

PLANNING APPLICATION NUMBER:P06/2012

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| Type of approval sought | Full Planning Permission |
| Ward | Quarry Bank & Dudley Wood |
| Applicant | Mr. J. Anderson |
| Location: | 63, MUSHROOM GREEN, DUDLEY, DY2 0EE |
| Proposal | DEMOLITION OF CHAIN SHOP (RETROSPECTIVE) AND THE ERECTION OF A RESIDENTIAL ANNEX ASSOCIATED WITH AND ANCILLARY TO THE MAIN HOUSE, WALLS AND OUTBUILDINGS (RESUBMISSION OF WITHDRAWN APPLICATION P06/1746). |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

SITE AND SURROUNDINGS

1. The site comprises a detached two storey red brick dwelling with a lean-to brick and wooden conservatory. The dwelling is accessed via an un-surfaced driveway with its private garden area located to the rear of the dwelling. To the front of the dwelling is the remains of a nail shop, which has recently been demolished. The garden area backs onto a pedestrian lane with a wooded area beyond to the west. To the south and east of the site are further dwellings and to the north is a paddock containing four mature Ash trees protected by a Tree Preservation Order (013/T8/T9/T10 and T11). The boundaries of the site are defined by mature trees and hedgerow.
2. The site is located within the Mushroom Green Conservation Area and within an area of Linear Open Space. This forms a cluster of residential terraced houses and individual cottages set alongside paths and lanes accompanied by open spaces. The Conservation Area has a rural character defined by mature hedgerows, trees, narrow lanes and an informal and irregular street pattern.

PROPOSAL

3. The proposal seeks the demolition of a chain shop (retrospective) and the erection of a residential annex associated with and ancillary to the main house, erection of walls (part retrospective) and outbuildings, and is a resubmission of withdrawn application P06/1746. A separate Conservation Area Consent application has been submitted for consideration of the demolition of the chain shop on a retrospective basis (P06/2013).

4. The previous application was withdrawn following concerns regarding the accuracy of the plans, incorrect description of the development and incorrect ownership information.

HISTORY

| APPLICATION No. | PROPOSAL | DECISION | DATE |
|------------------------|---|-----------------|-------------|
| 99/51378 | Conservation Area Consent for the erection of a conservatory. | Approved | 27/10/99 |
| P00/50326 | Full planning permission for the erection of a porch, utility room and W.C. | Approved | 15/5/00 |
| P01/1637 | Full planning permission for the erection of a ground and first floor extension. | Approved | 21/11/01 |
| P05/0719 | Tree Preservation Order application to reduce the crown of one Elm tree. | Refused | 2/8/05 |
| P06/1746 | Full planning permission for the demolition of a chain shop, erection of a new dwellinghouse, walls and outbuildings. | Withdrawn | 17/10/06 |
| P06/1815 | Conservation Area Consent for the demolition of a chain shop. | Withdrawn | 25/10/06 |

PUBLIC CONSULTATION

5. 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 display of a site notice and the placing of an advert within the local press. The latest date for comments was the 4th December 2006. Seven letters of objection have been received raising the following material planning considerations:

- Object to the location of the five bar gate.
- Loss of tree cover by proposed slag wall.
- Proposed slag wall encroaching onto neighbouring property.

- Proposed pitch roof to annex is too high and concerned that the building could turn into a dwelling house with the addition of further rooms within the roof.
 - Windows in proposed annex would result in overlooking to no. 58 and the overshadowing of its garden.
 - Former chain shop had a flat roof and not a pitched roof as proposed for the annex which would block views and cast shadows.
 - Proposed slag wall would destroy the appearance of the footpath which is characterised by hedgerow as a means of enclosure.
6. Following receipt of the objection letters, amended plans have been received to amend the location of the proposed five bar gate to the same position as the existing entrance into the site. Amended plans have also been received to ensure that the slag wall is only proposed on land in the control of the applicant. The merits or otherwise of the proposed annex and slag wall will be assessed within the main body of the report.

OTHER CONSULTATION

7. The Group Engineer Development raises no objection to the proposals subject to the gates being positioned as per the original gates to maintain sufficient turning space for adjacent residents.

