

## PLANNING APPLICATION NUMBER:P13/0336

Type of approval sought	Full Planning Permission
Ward	Halesowen South
Applicant	Mr M Dhaliwal
Location:	<b>39, MANOR ABBEY ROAD, HALESOWEN, B62 0AG</b>
Proposal	<b>PART A: RETROSPECTIVE APPLICATION FOR THE ERECTION OF A TWO STOREY SIDE/REAR EXTENSION AND SINGLE STOREY FRONT AND REAR EXTENSIONS AND LOFT CONVERSION WITH SIDE AND REAR DORMERS. PART B: RETROSPECTIVE APPLICATION FOR THE ERECTION OF A DETACHED GARAGE IN GARDEN (FOLLOWING DEMOLITION OF EXISTING GARAGE AND SHED)</b>
Recommendation Summary:	<b>PART APPROVE &amp; PART REFUSE (SPLIT DEC'N)</b>

### SITE AND SURROUNDINGS

1. No.39 Manor Abbey Road is a semi detached property situated on a prominent corner of a residential estate and elevated above the properties to the rear in Raddens Road, which runs adjacent to the application site.
2. In the immediate area, the adjoining property has previously benefitted from the erection of a conservatory which is situated on the western boundary, the entrance to which is side facing toward the boundary with No. 39.
3. The rear, No. 2 Raddens Road is side facing to the rear of No. 39 and is situated at a lower ground level. This property is built on the boundary and has no side facing windows.
4. To the east, across Raddens Road, No 37 is separated by 22.8m to the side elevation which has two side facing windows serving a bedroom and a landing.

## PROPOSAL

5. The property has previously received planning permission (application reference P11/1437) for various alterations comprising a two-storey side and rear extension, a loft conversion with a side and rear dormer and the erection of double garage in the rear garden.
6. However the alterations that have subsequently been undertaken to the property do not equate to the approved plans. The main discrepancies are the insertion of a total of 3 additional habitable room windows in the west and east facing elevations, the creation of a large dormer at the rear roof of the property which adjoins the roof of the rear extension, and alterations to the orientation of the garage and the insertion of windows. Two mini gablets have also been formed in the side facing roof plane in order to facilitate the alterations to the roof.
7. Other discrepancies between the approved plans and the development that has been carried out relate to the formation of window openings larger than those approved and the insertion of bow windows.
8. This application therefore seeks retrospective consent for the alterations that have been made to the property which do not accord with the approved plan as follows;
  - A rear facing dormer, 2.6m in height with a minimum width of 2.5m and a maximum width of 5.6m. The side of the dormer connects with the new roof extension which projects to the rear. The window is greater in height and width than previously approved and the extent of tile hanging under the roof measures 0.9m.
  - At first floor two west facing windows have been inserted that serve a study. There is a further approved window in the rear elevation serving this room.
  - On the opposite, east facing elevation, a 2m wide window serving a bedroom has been inserted. This room also has a rear facing window.
  - The garage is constructed on the boundary with the adjoining property to a maximum height of 4.2m to the ridge, 6.5m in depth and 6.96m in width. The

orientation of the garage roof has altered from being parallel to, to being perpendicular to the boundary with No. 41.

- The side facing gablets which are 0.8m in width at the base and 0.35m in height.

## HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P05/0696	Detached house within rear garden.	Refused	24.05.06
P11/1184	Two storey side/rear and single storey rear extensions. Loft conversion with rear and side dormers. New detached rear garage (following demolition of existing).	Withdrawn	03.11.11
P11/1437	Two storey side/rear and single storey rear extension. Loft conversion with side and rear dormers. Erection of double garage in rear garden (following demolition of existing garage and shed)(resubmission of withdrawn application P11/1184)	Approved with Conditions	13.03.13
P12/1610	Two storey side/rear and single storey rear extensions. Loft conversion with side and	Withdrawn	21.2.13

	rear dormer.		
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## PUBLIC CONSULTATION

9. The application was advertised via neighbour notification letters sent to the occupiers of twelve neighbouring properties.

