

# Report to Planning Committee

**27 March 2024**

<b>Application Reference</b>	DC/23/68946
<b>Application Received</b>	14 December 2023
<b>Application Description</b>	First floor side extension, single storey side extension, two/single storey rear extensions, increase in roof height, two rear dormer windows, front porch, reinstatement of verge, new boundary fence and frontage parking.
<b>Application Address</b>	10 Barnfordhill Close, Oldbury B68 8ES
<b>Applicant</b>	Mr Harminder Singh Reehal
<b>Ward</b>	Bristnall
<b>Contact Officer</b>	Carl Mercer carl_mercer@sandwell.gov.uk

## 1 Recommendations

1.1 That planning permission is granted subject to conditions relating to:

- i) External materials;
- ii) Landscaping to be provided and retained;
- iii) Installation of drop kerbs and removal of lighting column;
- iv) PD removal - no enclosure to be erected on the property boundary;  
and
- v) Parking to be provided and retained.



## 2 Reasons for Recommendations

- 2.1 The development would have no significant impact on the amenity of surrounding residents and the design and scale would assimilate into the surrounding area; being compliant with development plan policy. Whilst the unauthorised extensions and removal of the former verge is regrettable, the proposal builds on the principles set in the previous approval and seeks to rectify wrongs with a reasonable scheme to address the visual amenity issues.

## 3 How does this deliver objectives of the Corporate Plan?

	Quality homes in thriving neighbourhoods
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## 4 Context

- 4.1 At its last meeting the committee resolved to visit the site.
- 4.2 The application is being reported to your committee as three objections have been received.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[10 Barnfordhill Close, Oldbury](#)

## 5 Key Considerations

- 5.1 The site is not allocated within the Council's development plan.
- 5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs



weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.

5.3 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)

Amenity concerns – Overlooking/loss of privacy, loss of light and/or outlook.

Design concerns - appearance and materials, layout and density of building and wider visual amenity.

Highways considerations – parking.

## 6. The Application Site

6.1 The application relates to a detached property situated on the corner of Barnfordhill Close and a cul-de-sac section of that road. The character of the surrounding area is residential.

6.2 The applicant has proceeded in erecting an authorised two storey side extension and has removed a landscaped verge and trees from the side of the property (refer to Fig 1).

**Fig 1 – The side aspect before works commenced**



## 7. Planning History

- 7.1 Previous applications for extensions have been approved, refused and withdrawn over a period of approximately four years. Removal of the grass verge and substantial groundwork on an unauthorised extension appears to have commenced in early 2023 and an enforcement case was opened in March 2023.
- 7.2 Following a 2021 approval, the applicant has continued to pursue approval for side extensions to the roadside elevation. This addition has been discouraged and refused by the Council, with one refusal being dismissed at appeal; the inspector agreeing with the Council that a two-storey side extension on this prominent corner would not be acceptable. Notwithstanding the refusals, the applicant commenced works on unauthorised elements which featured in previous refusals; namely, a two-storey roadside extension and first floor side extension adjacent to number 12 (refer to Fig 2 and 3).

**Fig 2 – Unauthorised two storey extension from rear aspect**



**Fig 3 - Unauthorised two storey extension from front aspect**



7.3 Relevant planning applications are as follows:

DC/23/68612	Proposed two storey right side extension, single storey left side extension, two dormers and porch (amendment to previous application DC/20/64803).	Withdrawn 15.09.2023
DC/23/68125	Proposed variation of condition 1 of planning permission DC/20/64803 (Proposed first floor side extension, two storey rear extensions, increase in roof height with two dormer windows, single storey rear extension and front porch) to include two front facing dormers and two storey front extension with forward facing gable.	Withdrawn 08.06.2023



DC/22/67222	Proposed first floor side extension, single/two storey side and rear extensions, increase in roof height with two rear dormer windows and front porch.	Refused 26.10.2022
DC/21/66219	Proposed first floor side extension, single/two storey side and rear extensions, increase in roof height with two rear dormer windows and front porch.	Refused 12.01.2022; Appeal dismissed 20.05.2022
DC/20/64803	Proposed first floor side extension, two storey rear extensions, increase in roof height with two rear dormer windows, single storey rear extension and front porch.	Approved 18.08.2021

## 8. Application Details

- 8.1 This application proposes a first-floor side extension adjacent to number 12, a single storey side extension to the roadside, two/single storey rear extensions, an increase in roof height, two rear dormer windows, a front porch, the reinstatement of the former grass verge, new boundary fencing and three off-street parking spaces to the front drive. In respect of the single storey roadside extension and parking area, the proposal elaborates on the 2021 approval.
- 8.2 In the largest departure from the previously approved scheme, the applicant seeks to retain the footprint of the unauthorised side extension to the roadside elevation as a single storey extension.



8.3 In respect of the impact of development on the wider area, a grass verge is proposed to the roadside with a new boundary fence offset from the footpath edge.

8.4 By submission of this proposal, the applicant indicates that the unauthorised first floor elements will be demolished on site.

8.5 An amended plan has been received to demonstrate the car parking spaces would be in line with Council standards.

## 9. Publicity

9.1 The application has been publicised by 10 neighbour notification letters. Three objections have been received.

## 9.2 Objections

Objections have been received on the following grounds:

- i) Design – departure from building line, out of character with the estate;
- ii) Dimensions of the extensions; and
- iii) Loss of verge and trees.

These objections will be addressed in section 13 (Material considerations).

## 10. Consultee responses

### 10.1 Highways

Following the receipt of amended plans, no objection is raised subject to the installation of drop kerbs and removal of the lighting column (to allow access to the driveway) within six months of the development being brought into use. In this instance I consider such a condition reasonable, as the number of proposed bedrooms requires not only sufficient space



for parking vehicles off-street, but also that these spaces are useable within a reasonable timeframe.

## 11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

11.2 Paragraph 111 states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is not the case with this application.

## 12. Local Planning Policy

12.1 The following policies of the Council's development plan are relevant:

ENV3: Design Quality

SAD EOS9: Urban Design Principles

12.2 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality living environments. The proposed layout and design are considered acceptable, compliant with policy and are discussed further under material considerations.

## 13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:



### 13.2 Design – departure from building line, out of character with the estate

It was noted in previous refusals that a two-storey side extension adjacent to the highway would not be acceptable. This was largely due to the prominence of the extension in the streetscene and its departure from the building line with the property to the rear.

13.3 In respect of height, the main roof would be raised by approximately 0.7 metres to achieve sufficient head height for the loft conversion. As the property is detached and is at a lower land level in the streetscene than the neighbouring property, the rise in building height would be negligible and would cause no wider visual amenity impact.

13.4 In regard to separation distances, the measurement of most relevance is the distance between the rear wall of the application property as extended, and the side elevation of the property to the rear. This would measure approximately 12.2 metres from the first floor of the extension and 8.5 metres at ground floor. Council guidance recommends this distance to be 14 metres (side to rear windowed elevations); however, this measurement can vary between authorities and the, albeit minor, impact would only be to the application property. For these reasons, I consider the distance to be acceptable in this instance.

13.5 Despite the scale of the extensions, the property would retain 84m<sup>2</sup> of private amenity space. The Council standard for new build housing is 70m<sup>2</sup>.

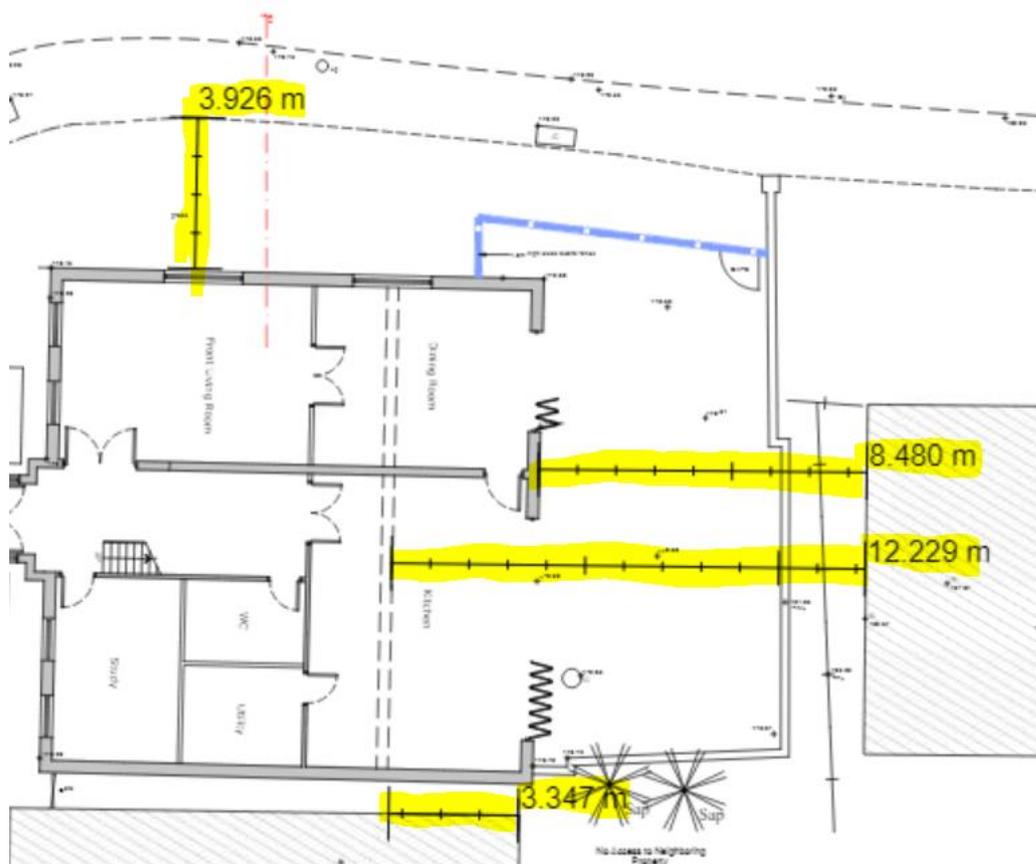
### 13.6 Dimensions of the extensions

One objector raises concerns regarding the dimensions of the extensions. I can confirm that the plans demonstrate that, excluding the porch, no development would project from the existing front elevation; whilst the two-storey extension at the rear would project 2.1 metres from the existing rear wall (5.9 metres at single storey). As the adjacent property at number 12 extends further back than the application



property, there would be no significant impact from the rear extensions on the residential amenity of number 12, as the two storey element would extend no further than the rear of this property (refer to Fig 4). Furthermore, the additional height would not impact unduly on light or outlook.

**Fig 4 – Relevant measurements – 3.347m relates to the approximate length of the adjacent single storey extension**



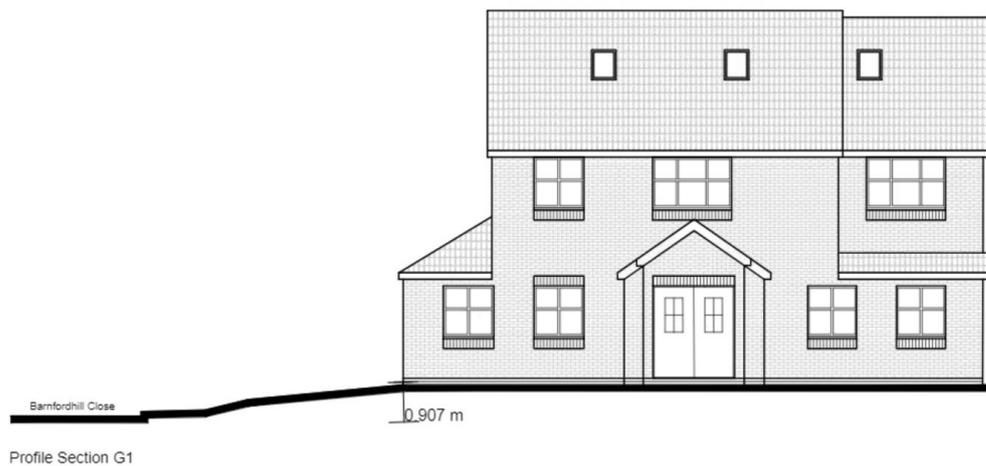
### 13.7 Loss of verge and trees

The loss of the verge is regrettable as it was a positive addition to the character and appearance of the area. However, the partial reinstatement of the grass verge somewhat compensates the loss and retains some openness around this corner plot. On average, the width of the verge from the side wall of the single storey to back of footpath varies from approximately 3.8 metres to 3.5 metres. This distance was



previously 6.8 metres. In my opinion, reasonable set-back from the highway is proposed as a sufficient sense of openness would be retained and the development would not appear overly dominant in the streetscene (refer to Fig 5).

**Fig 5 – Proposed site levels showing the extension in relation to the highway**



13.8 In respect of the loss of the trees, the trees did not warrant specific protection and the owner was entitled to remove them. I do however place significant weight to the landscaping in making the development acceptable by maintaining a sense of openness. To this end, a condition is recommended which would require the implementation and retention of landscaping. A further condition is suggested which would remove the permitted right to erect a means of enclosure adjacent to the highway; thereby ensuring a sense of openness.

### 13.9 Other matters – parking

In respect of parking requirements, the resultant property would have four bedrooms. Three parking spaces are proposed to the driveway which complies with the Council's design guidance.



## 14. Conclusion and planning balance

- 14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the “planning balance”. It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.
- 14.2 On balance the proposal accords with the provisions of relevant development plan policies and there are no significant material considerations which warrant refusal that could not be controlled by conditions.

## 15 Alternative Options

- 15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant polices and there are no material considerations that would justify refusal. Furthermore, whilst the unauthorised works are a serious planning breach, approval would provide a way forward in improving the appearance of the area, which has been affected by the works for a significant amount of time.

## 16 Implications

<b>Resources:</b>	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.



<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

## 17. Appendices

Context plan

23.21.P06 - Location plan

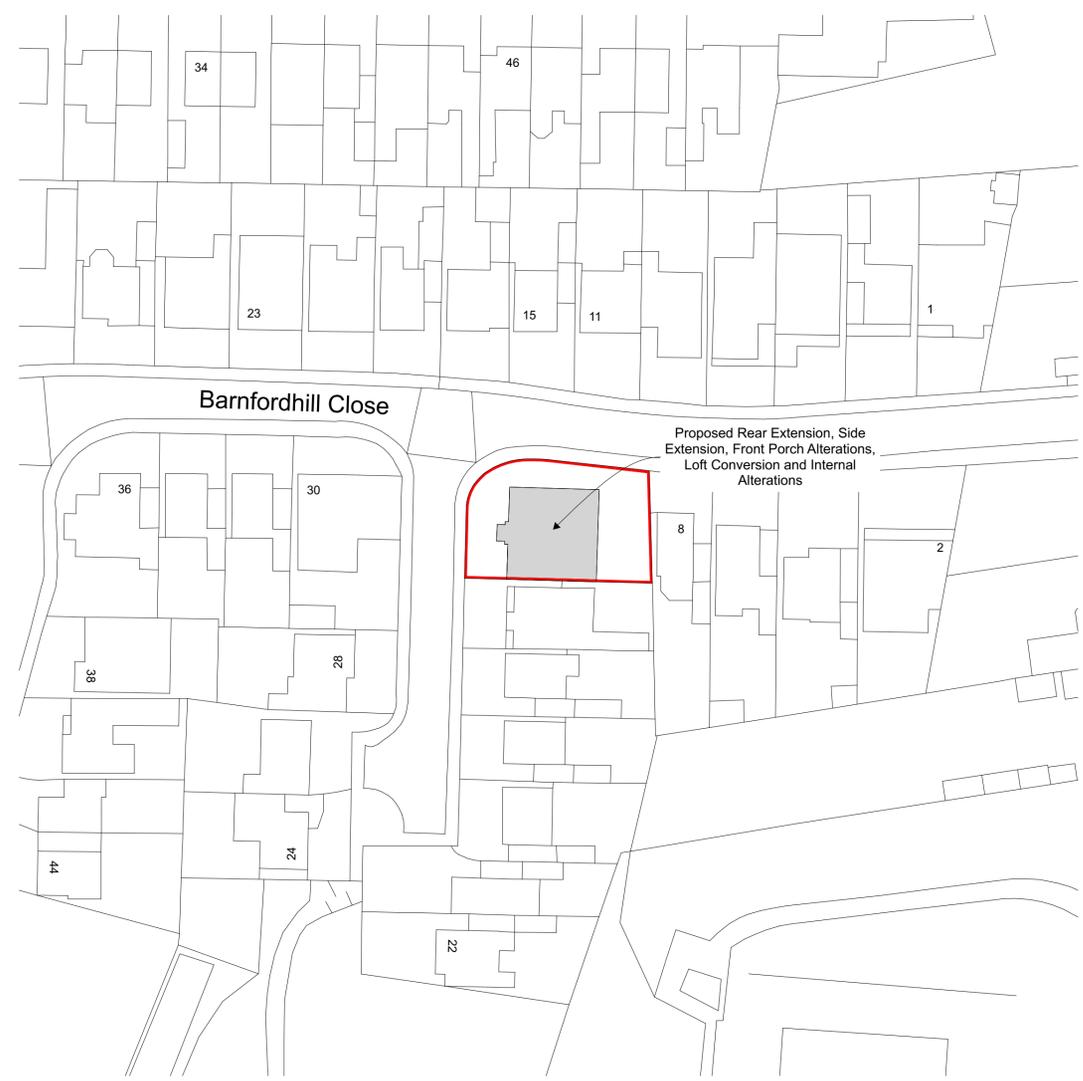
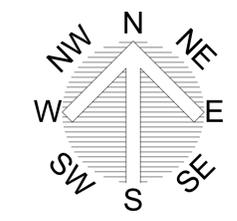
23.21.P04 REV A - Elevations/layout

23.21.P05 REV B – Site plan

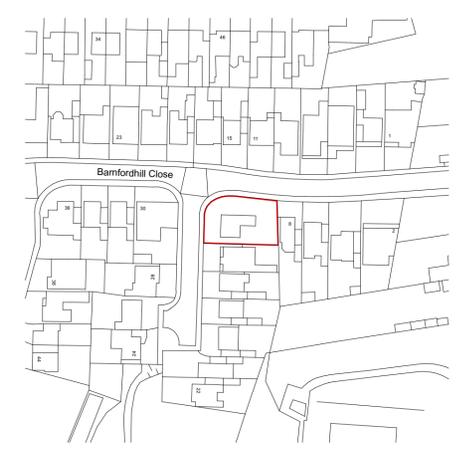


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Block Plan at 1:500



Location Plan at 1:1250



Rev:	Date:	Comment(s):	Name:	Check:



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Status: **Planning**

Client: Mr Harminder Singh Reehal

Job: 10 Barnfordhill Close, Oldbury, West Midlands, B68 8ES

Title: Block and Location Plan

Drawn: EK Date: 12.2023

Checked: GM Scale @ A1: 1:500 & 1:1250

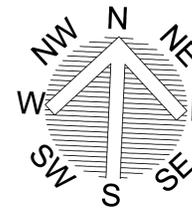
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**Birmingham Office:**

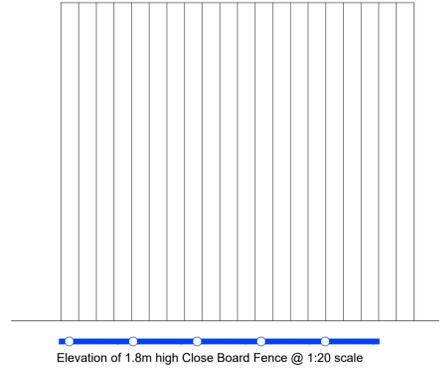
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- Legend:**
- Existing Load Bearing Walls Below
- Materials:**
- Existing Brickwork
  - Existing Roof Tiles



Existing Topographical Survey



Profile Section G1



Scale Bar 1:100

B	03.2024	Updated to accord with planning officer comments	EK	GM
A	11.2023	Updated to accord with planning officer comments	CC	GM
Rev:	Date:	Comment(s):	Name:	Check:



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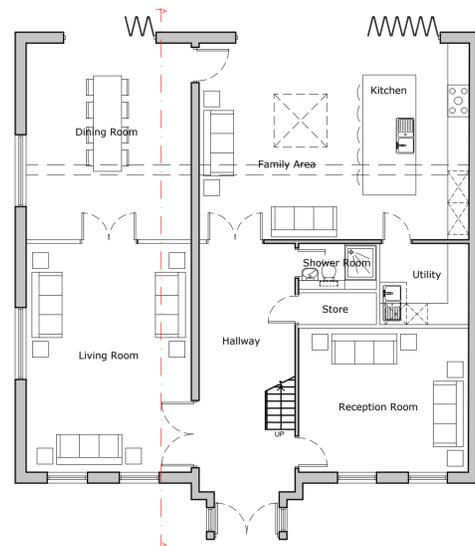
Title: Proposed Boundary Treatments

Drawn: CC Date: 09.2023

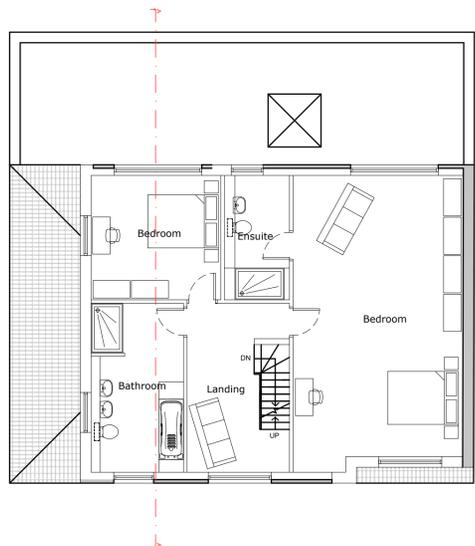
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Job no: 23.21 Drg no: P05B

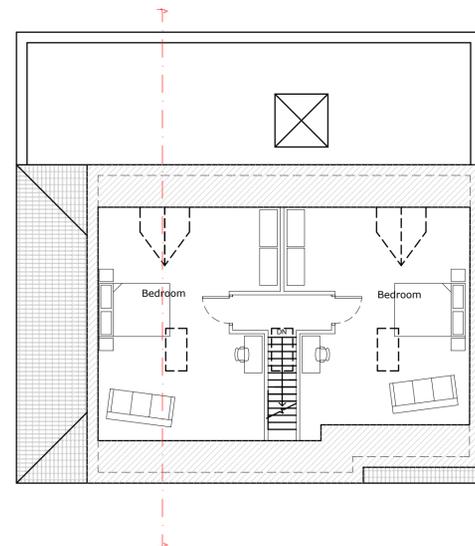
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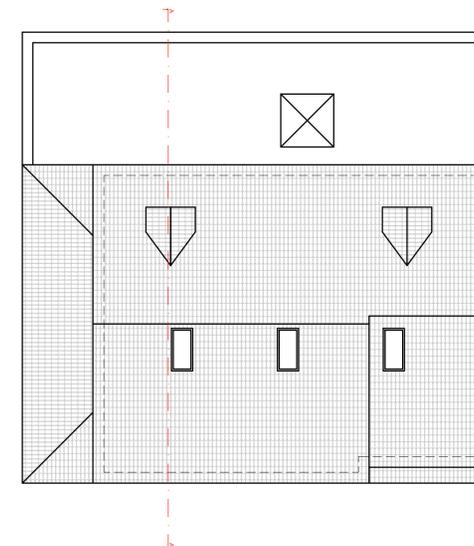
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan



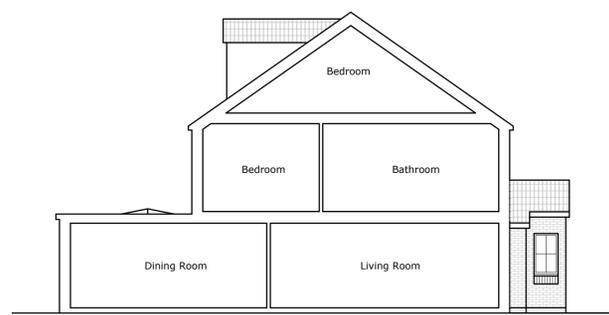
Proposed Roof Plan



Front Elevation



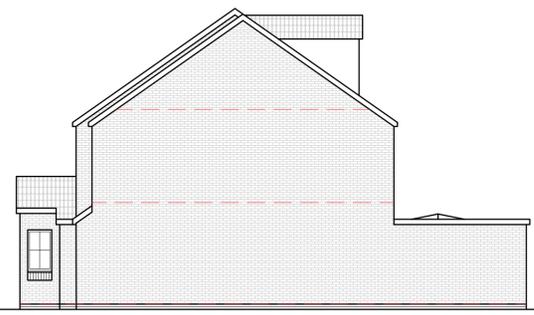
Side Elevation



Section A-A



Rear Elevation



Side Elevation



Scale Bar 1:100

A	21.11.23	Updated to accord with planning officer comments	CC	GM
Rev:	Date:	Comment(s):	Name:	Check:



ARCHITECTURE | DESIGN | MANAGEMENT

Status: **Planning**

Client: Mr Harminder Singh Reehal

Job: 10 Barmfordhill Close, Oldbury, West Midlands B68 8ES

Title: Proposed Floor Plans & Elevations & Section

Drawn: CC Date: 09.2023

Checked: GM Scale @ A1: 1:100

Job no: 23.21 Drg no: P04A

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