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| Committee Date: | 09/07/2015 | Application Number: | 2015/01804/PA |
| Accepted: | 10/03/2015 | Application Type: | Full Planning |
| Target Date: | 05/05/2015 | | |
| Ward: | Moseley and Kings Heath | | |

20 Wake Green Road, Moseley, Birmingham, B13 9EZ

Demolition of single storey rear structure and erection of replacement single storey rear conservatory extension

Applicant: Mr F Turki
c/o Agent
Agent: Gurmukhi Building Design Ltd
The Old School House, School Road, Moseley, Birmingham, B13 9SW

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for the demolition of an existing unlawful single storey rear structure and erection of a replacement single storey rear conservatory extension. The existing single storey rear structure, which was constructed in 2011/2012, comprises of rendered breeze block/brick arches and a canvas roof, and extends out from the rear elevation by a depth of 8.5m.
- 1.2. The proposed replacement conservatory extension would be similar in footprint to the existing unlawful structure - measuring 8.5m in depth, 7.2m in width, and 4.5m in height to its roof ridge. Facades would comprise of glazing set within a white UPVC frame, and with a brick stallriser. The pitched roof would comprise of polycarbonate. Pairs of French windows would be incorporated on both the rear and side elevations respectively, with a short set of steps leading down into the rear garden below each pair.
- 1.3. The Applicant has stated that the proposed conservatory is required for breakfast seating for hotel guests.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. No. 20 Wake Green Road, also known as the Wake Green Lodge Hotel, is a two storey, detached property, located on the corner of Wake Green Road and School Road, and fronting the former. It is located in a predominantly residential part of Moseley. The property has operated as a nine bedroom hotel with ancillary restaurant for many years, although currently appears to be vacant. Site boundaries to the rear are defined by close-boarded timber fencing, whilst the frontages are defined by a low stone wall, hedging and mature trees, with a fence also to the side

boundary on School Road. The site frontage is largely hard surfaced for car parking. The aforementioned unlawful single storey rear structure is attached to the rear elevation of the property and there are rendered brick/breezeblock arches which exist within the rear garden, adjacent to its boundary with School Road.

- 2.2. No. 18 Wake Green Road, which immediately adjoins the site to the west, is in single family dwellinghouse use. Lorne Court, which immediately adjoins the site to the south, is a more recently built 3-4 storey flatted retirement complex, with its flank wall facing on to the site.
- 2.3. The application site, and adjoining property No. 18, are covered by Tree Preservation Order 335.

[Site Location Map](#)

3. Planning History

- 3.1. 04.07.96 - 1996/00692/PA - Erection of a single-storey conservatory at rear and alterations to kitchen and corridor – Refused (on grounds of inadequate parking provision, prejudicing highway safety/freeflow, over-intensive use of premises, and being contrary to Area of Restraint policy)
- 3.2. 03.10.96 – 1996/02985/PA – Retention of single-storey cold food store at the rear – Approved-conditions
- 3.3. 29.11.99 - 1999/03966/PA - Erection of rear single storey extension, retention of approved lobby on ground floor and proposed conservatory enclosure to first floor balcony – Refused (on grounds of being poor design, too intensive use, and being contrary to Area of Restraint policy)
- 3.4. 2011/0780/ENF - Erection of rendered breeze block and brick arches in garden and single-storey rear extension with canvas roof – Current case

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection
- 4.2. Regulatory Services – No objection – On basis that granting of this application would in no way cause any issues with any present or planned installation of external plant and equipment.
- 4.3. Local residents, Ward Councillors, Residents Associations and M.P. notified – 10 letters of objection and one letter of general comment received from occupiers of Lorne Court. The following relevant planning concerns were raised:
 - Previous late evening noise and disturbance from premises i.e. loud music, car doors slamming etc.
 - Previous parking congestion along School Road i.e. risk for emergency vehicle access, parking on pavement, blocking of driveways etc.
 - Not clear what premises would be used for
 - Previous cooking odours
 - Rubbish has been piled along boundary, attracting rats
 - Height and size of extension

Moseley Society – Object – Difficult to understand what use is being proposed. This property has been the subject of various enforcement issues in the recent past and would ask officers to ensure that the plans comply with the many issues that were raised as part of the earlier enforcement process.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham UDP
- Draft Birmingham Development Plan
- Moseley SPD
- Places for All SPG
- Moseley Area of Restraint