10. As a result 6 letters of objection have been received raising the following material planning concerns:

- The bay window at ground floor, the porch and the new bay windows at first floor are larger.
- Two additional windows have been added to the study.
- The second floor rear extension appears to have been vastly extended in size and the second storey dormer is much larger than approved.
- The garage appears to have been built for possible use as a dwelling
- The extension stands high with large windows and patio doors overlooking the neighbouring property.
- The property is not keeping with the appearance of the rest of properties in the area and has completely spoilt the architecture of this well built residential estate.
- It is not thought that the garage has ever housed a vehicle but may have been lived in.
- The carport has been constructed close to the neighbouring property and the roof of the car port slopes toward the neighbouring property.
- Certain parts of the plans are larger than shown on the original plan including dormer windows and adding windows. The garage appears to have changed its use.
- The approved plans should be enforced.
- Condition pertaining to no additional openings has not been adhered to.
- The double garage does not adhere to the original plan as it is orientated at 90 degrees to the original approval with a car port that was not on the original plans.

- The development is not in keeping with the built environment of the area.

## OTHER CONSULTATION

11. **None undertaken.**

## RELEVANT PLANNING POLICY

### Saved Unitary Development Plan (2005)

- Policy DD1 – Urban Design
- Policy DD4 – Development in Residential Areas

### Supplementary Planning Guidance

- Planning Guidance Note (PGN 17) – The House Extension Design Guide

### Supplementary Planning Document

- Parking Standards Supplementary Planning Document

## ASSESSMENT

12 This assessment has been undertaken on the basis of whether the alterations that have been made that were not included on the approved plan (P11/1437) are detrimental by way of visual or residential amenity.

13. Key issues:

- Character, Scale and Design
- Residential amenity
- Permitted Development
- Parking and highway safety

### Character, Scale and Design

14. The side dormer facing Raddens Road is greater in height than the previously approved dormer and therefore sits closer to the eaves level, however, it is of a reduced width and it is considered on balance that this dormer is an acceptable

addition to the host property and that it would not have a significant detrimental impact upon visual amenity.

15. The rear facing dormer however is of a significantly larger scale than previously approved and spans the width of both the original and extended roof. The window opening is of a similar width as previously approved but of a greater height of nearly 1m. The enlarged dormer has a large expanse of tile hanging underneath the window in question and also to the right. Given the scale and design of this dormer and also the elevated position of the dwelling when viewed from Raddens Road, it is considered a wholly inappropriate addition to the rear of the property, serving as an incongruous feature that has a significant detrimental impact upon visual amenity within the area. Had this dormer been included within the previous planning application it would not have been recommended for approval.
16. In terms of their impact it is considered that the other alterations to the approved windows by way of larger openings and bay windows are considered acceptable in the context of the street scene and the property and are not considered to unduly impact upon visual amenity.
17. The proposed rear dormer therefore is considered to be a wholly inappropriate addition to the host property, serving as an incongruous feature to this open aspect of the rear of the property, significantly impacting upon visual amenity. The development would therefore be contrary to both Saved Policies DD1 – Urban Design and DD4 - Development in Residential Areas of the adopted UDP and the provisions in Planning Guidance Note 17 – The House Extension Design Guide.

#### Residential amenity

18. In terms of residential amenity a number of the alterations to the approved windows by way of larger openings and bay windows are not considered to impinge upon residential amenity owing their siting, which remains as approved under P11/1437.
19. However two first-floor windows have been added to the West facing elevation and one to the East facing elevation. A condition was attached to the previous approval

to prevent any additional openings being formed in these elevations (the side elevations facing towards no. 41 Manor Abbey Road and Raddens Road) without the prior written approval of the LPA in order to safeguard the amenities of the occupiers of neighbouring properties.

