

**23/00419/FULHH**

**Mr And Mrs Windridge**

**KINVER**

Councillor Stephanie Dufty  
Councillor Paul Harrison  
Councillor Gregory Spruce

**Elsfield Dunsley Drive Kinver STOURBRIDGE DY7 6NB**

**Proposed garage and storage room to frontage, retrospective front porch, and single-storey extension to form utility.**

| <b>Pre-commencement conditions required:</b> | <b>Pre-commencement conditions Agreed</b> | <b>Agreed Extension of Time until</b> |
|--|---|---------------------------------------|
| <b>No</b>                                    | <b>N/A</b>                                | <b>19 September 2023</b>              |

## **1. SITE DESCRIPTION**

1.1 This application relates to a detached property within the Kinver Development Boundary that has a recently added lower ground floor extension (21/00962/FUL) and a conservatory constructed under Permitted Development.

1.2 The property is located on Dunsley Drive, which slopes downwards towards its south end. As a result, the dwelling and its frontage have a higher ground level than the neighbour to the south (West Point House).

1.3 The front of the property faces the driveways of Dunsley House and The Winery.

## **2. APPLICATION DETAILS**

2.1 The existing property has a W.C/Laundry that extends forward of the principal front building line of the dwelling by 2.8 metres. The applicants propose to construct an extension on the south side of this, to create a utility room. This would have a flat roof with a height of 2.9 metres when measured from the highest point of the sloping ground level.

2.2 The existing property has a 2.8-metre-high garage and a 2.5-metre-high carport to the front of the dwelling. These structures would be replaced with a double-garage and a storage room that would be located on a separate floor above the garage. The roof would be hipped and would have a height of 4.55 metres. This new structure would cover a similar footprint as the existing garage and carport, and the north elevation would feature two garage doors and a window. It would attach onto the east side of the existing W.C and proposed utility room.

2.3 Additionally, a retrospective porch is included within this application. This is constructed on the front entrance of the property and covers a space of 5.3 square metres and has a dual-pitched roof with a height of 3.4 metres.

Date of site visit - 21 June 2023

## **SITE HISTORY**

Planning Applications

21/00962/FUL: Single storey lower ground floor extension to provide dependent relative accommodation.  
**Approved Subject to Conditions**, 29th October 2021

15/00357/FUL: Replacement detached garage. **Approved Subject to Conditions**, 19th June 2015

10/00201/FUL: Single-storey front extension. **Withdrawn**, 11th May 2010

### Appeal Details

None

### **POLICY**

#### **Constraints**

Within Kinver Development Boundary  
Great Crested Newt Green Impact Zone  
Newt - Impact Risk Zone White

#### **Policies**

National Planning Policy Framework  
National Planning Practice Guidance

Policy EQ9: Protecting Residential Amenity  
Policy EQ11: Wider Design Considerations

Supplementary Planning Document - Design Guide 2018  
Supplementary Planning Document - Sustainable Development 2018

### **CONSULTATION RESPONSES**

All consultation periods have expired unless noted otherwise.

| Site Notice Expires | Press Notice Expires |
|---------------------|----------------------|
| N/A                 | N/A                  |

### **Kinver Parish Council**

Received 13.07.2023

- Overdevelopment
- Infringement of neighbour's privacy
- Major impact on the street scene
- Not in keeping with other frontages in the road
- In front of the building line
- Due to the slope of the land, the proposal will have a greater impact on a neighbouring property.
- The garage and storage room should not change in use

### **Contributors**

Objections were received from 5 members of the public. Below is a summary of these comments:

- Overlooking
- Overshadowing

- Not subservient to the dwelling
- Detracts from the dwelling
- In front of the building line
- Much higher than West Point House, blocking light.
- 45 Degree Planning Code will be contravened.
- Overdevelopment
- The potential to become an annexe
- It does not respect the scale and form of the dwelling or surrounding properties.
- Incongruous
- Negative visual impact on the street scene
- Garage would stand abruptly from its surroundings.
- Near the Green Belt, Kinver Conservation Area and the Canal Conservation Area
- Near Dunsley House, a non-designated Heritage Asset

## **APPRAISAL**

This application has been called into planning committee by Councillor Paul Harrison.

- 1. Policy & principle of development**
- 2. Layout, design & appearance**
- 3. Access, parking & highway safety**
- 4. Residential Amenity**
- 5. Human Rights**

### **1. Policy & principle of development**

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made, in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028).

1.2 The property is within a development boundary where alterations to dwellings such as this can be considered to be an acceptable form of development, providing there is no adverse impact on neighbouring properties or the amenity of the area.

### **2. Layout, Design and Appearance**

2.1 Policy EQ11 advises that new development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. The Council's Design Guide SPD amplifies the principles set out in Policy EQ11 of the Core Strategy.

2.2 The NPPF (Section 12) advises that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. The document continues to state that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”.

2.3 Paragraph 130 of the NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:

- function well and add to the overall quality of the area;

- establish a strong sense of place;
- respond to local character and history, and reflect local surroundings and materials;
- create safe and accessible environments; and
- be visually attractive as a result of good architecture and appropriate landscaping.

#### 2.4 Garage and Storage Room

2.4.1 The proposal garnered objection comments that largely related to with the proposed garage and storage room. This shall be considered first:

2.4.2 Although varying in design and finish, the presence of a garage structure forward of the dwelling is not unprecedented within the street scene, as there are other examples of this, including that of the north and south side neighbours (Highfield House and West Point House), in addition to others in the street, such as Kyntor Cottage. Therefore, the proposal would be in keeping with the form of nearby properties.

2.4.3 The applicant's dwelling sits further forward in its plot than properties either side, making it more prominent in the street scene. Initially, the applicants proposed a 5.5-metre-high structure featuring dormer windows. Considering its proposed position and the presence of dormer windows, this would have been far more prominent and would not have appeared subservient to the dwelling. This view was also echoed by objection comments made in response to the original proposal that described it as incongruous. As a result, through the request of amended plans, it was then reduced to 4.55 metres in height and the dormer windows were removed.

2.4.4 The amended proposal would be 1.8 metres higher than the existing garage, which is currently well screened from the street scene by boundary treatments. Although the proposal would be taller and therefore more visible, the small section of roof that would protrude above the existing boundary fence is unlikely to create an overbearing presence in the street scene or stand out abruptly from its surroundings creating an incongruous feature.

2.4.5 As its amended height is 1.2 metres lower than the eaves of the dwelling and there has been a reduction in bulk, due to the removal of the dormer windows, the proposal would better respect the scale of the existing dwelling and appear as a subservient addition that would not detract from the host property.

2.4.6 The Design Guide (2012) states that "it is generally not appropriate for extensions (other than small porches or canopies) to project forward of the existing front facade of a building" However, the proposed garage and storage room would replace the already existing garage and carport positioned forward of the dwelling.

2.4.7 Objection comments expressed concern of overdevelopment. The proposal would be constructed over an already developed area and although the dwelling has been extensively enlarged from the original dwelling, the site is large, with only 16% of its footprint covered in buildings, including the original dwelling. Also, space for at least three cars in the driveway would remain. Hence, when looking at the site as a whole, it does not appear overdeveloped.

2.4.8 Additionally, it would fit in with the character and form of the existing building, as both the roof tiles and facing brickwork would match the dwelling, as would its roof pitch. Hence, as the proposed garage and storage room is in keeping with the existing dwelling, its design is unlikely to impact the nearby Conservation Areas or any non-designated Heritage Assets as mentioned by neighboring residents. The Local Planning Authority do not consider the proposed development to impact at all on the Conservation Area to the southeast and as such have not advertised the development as such.

2.4.9 Although consideration is not usually given to the Green Belt for properties that fall outside of this designation, this was present in objection comments, due to the proximity of Dunsley Drive to the Green Belt. As the proposal would be constructed over an already developed area and would not exceed the height of the existing dwelling, it would be read in the context of the dwelling and would have no adverse impact on the nearby Green Belt.

### 2.5 Retrospective Front Porch

2.5.1 The volume, scale and massing of the retrospective front porch is similar to those in the surrounding area and is in scale with the existing property. As it is finished in matching brickwork and tiles, it does not have a negative impact on the street scene or character or appearance of the dwelling.

### 2.6 Extension to Form Utility

2.6.1 Although the proposed utility room extension would have a flat roof and would partly extend forward of the principal front building line of the existing dwelling, the north and east sides that would otherwise be visible from the street, would be blocked from view by the proposed garage and the existing W.C extension. Considering these factors, and that it would be finished in matching brickwork, it would not adversely impact the street scene or character or appearance of the dwelling..

2.7 Therefore, it is considered that there will be no adverse impact on the character and appearance of this established residential area due to any aspect of the development. As such, the proposal is in accordance with the aims of policy EQ11.

## 3. Access, Parking & Highway Safety

3.1 Paragraph 110 of the NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 goes on to state that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.

3.2 Paragraph 105 of the NPPF seeks to ensure that developments which would generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

3.3 Appendix 5 of the Core Strategy provides guidance on the Council's off street car Parking Standards for new development. Although the existing carport and garage provide 3 parking spaces and the replacement garage would only provide two, another 3 cars could fit onto the driveway space that is to remain. This would meet the requirements of the Parking Standards in Appendix 5.

## 4. Residential Amenity

4.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

4.2 During both the first and second consultation, comments were received expressing privacy concerns, particularly as there were also concerns that the garage and storage room would be converted into habitable rooms. As a result, all windows and rooflights have been removed from the first floor of the proposal. As there

are no windows serving the storage room, the privacy of neighbours would not be impacted by this aspect of the proposal.

4.3 As the storage room ceiling height would be a low 1.785 metres, it is unlikely that this space would be used as a habitable room without alterations. Once constructed, if the applicants wished to raise the height of this structure or install windows or rooflights that are not obscure-glazed and non-opening, they would need to apply for Planning Permission.

4.4 Concerns were also expressed that due to the sloping nature of Dunsley Drive, the proposal would overshadow West Point House that sits on a lower ground level. Although there would be some reduction in light, this neighbour's property sits south of the applicant's property and has no nearby south side neighbour. Much of the sunlight would come from this direction and not north where the applicant's property is located.

4.5 Additionally, the proposed utility would sit 8.3 metres forward from the nearest habitable room of this neighbour and the garage would sit 11.8 metres away. A comment received stated that the 45-degree planning test would be contravened. This test, along with the 25-degree test, indicates whether a proposal would materially impact the light reaching neighbouring properties, but these are usually applied when the applicant's property is perpendicular or opposite to the neighbour's window, which is not the case here. Considering the distance between the proposal and the front elevation of West Point House, in addition to its southerly position, the proposal would not materially reduce the daylight reaching this neighbour's dwelling.

4.6 Although the new utility/W.C and garage would have windows facing north and west, they would serve non-habitable rooms and would not directly face any neighbouring dwellings. Hence, the privacy of both West Point House to the south and Highfield House to the north would not be impacted by these windows.

4.7 The porch would not feature any windows, only a door, and as it would sit 5.7 metres from the north side boundary and would be blocked from view on the south side by the existing W.C extension, it would not impact the daylight reaching adjoining properties.

4.8 Therefore, the proposal is in accordance with Planning Policy EQ9.

4.9 Space about Dwellings: The proposal would not breach the Space about Dwelling (SAD) Standards in Appendix 6 of the Adopted Core Strategy.

## 5. Human Rights

5.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

## 6. CONCLUSIONS

6.1 The proposed garage, first-floor storage room, utility and porch are considered acceptable in principle because they would not cause material harm to neighbouring amenity and there would be no adverse effect on the street scene or character and appearance of the existing dwelling. The development also raises no material concerns in relation to parking or highway safety. The proposal is therefore considered acceptable.

and is in accordance with the aims of Local Plan Policy EQ9 and EQ11. As such, it is appropriate to recommend that the application be approved.

