

PLANNING APPLICATION NUMBER:P05/1213

Type of approval sought	Full Planning Permission
Ward	Netherton, Woodside & St. Andrew's
Applicant	Mr G. Devonport
Location:	LAND ADJ, 20, BIRCH TERRACE, NETHERTON, WEST MIDLANDS
Proposal	ERECTION OF 1 NO. 2 BED DETACHED BUNGALOW AND ASSOCIATED PARKING (AMENDED PLANS RECEIVED).
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

INTRODUCTION

The application was deferred at the meeting on 28th November 2005, in order for the applicants to be invited to:-

1. Amend the scheme to show a single bungalow on the site;
2. Submit additional drawings to clearly show the boundaries of the site in relation to existing fence lines and trees.

ADDITIONAL OBSERVATIONS

Amended plans have been received that reduce the number of dwellings from a pair of semi-detached bungalows to 1 No. 2-bed detached bungalow and the boundaries of the site can clearly be seen in relation to neighbouring fence lines and trees.

The accumulative 19 metres width of the pair of semi-detached bungalows will be replaced by a width of 14 metres for the proposed bungalow, therefore reducing the width of the building by 5 m and in turn diminishing the visual impact on Birch Terrace and when

viewed from Yew Tree Road. Neighbouring properties have been notified of these amended plans and any responses received will be reported verbally to the Committee. The number of driveways will also be reduced from two to one, and it is considered the design and siting of the new bungalow are acceptable and neighbours' amenity and street scene are not considered to be detrimentally affected.

PREVIOUS REPORT NOW FOLLOWS

SITE AND SURROUNDINGS

1. The site consists of a roughly rectangular parcel of land approximately 28 metres wide and 14 metres deep situated on the southern side of Birch Terrace. It is currently unused but contains a number of trees, mostly conifers.
2. Adjoining to the east is a small detached house erected by the applicant a few years ago. The back gardens of residential properties at a much lower level in Yew Tree Road adjoin to the rear (south), and to the west is another area of largely open land in another ownership.
3. Birch Terrace is a residential cul-de-sac. Until quite recently it was a poorly-surfaced, private road. The section from Cradley Road to a point just beyond the application site has been surfaced and adopted by the Council. Beyond the surfaced road, the thoroughfare, which serves a number of houses, remains a rough track.

PROPOSAL

4. It is proposed to erect a pair of one-bedroomed bungalows. Because of the site's limited depth, the units would be positioned 1.2m from the front boundary and would have rear gardens about 6 m deep. They would be 4.0 m high. Two parking spaces would be provided at the side of each bungalow. The density of development would be 50 dwellings per hectare.

HISTORY

5.

APPLICATION No.	PROPOSAL	DECISION	DATE
P03/1923	Erection of two, one-bedroomed bungalows	Refused	04.04.05

Reason:

The development proposed would adversely affect the amenities of the occupiers of the adjoining dwellings in Yew Tree Road by reason of their height, width and proximity. As such, it would be contrary to Policy 85 Development Control - Residential Areas of the adopted Dudley Unitary Development Plan.

PUBLIC CONSULTATION

6. Notification letters were sent to twenty addresses in Birch Terrace, Yew Tree Road and Cradley Road, including the Netherton Scout Group who are based in Birch Terrace.
7. Letters of objection have been received from four residents, two from Birch Terrace and two from Yew Tree Road. In addition, a petition signed by 16 residents from 9 properties in Birch Terrace has been received.
8. The points of objection relate to overlooking and loss of privacy, removal of trees with consequential loss of wildlife, additional parking problems in Birch Terrace (particularly on Scout meeting evenings), that Birch Terrace is not wide enough to take any additional traffic and that the small size of the bungalows would be out of character with existing development in Birch Terrace.

OTHER CONSULTATION

9. **Head of Public Protection** - no objection.

Head of Traffic & Road Safety - adequate visibility from the drive to the westernmost bungalow cannot be achieved on land within the applicant's ownership and, therefore, the scheme is unacceptable as it stands.