20. With respect to the windows facing No 41, these provide clear opportunity for the overlooking of not only the adjoining property but also those that are located beyond this. It is considered that this is an unacceptable situation which detrimentally impacts upon the amenities that can reasonably be expected to be enjoyed by these occupants. The applicant's agent has suggested that the windows be obscure glazed however given the close proximity of the windows to the boundary it is considered that they would still give rise to a sense of overlooking.
21. With respect to the additional East facing window, it is considered that the large opening gives clear overlooking of the side and rear garden to No. 37, again giving rise to an unacceptable loss of privacy as a result, to the detriment of residential amenity.
22. The development would therefore be contrary to Saved Policy DD4 - Development in Residential Areas of the adopted UDP and the provisions in Planning Guidance Note 17 – The House Extension Design Guide.

#### Permitted Development

23. The Town and Country Planning (General Permitted Development) (Amendment) (No.2)(England) Order 2008 sets out the rules concerning what alterations may be undertaken to a dwellinghouse without the need for planning permission. The applicant's agent considers that many elements of the scheme (and in particular the enlarged rear dormer window) could have been undertaken within these Permitted Development parameters.
24. However the Communities and Local Government Permitted Development for Householders Technical Guidance document states that when considering whether a development proposal is permitted development, all of the relevant Parts of the rules and all the Classes within those Parts need to be taken into account.

25. As the dormer (which on its own would be considered under Class B) connects into the main two-storey side and rear extension that was constructed at the same time it would also need to satisfy all parts of Class A, which it fails to do.
26. As such it is considered that the works could not be undertaken without consent and no weight has been given to any potential permitted development 'fall-back'. In addition if the applicant had considered that the works undertaken were permitted development then the appropriate course of action would have been to submit an application for a Lawful Development Certificate. As the works have been submitted as part of a planning application the Local Planning Authority is bound to consider the application on its merits.

#### Parking and highway safety

27. Given that there is a large hard standing and double garage to the rear of the property, the site is considered sufficient in size to accommodate three vehicles clear of the highway and the proposal is considered to comply with the provisions of the Parking Standards Supplementary Planning Document which relates to highway safety.

## **CONCLUSION**

The scale of the rear dormer, in an elevated prominent position, would be out of scale with the existing residential dwelling and serve as an undue addition to the property, resulting in an incongruous addition to the host property. Development would therefore be contrary to Saved Policies DD1 (Urban Design), DD4 (Development in Residential Areas) and Planning Guidance Note 17 – House Extension Design Guide.

## RECOMMENDATION

It is recommended that the application is refused for the following reasons,

Conditions and/or reasons:

1. The scale of the rear dormer, in an elevated prominent position, would be out of scale with the existing residential dwelling and serve as an undue addition to the property, resulting in an incongruous addition to the host property. Development would therefore be contrary to Saved Policies DD1 (Urban Design), DD4 (Development in Residential Areas) and Planning Guidance Note 17 – House Extension Design Guide.
2. The west and east facing habitable room windows overlooking No. 41 Manor Abbey Road and No. 37 Manor Abbey Road respectively would result in overlooking of the rear gardens of neighbouring properties and a loss of privacy having a significant impact upon residential amenity contrary to Saved Policy DD4 (Development in Residential Areas) and Planning Guidance Note 17 – House Extension Design Guide.

## 2<sup>nd</sup> RECOMMENDATION

That enforcement action be taken.



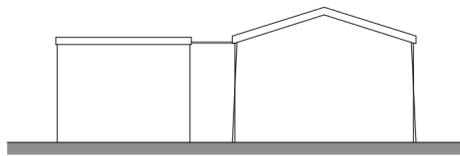
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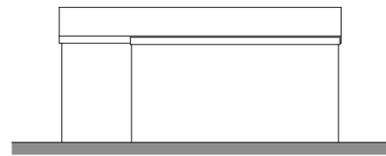


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Halesowen.  
West Mids  
B62 0AG.