RELEVANT PLANNING POLICY

8. National Planning Guidance
PPG15 – Planning and the Historic Environment
9. Adopted Dudley Unitary Development Plan
Policy DD4 Development in the Residential Area
Policy S02 Linear Area of Open Space
Policy HE4 Conservation Area

10. Supplementary Planning Guidance

PGN No. 22 Mushroom Green Conservation Area

ASSESSMENT

11. The Mushroom Green Conservation Area is characterised by its rural character. Policy HE4 and PGN No. 22 seek to preserve the character or appearance of the Conservation Area through there being a presumption against the development of existing open space in order to maintain the existing balance between the built and un-built environment. This is unless proposals relate to vacant buildings that may have the potential for conversion to an appropriate use.
12. The proposals involve the erection of a residential annex associated with and ancillary to the main house on a similar footprint as the chain shop albeit slightly bigger (chain shop measured 7.8m x 4.8m, proposed annex measures 10.4m x 5m) that was demolished on the site in 2006. The chain shop had a flat roof prior to its demolition. The proposed annex is a single storey building with a shallow pitched roof. The flat roof to the chain shop would have been a later addition. The design and appearance of the proposed annex does complement other former chain shops within the Conservation Area and the Black Country as a whole with flat roofs being less common. In following a similar footprint as the former chain shop the annex would not impinge on or result in the loss of an area of open space, trees or other habitat within the Conservation Area. The proposed annex would not have an adverse impact on the character or appearance of the Conservation Area since it would be positioned on a similar footprint to the chain shop and would not significantly change the relationship of buildings within the site with existing buildings and spaces.
13. The proposed annex would be closest to no. 57 and no. 58 Mushroom Green. No. 57 has a blank elevation facing into the application site with no. 58 comprising windows at first and ground floor levels facing towards the application site. The windows at ground floor level are screened by a mature hedgerow and trees running along the boundary between the two properties and the window at first floor level would not be

unduly affected due to the separation distance between the proposed annex and this property. In any event the windows within the annex would barely be visible above the existing boundary treatment between the two properties with the top of the windows being 2.1 metres from ground level.

14. PGN No. 22 states that new development that neither preserves nor enhances the Conservation Area through resulting in built development within the existing open space within the Conservation Area would not be permitted but it does confirm that the re-use of vacant buildings with suitable uses within Conservation Areas would be accepted. Whilst the proposed residential annex does not involve the re-use of the former chain shop since this has been demolished, the new building would be located on a similar footprint. Through its position in relation to the original house complementing that of the original chain shop and its design and appearance both complementing the house and having characteristics of chain shop buildings this element of the scheme would preserve the character of the Conservation Area.
15. It would not be appropriate for the building to be occupied as a single dwelling house due to its potential detrimental impact on the character and appearance of the Conservation Area and in terms of setting an undesirable precedent for other new buildings within the Conservation Area. The building would also not be acceptable as a single self contained dwelling due to the limited separation distance between the two properties, the close proximity of the proposed bedroom window within the annex to the living room on the main house, the lack of private garden area to the annex and the difficulty in separating the access and parking areas for both buildings. The use of the proposed building as an annex associated with and connected with the main house can be conditioned to ensure that it does not become a self-contained dwelling house.
16. The proposals include retrospective planning permission for the erection of a 1.8 metre high wall extending 9.1 metres in length between the boundaries of the site and no. 57. The wall copies the bond used on the original house with corbelling. A proposed lean-to outbuilding is proposed to be erected up against part of the wall measuring 2.9 metres long by 1.5 metres deep. The proposed outbuildings are of a

simple design, are small in relation to the dwelling and plot and would complement the materials used on the existing wall. Both the wall and outbuildings would preserve the character of the Conservation Area and would not detract from its appearance especially since they would not be viewed from any public areas.

17. The proposals also include the erection of a slag wall and pedestrian access gate running along the western boundary of the site. This element of the scheme would reintroduce an existing pedestrian access that has become overgrown. Whilst the proposed slag wall would result in the removal of some vegetation it relates to an area of unmanaged landscaping and a number of self seeded trees/hedge. As the use of a slag wall as a means of enclosure is in keeping with and a typical characteristic of the Conservation Area and the wider Black Country, these elements of the proposals would preserve and would not detract from the appearance of the Conservation Area.
18. The proposals include the creation of a hard standing to the front of the annex and main house. This area would be softened by the retention of the existing mature hedgerow running along the site's eastern boundary and through a condition controlling the material of the proposed driveway would ensure that this element of the scheme preserves the appearance of the Conservation Area.
19. The scheme would not involve the felling of any mature trees but just the clearing of some overgrown vegetation in order to create the slag wall running along the western boundary of the site. Trees are an important characteristic of the Conservation Area and it is important that the proposals do not have an adverse impact on them. Conditions can be attached to ensure that the proposed construction of the slag wall includes measures in which to protect the trees that adjoin the application site.
20. Policy S02 seeks to ensure that the intended function of Linear Open Space is not jeopardised. The development proposed would not impact on the open nature of the area and would not affect the existing spaces between buildings.