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

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The materials to be used on the walls and roof of the extension shall match those of the existing building

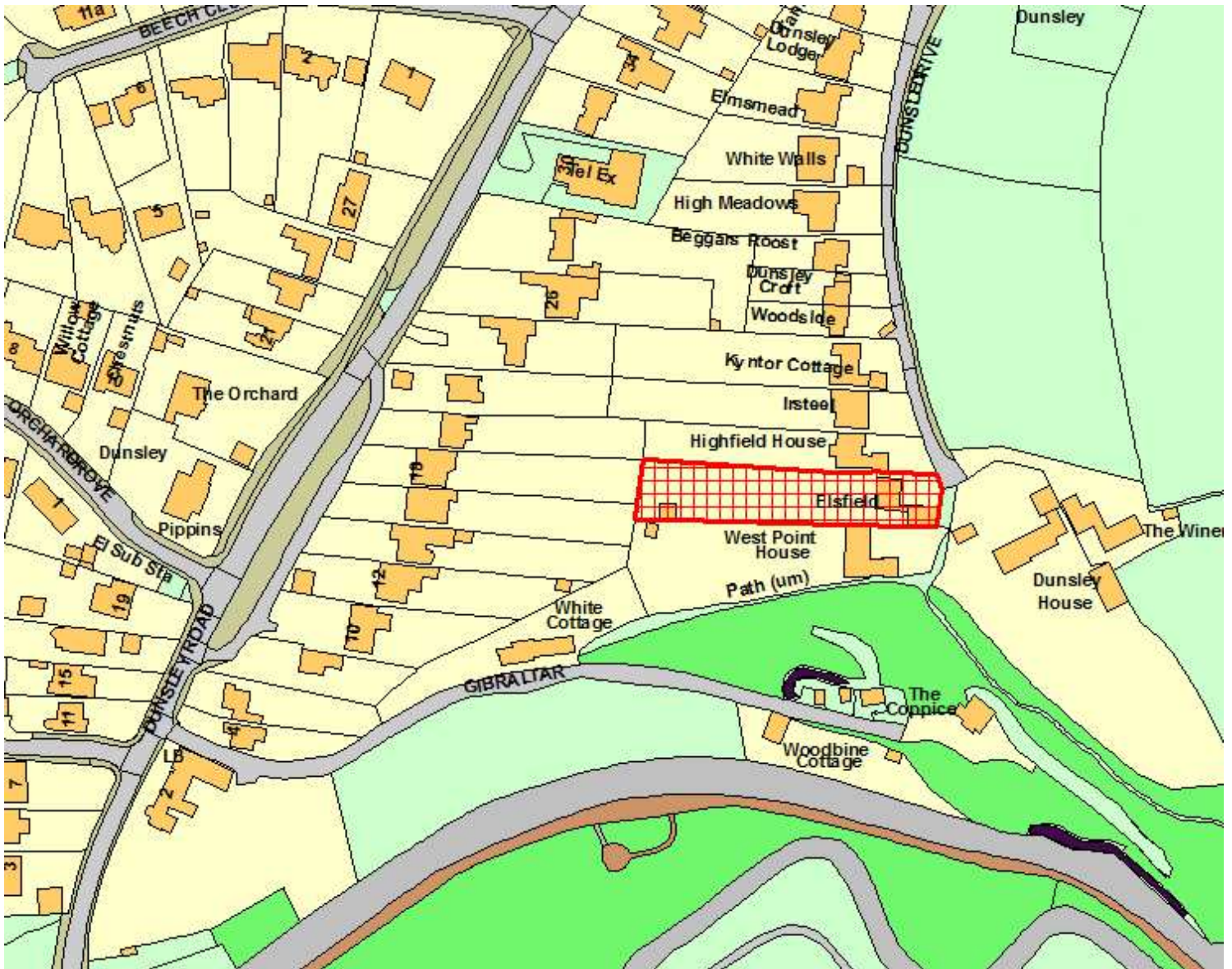
### **Reasons**

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policy EQ11 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.

### **Plans on which this Assessment is based:**

| Plan Type           | Reference | Version | Received     |
|---------------------|-----------|---------|--------------|
| Proposed Block Plan | 2395      |         | 29 June 2023 |
| Proposed Floor Plan | 2395/P10B |         | 17 July 2023 |
| Proposed Elevations | 2395/P11C |         | 21 July 2023 |



**Elsfield Dunsley Drive Kinver Stourbridge DY7 6NB**