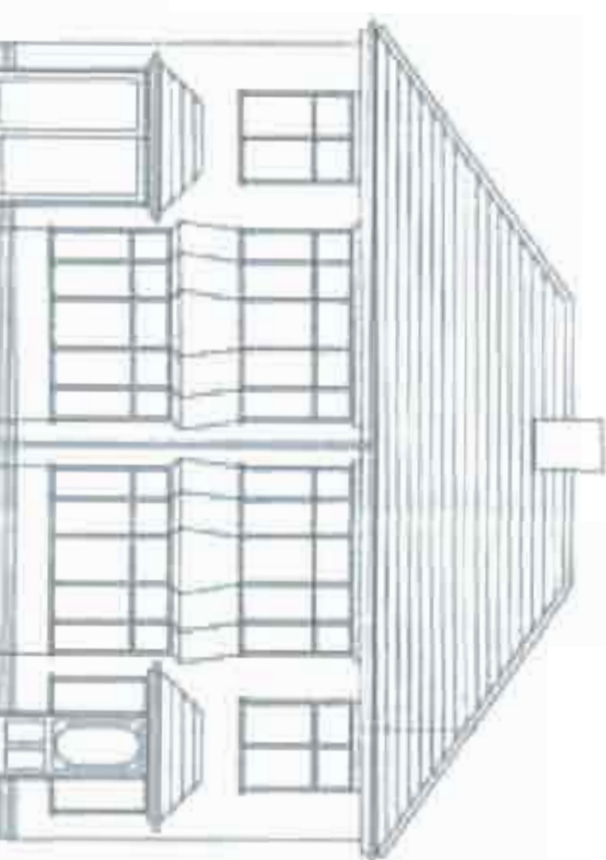
FIRST FLOOR PLAN



SECOND FLOOR PLAN



STREET SCENE



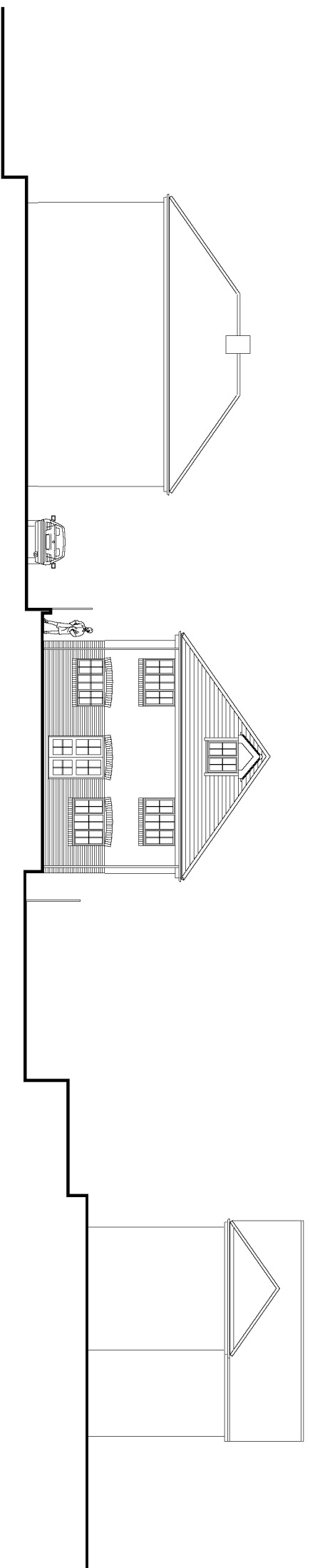
AMENDED PLAN

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Land Adjacent to 68 New Village
 Dudley Wood
 West Midlands
 Proposed 4 Bed Detached House

Date: 1/20, 1/100
 1079/001
 November 2010
 A1

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REAR ELEVATION



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Site:

**Land Adjacent to 58 New Village
Dudley Wood.**

Title:

Site Plan & Site Section

Scale:

1/200

Date:

February 2011

Dwg No.:

1079/004

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