

**22/00925/FUL  
NON MAJOR**

**Mr G Sarhajpal**

**ESSINGTON  
Cllr W Fisher  
Cllr C Steel**

**36 Sneyd Lane Essington Staffordshire WV11 2DU**

**Single Storey Rear Extension with first floor side extension over garage**

**1. SITE DESCRIPTION AND PLANNING HISTORY**

**1.1. Site description**

1.1.1 The application relates to a two storey detached property on the northern side of Sneyd Lane, east of the local service village of Essington and on the boundary with Walsall Metropolitan Borough. It has amenity space to the front and rear with off road parking at the front of the property.

**1.2 Planning History**

1978 - Extension To Dwelling - Approved (78/01055)

**2. APPLICATION DETAILS**

**2.1. The Proposal**

2.1.1. The applicant seeks to add a ground floor extension to the rear of the property to provide a study (4.0 projection from the existing garage x 2.93 metres in width) and a first floor extension above the garage at the side of the property to provide an en-suite, dressing room, family bathroom and bedroom (2.6 x 9.4 metres). Following discussions with the agent, the original plans submitted were amended to set the roof down from the existing property and the front of the proposal back from the existing front elevation.

**3. POLICY CONTEXT**

Within the Essington and Upper Sneyd Road Development Boundary.

**Adopted Core Strategy**

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

Policy EQ4: Protecting and enhancing the Character and Appearance of the Landscape

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

**Adopted local guidance**

South Staffordshire Design Guide [2018]

Sustainable Development SPD [2018]

National Planning Policy Framework  
12. Achieving well-designed places

#### 4. CONSULTATION RESPONSES

Comments received:

Councillor Steel (received 24/11/22) Would it be possible to suggest to the applicant that a potential compromise might be to change the western elevation from a gable end to a hipped roof in order to allow more natural light into the landing of 34 Sneyd Lane? I haven't discussed this suggestion with the Occupants of 34 Sneyd Lane.

No Essington Parish Council comments (expired 26/10/22)

No Walsall Council comments (expired 26/10/22)

1 Neighbour comment (received 21/10/22) - Raising the following objections:

Loss of Light - to the first floor landing window due to proposed brick wall less than 3 feet away and would have to be substituted with electric lighting adding significant cost on to their electricity bill.

Overlooking and loss of privacy - from frosted window facing their property as landing window is a normal double pane of glass.

Light pollution - artificial light coming from the proposed extension would shine in through their window causing light pollution onto their landing and in through their master bedroom potentially leading to disruptive sleep and annoyance.

Legality - a clause in their deeds which they believe to be the same in all of the title deeds for their neighbours referring to a restrictive covenant relating to right to light.

#### 5. APPRAISAL

5.1 This application has been referred to Planning Committee by Councillor Steel.

##### 5.2. Key Issues

- Principle of development
- Impact on neighbouring occupier amenity
- Impact on the character of the area
- Space about dwellings
- Highways/parking
- Other matters

##### 5.3 Principle of development

5.3.1 The property is within the 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.

##### 5.4 Impact on neighbouring occupier amenity

5.4.1. 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.

5.4.2 I note the concerns from the neighbouring property to the side (No.34) and have visited the neighbours property to assess the application and have viewed the photos received as part of their objection. Whilst I sympathise and acknowledge that there will be some loss of light to their landing, in policy terms a landing is not considered a habitable room and therefore no weight can be afforded to this issue. Refusal on these grounds would be unsustainable. The agent and applicant were approached regarding the possibility of amending the roof to be hipped in order to reduce the impact on the neighbouring property but they wish the roof of the proposal to remain as a gable end. Further to this, the finish of a hipped roof upon a host property with side facing gables is unlikely to be acceptable in urban design terms.

5.4.3 Also noted are the comments from the neighbouring occupier with regards to loss of privacy. The proposed first floor extension would include a side facing window that would serve a bathroom. This window is noted on the plans as high level and to include frosted glass. This can be secured by way of a suitably worded planning condition to ensure that it is maintained for the lifetime of the development. Whilst this proposed bathroom window would look towards the landing window within the flank wall of number 34, it was evident from the site visit that this arrangement already exists as there are two existing side facing window currently serving a bathroom and separate en-suite within the application site. It is acknowledged that the proposed window would now be closer in proximity, however it does not change the arrangement of side facing non-habitable room windows, a situation that is commonplace in most residential street settings. As such, and subject to an appropriate condition there is not considered to be any loss of privacy to the occupiers of number 34 as a result of the proposed extension.

5.4.4 In terms light pollution to the occupiers of number 34, the relationship between the properties as existing and as extended is not uncommon in a residential setting and streetscene. It is unlikely that light into the landing and neighbouring bedrooms of number 34 from the obscurely glazed side facing window of the proposed bathroom would be to a level that would impact negatively on the neighbouring occupiers living conditions. This is certainly not to a degree that would warrant refusal of this application.

5.4.5 In terms of the proposed single storey element of the proposed scheme, it is noted that a similar situation exists between the applicants property and the extension to their neighbour at No.38 and that no element of the proposals would breach a 45 degree sight line from any habitable room windows of the neighbouring property.

5.4.6 Given all of the above and following full and careful consideration, I therefore consider that the proposal as amended would comply with the requirements of Policy EQ9 of the Core Strategy.

## 5.5 Impact on the character of the area

5.5.1 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.

5.5.2 Similar extensions have been added to the neighbouring properties either side and the original plans submitted were amended with a set back/down on the first floor extension to help achieve subservience and avoid any terracing effect. I consider that the proposals as amended would be sympathetic with the appearance and character of the surrounding area and would therefore comply with Policy EQ11 of the Core Strategy.

#### 5.6 Space about Dwellings

5.6.1 The proposals do not infringe the Council's normal Space about dwellings standards.

#### 5.7 Highways/parking

5.7.1 There are no parking or highways issues in respect of this application. Although the proposals would increase the number of bedrooms to four, the property would continue to meet the Car Parking Standards in Appendix 5 of the Core Strategy.

#### 5.8 Other Matters

5.8.1 An objection has been raised with regards to covenants/clauses within the deeds of the properties related to a right to light. This is not a material planning consideration and is covered by other, civil legislation. As such this cannot be afforded any weight in the planning balance.

### 6. CONCLUSIONS

6.1 The application as amended is considered acceptable as it will not cause any undue harm to the amenity of neighbouring residential properties and will be sympathetic to the character of the surrounding area. Therefore, the proposal is in accordance with Local Plan Policies EQ9 and EQ11 and I recommend the application for approval.

### 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 shall be carried out in accordance with the amended plans received on 18/11/2022 as numbered 2022/09/36/03 A, 2022/09/36/04 A, 2022/09/36/05 A.
3. The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
4. The proposed first floor window to be installed in the west elevation of the extension hereby approved shall be obscure-glazed, and top hinged if opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and thereafter maintained in that condition for the lifetime of development.

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 visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
4. 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 planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2021.



36 Sneyd Lane, Essington, Staffordshire, WV11 2DU