

PLANNING APPLICATION NUMBER:P07/0162

Type of approval sought	Full Planning Permission
Ward	Lye & Wollescote
Applicant	Mr Stringer
Location:	76, CALEDONIA, BRIERLEY HILL, DY5 2LX
Proposal	ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS WITH NEW ACCESS TO THE HIGHWAY (RESUBMISSION OF WITHDRAWN APPLICATION P06/1862).
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site is the side garden to No. 76 Caledonia. That property sits on a plateau – the application site has steep banking down to the highway, and a fall in levels to the adjoining existing dwelling to the east (1 Stour Valley Close – a modern semi detached property, part of a small close of 7 dwellings). The difference in levels between the application site and the highway is approximately 3 metres, with a 500 mm high fence on top of the banking. The difference in levels between the application site and 1 Stour Valley Close is approximately 3.5 metres, with a 2.5 metre high retaining wall between, with a 1.5 metre high fence and conifer hedge on top of it.
- 2 There are dwellings to the rear of the site, with a large tree near on the site near the shared boundary. On the opposite side of Caledonia, there is a drive leading to a former sewage works, within the landscaped setting of the River Stour valley.

PROPOSAL

- 3 This is a full application for a pair of semi detached houses. They are shown with 2 bedrooms with a pyramid hipped roof and a projecting front element with a side entrance and hipped roof. Parking is shown on a shared drive with steps rising either side. The set back from the highway is approximately 12 meters which will accommodate two vehicles per dwelling in tandem.
- 4 This proposal follows a previous approval for a single house (P02/1995), and follows the withdrawal of a recent application for a pair of semi detached dwellings (P06/1862).

HISTORY

- 5 A summary of the planning history is set out in the table below:-

APPLICATION No.	PROPOSAL	DECISION	DATE
P01/0952	Erection of detached house	Approved	04/10/01
P02/1995	Erection of detached house	Approved	13.12.02
P06/1862	Erection of a pair of semi-detached dwellings	Withdrawn	09.11.06

Application P06/1862 was withdrawn following concerns with regard to insufficient amenity space, limited circulation space at the side of each dwelling, and the potential for over-dominance of the adjoining dwelling (1 Stour Valley Close).

PUBLIC CONSULTATION

- 6 A letter of objection has been received from the occupier of 1 Stour Valley Close. The relevant issues raised, in summary, are:-
- o Will the retaining wall be structurally sound ?
 - o The proposal will cause overshadowing to the whole of the objector's rear garden (the existing large tree already does this to an extent);
 - o It will impact on privacy – the proposed windows on the rear elevation will cause overlooking of the neighbour's rear garden;

OTHER CONSULTATION

- 7 **Group Engineer (Development):** No objections received subject to conditions.
- 8 **Head of Environmental Protection (HEP):**
Ground Contamination: recommend a condition on contamination (soil gases).
Noise and air quality: No adverse comments.

RELEVANT PLANNING POLICY

- 9 Adopted Unitary Development Plan (2005)
- DD1- urban design
 - DD4 – development in residential areas;
 - DD6 - access and transport infrastructure;
 - AM14 – parking

10 Supplementary Planning Guidance Note

(PGN) 3 - new housing development.

ASSESSMENT

11. The Key Issues are:

- Planning History
- Decision
- Residential Amenity
- Access and Parking

12 Of significance in this assessment, is the planning history, in particular the 2002 approval for a detached house (P02/1995) and the recently withdrawn application for a pair of semi detached dwellings (P06/1862). Indeed, the current application seeks to address the concerns expressed at the time that P06/1862 was assessed, with the principle of development on this site having been previously accepted as a result of the 2002 approval.

13 Those concerns related to: insufficient amenity space; inadequate width to the side entrances; the over-dominance of the adjoining property at 1 Stour Valley Close.

14 The applicants have sought to address those concerns by:-

- o Amending the design of the roof from a pitched roof to a pyramid hipped roof, including reducing the height to the ridge line by 300mm;
- o Insetting the side entrance in from the side boundaries of the site – previously those entrances were shown on the side elevation, they are now shown on the projecting front element;

- o The rear building line of the proposed dwellings has been brought forward – previously the rear garden lengths were 8.8 metres, they are now shown as 11 metres.