(Since the comment was made, the agent amended the siting of the bungalows to ensure the necessary splays can be accommodated within the site).

POLICIES

Unitary Development Plan Policy

DD1 Urban Design

DD4 Development in Residential Areas.

ASSESSMENT

10. This application is the same as P03/1923 except that the ground level of the site has been lowered which would reduce the floor slab level of the bungalows from 51.40 to 50.63, i.e. they would be 0.77 m lower. This has been done in an attempt to overcome the sole reason for refusal of the previous application, viz the impact of the development upon the occupiers of Nos. 4-12 Yew Tree Road.
11. Sections showing the relationship between the proposed bungalows and the houses in Yew Tree Road in both the previous and current schemes are appended to the report. In both cases, a 2.0 m high fence would be erected along the rear boundary of the site which remains constant.

12. The lowering of the bungalows would reduce the amount of brickwork and roof visible above the boundary fence, particularly from the ground floor rooms and gardens to the existing houses. There would be no overlooking of the existing properties because the fence would prevent it from any point in the rear gardens or the rear-facing rooms of the bungalows. Inter-visibility between the first floor windows to the houses and rear rooms at the bungalows would be possible but this would be no different to a normal situation where dwellings back onto one another and the distance between the windows would be 22 m which is the Council's minimum standard in these situations.
13. The bungalows are the same width as in the previous scheme but, in addition to the lowering, the design has been revised to include some small feature gables in the rear pitch.
14. It is considered that the changes to the development outlined above do overcome the reason for refusal of the previous application and that the impact of the bungalows on the residents to the rear would not be such as to justify a refusal of permission.
15. So far as the other points of objection are concerned, the bungalows are very low and would appear somewhat incongruous against the new detached house also erected by the applicant a few years ago. However, the residents of Yew Tree Road have also objected to this since it was built because of its prominence in the outlook from their properties and the overlooking that takes place, particularly from the garden which is not prevented by the boundary fence.
16. Also, Birch Terrace is a short cul-de-sac comprising a range of dwelling types and designs. The application site is not in a particularly prominent location, and is only really seen with the adjoining new house. Whilst there is an element of incongruity because of the low-rise nature of the bungalow, it is considered that, given the reason for this, it would be unreasonable to refuse permission on this ground.
17. So far as the parking and highway points are concerned, these were raised at the time of the previous application, but did not constitute a reason for refusal. The

HTRS has raised no objection because the road is capable of accommodating the small volume of extra traffic the development would generate and because each bungalow has two off-street parking spaces which are more than enough for a single-bedroomed dwelling.

18. The trees on the site, which are mostly conifers, do form a pleasant backdrop to the houses in Yew Tree Road and do have some amenity value in Birch Terrace. However, they are not worthy of preservation and their loss would not justify refusing planning permission.

RECOMMENDATION

19. That the application be approved subject to the following conditions:-

20. Reason for Approval

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.

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. This permission shall relate to the revised plan numbered GD 2815/04D.
3. The dwelling hereby approved shall be constructed and the rear garden laid out strictly in accordance with the levels shown on the section on the approved plan (Drawing No. GD 2613/05, Rev. E.
4. Pedestrian visibility splays of 2.4 m x 3.4 m shall be provided at the junction of the new drives and Birch Terrace before the dwelling is occupied and shall be retained for the life of the development.
5. The rear (southern) boundary of the site shall be fenced, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority before the dwelling is first occupied. Such fencing shall be retained for the life of the

development and any damaged panels or sections replaced within one month of such occurrence.

6. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that order), no development referred to in Part 1 Classes A,B,C,D,E,G of Schedule 2 to that order shall be carried out.
7. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
8. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 7 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
9. Parking to be provided prior to occupation.
10. The developments off-street parking shall be provided in accordance with approved details prior to the first occupation of the dwellings.
11. Before any dwelling hereby approved is first occupied the parking area and access thereto shall be paved with a suitable hard impervious material and drained