

---

Committee Date:	23/07/2015	Application Number:	2015/03978/PA
Accepted:	09/07/2015	Application Type:	Full Planning
Target Date:	03/09/2015		
Ward:	Moseley and Kings Heath		

Land off Heathfield Road, Kings Heath, Birmingham, B14 7BT

Erection of 1 dwelling house

Applicant: Allmid Limited  
c/o Agent  
Agent: Pegasus Group  
Unit 5, The Priory, Old London Road, Canwell, Sutton Coldfield, B75 5SH

---

Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. The proposal is for the erection of a two-bed, detached, single family dwellinghouse on land between No. 33 Heathfield Road and No. 23-27 Heathfield Road.
- 1.2. The proposed dwellinghouse would be two storeys in height and provide 84sqm of internal floorspace. The building would be sited 3m in from the highway and would measure 5m in width, 10m in depth and 9.5m in height to its roof ridge. The density of development on the site would be 75 dwellings per hectare.
- 1.3. The proposed dwellinghouse would accommodate a living/dining room, kitchen/breakfast room, hallway and WC at ground floor. At first floor it would accommodate two double bedrooms (15sqm and 14.5sqm in size respectively) and a bathroom.
- 1.4. The proposed dwellinghouse would be faced in red brickwork and the pitched roof would be constructed of slate. A bay window and timber framed canopy over the front door would be incorporated on the front elevation of the proposed dwellinghouse. Double doors would be incorporated on the rear elevation, leading out on to the rear garden.
- 1.5. The proposed frontage would comprise of a small front garden, enclosed behind a low brick boundary wall and railings. The rear garden would measure 53sqm in size.
- 1.6. No off-street parking provision is proposed.
- 1.7. This application has been submitted in conjunction with Planning Application 2015/03979/PA for the demolition of an existing building and erection of three dwellinghouses fronting Woodville Road, on land immediately adjoining the site to the north.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a vacant and rather overgrown plot of land enclosed on all sides by either brick walls or close boarded fencing, including the Heathfield Road frontage of the site which is enclosed by the latter. The application site also includes the adjacent Post-War side extension of No. 23-27 Heathfield Road - a recently re-clad, three storey, flat roofed addition, with vehicular undercroft at ground floor level. The main building of No. 23-27 is a Grade B Locally Listed Edwardian building. This building, plus the extension, is also under the Applicant's ownership and is in the process of being converted in to fourteen flats. Immediately adjoining the site to the east is a three storey Edwardian residential property sitting on the corner of Heathfield Road and Woodville Road (No. 33 Heathfield Road).
- 2.2. The surrounding area is predominantly residential in character comprising of Victorian and Edwardian terraced houses. However, there are some nearby commercial uses located further west of the site along Heathfield Road and associated with the District Centre. Kings Heath High Street is located 175m to the west of the site, and the boundary of the District Centre is located some 60m west along Heathfield Road.
- 2.3. Parking in the local area is generally on-street, with very few properties benefiting from private drives.

[Site Location Map](#)

3. Planning History

*Application Site*

- 3.1. 11<sup>th</sup> March 2015 - 2015/00496/PA – Erection of three storey residential block (Block A) containing 3 apartments with Juliette balcony to front - Withdrawn by Applicant following concerns raised about design and over-intensive use of site.

*Application Site including No. 23-27 Heathfield Road*

- 3.2. 31<sup>st</sup> January 2014 – 2013/08186/PA - Outline planning application for the change of use from offices (Use Class B1) to residential (Use Class C3) and two storey extension to provide 12 residential units with associated access – Approved-conditions

*No. 23-27 Heathfield Road Only*

- 3.3. 17<sup>th</sup> November 2014 – 2014/06871/PA - Prior Approval for change of use from offices (Use Class B1[a]) to residential (Use Class C3) – No prior approval required
- 3.4. 17<sup>th</sup> November 2014 - 2014/06779/PA – External alterations to existing building – Approved-conditions

*Adjoining land fronting Woodville Road*

- 3.5. 2015/03979/PA - Demolition of existing building and erection of 3 dwelling houses – Elsewhere on this Agenda.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection – Subject to secure cycle storage condition
- 4.2. Regulatory Services – No response received
- 4.3. Severn Trent Water – No objection - Subject to drainage condition
- 4.4. West Midlands Fire Service – No response received
- 4.5. West Midlands Police – No objection – Recommend proposal is built to Secured By Design standards
- 4.6. Local residents, Ward Councillors, Residents Associations and M.P. notified – 4 letters of objection, and one letter of general comment, received from local residents. The following relevant concerns were raised:
- No off-street parking – existing issues with parking on local roads, availability of parking crucial to success of Kings Heath Centre
  - Lack of amenity space
  - Roof height/shape not in keeping with other properties
  - Overshadowing of proposed dwellings
  - Overlooking of proposed dwellings
  - Application should be considered as part of neighbouring development at No. 23-27 Heathfield Road
  - Loss of light to habitable room windows on front elevation of No. 23-27

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham UDP
  - Draft Birmingham Development Plan
  - Places for Living SPG
  - 45 Degree Code SPG
  - Kings Heath Local Action Plan SPD
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF)

6. Planning Considerations

Policy and Background

- 6.1. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and

buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

- 6.2. The Birmingham UDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations with good access to jobs, shops and services by modes other than the car. The UDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City.
- 6.3. The UDP requires that new housing developments should provide an appropriate environment (Paragraphs 5.20-5.20A), a suitable housing density and mix (Paragraph 5.40) and encourages a full range of housing types and sizes (5.35 and 5.37). Paragraph 5.38 recommends a housing density of 40-50 dwellings per hectare in this location.
- 6.4. Paragraphs 3.14D and 3.14E of the UDP identify that new housing development should be designed in accordance with good urban design principles. In addition, 'Places for Living' SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and makes reference to minimum design and amenity guidance. Particular emphasis is given to assessing context and responding positively to local character.
- 6.5. Within the Draft Birmingham Development Plan, Policies TP26 and TP27 state that the location of new housing should be on previously developed land, be accessible to jobs, shops and services by other modes of transport, be sympathetic to natural assets and not conflict with other policies in relation to employment land, green belt and open space. It also states that new housing should offer a choice of type, size and tenure to create more balanced and sustainable communities.
- 6.6. There are no specific policies in the Kings Heath Local Action Plan SPD which are relevant to the application site, although No. 9-27 Heathfield Road immediately adjoining is identified as a residential development site.
- 6.7. Outline planning permission was granted in January 2014 under 2013/08186/PA for the change of use of No. 23-27 Heathfield Road from offices (Use Class B1) to 12 residential flats (Use Class C3), demolition of the existing Post-War extension and erection of a new three storey extension. The three storey extension would have fronted Heathfield Road with car parking to the rear on part of the application site. This consent was not implemented and the Applicant instead subsequently implemented a prior approval consent (2014/06871/PA) and accompanying planning permission for external building alterations (2014/06779/PA) relating to the accommodation of 14 flats within the above building (not including the current application site). The current planning application is a re-submission of a previous planning application which proposed to accommodate a flatted building on the site. This previous application was withdrawn following concerns raised about the intensity of use and architecture of the proposal. The Applicant has attempted to address these concerns with the current submission.
- 6.8. I consider the principle of residential development on this site would be acceptable, given this is an unused, brownfield site, which if developed for residential use would

help to meet the City's housing demand, rather than currently being a visual blight on the surrounding area.

#### Siting and Scale

- 6.9. The proposed dwellinghouse would have a similar siting to the three storey extension to No. 23-27 Heathfield Road as approved in outline under 2013/08186/PA, albeit the building as now proposed would be sited further away from the side elevation of No. 33 Heathfield Road (2m as opposed to 1.2m). The proposed dwellinghouse would follow front and rear building lines along Heathfield Road and would have a footprint not so different to that of small terraced houses in the vicinity.
- 6.10. I consider the scale of the proposed dwellinghouse, being two storeys in height, would be in keeping with the predominant character and appearance of dwellings along Heathfield Road. Although positioned between grander and larger three storey buildings on either side, I do not consider the proposed dwellinghouse would appear unduly at odds in the streetscene. With gaps of 3.2m and 2m to these adjoining properties I consider the proposed dwellinghouse would appear within the natural tolerance of variation/changes in building scale within the streetscene.
- 6.11. The Applicant has reduced the roof ridge height of the proposed dwellinghouse following concerns that the roof looked disproportionately large in comparison to the rest of the dwellinghouse. I am satisfied that the ridge height and massing of the roof now appears in keeping with the appearance of the property and of the surrounding area. The Council's City Design Officer has raised no objection to the proposal.

#### Appearance

- 6.12. The proposed dwellinghouse would reflect the Edwardian/Victorian character and appearance of dwellings in this locality, being built of red facing brickwork and incorporating brick detailing, a front bay window, chimney and timber framed canopy over the front door – these being architectural elements consistent with the local vernacular.

#### Living Conditions

- 6.13. Bedroom sizes would exceed the minimum recommended size guidelines as set out in the Council's Places for Living SPG.
- 6.14. The side (east) elevation of the three storey Post-War extension of No. 23-27, which would effectively adjoin the rear garden boundary of the proposed dwellinghouse, incorporates three small windows at first floor and three small windows at second floor. Consent was given under Planning Permission 2014/07669/PA for external alterations to No. 23-27 and included the introduction of three windows at second floor within the side (east) elevation of the extension building. A condition was attached to this consent to ensure that these windows, which were shown to serve a communal corridor, were to be obscurely glazed and remain as such thereafter. However, the windows that have recently been fitted here have not been obscurely glazed to date in accordance with this condition, and if this is not carried out imminently enforcement action will likely be taken against the Applicant to resolve this otherwise unsatisfactory issue. On resolving this issue I am satisfied that there would be no overlooking opportunities from these second floor windows into the rear garden of the proposed dwellinghouse.

- 6.15. Prior Approval Application 2014/06871/PA indicated that the three existing first floor windows located on the side (east) elevation of the extension building would serve the living/dining room of Flat 8, the living/dining room of Flat 7, and the communal stairwell respectively. Of relevance to the current application are the two windows serving the living/dining room of Flat 8 and the living/dining room of Flat 7. These two aforementioned windows are small, secondary, habitable room windows serving the respective flats and were these to be retrofitted to obscurely glazed I do not consider they would adversely affect the amenity of occupiers of these flats. As such I recommend attaching a condition to any consent that these windows are retrofitted to be obscurely glazed and that they are retained as such thereafter. With this condition being attached to any consent to deal with existing first floor windows in the side elevation of the extension building, plus the previous obscure glazing condition dealing with new second floor windows in the side elevation of the extension building, I am satisfied that any windows overlooking the rear garden of the proposed dwellinghouse would remain obscurely glazed and would therefore not result in overlooking and loss of privacy for these future occupiers.
- 6.16. Whilst acknowledging that the north facing garden of the proposed dwellinghouse would be rather shady, feel rather hemmed in, and would have a garden length of 8.5m, it would nonetheless (at 53sqm in size) exceed the 52sqm minimum size recommended for a two bed house in Places for Living SPG. Therefore, on balance, I consider living conditions for these future occupiers would be satisfactory. Given the small garden size, and to ensure there remains some private outdoor amenity space for future occupiers, I recommend attaching a condition to any consent that withdraws permitted development rights for future rear extensions.

#### Amenity of Adjoining Occupiers

- 6.17. The proposed dwellinghouse would contravene the Council's 45 Degree Code SPG in respect of first and second floor habitable room windows located on the front elevation of the Post-War extension at No. 23-27. These are the primary windows serving the living/dining areas of Flats 8 and 14. However, these are large, south-facing windows and, being at first and second storey, will gain more natural light than a ground floor flat would in this position between two neighbouring buildings. I also note they already have the 45 code contravened by the property at 23-27. I am satisfied that the amenity of the future occupiers of these flats would not be unduly harmed through loss of light or outlook between the two neighbouring buildings.
- 6.18. The proposed dwellinghouse would result in loss of light to windows located in the side elevation of No. 33 Heathfield Road. However, because these windows do not serve habitable rooms I am satisfied that the amenity of these adjoining occupiers would not be materially harmed.

#### Traffic and Parking

- 6.19. The proposed development would have no off-street parking provision. Parking on street within the vicinity is largely unrestricted and typically demand is high, with the majority of properties not benefitting from in-curtilage provision. The road is also used for parking by shoppers visiting Kings Heath District Centre which is within short walking distance of this site.
- 6.20. Transportation Development have raised no objection to the proposal and do not expect the addition of this single dwellinghouse (together with the other three dwellinghouses proposed under Planning Application 2015/03979/PA) would have

any notable impact upon the existing situation in terms of the level of traffic and parking demand generated at this location. They note that the site is well served by public transport, with regular buses running throughout the day on Kings Heath High Street.

- 6.21. I acknowledge the concerns of local residents in respect of existing on-street parking congestion in the vicinity of the site, the lack of availability of parking for shoppers undermining the success of Kings Heath Centre, and the fact that the proposed development offers no off-street parking provision. However, Paragraph 32 of the NPPF explains that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. I do not consider these impacts would be so severe as to successfully warrant refusal on this basis.
- 6.22. Whilst Transportation Development have recommended a secure cycle storage condition be attached to any consent I consider this would rather onerous. I am satisfied that there would be adequate space on site for any bicycle storage i.e. shed, side passageway etc. should such storage be required.

#### Other Matters

- 6.23. I note the concerns of local residents that the application should be considered as part of the wider development of No. 23-27 Heathfield Road. Whilst the Applicant was encouraged at pre-application stage to look at a comprehensive masterplan for land under their ownership, the piecemeal approach they have taken in dividing up the site and use of the prior approval process is their prerogative, and assuming each application is acceptable on its own merits the Local Planning Authority would have no grounds for refusal on this basis.

### 7. Conclusion

- 7.1. I consider the siting, scale and appearance of the proposed development would be in keeping with the character and appearance of this suburban location. Living conditions for future occupiers would also be satisfactory, with a condition for obscure glazing to prevent overlooking. There would be no material adverse impact on the amenity of adjoining residential occupiers, nor traffic or parking as a result of this proposal. Therefore I consider the proposal, which would help to meet the City’s housing demand on a brownfield site, would constitute sustainable development and I recommend that planning permission is granted.

### 8. Recommendation

- 8.1. Approve Subject to Conditions

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials                      |
| 3 | Requires the prior submission of hard and/or soft landscape details    |
| 4 | Requires the prior submission of boundary treatment details            |
-

- 
- 5 Requires the prior submission details obscure glazing for first floor windows in the side (east) elevation of No. 23-27 Heathfield Road
  - 6 Requires the prior submission of a sustainable drainage scheme
  - 7 Removes PD rights for extensions
  - 8 Limits the approval to 3 years (Full)
- 

Case Officer:        Andrew Conroy



## Photo(s)



Figure 1 – Frontage of site to Heathfield Road (No. 23-27 on left, No. 33 on right)



Figure 2 – Looking north from front of site (No. 23-27 on left, No. 33 on right)

## Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010