

## PLANNING APPLICATION NUMBER: P21/1399

Type of approval sought	Full Planning Permission
Ward	Halesowen North Ward
Agent	Mr R. Todd
Case Officer	Stephanie Hollands
Location:	<b>22, LINDEN AVENUE, HALESOWEN, B62 9EL.</b>
Proposal	<b>SIDE AND REAR EXTENSION TO PROVIDE 1 NO. ADDITIONAL CARE SERVICE USER (FOLLOWING DEMOLITION OF EXISTING UTILITY). NEW SINGLE STOREY OUTBUILDING IN REAR GARDEN TO PROVIDE STAFF MEETING FACILITY. RENDERING TO ALL EXTENSION AND NEW BUILDING EXTERNAL WALLS.</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

### SITE AND SURROUNDINGS

1. The application site comprises of detached bungalow that is located in a residential cul-de-sac that is sited within a predominantly residential area. The application property currently comprises of a single property in use as a care home (C2) that has a large private block paved driveway to the front that is sufficient to accommodate four cars. The current care home provides care for two adults. The driveway is served by two gated access points at extreme corners of the front boundary that secure vehicle access into the highway. The property has a large private rear garden that is defined by mature hedging either side. The extreme rear part of the garden accommodates a large greenhouse and shed; however, this area of the garden has been segregated from the main garden area by new 2m high close board fencing.
2. The surrounding street comprises of a mixture of two storey dwellings and detached bungalows, all of which vary in scale, size and design and whilst terraced dwellings are present within the street most properties benefit from having an off-street

parking provision. There is a large four storey block of flats to the west of the application site with an established garage block adjoining the side boundary with the application site.

- No.21A Linden Avenue is a two-storey semi-detached dwelling that is sited to the east of the application site and is set back from the front building line of the application dwelling. This property has non habitable room window/door in the side elevation of the dwelling.

## PROPOSAL

- The application proposes a single storey flat roof side and rear extension to provide 1 no. additional care service user (following demolition of existing utility). Also proposed is a single storey flat roof outbuilding in rear garden to provide staff meeting facility. This building would have a mono-pitched roof with a maximum height of 2.65m This would be located to the bottom of the properties garden, to the south and result in the removal of the existing shed and greenhouse. Rendering is proposed to all extension and new building external walls.
- The existing parking provision to the frontage would be retained with the frontage being opened up (removal of fence and planting).

## HISTORY

6.

APPLICATION No.	PROPOSAL	DECISION	DATE
P18/0960	Change of Use from dwelling house (C3) into care home (C2)	Approved with conditions	13/09/2018

## PUBLIC CONSULTATION

7. The application was advertised by way of site notice and neighbour notification letters to 49 properties. The final date for representation was 25th August 2021. One objection has been received from occupiers in Linden Avenue raising the following issues:
  - Parking facilities
  - Parking on road is already extremely restricted
  
8. An objection has been received on behalf of Westbourne Road (3 properties) raising the following issues:
  - Development is out of character with the surrounding area
  - Loss of privacy
  - Use of residential space for business purposes
  
9. A petition has been received against the application containing 23 names, address and signatures raising the following issues:
  - Road blocked to emergency services/narrow road
  - No additional provision for off road parking at the time of the change of use
  - Trebling the size of the existing property
  - Lack of parking for existing properties (terraced & flats)
  - Pavements blocked
  - Staff visitors parking outside houses
  - Existing parking problems
  
10. Following re-consultation on the amended plans (addressing initial highway safety concerns), which expired on 10th September 2021 one objection has now been received from local occupiers objecting to the application with the following comments below:
  - We have looked at the revised plans showing parking provision. This will only allow for one more vehicle. By removing the fence, hedge and secured gates

to the front of the property would surely be putting the residents at risk when they come out of the property? The gates are currently secured at all times.

11. An additional letter has been received noted from “residents of Linden Avenue” and states that this is further to the petition already submitted. This letter highlights what it considered to be errors in the previous officer report for the change of use (P18/0960) and reaffirms the existing parking problems.

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12. Highways – No objections following the receipt of the amended plans and recommend approval with conditions relating to access, turning area and parking, electric vehicle charging point, bin stores and kerbs.
  13. Environmental Safety and Health – Recommend that conditions be attached to any approval relating to air quality and noise.
  14. Contaminated Land Team – No adverse comments.