Residential Amenity

- 15 It is considered that the revised side entrance provides for a more commodious and better designed pedestrian access solution.
- 16 The increase in rear garden length provides for amenity space in line with PGN 3 guidelines, and increases the separation distance to the rear of the dwellings in Rodway Close, while reducing the amount of rear projection to the adjoining host property (76 Caledonia).

Design

- 17 With regard to the change in roof design, this is considered significant in pulling the ridge away from the side boundary with 1 Stour Valley Close by 4.3 metres more than was shown in the previous scheme (from that shown in P06/1862). A small decrease in the height of the ridge line is also involved. These amendments, along with a reduction in the length and massing of the proposed development from that previously shown under the terms of P06/1862, are considered to have reduced any impact on the amenity of the occupiers of 1 Stour Valley Close to an acceptable level.
- 18 While the revised main pyramid hipped roof provides some design conflict with the standard hipped roof above the projecting front element, this is not considered significant given the set back of the dwelling from the highway / public realm and that the slopes on both roofs are at a similar angle.
- 19 A condition has been recommended to require details of retaining walls to be submitted for approval. It is considered that this would enable the structural capabilities of such structures to be satisfactorily addressed.

Access and Parking

- 20 With regard to access and parking, the arrangements shown are similar to those on the previous scheme (P06/1862) on which the Group Engineer had no adverse comments on.

CONCLUSION

- 21 The change in roof style and the increase in rear garden length now proposed successfully overcome the concerns raised on the previous (withdrawn) scheme (P06/1862). The resulting proposed dwellings are consequently considered to be of an adequate design, while providing a sufficient level of amenity for future occupiers without harming the amenity of the occupiers of existing dwellings around the site.

RECOMMENDATION

- 22 Approval is recommended, subject to the following conditions reflecting those attached to the previous approval – P02/1995).

Reason for approval

The Local Planning Authority consider that the change in roof style and the increase in rear garden length now proposed successfully overcome the concerns raised on the previous (withdrawn) scheme (P06/1862). The resulting proposed dwellings are consequently considered to be of an adequate design, while providing a sufficient level of amenity for future occupiers without harming the amenity of the occupiers of existing dwellings around the site. There is therefore concurrence with the development plan, in particular policy DD4 of the Unitary Development Plan.

Informative

This permission relates to the following plans – 06:38:04, 06:38:05, 06:38:06

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. None of the dwellings shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.
3. Development shall not begin until details of the existing and proposed levels of the site, which should be related to those of adjoining land and highways, have been submitted to and approved by the local planning authority.
4. Plans showing details including sections of existing retaining walls on the site shall be submitted to and approved by local Planning Authority before development is commenced, and calculations provided to prove that the walls as shown will be capable of supporting the likely future loading from the proposed development, and where work is required to the existing retaining walls to ensure that they will sustain the future loading, the development shall not be occupied until such work has been carried out in accordance with the approved plans.
5. Unless otherwise agreed in writing, details of the proposed retaining walls within the site shall be submitted to and approved by the Local Planning Authority before development is commenced and the development shall not be occupied until the retaining walls have been constructed in accordance with the approved plans.
6. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane & carbon dioxide. Where the investigations identify the presence of methane and/or carbon dioxide the development shall not begin until a scheme to protect the development from the effects of such gases has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
7. 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.
8. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations have been submitted to and approved by the local planning authority.
9. No development shall commence until details of boundary treatment across the application site has been submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatment shall be installed before the first occupation of the approved dwellings.
10. 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.

11. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 10 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.
12. Prior to the first occupation of a dwelling the means of access and parking areas will be provided in accordance with the approved details, drained levelled surfaced and marked out and will be retained for no other purpose for the life of the development.
13. The proposed access onto the Highway, will maintain a 2.0 meter (m) (X- Distance) by 65m (Y- Distance) visibility splay required upon exit from the site to the right hand and 2.0 meter (m) (X- Distance) by 51m (Y-Distance) visibility splay required upon exit from the site to the left. These visibility splays will be kept clear of structures and landscaping above a height of 600mm and will be within land controlled by the applicant.
14. Details of proposed or existing retaining structures adjacent to or within the site boundary shall be submitted to and approved by the Local Planning Authority before development is commenced and the development shall not be occupied until the retaining structures have been constructed in accordance with the approved plans.