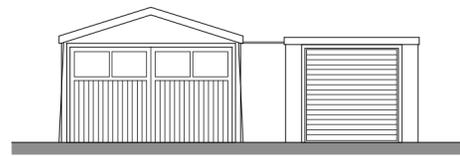
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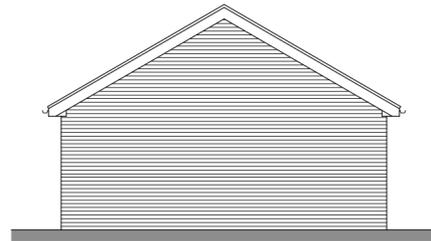
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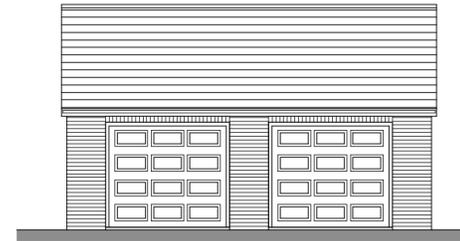
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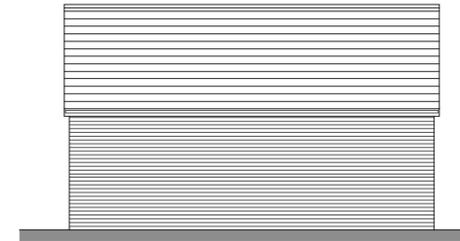
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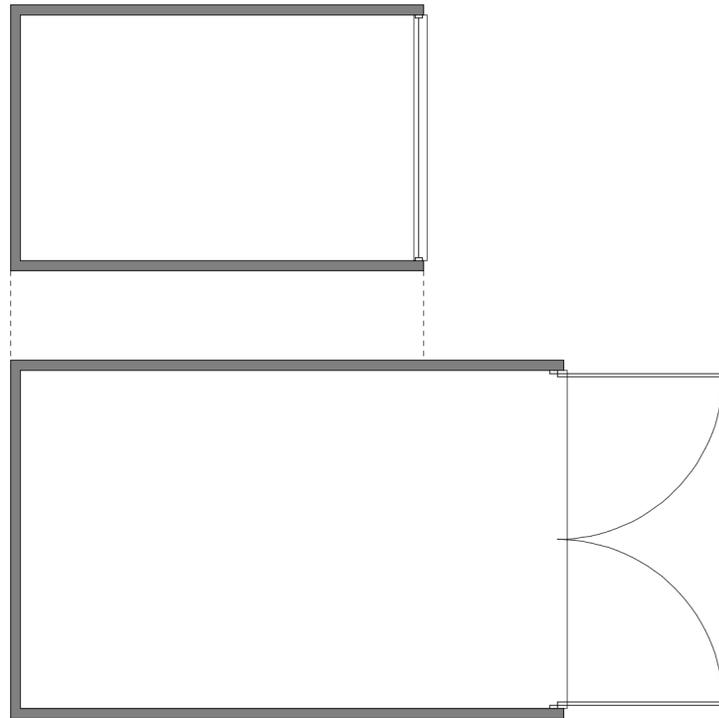
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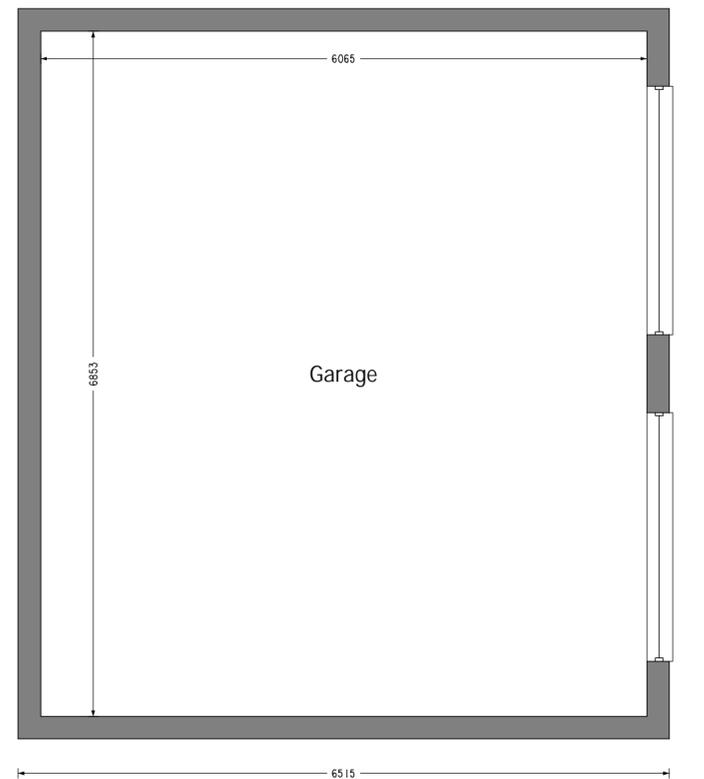
Proposed Front Elevation  
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Proposed Rear Elevation  
scale - 1:100