CONCLUSION

21. The development proposed would maintain the open character of the area and would not affect the existing spaces between buildings. The proposed annex associated with and ancillary to the main house (no. 63 Mushroom Green), due to it being built on a similar footprint to the former chain shop and due to it complementing the traditional appearance of other re-used chain shop buildings within the Conservation Area and the wider Black Country as a whole, would preserve the character of the Mushroom Green Conservation Area. The proposed slag wall, wall and outbuildings, five bar gate and hard standing would, subject to conditions, also preserve the character of the Conservation Area. The proposals would not result in the loss of significant trees and conditions can be attached to the consent to ensure that sufficient protection measures are put in place on existing trees that could be affected by the proposed development.

RECOMMENDATION

22. It is recommended that planning permission be granted subject to the following conditions:

Reason for Determination of Planning Permission

The development proposed would maintain the open character of the area and would not affect the existing spaces between buildings. The proposed annex associated with and ancillary to the main house (no. 63 Mushroom Green) due to being built on a similar footprint to the former chain shop and due to complementing the traditional appearance of other re-used chain shop buildings within the Conservation Area and the wider Black Country as a whole would preserve the character of the Mushroom Green Conservation Area. The proposed slag wall, wall and outbuildings, five bar gate and hard standing would subject to conditions also preserve the character of the Conservation Area. The proposals would not result in the loss of significant trees and conditions can be attached to the consent to ensure that sufficient protection

measures are put in place on existing trees that could be affected by the proposed development.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan set out below and to all relevant material considerations including supplementary planning guidance:

Policy DD4 Development in the Residential Area

Policy S02 Linear Area of Open Space

Policy HE4 Conservation Area

The above is 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. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of the type, texture colour and bond of the proposed external bricks on the elevations and roof tiles on the proposed annex. The annex shall be built in accordance with the approved materials unless otherwise agreed in writing by the Local Planning Authority.
3. The windows and doors proposed on the annex and outbuildings hereby permitted shall not be made of either PVC-u or anodised aluminium.
4. Prior to the commencement of development detailed plans and elevations (to a scale of not less than 1:5) of the design, specification and finish of the proposed windows and doors to be inserted within the annex and outbuildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority including drawings of sections and profiles of jambs, heads, cills and glazing bars together with their relationship to masonry apertures. The windows and doors shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

5. The proposed annex hereby approved as shown on drawing numbers M04-10-P2 Rev G and M04-10-C Rev D shall be used in association with and ancillary to the main house providing accommodation for occasional use for guests visiting the occupiers of the main house or by members of the family occupying the main dwelling on the site (no. 63 Mushroom Green). The annex shall not be used as a self-contained or independent dwelling house for the life of the development.
6. Prior to the commencement of development details shall be submitted of the proposed type, texture, colour and bond of the bricks used on the external elevations of the outbuildings and wall between the annex hereby approved and the northern boundary of the site. Following approval of the details, the outbuildings and wall shall be built in accordance with the approved materials and retained for the lifetime of the development.
7. The two mature trees on the northern boundary of the site to be located within the proposed hard-stand as shown by Drawing No. M04-10-P2 Rev G shall be retained.
8. Prior to the construction of the hard-standing hereby permitted as shown on Drawing No. M04-10-P2 Rev G details shall be submitted of the type, texture and colour of stone proposed. Following approval of the stone the hard standing shall be built in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
9. No development shall take place until there has been submitted to and approved in writing by the local planning authority details of the tree protection measures on site. The details shall include:
 - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 `Trees in Relation to Construction – Recommendations`.
 - d. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 – 2005 `Trees in Relation to Construction – Recommendations`.
10. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (1989) Recommendations for Tree Work.

11. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the local planning authority.
12. All excavations to be undertaken within 6 metres of the stem of existing trees on site shall be undertaken in accordance with NJUG Publication number 10 'Guidelines for the Planning, Installation and Maintenance of Utility Services in proximity to Trees'.
13. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.
14. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed driveway / parking area within 3 metres of the outer canopy spread of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely BS 5837:2005 'Trees in Relation to Construction' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway / parking areas within 3 metres of existing trees must be constructed using minimum excavation techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees.