

PLANNING APPLICATION NUMBER:P12/1554

Type of approval sought	Full Planning Permission
Ward	Halesowen South
Applicant	Mr B.S. Shergill
Location:	69 & 69A, FRANKLEY AVENUE, HALESOWEN, WEST MIDLANDS
Proposal	CONVERSION OF EXISTING GRANNY ANNEXE (NO. 69A) TO 1 NO. DWELLING WITH NEW WINDOW TO REAR ELEVATION, NEW VEHICULAR ACCESS FROM SEVEN ACRES ROAD AND ASSOCIATED PARKING (FOLLOWING DEMOLITION OF EXISTING GARAGE). NEW PATIO WINDOW TO SIDE ELEVATION OF 69 FRANKLEY AVENUE.
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

- 1 The site is situated within a well established residential area. It occupies a position on the corner of Frankley Avenue and Seven Acres Road.
- 2 The site is occupied by a bungalow which has been extensively extended at the rear to create a disabled person's annexe. The site frontage has an open appearance to Frankley Avenue however, the side of the site facing Seven Acres Road is bounded by vegetation and 2.0m high fencing containing wooden entrance gates serving a rear garage.

PROPOSAL

- 3 The application is for the change of use of the annexe to a separate dwelling. The floor plan details indicate than the existing one bedroom annexe would be converted into a two bedroom bungalow. This is a resubmission of two almost identical planning applications which were recently refused one under delegated powers and the other by the Development Control Committee.

- 4 Internally the existing internal lobby door between the bungalow and annexe would be closed and a 2.0m high fence erected across the garden between the two buildings. Changes to the side of the building facing Seven Acres Road comprise the insertion of patio windows in the side elevation of the bungalow (in order to face the side amenity space) and an increase in size of the kitchen window in the annexe.
- 5 Vehicular access for the existing dwelling would be from the existing access on Frankley Avenue.
- 6 The changes from the last application are the parking area to the annex would now be located outside the front door of the annexe, which the applicant advises is for convenience and to allow for a private enclosed garden.
- 7 The applicant advises that the existing gate (which serves the garage which is to be demolished) would be replaced with low walling, fencing and hedging to match the existing boundary treatment along Seven Acres Road. Vehicular access to the main dwelling would remain unchanged.
- 8 The applicant has submitted a design and access statement with the application. The applicant considers that with the changes proposed the development would comply with saved policies DD1 and DD4 of the Dudley Unitary Development Plan and policy ENV2 of the Black Country Core Strategy.
- 9 The applicant also states that the proposed development complies with Planning Guidance Note 3 (PGN3) in that both properties have gardens of more than 65m², with a rear garden area of 138m² to the main bungalow (44m² to the front/side garden) and 119m² to the annex.
- 10 The applicant advises that the side garden is presently used as the rear garden area. They advise that the annex can be opened up to front onto Seven Acres Road, with the provision of parking in front of the annex, but the rest of the frontage would be enclosed to maintain privacy.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
LA/54/47	Two detached dwellings	Approved	08/04/54
HB/54/294	One bungalow	Approved	07/07/54
CC/78/498	Erection of a two bedroom bungalow	Refused	20/04/78
92/51519	Erection of one bedroom bungalow for disabled person (outline)	Refused	19/11/92
92/51520	Erection of "Granny Flat" as extension to existing bungalow	Approved	19/11/92
P12/0867	Conversion of existing granny annexe (No 69a) to 1 No. dwelling with new window to rear elevation and associated parking (following demolition of existing garage). Widen existing driveway and elevation changes to windows at No. 69.	Refused	14/8/12
P12/1112	Conversion of existing granny annexe (No 69a) to 1 No. dwelling with new window to rear elevation and associated parking (following demolition of existing garage). Widen existing driveway and elevational changes to No. 69 (resubmission of refused application P12/0867)	Refused	10/10/12

- 11 Planning application P12/0867 was refused for the following reason:

The development, if approved, would lead to a poorly designed layout for both the host and new properties due to the overdeveloped nature of the site. Both plots would be without rear gardens and the allocated amenity areas would not relate well, particularly for the new dwelling, where the majority would be in the form of a front garden. In consequence, it would be out of keeping with the character of the area contrary to Policies DD1 and DD4 of the adopted Dudley Unitary Development Plan and Planning Guidance Note No. 3 'New Housing Development'.

- 12 Planning application P12/1112 was refused for the following reason:

The development would lead to a poorly designed layout for both the host and new properties due to the overdeveloped nature of the site. Both plots would be without

rear gardens and the allocated amenity areas would not relate well, particularly for the new dwelling, where the majority would be in the form of a front garden. In consequence, it would be out of keeping with the character of the area contrary to Policies DD1 and DD4 of the adopted Dudley Unitary Development Plan, Policy ENV2 of the Black Country Core Strategy and Planning Guidance Note No. 3 'New Housing Development'.

PUBLIC CONSULTATION

- 13 No representations received, following consultation with 8 adjoining neighbours.

OTHER CONSULTATION

- 14 Group Engineer (Development): A detailed parking layout plan is required. The garage may not be of sufficient size. Electric Vehicle Charging point condition is required.
- 15 Head of Environmental Health and Trading Standards: No objection.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
- Black Country Core Strategy (BCCS) (2011)
CSP2 Development Outside the Growth Network
ENV2 Historic Character and Local Distinctiveness
HOU1 Delivering Sustainable Housing Growth
HOU2 Housing density, Type and Accessibility
- Unitary Development Plan (2005) (Saved Policies)
DD1 Urban Design
DD4 Development in Residential Areas
- Supplementary Planning Guidance/Documents
Draft New Housing Development Supplementary Planning Document (2012)
Parking Standards Supplementary Planning Document (2012)

ASSESSMENT

- 16 The main issues are
- Principle
 - Scale/Appearance
 - Access and parking

Principle

- 17 The National Planning Policy Framework excludes private residential gardens from the definition of 'previously developed land.' Therefore there is not a presumption in favour of development on such land. Paragraph No.53 states that local authorities should consider the case for setting out policies to resist what it calls 'inappropriate development' of residential gardens for example where it would cause harm to the local area. In this case the physical development has already occurred however there is a clear distinction between this annexe which is an extension to the existing dwelling and the formation of a separate dwelling on the site.
- 18 The planning history for the site indicates that there have been aspirations to create a second dwelling on this site in the past. Planning application CC/78/498 for a two bedroom bungalow was refused on 20th April 1978 for the following reasons:
1. *The site is too restricted in depth and width to accommodate the development proposed and to provide satisfactory amenity space at both the front and rear of the site.*
 2. *The development proposed would reduce the rear amenity space of the existing bungalow by an unacceptable amount.*
- 19 A later planning application CC/92/51519 sought outline permission for a one bedroom bungalow for a disabled person which was refused on 19th November 1992 for the following reasons:

1. *The site is too restricted in its area and particularly in its depth to accommodate the development.*
2. *The proposed development would result in a dwelling unit with inadequate rear amenity space.*

20 The planning application for the erection of a 'Granny Flat' (CC/92/51520) was considered at the same time as CC/92/51519. In making an assessment of the application for the extension to the dwelling it was considered that such a scheme could be supported as it would enable an elderly relative to live independently within the site unit whilst, from a planning point of view, it would enable a sense of space for residents, with a shared view of the communal garden. On this basis the application was approved on 19th November 1992.

21 Since this approval was given, and the extension constructed, the site boundary has remained the same. The reasons for the refusal, on two separate occasions, for a separate dwelling on the site also remain valid.

22 As stated above this application is the resubmission of a planning application that was refused in August 2011. The refusal related to the lack of appropriate garden area and loss of character. This application differs from the previous refusal in that an existing garage to the side of the annex is now shown to be demolished and the position of a side fence to the host dwelling has been slightly repositioned.

23 Planning Guidance Note No. 3 'New Housing Development' (PGN) and the emerging revised New Housing Development Supplementary Planning Document (SPD) states that for two bedroom detached units, with a plot width of over 4.0m, a minimum garden area of 65m² is required. Both sets of guidance require the depth of the private rear garden to be 11m. PGN3 (but not the emerging SPD) also states that there may occasionally be cases where garden/amenity space can be provided at the side rather than at the rear of the dwelling.

24 Whilst both dwellings would have amenity areas above the 65m² their usability is questioned due to the position and depth (i.e. less than 11m in depth). Indeed, with

the exception of a very small garden area to the side of the annex (where the garage is to be demolished) the majority would be provided at the front of the property.

- 25 Likewise the 'host' dwelling would lose its rear garden and would only have amenity space at the side of the dwelling. Taking the whole layout into consideration, it is considered that the scheme has a contrived and overdeveloped appearance, which would be out of context with the character of the surrounding area.
- 26 It is noted that the applicant intend to retain and enhance the boundary treatment to Seven Acres Road, apart from in front of the proposed parking area to the annex. Whilst this does enable privacy to be retained and allow for a larger area of private garden space to be provided this has to be balanced against the prevailing character of the area which consists of dwellings with open plan frontages, and therefore a hedge to the front as proposed would not be characteristic of the wider area.
- 27 The applicant has made reference to an appeal site which has been noted. However, this relates to a domestic extension rather than the formation of new dwelling which is being proposed here. In addition, there is doubt over whether a condition can be applied to retain a hedge in the long run (despite the Inspectors comments), as the model condition relating to maintenance and retention of soft landscaping (i.e. a hedge) in Circular 11/95 only requires soft landscaping retention and replacement within the five years following the completion of the development. After that period the model condition no longer applies.
- 28 A further consideration is the wider character of the area which is defined by detached or semi detached houses within generous plots and large rear gardens which are associated with interwar and immediate post war housing. It is considered that the subdivision of the existing planning unit would be out of character with the established pattern of development. This is a key consideration when assessing the proposal against the adopted New Housing Development Supplementary Planning Document, and its emerging replacement, as well as

policy ENV2 of the Black Country Core Strategy, where the protection of areas of lower density suburban development of the mid 20th century is also recognised.

Access and parking

- 29 In accordance with the Parking Standards Supplementary Planning Document five off-road parking spaces would be required for the development. The Group Engineer (Development) did not object to the previous application subject to two off-street parking spaces being provided for each dwelling subject to their dimensions being increased from that shown. He also requested that if the application is approved that, in accordance with the Parking Standards SPD, the new dwelling would have an electric vehicle charging point. Both matters could be secured by condition, however, it should be noted that the increase in the dimension of the parking spaces would be likely to result in a decrease in the size of the proposed amenity areas.

New Home Bonus

- 30 Clause (124) of the Localism Act states that: Local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' means a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown. This may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of CIL.
- 31 The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.

- 32 The Bonus will sit alongside the existing planning system and provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant.
- 33 Whilst the clause makes it clear that local finance matters are relevant to planning considerations and can be taken into account, it does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be “bought”.
- 34 This proposal would provide 1 house generating a grant of 1 times the national average council tax for the relevant bands.
- 35 Whilst this is a significant sum of money the proposal fails to accord with adopted policy as detailed above and the allocation of NHB is not considered to be of sufficient weight to overcome the harm arising and therefore fails to justify departing from adopted policy.

CONCLUSION

- 36 Since the annexe to this dwelling was constructed, the boundary of the site has remained the same. It is considered therefore that the reasons for the refusal, on previous occasions, for a separate dwelling on the site also remain valid. The layout of the site would be poor with the host property losing its rear garden. The new dwelling would have no rear garden and the majority of amenity space would be at the front of the dwelling. Overall it represents an overdevelopment of the site which would be out of keeping with the character of the area. It would therefore be contrary to saved Policies DD1 and DD4 of the adopted Dudley Unitary Development Plan and Planning Guidance Note No. 3 'New Housing Development'.

RECOMMENDATION

It is recommended that the application be REFUSED for the following reason(s):

Notes to Applicant/Informative

The local planning authority is aware of the requirement of paragraph 186 and 187 in the National Planning Policy Framework to work with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application. In this case, after careful balanced consideration the LPA/Officers maintains that the principle of development cannot be supported as the scheme is contrary to the Development Plan and the proposal would not result in the creation of a sustainable form of development and thereby failing to improve the economic, social and environmental conditions of the area.

Conditions and/or reasons:

1. The development would lead to a poorly designed layout for both the host and new properties due to the overdeveloped nature of the site. Both plots would be without rear gardens and the allocated amenity areas would not relate well, particularly for the new dwelling, where the majority would be in the form of a front garden. In consequence, it would be out of keeping with the character of the area contrary to Policies DD1 and DD4 of the adopted Dudley Unitary Development Plan, Policy ENV2 of the Black Country Core Strategy and Planning Guidance Note No. 3 'New Housing Development' and the Draft New Housing Development Supplementary Planning Document

LOCATION PLAN 1:1250 Scale
69, FRANKLEY AVENUE
HALESOWEN.
H125/LP1

P12/1552
NORTH
P12/1554



REMOVED
- 8 DEC 2012
CITY OF BRISTOL



SEVEN ACRES ROAD

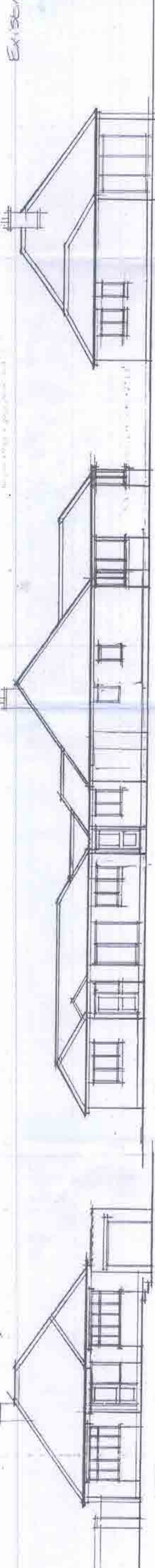
FRANKLEY AVENUE



BLOCK PLAN 1:500

H125/BP1

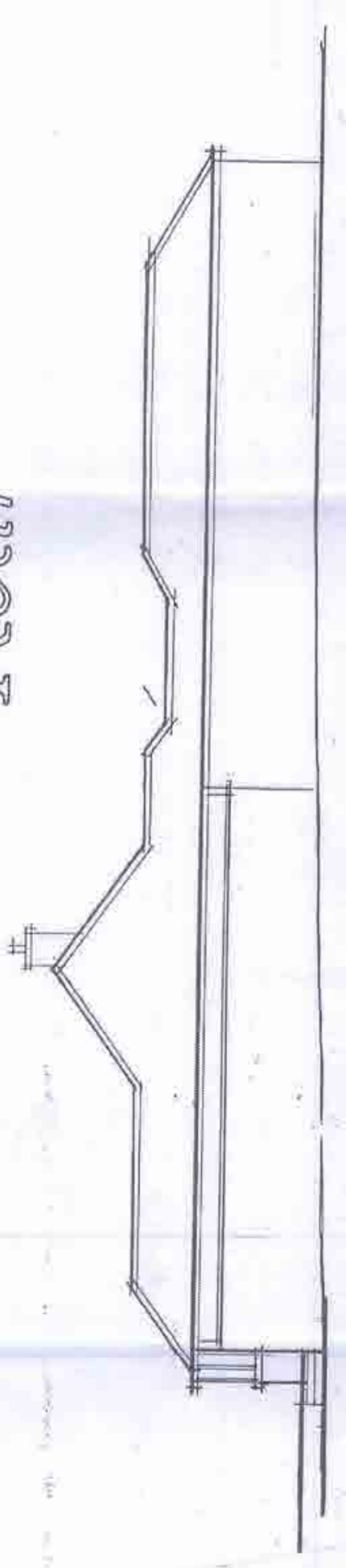
EXISTING PLANS (A1) -
P. 2/1554



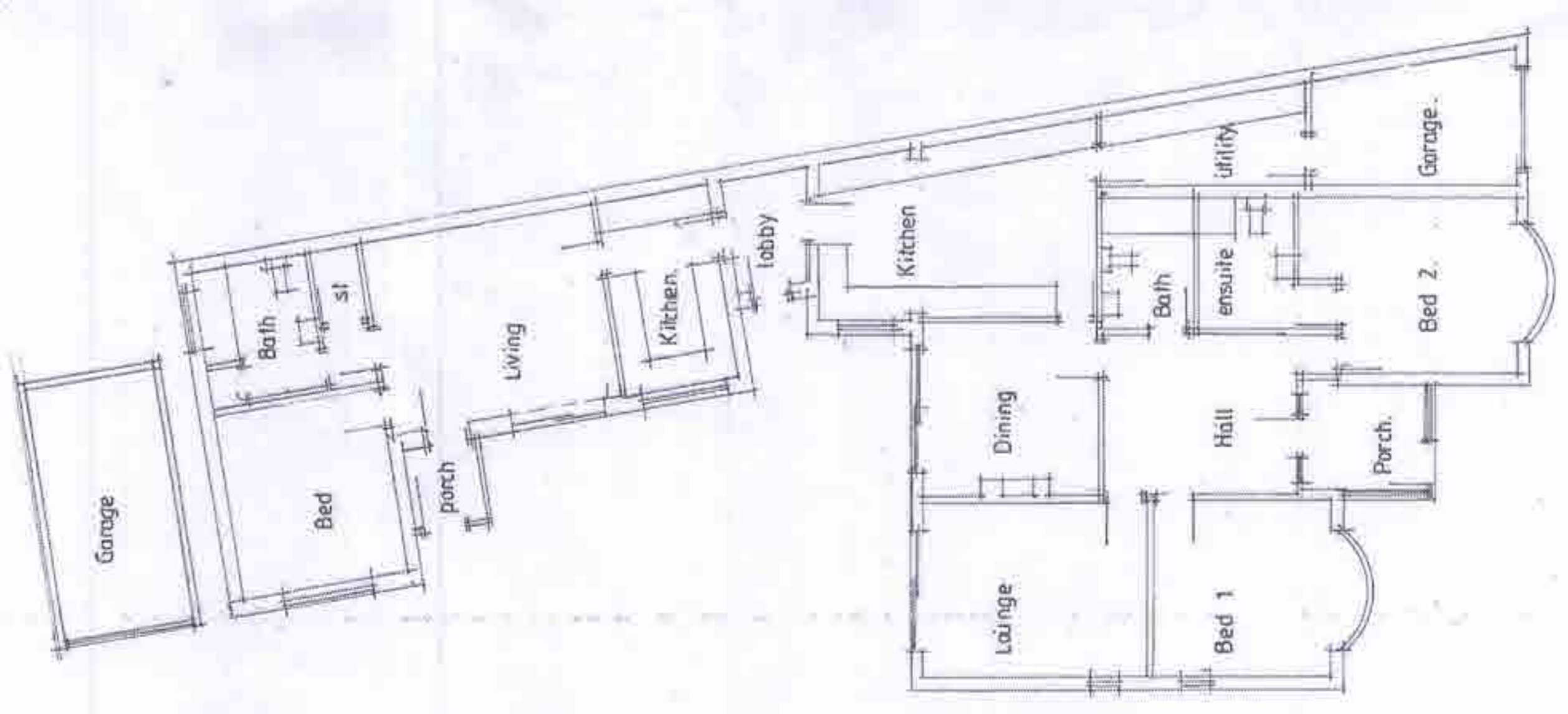
Front

Side

Rear



Side



Floor Plan



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Client
B. S. SHERGILL

Job
69, FRANKLEY AVENUE,
HALESOWEN

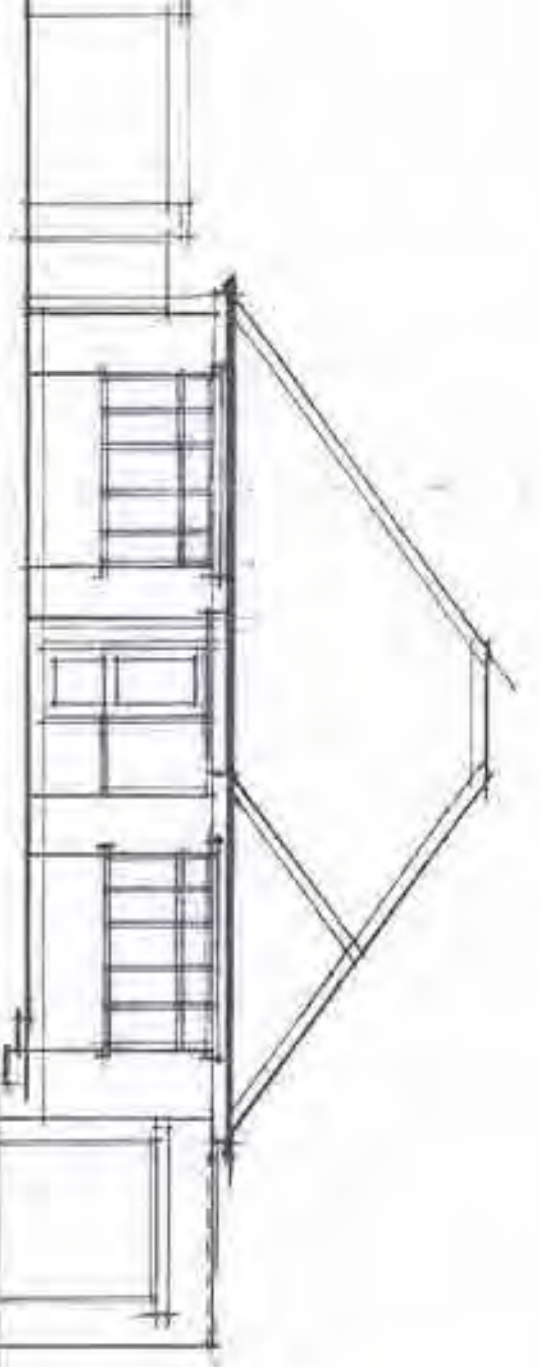
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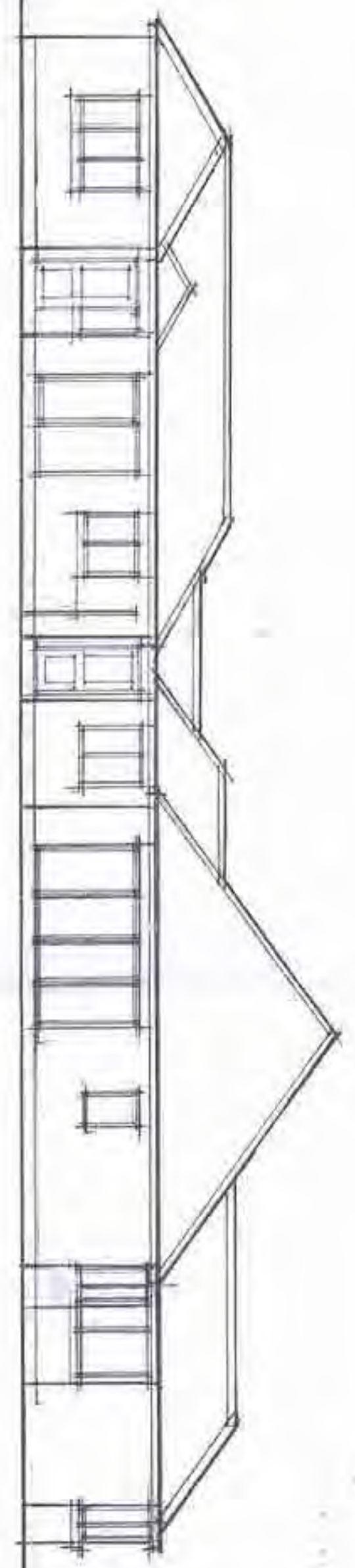
Date: 7.12

Drawn	Job No.	Dwg. No.	Rev
SJD	H125	AS 1	

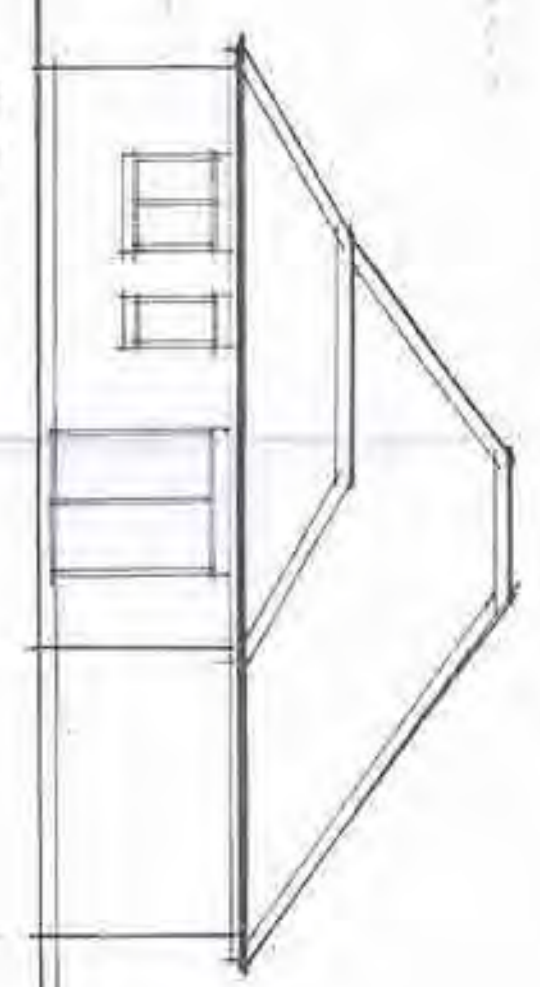
The drawings are for building work and are subject to the provisions of the Building Regulations 2010. The Contractor is to check and verify all building and construction details and ensure that they are in accordance with the Building Regulations 2010. The Contractor is to ensure that all building and construction details are in accordance with the Building Regulations 2010. The Contractor is to ensure that all building and construction details are in accordance with the Building Regulations 2010.



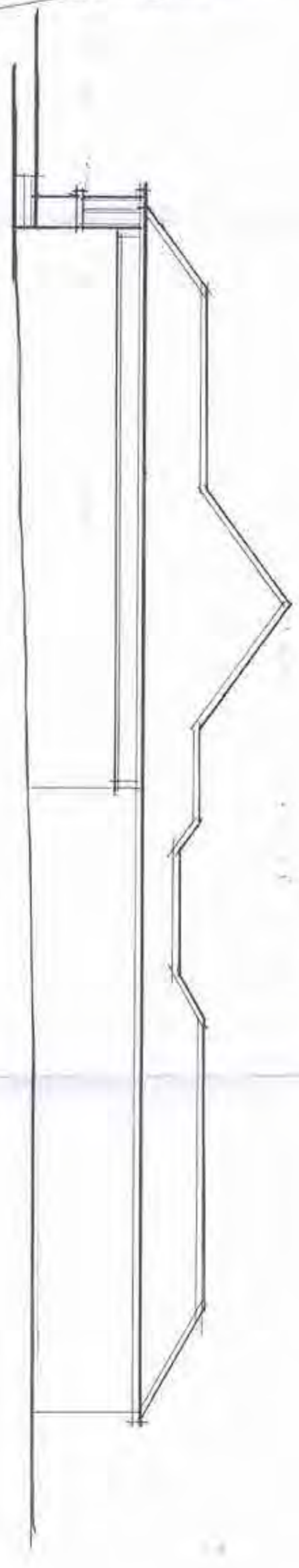
Front



Side



Rear



Side



Floor Plan

Revised Plans (A1)
D.211554



Steven J. Dunn & Associates Ltd. SURVEYING ARCHITECTURAL & PLANNING			
Client B. S. SHERGILL			
Job 69, FRANKLEY AVENUE, HALESOWEN, THE PLANS & ELEVATIONS AS PROPOSED			
Scale: 1:100			
Date: 07/12			
Drawn SJD	Job No. H125	Eng No. SK 1	Rev B
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