Existing Garage  
scale - 1:50



Proposed Garage  
scale - 1:50

Party Wall Act 1996 - The client is the building owner, and as such should take necessary steps to comply with the act where applicable.

CDM - It is the clients responsibility to take all necessary steps to fully comply with the CDM regulations 2007. The designer has taken necessary action to avoid injury / incident within the specification and reasonable & practicable steps in the design of the building.

These drawings are for Planning and Building Regulations approval only. Figured dimensions must be taken in preference to scaled. All dimensions must be checked on site by the contractor. Advise of any discrepancies before commencing work no liability is taken for any deviation or any unreported variations found on site prior or during work is in progress.

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rev.	description	date	initial
a	height reduction as requested by Mr N. Howells	23/02/11	
-		09/09/11	



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Birmingham, B42 1NP

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Fax: 0121 357 7492  
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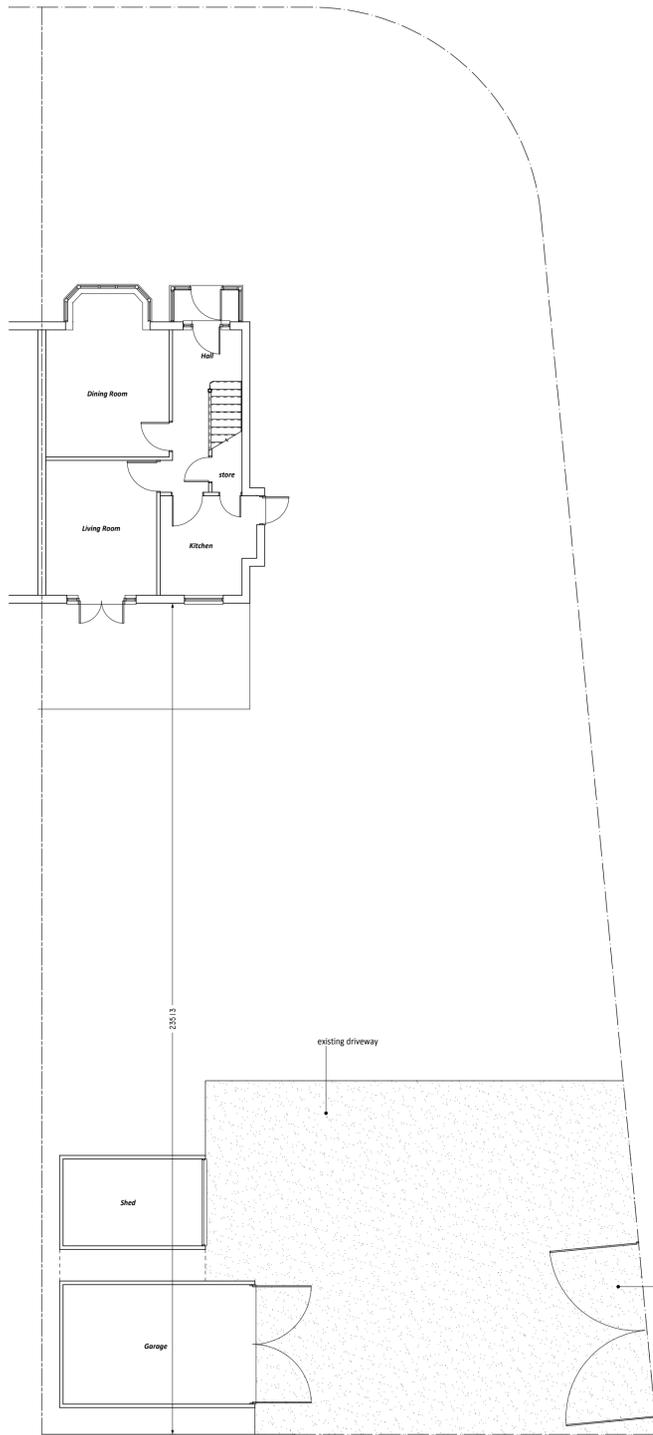
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Project  
39 Manor Abbey Road,  
Halesowen, B62 0AG

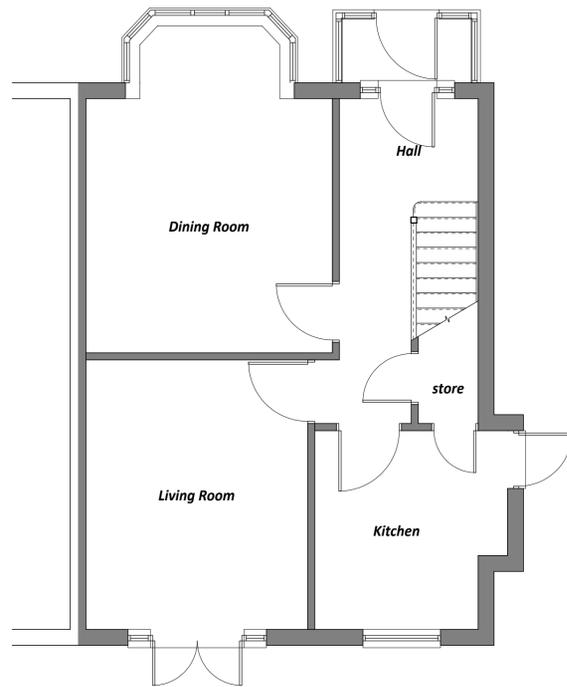
Client  
Mr. M. Dhaliwal

Scale  
1:50 & 1:100 @ A2

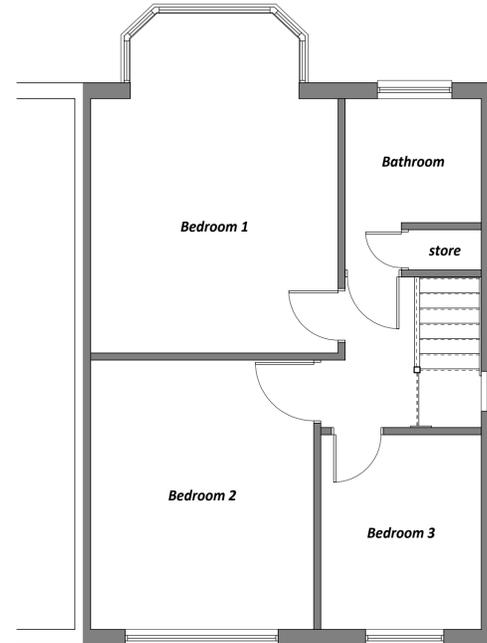
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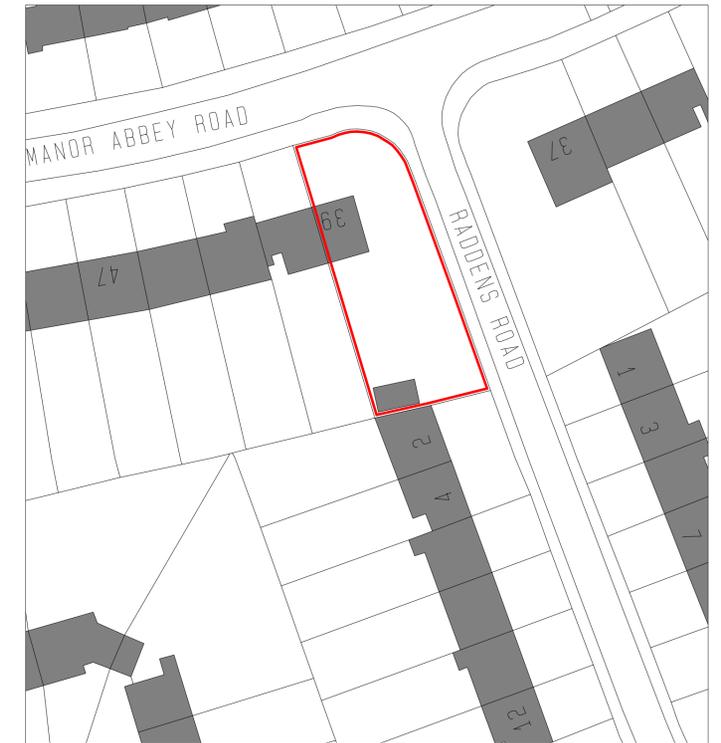
**Site Layout**  
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**Existing Ground Floor**  
scale - 1:50