## RELEVANT PLANNING POLICY

15. National Planning Guidance  
National Planning Policy Framework
16. Black Country Core Strategy (2011)
  - DEL1 - Infrastructure Provision
  - HOU5 - Education and Health Care Facilities
  - TRAN2 - Managing Transport Impacts of New Development
  - ENV2 - Historic Character and Local Distinctiveness
  - ENV3 - Design Quality

17. Dudley Borough Development Strategy
  - S6 - Urban Design
  - S8 - Local Character and Distinctiveness
  - S16 – Access and Impact of Development on the Transport Network
  - S17 – Access & Impact of Development on the Transport Network
  - L1 – Housing Development, extensions and alterations to existing Dwellings
  - L2 – Supported Accommodation
  - D2 – Incompatible Land Uses
  - D5 – Noise Pollution
  
18. Supplementary Planning Documents
  - Parking Standards (2012)
  - PGN 10: Residential care/nursing homes and community care homes

## ASSESSMENT

19. The key issues for consideration in this application are as follows:
  - Principle
  - Visual amenity
  - Residential amenity
  - Access and parking

### Principle

20. Providing a range of housing tenures is fundamental in creating inclusive communities and providing a choice for new and existing residents in the Borough. Policy L2 of the Dudley Borough Development Strategy (2017) supports the provision of supported accommodation for people with specific needs such as the proposed use providing criteria such as amenity, character, access and parking can be successfully resolved.

21. In regard to the principle of use this has already been established as an acceptable use under previous planning approval P18/0960. The application property is a detached property that is located in a residential area. Notwithstanding all other material considerations, it is considered that the use as a residential care use would not adversely impact upon character of the established residential area.

#### Visual amenity

22. The design of both the proposed extension and detached building are functional and would not detract from the character of the wider area. The use of a flat roof to a rear extension is not uncharacteristic in a residential area such as this. In this respect the proposal complies with Policy L1. Given their single storey form and siting within the garden area relative to the sites side and rear boundaries, the extension and detached building would not have any harmful effect on existing visual amenity. The proposed detached building is tucked neatly to the bottom of the site and outbuildings and detached structures are not uncharacteristic within a residential area. The development would be of a scale which would still allow for the retention of an extensive area of private amenity space for the residents of the rest home.

#### Residential amenity

23. The characteristics of the use would include 3 occupiers residing at the property receiving care, staff arriving and departing on a regular basis. It is acknowledged that this level of comings and goings would not be dissimilar to what would be expected from a busy four-bedroom, family dwelling (as was prior to the change of use to a care home). The addition of one further adult resident and associated staff is not considered to increase the movements to and from the property to a level that would be detrimental to the amenity of surrounding occupiers. As such, the proposal would be considered have no detrimental impact on the neighbours' amenities than that of the existing use of the premises.
24. The large secured rear garden is enclosed by close board fencing and mature hedging either side and currently covers an area of over 200sqm that is fully overlooked by the application property. The remaining rear garden area at

137.15sqm would still exceed the minimum guidance set within the Council Housing SPD which seeks a minimum garden length of 11m (albeit in part) and a minimum area of 80sqm for a 4 bedroomed property; and the 60sqm recommended by the Planning Guidance Note 10: Residential care/nursing homes and community care homes (PGN 10). Furthermore, the garden area is sited away from the driveway, the parking area, a main road, is not overshadowed by buildings and is not directly overlooked by adjacent properties. Therefore, the garden still complies the criteria outlined in PGN 10 and is ideal for the proposed care home.

25. Vehicles entering and leaving the site can have the potential to adversely affect the amenities of the adjacent residents by reason of noise and disturbance. However, as indicated previously, the comings and goings associated with the proposed use would not be dissimilar to that of a busy four-bedroom, family dwelling. The Environmental Safety and Health Team have considered the application and have raised no concerns regarding noise issues.
26. The proposed extension would sit in line with the flank wall of the neighbouring property to the east (21a Linden Avenue) due to this neighbouring property being set back in the plot in relation to the application property. There would be no breach of the 45 degree code in relation to the rear facing habitable room windows in this property. The ground floor side facing door/window does not serve a habitable room and as such can not be afforded protection in terms of outlook and daylight.

#### Access and parking

27. There is an established hard surfaced parking area to the front that spans the full width of the site, at approximately 19m in width and 5.8m in depth that is sufficient in scale to accommodate four cars within the curtilage without overhanging the highway. The home would provide accommodation for three (non-driving) residents. The infrequency of visits required would not significantly increase the intensity of vehicular trips in the locality and would be akin with the number of trips that would be associated to a four bedroomed family dwelling. As such, the proposal would provide sufficient off-street parking provision within its curtilage to accommodate the day-to-day activities associated with the care facility and would not contribute to an

increase in off-street parking in the locality. Amended plan note the parking to the frontage and the removal of the existing boundary treatment to the frontage along with the planting in line with the Highway Engineer request. Following the receipt of these amended plans the Highway Engineer raises no objection to the proposed development and recommend approval with conditions relating to access, turning area and parking, electric vehicle charging point, bin stores and kerbs.

28. Of note is paragraph 111 of the National Planning Policy Framework that sets out that applications should only be refused on traffic grounds should the residual cumulative impacts of traffic be severe. However, it is considered that in this instance the level of traffic generated by the use would be akin to the number of trips that would be associated to a four bedroomed family and no significant increase from that of the existing care provision. As such, the proposal would comply with the transportation policies outlined above and there are no sustainable grounds to refuse the application on highway grounds.
29. Notwithstanding the above, it would be appropriate to condition the approval to restrict the number of residents that can be accommodated at the facility to three to prevent the further intensification of use at the premises in order to protect the amenities of the neighbouring residents.

## CONCLUSION

30. It is considered that the principle of the proposed development has already been established through previous planning permission. The intensity of the activity proposed would not be dissimilar to that of a 4 bedroomed family dwelling. Furthermore, the proposal would improve the existing parking provision to the frontage. Despite the objections raised, the proposal would not have an adverse impact upon the character of the area, on residential amenities, on highway safety and would be compliant with adopted Black County Core Strategy Policies DEL1, HOU5, TRAN2, ENV2 and ENV3, Dudley Borough Development Strategy Policies L1, L2, D2, D5, S16, and S17, and the Parking Standards SPD.

## RECOMMENDATION

31. It is recommended that the application be APPROVED subject to the following conditions:

### Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following plans and amended plans: 4003 002 Revision E, 003 Revision A and 001.  
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The premises shall be used for supported accommodation for adults only and for no other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.  
REASON: In order to secure the satisfactory development of the site, in accordance with Development Strategy Policies D2, L2, and S17.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the General Permitted Development Order 2015 (as amended), no more than 3 occupiers receiving supported accommodation care shall reside at the property at any one time.  
REASON: In order to secure the satisfactory development of the site, in accordance with Development Strategy Policies D2, L2, and S17.
5. No materials other than those indicated on the approved plans shall be used without the approval in writing of the local planning authority.  
REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings  
Policy D2 Incompatible Land Uses (in part).
6. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of the access(es) into the site, together with parking and turning area(s) [including details of lines, widths, levels, gradients, cross sections, drainage and lighting] have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access(es) into the site, together with parking and turning area(s) within the site have been laid out in accordance with the approved details. These area(s) shall thereafter be retained and not be used for any other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

7. No above ground development shall commence until details of the electric vehicle charging points, to be provided for the dwellings in accordance with the Council's standard (Parking Standards SPD), has been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.

REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

8. The development shall not be first occupied/used until details of the bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

9. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NO<sub>x</sub> emission concentration rate of <40mg/kWh.

REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

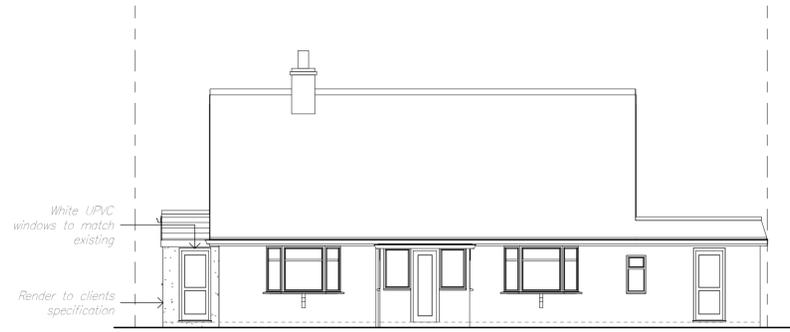
10. Demolition or construction works shall not take place outside the hours of 07:00 to 18:00 hours Mondays to Fridays and 08:00 hours to 17:00 hours on Saturdays nor at any time on Sundays or Public Holidays

REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution, Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).

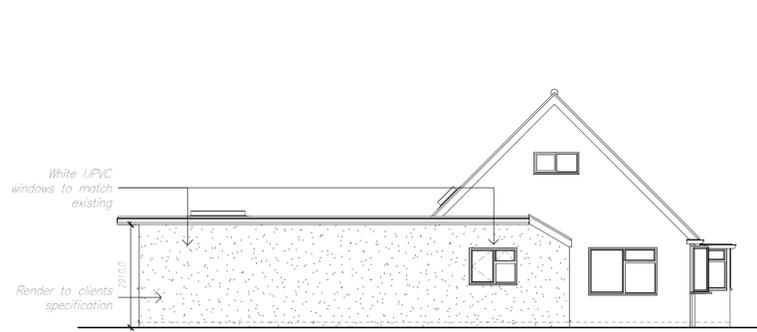
11. Prior to first occupation all redundant dropped kerbs should be replaced with matching full height kerbs and the adjacent Highway made good.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

Notes	
No.	Description



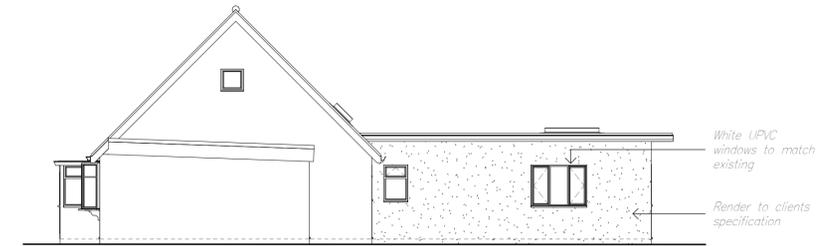
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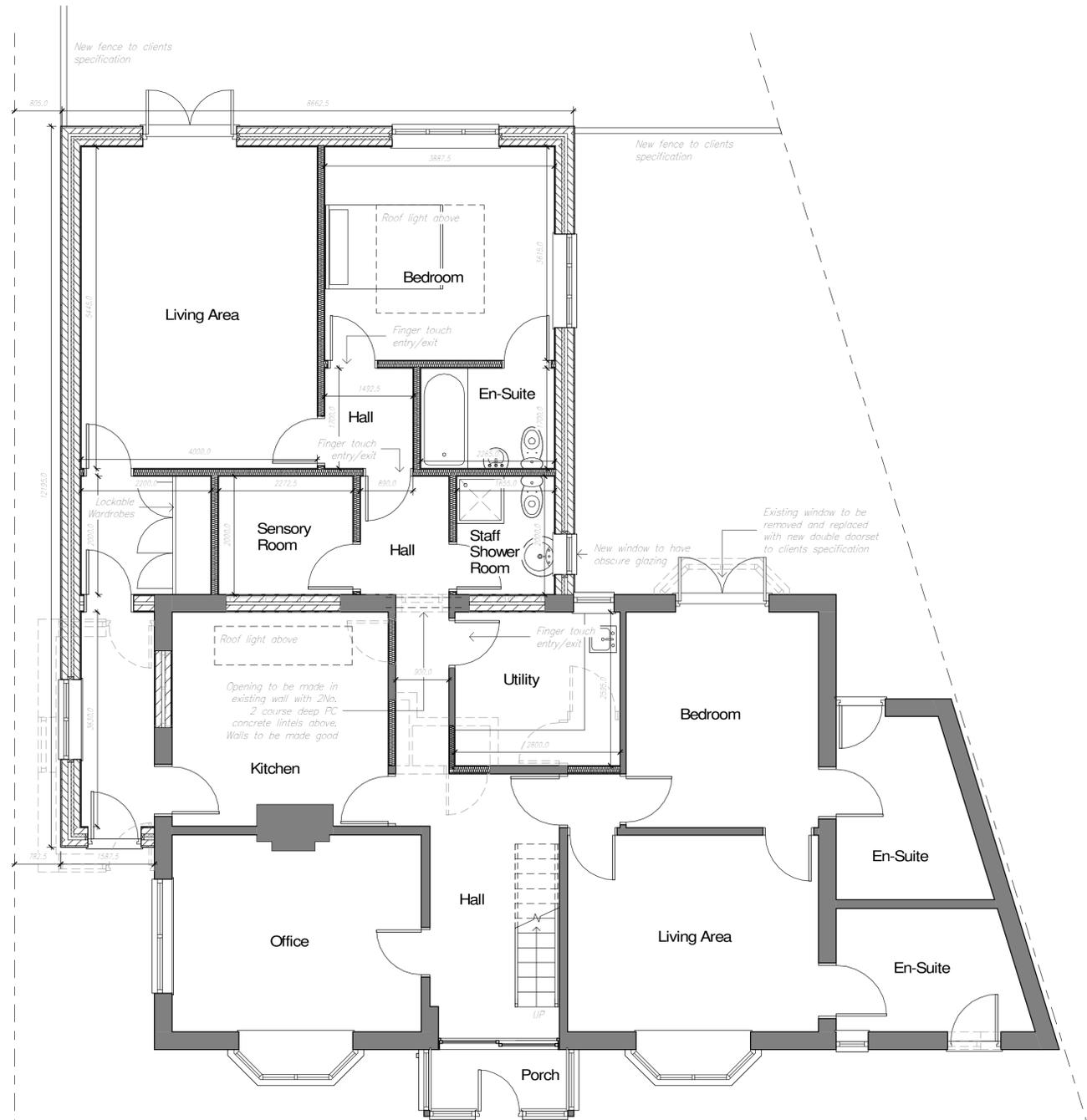
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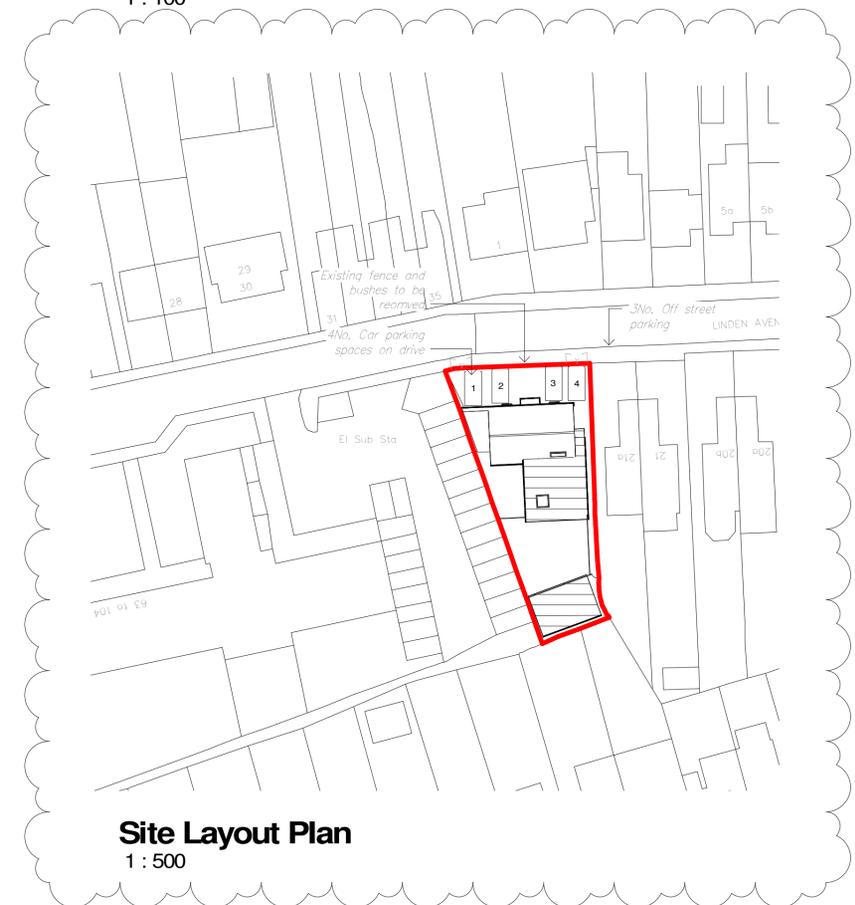
**Rear Elevation**  
1 : 100



**Side Elevation 1**  
1 : 100



**Ground Floor Plan**  
1 : 50



**Site Layout Plan**  
1 : 500

Revision	Date	Description
E	24.08.21	Parking plan added to site layout plan
D	15.07.21	Amendments made following phone conversation 15.07.21
C	15.07.21	Amendments made as per clients request
B	14.07.21	Amendments to layout following meeting 14.07.21
A	14.07.21	Amendments made as per clients request

**CR8**  
ARCHITECTURAL

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Client  
**Mr & H Singh**

Project  
**Single Storey Rear Extension**

Location  
**22 Linden Avenue, Birmingham, B62 9EL**

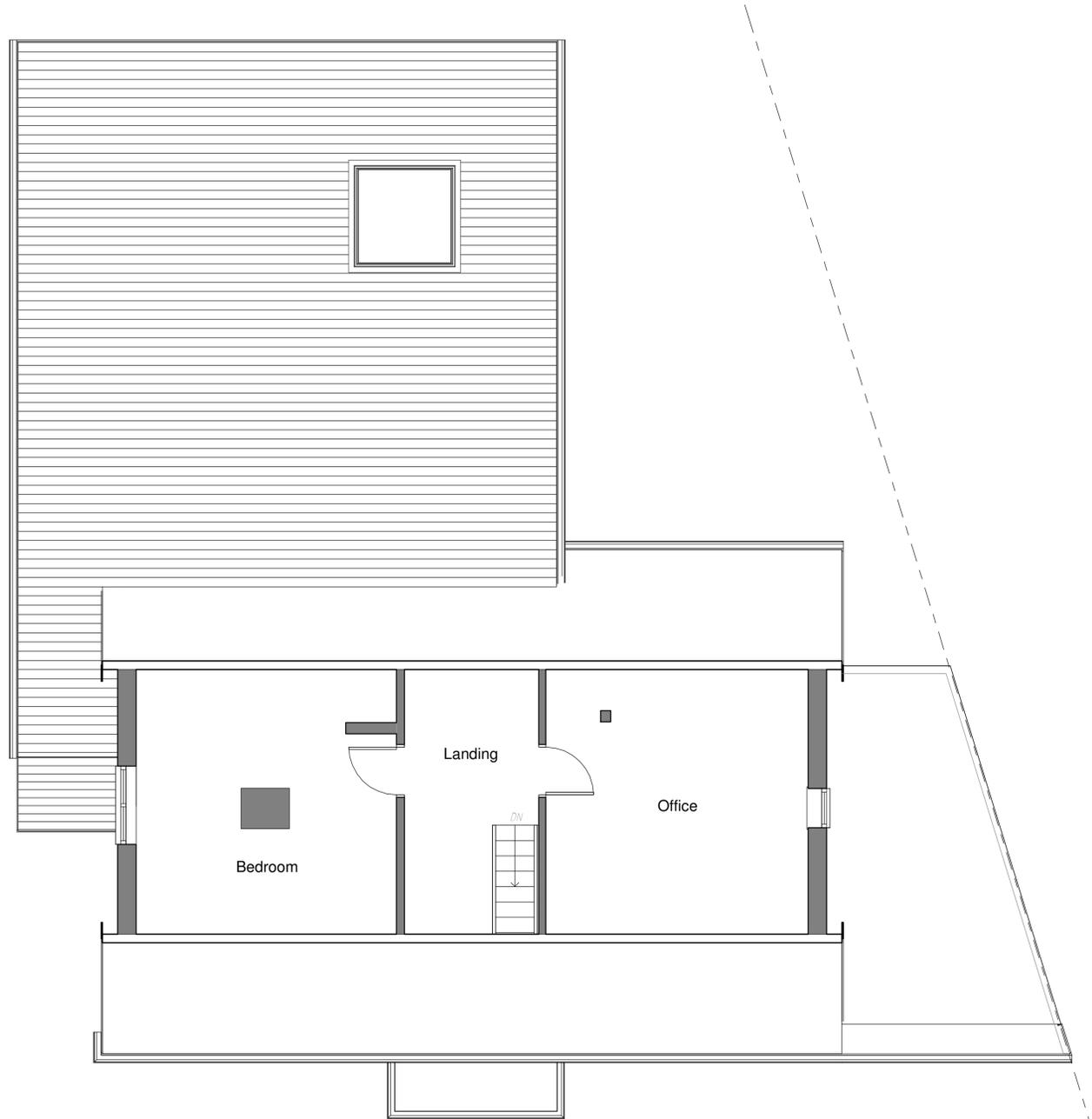
Drawing Title  
**Proposed Ground Floor Plan & Elevations**

Status  
**PLANNING**

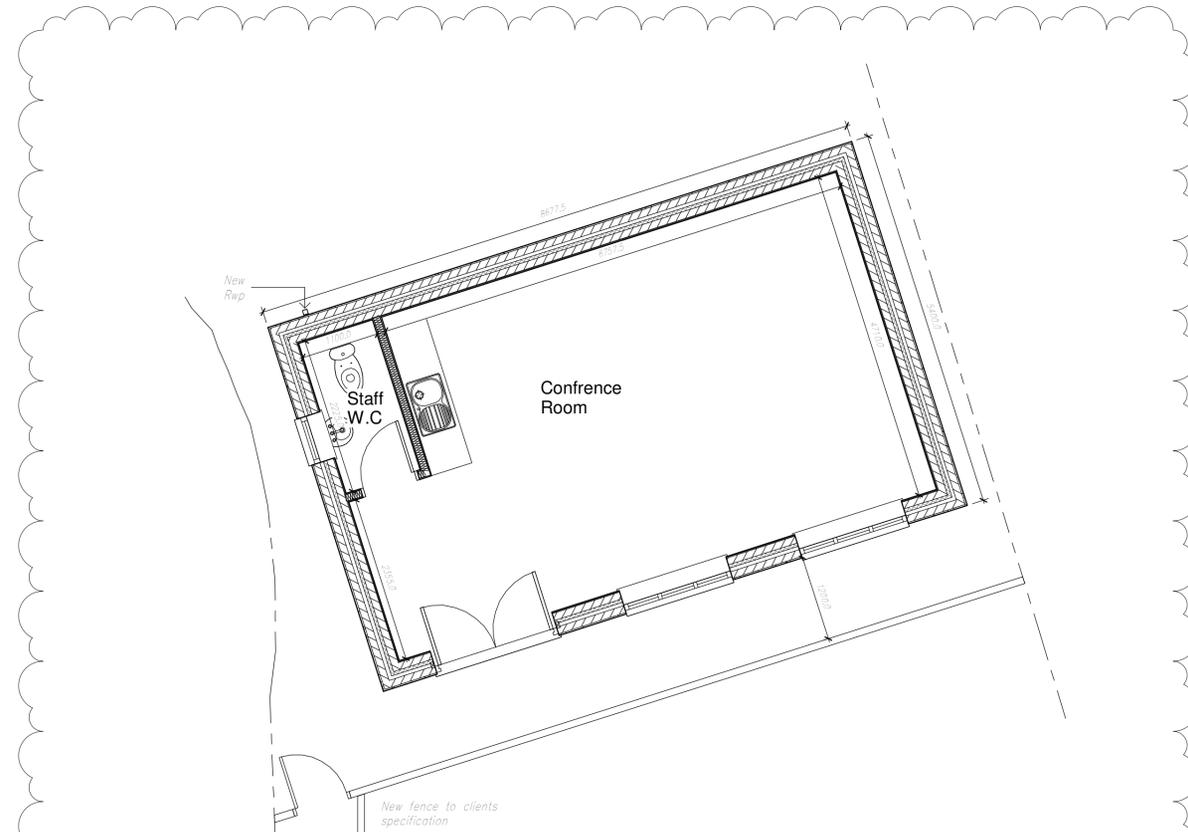
Scale	Date	Drawn	Revision
As indicated	06.07.21	SA	E
Job No.	Drawing No.	Checked	
4003	002	RST	



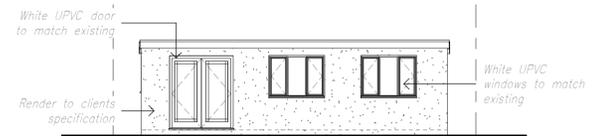
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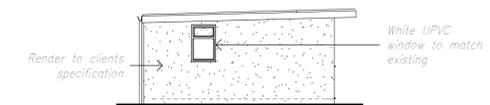
**First Floor Plan**  
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**Ground Floor Plan - Rear Building**  
1 : 50



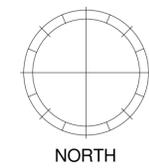
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**Side Elevation - Rear Building**  
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**Rear Elevation - Rear Building**  
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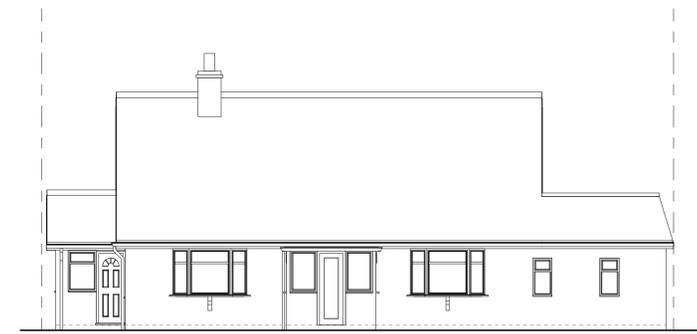
Revision	Date	Description
A	14.07.21	Amendments to layout following meeting 14.07.21



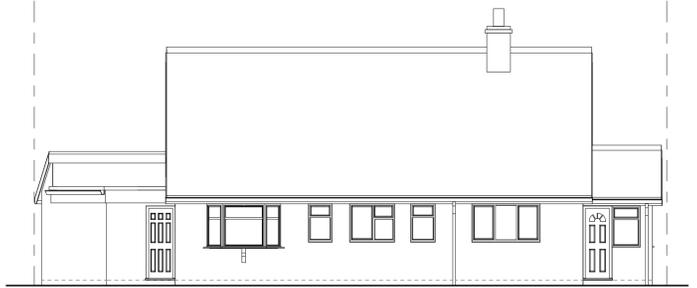
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Client			
Project Single Storey Rear Extension			
Location 22 Linden Avenue, Birmingham, B62 9EL			
Drawing Title First Floor Plan & Proposed Ground Floor Rear Plan & Elevations			
Status PLANNING			
Scale As indicated	Date 06.07.21	Drawn SA	Revision
Job No. 4003	Drawing No. 003	Checked RST	<b>A</b>

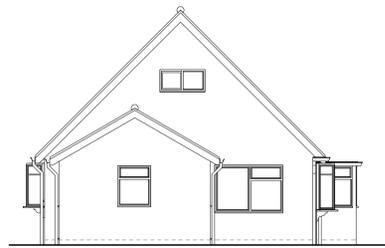
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No.	Description



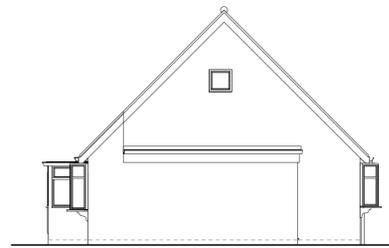
**Front Elevation**  
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**Rear Elevation**  
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**Side Elevation**  
1 : 100

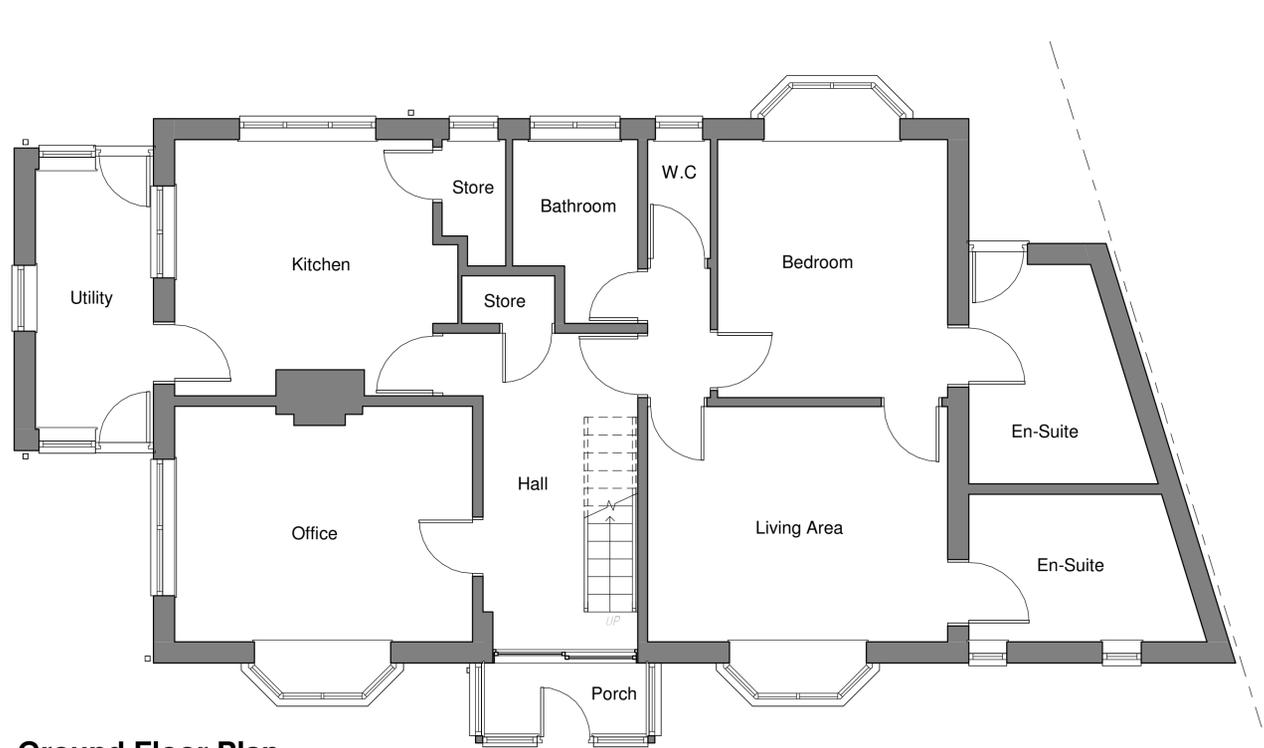


**Side Elevation 1**  
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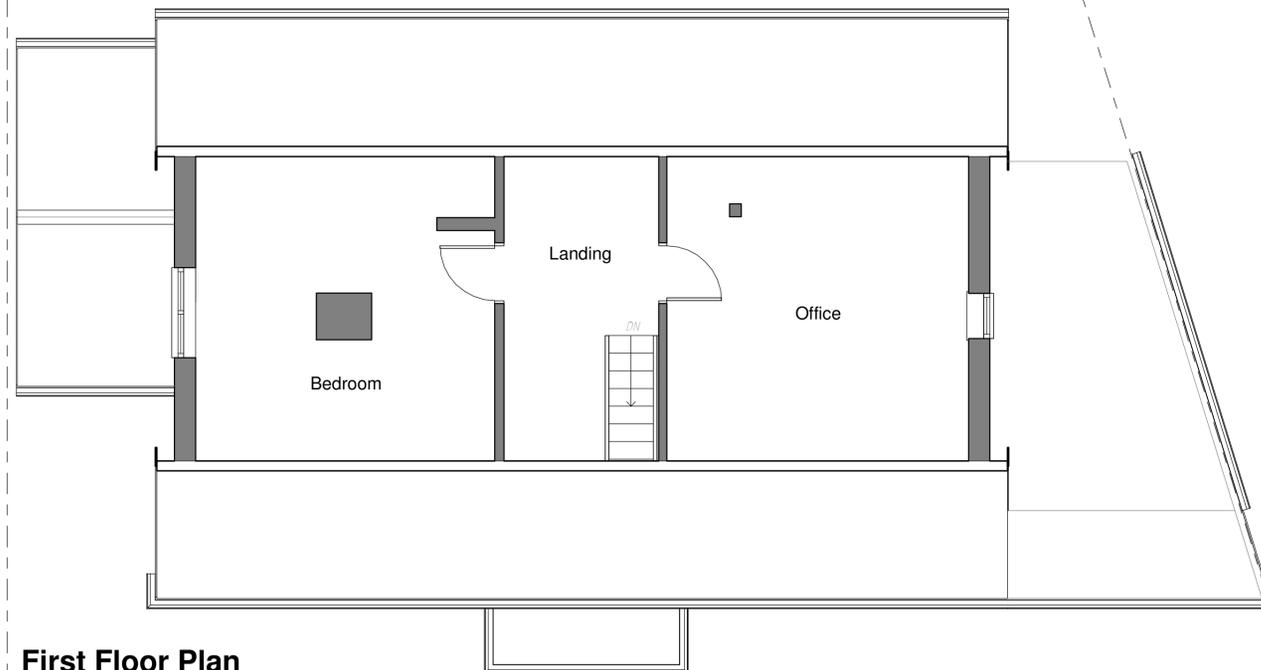


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**Site Location Plan**  
1 : 1250



**Ground Floor Plan**  
1 : 50



**First Floor Plan**  
1 : 50



Revision	Date	Description

<b>CR8</b> ARCHITECTURAL		
Cr8 Architectural Ltd Acorn House, 22 High Street Sutton Coldfield Birmingham, B72 1UX Tel: 0121 647 3600 enquires@cr8-arch.com www.cr8-arch.com		
Client: <b>S</b>		
Project: Single Storey Rear Extension		
Location: 22 Linden Avenue, Birmingham, B62 9EL		
Drawing Title: Existing Plans & Elevations		
Status: <b>PLANNING</b>		
Scale: As indicated	Date: 06.07.21	Drawn: SA
Job No: 4003	Drawing No: 001	Checked: RST
		Revision