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

Background

- 6.1. The current unlawful rear structure and rendered arches are the subject of Enforcement Ref. 2011/0780/ENF and were built in 2011/2012 when the hotel was being unlawfully used as a sheesha lounge. I understand that this generated complaints from local residents in respect of noise, disturbance and parking problems at the time. The sheesha lounge use has since ceased and the Applicant has recently demolished the majority of rendered arches within the rear garden. The unlawful single storey rear structure still remains. However, this would need to be demolished in order for the proposed conservatory to be built.
- 6.2. I note planning permission was previously refused in 1999 under Planning Application 1999/03966/PA for erection of a single storey rear extension at the premises among other things. This application was refused on the grounds of being poor design, too intensive a use, and being contrary to Area of Restraint policy. However, I consider this was related more to other elements of the scheme than the rear extension, which was actually small in size and of an acceptable design.
- 6.3. The National Planning Policy Framework (NPPF) confirms that there is a presumption in favour of sustainable development (Para. 14). Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.4. In relation to extensions to existing small hotels and guesthouses Paragraph 8.21 of the Birmingham UDP states “Existing premises within predominantly residential areas may be permitted to extend and improve existing facilities where no additional amenity/traffic problems would be created.”

- 6.5. Policy UD1 of the Moseley SPD seeks to ensure all new development enhances or improves the quality of the built environment, and acknowledges the value of the natural environment and open space, as important components of good design.

Use and Residential Amenity

- 6.6. The Applicant has stated that the proposed conservatory is required for additional guest seating, particularly breakfast seating. It is not clear to me why additional guest seating is required when there are already two guest lounges accommodated on the ground floor to serve this small nine bedroom hotel, and I am mindful that in the past a restaurant has operated from the site and that additional floorspace could be used in conjunction with weddings/events. However, there would be insufficient reason to refuse the application when the Applicant has confirmed that the main use of the building would remain as a hotel.
- 6.7. I note the concerns of local residents in respect of what uses might occur on the site as a result of the proposed development and that these uses might generate potential noise and disturbance issues. However, any restaurant use which was not ancillary to the main use of the building as a hotel would require planning permission, and could be enforced against if this was considered to be an inappropriate use for the site. Weddings/banqueting events might normally be expected in conjunction with a hotel use. Again, providing this remains as an ancillary function to the main use of the building as a hotel there would be no planning contravention. In any case given the relatively small size of the premises and rear garden it is not considered that the premises could accommodate a large number of guests. Notwithstanding, and in order to safeguard residential amenity, I recommend that conditions be attached to any consent to ensure that no amplified music is played externally within the rear garden or within the conservatory where noise may spill out (given its glazed nature and inclusion of French doors) and that the rear garden is not used after 11pm.
- 6.8. Regulatory Services have raised no objection to the proposal, as long as no additional plant and machinery is proposed to be installed. The Applicant is not proposing to install any additional external plant and equipment, and planning permission would be required for this if it was required at a later date.

Scale and Appearance

- 6.9. The proposed conservatory would be of a standard utilitarian design and appearance. Although rather large in terms of its footprint, I do not consider it would be so large as to appear out of scale with the existing building. It would not extend any further to the rear than the existing kitchen wing, and would be no taller in height than what might normally be expected. The proposed conservatory would be little visible from the public realm and I am satisfied that it would not be detrimental to the visual amenity of the surrounding area.
- 6.10. The demolition of the unlawful rear structure and its replacement with the proposed conservatory would be welcome in terms of improving the visual amenity of the surrounding area. Should any planning permission remain unimplemented I have requested that enforcement action is swiftly taken to ensure removal of the structure.

Traffic and Parking

- 6.11. I note the concerns of local residents in respect of potential for increased parking congestion and highway safety issues occurring as a result of the proposal,

particularly along School Road which is narrow in width. However, Transportation Development have raised no objection to the proposed development. They advise that with no change to bed numbers being proposed it is not anticipated that traffic or parking demand would alter significantly to that generated currently. I concur that the application could not be refused when there is no evidence to suggest that the addition of the conservatory would generate additional traffic which would overspill on to School Road.

Other Matters

- 6.12. A local resident has raised concerns about rubbish being piled up and this attracting vermin. However, I do not consider this is a planning matter.

7. Conclusion

- 7.1. I am satisfied that the proposed development would be of an acceptable scale and appearance, would not result in harm to residential amenity, and would not result in material traffic and parking congestion. As such I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

- 8.1. Approve Subject to Conditions

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Prevents the use of amplification equipment |
| 3 | Limits the approval to 3 years (Full) |
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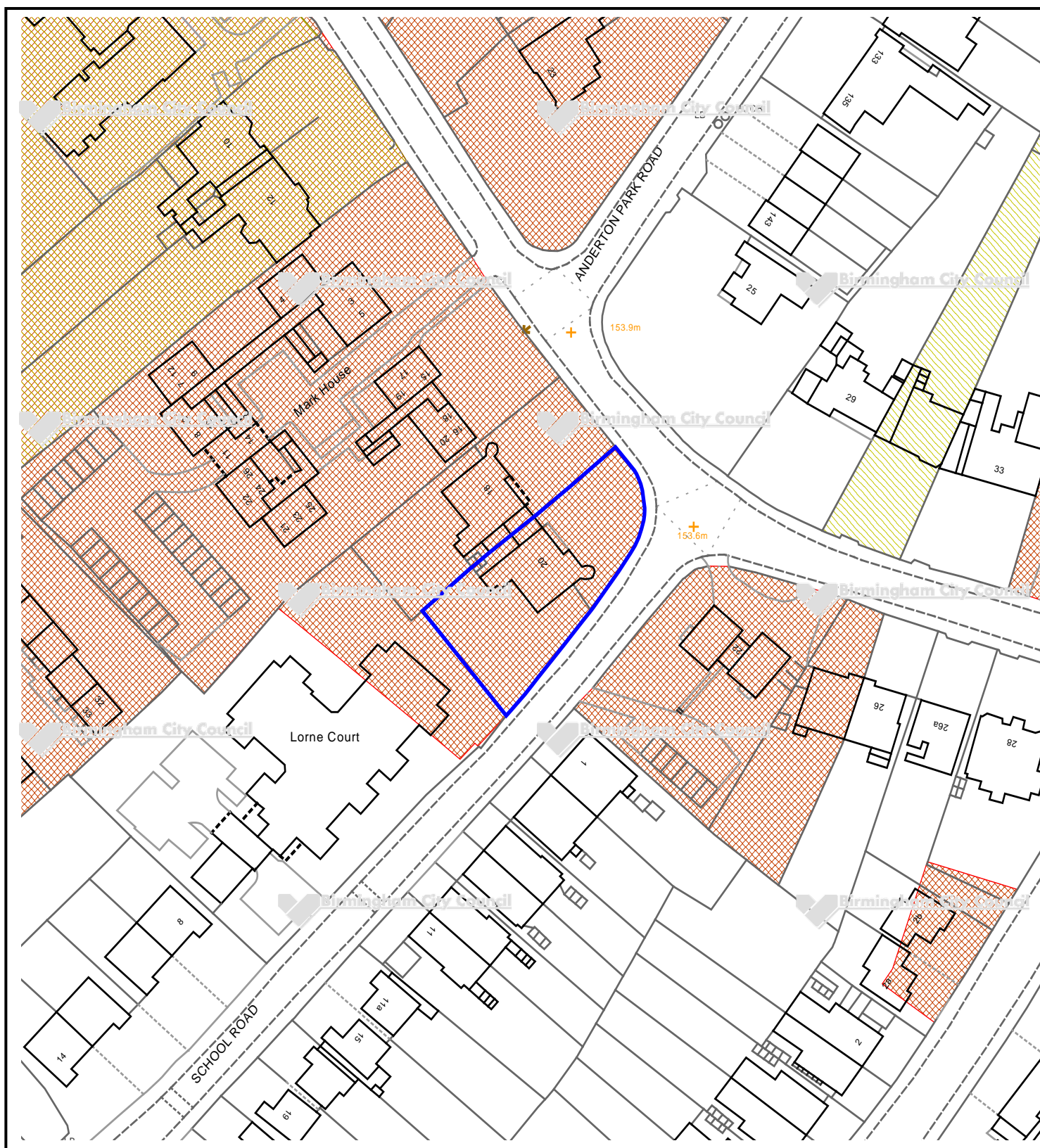
Case Officer: Andrew Conroy

Photo(s)



Figure 1 – View of existing unlawful rear structure taken towards southern corner of site.

Location Plan



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