**Existing First Floor**  
scale - 1:50



**Site Location Plan**  
scale - 1:500



**Existing Side Elevation**  
scale - 1:100



**Existing Front Elevation**  
scale - 1:100



**Existing Rear Elevation**  
scale - 1:100



**Proposed Side Elevation**  
scale - 1:100



**Proposed Side Elevation**  
scale - 1:100



**Proposed Front Elevation**  
scale - 1:100



**Proposed Rear Elevation**  
scale - 1:100

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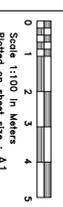
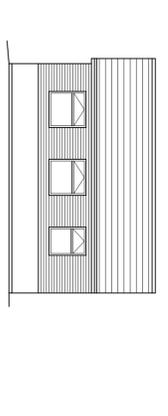
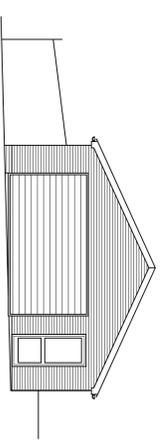
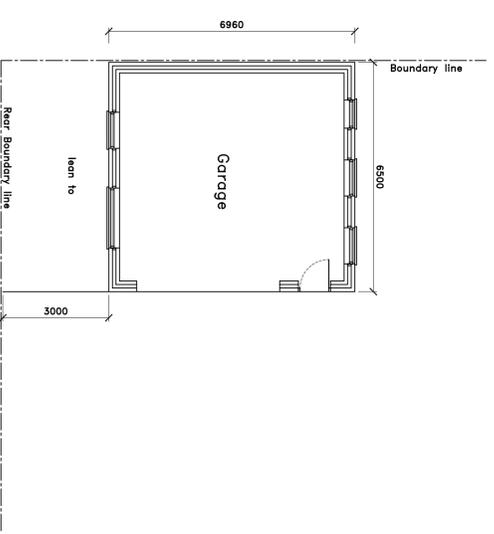
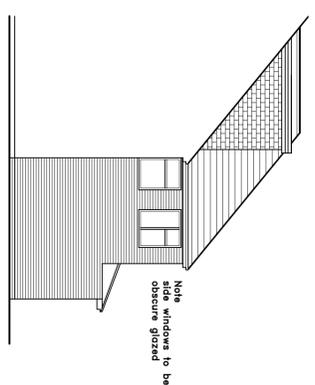
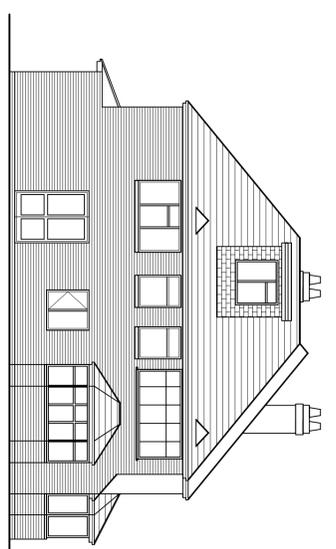
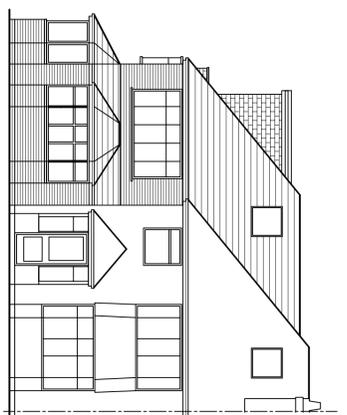
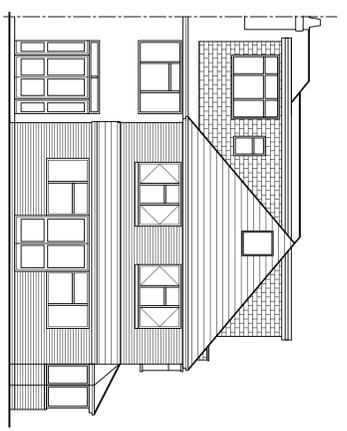
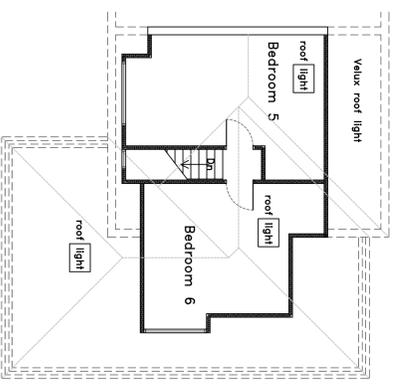
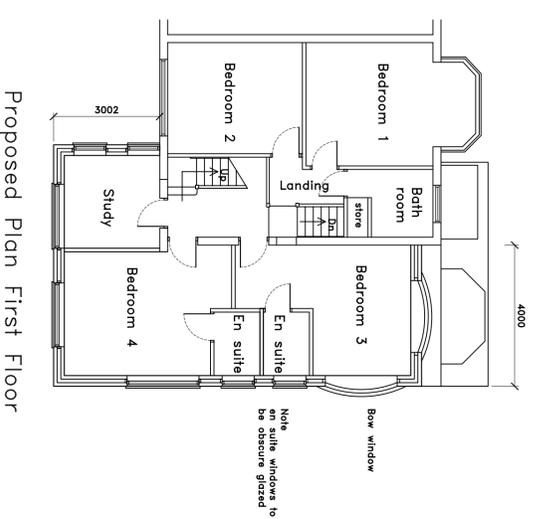
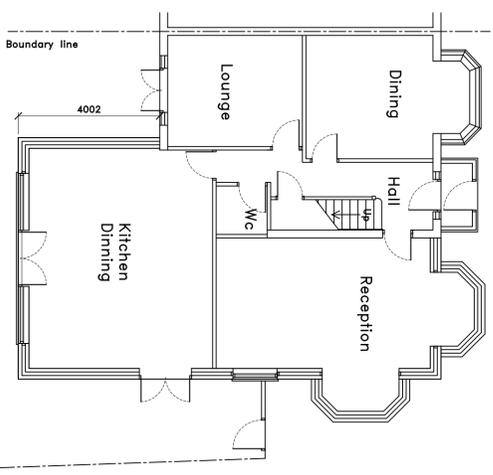
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a	amended plans as requested by Mr. N. Howell	04/11/11	
-		09/09/11	



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Title	2 Storey side & rear, single storey rear extension, loft conversion & new double garage to rear		
Project	39 Manor Abbey Road, Halesowen, B62 0AG		
Client	Mr. M. Dhaliwal		
Scale	1:50, 1:100 & 1:500 @ A1		
Drawing No.	MC/324/01	Checked	

**SPECIFICATIONS**  
 GENERAL - The contractor must check all dimensions and details before starting work or ordering materials and must advise the architect immediately if there are any discrepancies. The contractor is also to ensure that all work is done in accordance with the Building Regulations and Building Regulations APPROVAL ONLY.



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Project:  
 Proposed erection of two storey  
 side & rear & garage extension  
 and loft conversion at :-  
 39 Manor Abbey Road  
 Halesowen West Mids B62 0AG

Subject:  
 Proposed Plans & Elevations

Client: Mr. M. Dhaliwal

Scales: 1:100 @A1

Date: 7th March 2013

Sheet No: 01

Applicant for: **PI**

Drawn: B S Atwal

Job No: 1212-1425

Revisions: