

**22/00985/FUL**

**Mr And Mrs D Wilson**

**WOMBOURNE**

**Cllr K Upton**

**Cllr M Evans**

**75 Sytch Lane Wombourne Staffordshire WV5 0LB**

**Proposed front, side and rear extensions (regularisation of works permitted under 21/00038/FUL)**

## **1. SITE DESCRIPTION AND PLANNING HISTORY**

### **1.1 Site description**

1.1.1 The application site relates to a detached two-storey dwelling set within a large plot on Sytch Lane. The dwelling is characterised by fronting dormer windows. The dwellinghouse is located within the defined development boundary for Wombourne. Building works are currently underway at the site associated with a previously approved development.

### **1.2 Planning history**

2021 Proposed Extension, Approved Subject to Conditions [21/00038/FUL]

2003 Alterations and extensions to provide porch, store at first floor and pitched roofs on dormers, Approved Subject to Conditions [03/00297/FUL]

## **2. APPLICATION DETAILS**

### **2.1 Pre-application advice**

None.

### **2.2 The proposal**

2.2.1 Works have commenced on the site associated with the approved application 221/00038/FUL but have not been undertaken in strict accordance with the approved scheme. This current application proposes the regularisation of modifications made to permission 21/00038/FUL which including the following:

- Removal of existing rear and side conservatories;
- Two storey rear extension at the eastern end of the dwelling, measuring 6.8m wide by 3.9m long, eaves height of 5.1m to match existing rear eaves, gable roof peak height of 7.8m to match existing rear peak height;
- Two storey side extension at the western end of the dwelling, measuring 3.9m wide by 13.6m long at the ground floor. This would encompass the existing garage. First floor extension measures 3.9m wide by 8.2m long, eaves height of 5.2m, gable roof peak height of 7.8m to match existing front peak height;
- Two storey front extension for entryway and staircase; and
- Modification to front roof dormers.

2.2.2 The application notes that the existing brick and render dwelling is to be fully rendered upon completion of the proposed works. This is not considered to require planning consent given the mix of materials to the original/host dwelling.

## 2.3 Amended plans

2.3.1 The full extent of the proposed development was indicated correctly on the proposed Block Plan (received 17/10/22).

## 2.4 Agent's submission

None.

## 3. POLICY CONTEXT

3.1 Within the Wombourne Development Boundary.

### 3.2 Adopted Core Strategy

Core Policy 1: The Spatial Strategy for South Staffordshire

Core Policy 3: Sustainable Development and Climate Change

Policy EQ9: Protecting Residential Amenity

Appendix 6: Space about Dwellings Standards

Core Policy 4: Promoting High Quality Design

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Core Policy 11: Sustainable Transport

Policy EV12: Parking Provision

Appendix 5: Parking Standards

### 3.3 Adopted local guidance

South Staffordshire Design Guide [2018]

Sustainable Development SPD [2018]

### 3.4 National Planning Policy Framework [2021]

12. Achieving well-designed places

## 4. CONSULTATION RESPONSES

### 4.1 Comments received

No comments from Ward Councillors (expired 11/11/22)

Wombourne Parish Council (received 9/11/22) no objections

Neighbour at Stonegarth (received 1/11/22) The original application for this extension (21/00038/FUL) was approved without consultation of the neighbouring properties when amended plans were submitted. In addition, there was no application title change after receipt of the amended plans. The absence of this notification provided no opportunity for the neighbouring properties to object to the application. This is currently under review via a second stage complaint and the Ombudsman. Once the application was obtained without adherence to the planning process, construction was commenced whereby the originally approved plans were used as guidance. The deviation from the original plans was so severe that after notification, the planning authority required retrospective planning permission detailing the deviations from the original amended plans. I would like to file an objection to the size and design of the window to the rear of the property in the new application. The position and size of this rear window has removed all privacy from our properties rear

garden providing an elevated view of our entire property meaning we are now completely overlooked. The window should be reduced to its originally approved size and design to minimize its impact on our property.

Senior Arboricultural Officer (received 21/11/22) I have no issue with any aspect of the regularisation of 22/00985/FUL. The tree condition(s) recommended for 21/00038/FUL cover all the relevant points and the essence of the previous Arboricultural Officer's consultation response is sound. Therefore, I would recommend simply carrying over the previous tree related conditions.

Site Notice: Not applicable.

## **5. APPRAISAL**

5.1 This planning proposal is brought before Members of the Planning Committee as the Applicant is an elected Member of South Staffordshire Council

### **5.2 Key Issues**

- Principle of development
- Design, scale and impact on the character of the area
- Impact on neighbouring properties
- Impact on protected trees
- Space about Dwellings
- Highways/parking
- Representations

### **5.3 Principle of development**

5.3.1 The site is located within the defined development boundary of Wombourne identified as a 'Main Service Village' in the settlement hierarchy for the District, where for the purposes of Policy CP1 domestic extensions and alterations are accepted, providing there are no adverse impacts on neighbouring properties or the amenity of the area and subject to compliance of other development management policies.

### **5.4 Design, scale and impact on the character of the area**

5.4.1 Policy EQ11 of the Core Strategy requires that new development "respect local character and distinctiveness, including that of the surrounding development and landscape [...] by enhancing the positive attributes whilst mitigating the negative aspects", and that "in terms of scale, volume, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area." The Council's 2018 Design Guide has been adopted and amplifies the principles set out in Policy EQ11 of the Core Strategy.

5.4.2 The design and style of the dwellings along Sytch Lane all vary with a resultant mixed street scene. Having visited the property when construction was underway, it is apparent that the extensions are appropriate by way of siting and scale and do not overwhelm any of the surrounding properties. The extensions complement the overall form of the main property at No 75. Whilst the existing dwelling is brick and render and the proposal includes fully rendering the dwelling, render is a common material in this area and would not appear out of place. Overall, it is considered that the proposal would accord with Policy EQ11 of the Core Strategy, 2012.

## 5.5 Impact on neighbouring properties

5.5.1 Policy EQ9 states that new development "should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution)[...]and daylight".

5.5.2 The proposals are considered in relation to the impact on neighbouring amenity. Given the distance between dwellings, the lack of new facing windows proposed for the eastern side of No 75 and the established boundary treatment, it is not considered that there would be any impact on the nearest dwellings to the northeast at Lymore House or Stonegarth (subject to the tree protection measures as below). Whilst no objections have been received from Lymore House, the objection received from the occupant of Stonegarth is considered further within Section 5.9 below.

5.5.3 The existing single-storey conservatory and linked garage would be replaced by a two storey side extension at the southwestern end of No 75. The proposal would reduce the space between the built form within the curtilage towards the western boundary, between the application site and the neighbouring dwelling at No 73 Sytch Lane. The two-storey extension would replace the side extension and extend 3.9m from the existing side wall.

5.5.4 To note, the building line of the proposed extension at No 75 would be also brought forward, with No 73's principle building line remaining set back. Therefore, the increase in height of the built form together with the decrease in space between the siting and No 73 is assessed in full as follows.

5.5.5 The rear portion of the western side extension would be gable ended and follow the form of the existing dwelling with matching roof ridge height and eaves height. There are two first-floor windows proposed for the side extension although they are to en-suites and would be obscure glazed and conditioned as such for the life of the development.

5.5.6 It is considered the matching design of the centre gable and single storey nature of the front of the extension would compensate for any potential implication on the primary habitable windows to ground floor front and first floor side of the neighbouring property at No. 73. No objections have been received from the occupiers of No 73 Sytch Lane.

5.5.7 It is therefore considered that there would be no significant impact on neighbouring amenity. As such the proposal accords with Policy EQ9 and the guidance contained within Appendix 6 of the Core Strategy, 2012.

## 5.6 Impact on protected trees

5.6.1 Policy EQ4 Protecting and Enhancing the Character and Appearance of the Landscape of the adopted Core Strategy that states (in part): 'The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved'.

5.6.2 Policy EQ12 seeks to protect and enhance key landscape features. The proposed extensions and/or construction of the extensions may have a potential impact on the protected trees within the neighbouring back garden at Stonegarth. These trees are subject

to a tree protection order reference T5 & T6 (under reference 5/1975). In addition, the development is considered in regard to the protected trees along the rear of the garden area A1.

5.6.3 When the previous application (21/00038/FUL) was reviewed, the former Arboricultural Officer recommended several tree protection conditions. The current Arboricultural Officer was consulted on the current application and agreed that the tree conditions from permission 21/00038/FUL should be carried forward.

5.6.4 As aforementioned, within permission 21/00038/FUL the former Arboricultural Officer was consulted on the proposed Tree Protection Fencing which shows an area in an arc depicted where the fencing would protect. It is not considered that this would offer root protection for those trees subject to the tree protection order as such, any recommendation for approval will be subject to tree protection fencing along the entire rear area of the garden to avoid any compaction of soils or storage of materials impact on the root systems of these protected trees that may be present in the application site garden.

## 5.7 Space about Dwellings

5.7.1 The Core Strategy requires a garden space for a four bedroom dwelling measuring 10.5m in length and 100sq m in area. There would no increase in the number of bedrooms at the site. The rear extension would reduce the length of the garden amenity at the north-eastern end of the property, but there would be no conflict with the Standards.

## 5.8 Highways/parking

5.8.1 Core Strategy policy EV12 parking provision requires that adequate parking be included in development. Appendix 5 Parking Standards provides guidance on the recommended number of vehicle parking spaces to be provided.

5.8.2 The proposal would not result in an increase in the number of bedrooms at the property therefore the dwelling will remain compliant to the policy and Standards.

## 5.9 Representations

5.9.1 The comments received from the neighbouring property at Stonegarth have been considered, and the complainant has followed the correct procedure in contacting the Planning Ombudsman with concerns. The only concern identified in the comment that pertains to the current application relates to the size and design of the rear-facing window proposed for the two storey rear extension and the degree of overlooking of the neighbouring rear gardens. Whilst this is a retrospective application the rear extension is already the subject of approval pursuant to previous application.

5.9.2 The rear-facing window maintains the width of the window approved under permission 21/00038/FUL, with an additional half-octagonal window on top of the traditional rectangular window. The base of the octagonal section of the window measures approximately 1.8m above floor level. As such, the increase in the scale of the window from that previously approved is above a height where overlooking could reasonably take place due to its height. The window proposed is no different in terms of potential overlooking that was previously approved. Further, the window does not directly overlook the flank side wall of any neighbouring dwellings, which would call into consideration the Space About Dwellings Standards. As such, I do not find that the proposed rear-facing window will

overlook the gardens of the neighbouring properties in a manner that will materially reduce their amenity to any greater degree than the window approved pursuant to planning permission 21/00038/FUL

## **6. CONCLUSIONS**

6.1 In light of the above observations, the proposal is considered to accord with Policies CP1, EQ4, EQ9, EQ11, EQ12 and EV12 of the Core Strategy, 2012. The proposal is therefore considered acceptable and therefore recommended for approval subject to appropriate conditions.

## **7. RECOMMENDATION - APPROVE Subject to Conditions**

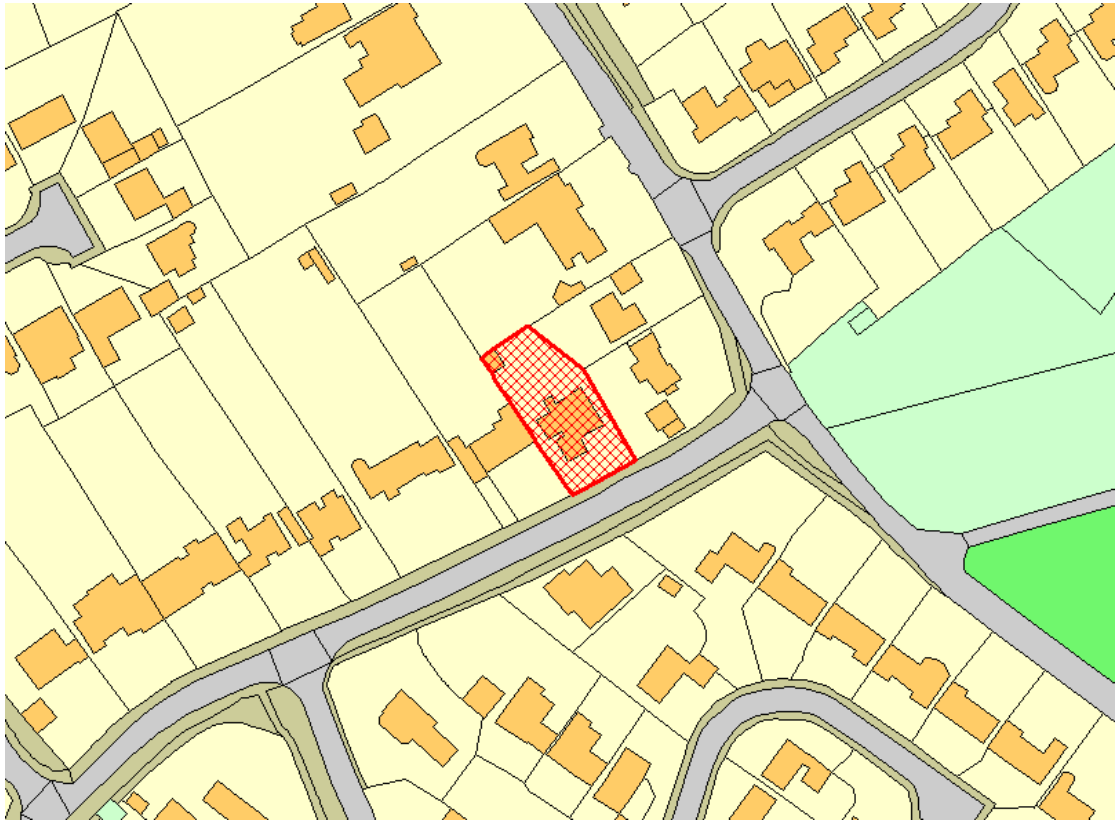
1. The development shall be carried out strictly in accordance with approved drawings: Block Plan, 19-590 Edition 3C Sheet 2C Proposed Plans and Elevations received 21/10/22.
2. The materials to be used on the walls and roof of the extension shall match those shown within the approved plans 19-590 Edition 3C Sheet 2C Proposed Plans and Elevations received 21/10/22, unless approved in writing by the Local Planning Authority.
3. Within one month of the date of this permission, Tree protective fencing shall be erected at a minimum distance of 12 times the trunk diameter (measured at 1.5m above ground level) of any tree in the rear garden of the applicant's garden and at the same calculated distance (measured from the centre of the tree) of any other tree in adjacent gardens that abut the applicant's garden and where that 'protected' distance extends into the applicant's garden, as identified within plan "Edition 1 Sheet 3 Planning" of Tree Report dated 07/19 and submitted by CJ Bradley. The Tree protection fencing shall be maintained throughout the life of the development.
4. No existing trees, shrubs or hedges on the site or its boundaries shall be cut down for a period of 10 years following completion of the development without the prior consent of the Local Planning Authority. If any the existing planting is removed or dies within 5 years of completion of the development it shall be replaced with the same species (or alternative agreed with the Council) within 12 months of its removal and as close to the original position as possible (or elsewhere in a position agreed with the Council). The existing and any replacement planting shall be maintained for a period of 10 years respectively from completion of the development or time of planting to the satisfaction of the Local Planning Authority.
5. The destruction by burning of any materials during the construction period shall not take place within 6 metres of the canopy spread of any protected trees or hedges.
6. There shall be no storage of construction materials or equipment or oil tanks within the protective fencing/root protection areas of the protected trees or hedges.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows nor velux roof lights shall be constructed within the southwest elevation. The proposed en-suite windows

within the southwest elevation shall be obscure glazed to a minimum level 3 for the life of the development.

#### Reasons

1. In order to define the permission and to avoid doubt.
2. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
3. To safeguard the amenity of the area and, in particular, to recognise the Tree Preservation Order in accordance with policy EQ12 of the adopted Core Strategy
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7. To safeguard the visual amenity of the area and the privacy of residents in nearby dwellings in accordance with policy EQ9 of the adopted Core Strategy.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.



75 Sytch Lane, Wombourne, Staffordshire, WV5 0LB