

# **Birmingham City Council**

## **Planning Committee**

**01 February 2018**

I submit for your consideration the attached reports for the **South** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	8	2017/10086/PA  Beechenhurst House 10 Serpentine Road Selly Oak Birmingham B29 7HU  Minor material amendment attached to planning approval 2016/03063/PA to increase finished ground levels around the annex block by 500mm

Committee Date:	01/02/2018	Application Number:	2017/10086/PA
Accepted:	27/11/2017	Application Type:	Minor Material Amendment
Target Date:	26/02/2018		
Ward:	Selly Oak		

Beechenhurst House, 10 Serpentine Road, Selly Oak, Birmingham, B29 7HU

Minor material amendment attached to planning approval  
2016/03063/PA to increase finished ground levels around the annex  
block by 500mm

Applicant:	Five Oaks Green Ltd c/o Agent
Agent:	Tyler Parkes 66 Stratford Road, Shirley, Solihull, West Midlands, B90 3LP

#### Recommendation

#### **Approve Subject To A Section 106 Legal Agreement**

#### 1. Proposal

- 1.1. This proposal is for minor amendments to the approved scheme for the conversion of Beechenhurst House to student accommodation, which included a new-build, 3 storey (plus basement) annex block within the rear grounds.
- 1.2. The key amendment to the approved scheme comprises an increase to the finished ground levels around the proposed new annex building by 500mm; which in turn has no impact on the overall height of the building. However, increases the finished floor levels by 500mm; height and position of windows; the height of the stairwell which would protrude 500mm and reduced the depth of the parapet at roof level from 900mm to 400mm.
- 1.3. No other changes are proposed and the accommodation approved remains at 65 'Studios and a two storey, two bedroomed caretakers flats.

[Link to Documents](#)

#### 2. Site & Surroundings

- 2.1. The application relates to an existing property at 10 Serpentine Road, known as 'Beechenhurst House'. It is a substantial (2 ½ storey) dwelling constructed in the 1860's. The building has undergone alteration, but does still contain architectural features of merit and retains a historic stable yard and buildings. It is set within spacious grounds, with the building actually orientated towards the 'rear', with the 'main' elevation facing the gardens rather than Serpentine Road. The property follows the building line on the road frontage, set behind a driveway served by two existing access points with a low, stepped wall along the back of pavement and mature trees behind.

- 2.2. The site was, until recently, in the ownership of the City Council, originally operating as a care home, but more recently in use as offices
- 2.3. The site falls within Selly Park Conservation Area - an area of spacious plots and generously proportioned, architect-designed residential properties, open space and secluded culs de sac. Several religious and educational establishments are situated within the boundary of the Conservation Area, as is St. Mary Hospice. There are also a number of listed/locally listed buildings in the area, including St Stephen's Church and Selly Wick House to the south-east of the site (both Grade II listed).
- 2.4. Immediately adjacent to the north is the site of the former 'Bourn House', which has been redeveloped for housing. The remainder of this section of Serpentine Road is residential in nature, predominantly detached family residences of varying ages and styles.

[Location map](#)

3. Planning History

- 3.1. PA No. 2013/00885/PA. Change of use from care home (Use Class C2) to student accommodation (sui generis) comprising 68 bedspaces, erection of 3 and 4 storey rear extensions, alterations to windows, insertion of windows and car park to front – withdrawn.
- 3.2. 3<sup>rd</sup> February 2016. PA No. 2015/05416/PA. Conversion of existing buildings and erection of annex blocks (3 storeys plus basement) to create student accommodation with ancillary facilities, car parking and external works – approved, subject to a legal agreement.
- 3.3. 13<sup>th</sup> July 2016. PA No. 2016/03063/PA Minor Material Amendment attached to approval 2015/05416/PA for removal of some accommodation within roof of existing building and associated external works, extension to proposed annex block and amended design (with total number of studios increasing to 65) and incorporation of caretaker's accommodation within stable block – approved, subject to a legal agreement.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection.
- 4.2. Local Services – no objections.
- 4.3. Transportation – No objection.
- 4.4. Local Lead Drainage Authority – No significant variation in proposal/impact on drainage strategy.
- 4.5. Historic England – Confirm they have no comments to make regarding this minor change.
- 4.6. West Midlands Police – No objection.
- 4.7. Severn Trent – No response received.

- 4.8. Fire Service – No response received.
- 4.9. Centro – No response received.
- 4.10. Adjacent occupiers, Councillors, MP, residents associations notified along with other parties who expressed a view in respect of the original application. A site notice and press notice have been posted.
- 4.11. Selly Park Property Owners Association objects to this proposal noting this is the third in a series of applications which have successively increased the intensity and impact of this student development on Selly Park Conservation Area. They consider this latest proposal makes the development even more obtrusive for neighbours. The proposed height increase will change the relationship with the gutter line of the existing Beechenhurst building drawing the eye to the annexe in a way that makes it even more unsightly. They reiterate their initial objection to the application noting the building is out of character, will lead to increase in traffic and on street parking and will be detrimental to the character and appearance of the Conservation Area, as well as to the privacy of neighbours.
- 4.12. Fifteen individual responses also received from surrounding occupiers, objections as follows:
- Plans suggest an increase in the overall size of the building width, height and depth.
  - The proposed amendment is not minor as it increases the height of the building by a half a metre and will significantly impact on neighbours privacy.
  - This large block is already out of scale, the increase in height would be dominant and overbearing to neighbouring houses and would increase the shadow effects on those houses and gardens.
  - The development is inappropriate in the Conservation Area.
  - There will be an increase in noise.
  - There will be an impact on parking in the area.
  - The development will result in overcrowding of this street.
  - There will be a loss of trees.
  - The scheme has already been amended such that the annexe ceased to be sympathetic to the main house.
  - The amendment is purely commercially driven.
  - Views of residents are not being taken into account

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; UDP (2005) (saved policies); Car Parking Guidelines SPD (2012); Places for All SPG (2001); Specific Needs Residential Uses SPG (1992); Wider Selly Oak SPD (2015); Selly Park Conservation Area (designated 2010) and Article 4 Direction; Mature Suburbs SPD (2008), NPPF.

6. Planning Considerations

- 6.1. This application is for minor amendments to the recently approved scheme for the conversion of Beechenhurst House to student accommodation, with associated new 3 storey (plus basement) annex block within the rear grounds. The principle of the development and its detailed design/layout have already been considered/approved through PA No's. 2015/05416/PA and 2016/03063/PA. As such, notwithstanding the

comments of local residents in respect of these principles, consideration of this application is focused on the amendment to the scheme only. Paragraph 31 of National Planning Policy Guidance (Use of Conditions) states that *"In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application"*.

- 6.2. The key amendment to the approved scheme comprises an increase to the finished ground levels around the proposed new annex building by 500mm; which in turn has no impact on the overall height of the building. However, increases the finished floor levels by 500mm; height and position of windows; the height of the stairwell which would protrude 500mm and reduced the depth of the parapet at roof level from 900mm to 400mm.
- 6.3. No other changes are proposed and the accommodation approved remains at 65 'Studios' and a two storey, two bedroomed caretakers flats.

#### Conservation/Design

- 6.4. My Conservation colleague raises no objection to the proposed amendments. There is very little change to the overall design of the building, other than the protrusion of the stairwell area, which would have limited impact on the overall scheme. This view is reflected in the comments of Historic England.
- 6.5. I conclude that the amended scheme would preserve the character and appearance of the Conservation Area.

#### Revised Window Position

- 6.6. Although ground floor level is increased, the overall height of the building remains as approved. However, windows are set slightly higher to allow for this. Internally, the finished floor levels remain as approved. As such, I do not consider the amended position of windows would materially affect neighbours' residents, compared to the approved scheme.

#### Trees/Ecology

- 6.7. There would be no additional implications for trees. Your Ecologist has no further comments beyond those made on the original application.

#### Conditions

- 6.8. A number of pre-commencement conditions have already been formally discharged. I therefore, attached conditions approving those relevant details.

#### CIL/Planning Obligations

- 6.9. There has been no change to the overall floorspace, the CIL payment would be £171,258.
- 6.10. This Minor Material amendment necessitates a deed of variation to the S106 concerning transportation matters, which secured a sum of £20,540.

7. Conclusion

- 7.1. The proposed amendment would have no significant increase locally in respect of impact on the surrounding area and amenity. As such, I consider that the proposals constitute Sustainable Development, accord with policy and are therefore acceptable.

8. Recommendation

- 8.1. Approve, subject to a Deed of Variation.

I. That consideration of application no. 2017/10086/PA be deferred pending the completion of a Deed of Variation to require:

a) A contribution of £20,540 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) to be paid prior to the implementation of the approved development. The fund would be used for parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders and/or local highway improvement measures in Serpentine Road, Selly Park Road, Bournbrook Road, Elmdon Road and Oakfield Road.

b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.

II. In the event of the above Deed of Variation not being completed to the satisfaction of the Local Planning Authority on or before 22<sup>nd</sup> February 2018, Planning permission be refused for the following reason:

a) In the absence of a financial contribution towards parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders, and/or local highway improvement measures in Serpentine Road, Selly Park Road, Bournbrook Road, Elmdon Road and Oakfield Road the proposal would conflict with policy TP44 of the Birmingham Development Plan (2017) saved Paragraphs 8.51-8.53 of the Birmingham UDP (2005), the Wider Selly Oak SPD and the National Planning Policy Framework.

III. That the City Solicitor be authorised to prepare, seal and complete the appropriate Deed of Variation.

IV. In the event of the Deed of Variation being completed to the satisfaction of the Local Planning Authority on or before 22<sup>nd</sup> February 2018 favourable consideration be given to application no. 2017/10086/PA, subject to the conditions listed below.

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- |   |   |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans  |
| 2 | Requires the development to be carried out in accordance with the approved ecological/biodiversity/enhancement measures |
| 3 | Requires the development to be carried out in accordance with approved dormer   |
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	window/window frame details
4	Requires the development to be carried out in accordance with the approved sustainable drainage scheme
5	Requires the development to be carried out in accordance with approved landscape management plan
6	Requires the development to be carried out in accordance with approved earthworks details
7	Requires the development to be carried out in accordance with approved hard surfacing materials
8	Requires the development to be carried out in accordance with the approved boundary treatment details
9	Requires the prior submission of a lighting scheme
10	Requires the development to be carried out in accordance with approved details of green/brown roofs
11	Requires the development to be carried out in accordance with the approved materials.
12	Requires the development to be carried out in accordance with approved level details
13	Requires the development to be carried out in accordance with the approved refuse storage details
14	Requires the development to be carried out in accordance with the approved cycle storage details
15	Requires the development to be carried out in accordance with the approved Arboricultural Method Statement.
16	Requires tree pruning protection
17	No approval given to boundary treatments indicated
18	Requires tree removal outside the nesting season
19	Limits the approval to 3 years (Full)

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Case Officer: James Mead



**Photo(s)**



**Photograph 1: View of rear of site**



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**01 February 2018**

I submit for your consideration the attached reports for the **North West** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	9	2017/08742/PA  33 Tudor Hill Sutton Coldfield Birmingham B73 6BD  Demolition of existing dwelling house and erection of a new building containing 8no. apartments with associated parking and landscaping
Approve – Conditions	10	2017/08335/PA  Land adjacent 5 Canning Gardens Winson Green Birmingham B18 4DZ  Erection of 1 end terraced house
Approve – Conditions	11	2017/09708/PA  22 Wellesbourne Road Handsworth Birmingham B20 3TH  Retention of single storey outbuilding to rear
Approve – Conditions	12	2017/09416/PA  202 Dower Road Sutton Coldfield Birmingham B75 6SZ  Erection of single storey side, rear and forward extensions

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Committee Date:	01/02/2018	Application Number:	2017/08742/PA
Accepted:	10/10/2017	Application Type:	Full Planning
Target Date:	05/12/2017		
Ward:	Sutton Trinity		

**33 Tudor Hill, Sutton Coldfield, Birmingham, B73 6BD**

**Demolition of existing dwelling house and erection of a new building containing 8no. apartments with associated parking and landscaping**

Applicant:	B A Cashmore Ltd 87b Sheffield Road, Boldmere, Sutton Coldfield, Birmingham, B73 5HW
Agent:	The E Studio 8 The Wedge, Tenby Street North, Birmingham, B1 3EN

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. The proposal is for the demolition of the existing dwelling house and erection of a new building containing 8 no. apartments with associated parking and landscaping.
- 1.2. The proposed building would be 2-3 full storeys with accommodation in the roofspace to the front (Tutor Hill) elevation and 3-4 full storeys with accommodation in the roofspace to the rear elevation to take account of the change in levels within the site. The proposed building would be set back 5 meters from the existing building position to allow for the formation of a frontage car parking area.
- 1.3. The building would be traditional in appearance with gables and projecting bays on the front elevation with full height gables to either end and a projecting element at lower ground and ground floor in the middle on the rear elevation. Traditional materials would be used in the construction.
- 1.4. Accommodation would comprise 8 no. two bedroom apartments ranging from 93.8 to 117.4 sq.m with the 2 larger units being duplex apartments. The first and second floor apartments would have their own terraces to the rear.
- 1.5. The existing access off Park View would be retained and a new parking area would be formed with 16 spaces (2 per apartment). Cycle parking and a refuse store are also proposed.
- 1.6. In excess of 970sq.m private amenity space would be retained at the rear.
- 1.7. The application is supported by a Design and Access Statement, Arboricultural Report and preliminary Bat Survey.
- 1.8. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site comprises a large property constructed in the early 20<sup>th</sup> Century. It is a 3 storey building set lower than Tudor Hill which has had numerous modifications and extensions and has previously been used as a family home with 6 additional bedsits. There are a number of outbuildings which have also been used for residential accommodation with one known as Swallow Cottage. The building is currently vacant and in a poor state of repair.
- 2.2. The grounds to the house were originally much larger but the owners have sold off land to the rear in the 1990's which has been developed with 3 large dwellings. The site falls steeply from Tudor Hill to 6 Park Drive at the rear (approximately 3 meters) and there are a number of trees on and adjacent the site protected by TPO 636. Access is off Park View and there is a brick wall on the site boundary with Tudor Hill.

## 2.3. Site location

## 3. Planning History

- 3.1. 26/09/2017. 2017/08382/PA. Application for works to trees, T6 Silver Birch Tree - Fell, T7 Fir Tree - Remove Deadwood And Sever Creeper, T8 Cedar Tree - Remove Deadwood, T11 Beech Tree - Crown Lift To 5 Metres, T12 Oak Tree - Remove Deadwood, G1 Group Comprising Of Ash And Sycamore Trees - Remove Two Lowest Branches Off The Ash Tree Overhanging The Garden. Approved.
- 3.2. 27/12/2017. 2017/10965/PA. Application for works to trees, Prune cedar tree (T9) where it overhangs 6 Park View, Sutton Coldfield. Not yet determined.

## 4. Consultation/PP Responses

- 4.1. Transportation Development – No objections subject to conditions requiring a pedestrian visibility splay and parking areas laid out prior to use.
- 4.2. Regulatory Services – No objections subject to conditions requiring a contaminated land report, verification report and acoustic glazing to Tudor Hill frontage.
- 4.3. Severn Trent Water – No objection subject to condition requiring drainage details.
- 4.4. West Midlands Police – No objections.
- 4.5. Western Power Distribution - Please note there is a substation to the north of the site. WPD cables exit the substation on its East side and run along the north side of the proposed development site and run into Tudor Hill.
- 4.6. Councillors, Residents Associations, nearby occupiers notified. Site notice posted.
- 4.7. 5 letters have been received objecting to the proposal on the following grounds;
- Loss of privacy/overlooking
  - Proposal fails to comply with separation distances in Places for Living
  - Proposal building would be higher than Park View and have a dominating impact
  - Screening trees have been removed
  - Scale and massing too large

- Too intensive
- Out of character
- Electronic gates would lead to queueing
- Access on a blind bend
- Insufficient car parking
- Some of parking spaces are not useable
- Access should be off Tudor Hill
- Yellow lines should be put at the junction of Tudor Hill and Park View
- Significant increase in trip generation
- Access over a right of way to Park View
- Highway and pedestrian safety issues
- Conflict with access to gated development on Park View

4.8. Representation has been received from Councillor David Pears supporting the residents of Park View who have raised the following concerns:

- Too intensive
- Loss of privacy
- Increase in traffic and additional parking problems
- Increase chance of flooding
- Request a site visit if recommended for approval.

## 5. Policy Context

5.1. Birmingham Development Plan 2017, UDP 2005 (saved policies), Places for Living SPG, Mature Suburbs SPD, Car Parking Guidelines SPD, TPO 636, NPPF (2012).

## 6. Planning Considerations

6.1. The main issues for consideration are the principle of demolition and redevelopment, design and impact on the character of the area, residential amenity, highway impacts and any impact on trees and ecology.

6.2. **Principle of Development** – I have no objection to the principle of the demolition of the existing property and its replacement. While of some merit, the existing property has been altered and extended unsympathetically and is in poor condition. The Conservation Officer has confirmed the property does not merit being considered as a non-designated heritage asset. The property has been sub-divided in the past and contains a number of bed-sits as well as the main dwelling and further residential accommodation in an outbuilding. The replacement would provide a building of acceptable design with a good standard of residential accommodation.

6.3. **Design and Character of the Area** – Tudor Hill is an established residential area with a diverse range of house types and apartment developments and has no uniform character. The area consists of a mix of residential developments of different ages including the recently completed redevelopment of the Royal Mail Sorting Office opposite. The siting of the proposed new building has been set back into the site by a further 5 metres than the existing building to allow for the creation of the parking area and the footprint would be smaller than the existing building. The ridge height of the roof facing Tudor Hill would be 0.43 metres higher than the existing ridge with the gables 1.1 metre higher than the existing building. The building would appear as 2 storeys with accommodation in the roofspace on the Tudor Hill frontage although the building would be set below street level by approximately 2 metres. The rear element of the proposed building taking account of the level

differences would be 3 full storeys with additional accommodation in the roofspace. I consider the scale and massing of the proposed building although larger than the existing is appropriate to the location and the character of the area.

- 6.4. The detailed design of the proposal has been amended on the advice of the City Design Officer to revise elements of the elevation treatment and the proposed building would contribute positively to the visual appearance of the area and street scene of Tudor Hill, according with the design principles of Mature Suburbs SPD and Places for Living SPG. A condition is attached requiring further consideration of the boundary treatment as I consider the existing wall on the Tudor Hill frontage contributes to the character of the area and complements the mature landscape of Tudor Hill while the proposed railings/wall/piers appear out of keeping.
- 6.5. **Standard of Accommodation for Future Occupiers** - All apartments and bedroom sizes are well in excess of the minimum size for this type of unit as required by the "Technical housing standards – nationally described space standard" and all the apartments would contain adequate storage.
- 6.6. Private amenity space would be provided at the rear of the proposed building in excess of 970sq.m which is well in excess of the 30sq.m per unit (240sq.m) required by Places for Living SPG. Some of the apartments to the rear also have external balconies.
- 6.7. **Residential Amenity** – The proposal would not result in any loss of amenity to any nearby residents. The proposed building would be set 5 metres further back into the site than the existing building and would be set at an oblique angle to the dwellings opposite on Thomas De Beauchamp Drive. To the rear, the nearest window to a habitable room/balcony (3 storeys) would be 24.5 metres from the boundary to the rear private amenity area at 6 Park View and the nearest window to a habitable room in the top storey (4 storeys) would be 26.4 metres away which is well in excess of the minimum separation required by Places for Living SPG of 5 metres per storey (20 metres for 4 storeys). The proposed building would be set at a higher level than Park View and the rear elevation would face the flank wall of 6 Park View, it is well screened and a sufficient distance from the existing dwellings in Park View not to have a dominating impact.
- 6.8. No.35 Tudor Hill is set at an oblique angle to the proposed building and at a higher level, therefore, I do not consider the proposal would result in any direct overlooking or loss of privacy to the occupiers of that property. The rear and side boundary to the north (with no.35 Tudor Hill) also contains substantial screening through mature trees and hedges which would remain.
- 6.9. Regulatory Services raise no objections subject to conditions requiring a site investigation, verification report and appropriate acoustic glazing.
- 6.10. **Highways** – The proposed car park layout has been amended on the advice of Transportation Development. 16 car parking spaces are proposed retaining the existing access with an increase in width and incorporating electronic remote control sliding gates.
- 6.11. Transportation Development have commented that it would appear that due to its sub-division, the current/previous use would have generated traffic in excess of the traffic associated with a single residential unit, therefore, it is not considered that the potential increase in traffic as a result of this development would result in a severe impact on surrounding highways. Also, there have been no recorded accidents on



this part of Tudor Hill in the last 5 years.

- 6.12. Current parking guidelines specify a maximum parking provision of 2 spaces per unit (16 spaces). Two of the parking spaces are not independently accessible, however, the applicant has confirmed the tandem spaces would be allocated to specific apartments. Transportation Development are satisfied with the revised layout and do not consider it will impact on the highway.
- 6.13. The applicants are proposing to widen the existing access to 6.6 metres to incorporate the required pedestrian visibility splay and they are also proposing an electronic remote controlled sliding gate. Transportation Development note there are other gated developments in the area and raise no objection to the access which is existing or the use of electronic gates which would not result in excessive waiting on the highway.
- 6.14. **Trees and Ecology** – The site is covered by a Tree Preservation Order (TPO 636) and a pre-development Arboricultural Survey has been submitted in support of the application. A tree covered by the TPO has recently been removed with permission and would be replaced with a new tree at the apex of the site. Existing trees on the site boundary would be retained additional tree planting would also be proposed. The tree Officer raises no objections subject to a condition requiring and arboricultural method statement and tree protection details.
- 6.15. A preliminary Bat Roost Assessment has been submitted in support of the application which notes that all the buildings on the site bar the main building have negligible potential for roosting bats. As the main building has moderate potential for roosting bats, the Planning Ecologist considers this warrants a condition requiring a further bat survey to be undertaken. The Planning Ecologist also recommends conditions requiring a lighting scheme and provision of bird and bat boxes within the development.
- 6.16. **Community Infrastructure Levy (CIL)** – The application site is within a CIL chargeable area. Net additional floorspace would be 245sq.m with a CIL charge of £16,905.

## 7. Conclusion

- 7.1. The proposal would provide a building of appropriate high quality design which would fit in with the character of the area. It would not result in any adverse impact on highway safety or residential amenity and issues relating to trees and ecology can be satisfactorily conditioned. The proposal complies with relevant local and national planning policies and is acceptable in this location.

## 8. Recommendation

- 8.1. Approve Subject to Conditions.

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|---|--|
| 1 | Requires the prior submission of a contamination remediation scheme      |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of a drainage scheme                       |
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- 4 Requires the prior submission of an additional bat survey
  - 5 Requires the prior submission of details of bird/bat boxes
  - 6 Requires the prior submission of hard and/or soft landscape details
  - 7 Requires the prior submission of hard surfacing materials
  - 8 Requires the prior submission of boundary treatment details
  - 9 Requires the prior submission of a lighting scheme
  - 10 Requires the prior submission of sample materials
  - 11 Requires the prior submission of level details
  - 12 Requires the parking area to be laid out prior to use
  - 13 Requires pedestrian visibility splays to be provided
  - 14 Arboricultural Method Statement - Submission Required
  - 15 No consent is given to proposed boundary wall/railings
  - 16 Requires the scheme to be in accordance with the listed approved plans
  - 17 Implement within 3 years (Full)
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Case Officer: John Davies

## **Photo(s)**



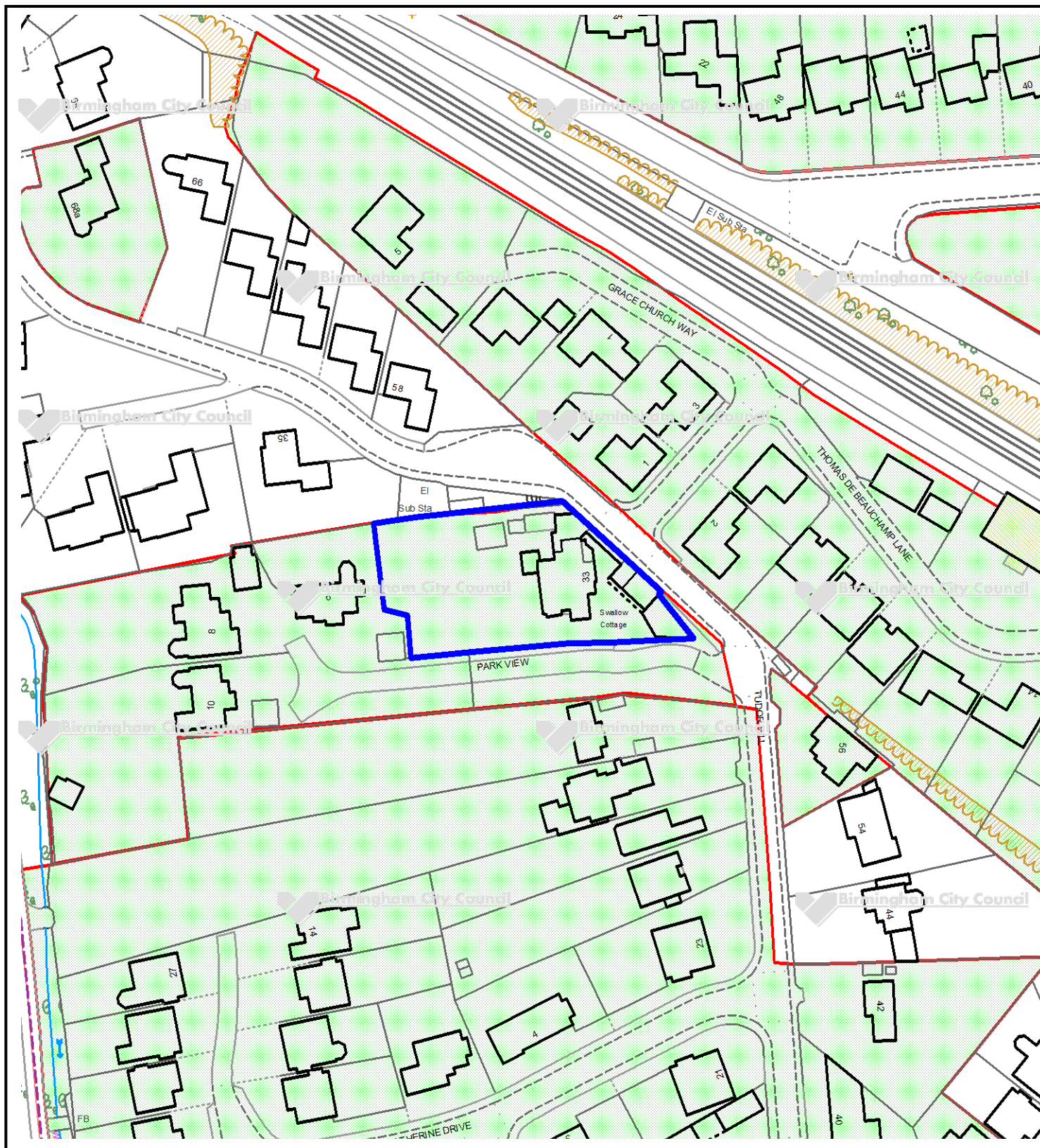
**Figure 1 – Existing building**



**Figure 2 – View from Tudor Hill**



## Location Plan



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Committee Date:	01/02/2018	Application Number:	2017/08335/PA
Accepted:	02/10/2017	Application Type:	Full Planning
Target Date:	27/11/2017		
Ward:	Soho		

Land adjacent 5 Canning Gardens, Winson Green, Birmingham, B18 4DZ

Erection of 1 end terraced house

Applicant:	Mr T Mahmood 60 Westwood Road, Sutton Coldfield, Birmingham, B73 6UN
Agent:	Mr S Khan 248 Washwood Heath Road, Washwood Heath, Birmingham, B8 1RJ

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. The applicant proposes the erection of a two storey dwelling house on land that currently forms part of the curtilage of No.5 Canning Gardens which is located within a residential cul-de-sac comprising of similar two storey semi-detached dwellings.
- 1.2. The height of the new build would match that of the house that it would adjoin. It would be built out of facing brickwork, roof tiles and UPVC windows to match the existing properties on the street scene.
- 1.3. The ground floor would provide a hallway, lounge and kitchen/dining room. The first floor would provide two bedrooms and a bathroom.
- 1.4. A rear amenity area measuring 124sq.m would be provided.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site currently forms part of the connected single storey side garage of No.5 Canning Gardens. The site is situated within a small residential close comprising of 6 pairs of semi-detached properties with large spacing in between and driveways to the frontage.
- 2.2. [Site Location](#)

3. Planning History

- 3.1. None.

4. Consultation/PP Responses

- 4.1. Site notice displayed, Ward Councillors notified, residents associations and surrounding occupiers were notified – 8 letters of objection have been received from local residents with their concerns summarised below:
  - Impact on outlook and light
  - Parking and congestion issues
  - De-value neighbouring properties (not a material planning consideration)
  - Scale, mass, design
  - Impact on character of area
  - Imbalance pair of semi-detached dwellings.
- 4.2. Transportation Development – No objections subject to footway crossing condition
- 4.3. Severn Trent Water - No objection.
- 4.4. West Midlands Police – No objections
- 4.5. Regulatory Services – No objection subject to noise insulation condition.
5. Policy Context
- 5.1. Birmingham Development Plan (2017), Birmingham UDP (saved policies), Places for Living SPG (2001), The 45 Degree Code SPG (1996), Car Parking Guidelines SPD (2012) and the National Planning Policy Framework (2012).
6. Planning Considerations
- 6.1. The proposed development has been assessed against the policies set out above. The main considerations are the effect of the proposal upon the appearance and character of the area and the impact upon the amenities of adjacent properties and highway safety
- Principle of development**
- 6.2. The site is located within an established residential area and is surrounded by residential properties. As such, I consider that the addition of a new dwelling would be appropriate with the existing context. The proposed development would constitute a sustainable development, constituting an efficient use of land and responding to the local area context. The proposal would therefore comply with the aspirations as laid out within the above policies and would be acceptable in principle.
- Layout, design, scale and massing**
- 6.3. 'Places for Living' SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and distance separation standards, with emphasis on assessing context and responding positively to local character.
- 6.4. The proposed development would be similar in scale, mass and design to the surrounding dwellings located in Canning Gardens and follow the existing building line within the cul-de-sac. Therefore it is considered the proposed development would have an acceptable impact on the street scene. Nos. 5 and 9 were originally a pair of matching semi-detached properties. No.9 has subsequently had a 2-storey side extension which is similar in size and design as another dwelling. There is an

argument that the current proposal would bring back a form of balance to these properties.

- 6.5. I consider that the proposed dwelling would provide a satisfactorily located and designed 2 bedroom dwelling, which would sit comfortably within the context of the existing street scene. I therefore consider that the proposal is acceptable in terms of layout, design, scale and massing.
- 6.6. The proposal complies with the objectives of the 45 Degree Code. As such the proposed development will not cause any unacceptable detriment to existing light and outlook of adjoining occupiers.

**Residential amenity**

- 6.7. 'Places for Living' SPG requires 5m per storey set back where main windows overlook existing private garden/ amenity areas and 21m between rear building faces. The proposed dwelling meets with these spatial policy requirements. The SPG also states a 70sq.m of private amenity garden space is required for a 3-bed property. The application meets this requirement as the rear garden meets this minimum requirement.
- 6.8. The total gross internal floor space of the proposed dwelling would measure 60sq.m. The bedrooms measure 11.3sq.m and 8.2sq.m and would comply with NDSS standards. The rear amenity area would measure 124sq.m. In light of this and the size and character of the existing houses, it is considered acceptable.

**Highways Issues**

- 6.9. Transportation Development has no objections to the development highlighting that there are no TROs within the close and there is off road parking available within the site. Car Parking Guidelines SPD 2012 specifies a maximum of 2 spaces per dwelling house, and a parking layout is covered by condition.
- 6.10. I note the site has a good level of public transport accessibility, with several frequent bus services available within easy walking distance of site. I also note there is off-street parking available to the frontage of the site of the proposed dwelling. As such, I consider the proposed development to be acceptable from a highway safety perspective and I concur with the view of Transportation Development.

7. Conclusion

- 7.1. The design, scale, mass and layout of the proposed dwelling would be acceptable. Local residential occupiers would not be adversely affected and there would be no detrimental impact on the appearance of the street scene or highway safety.

8. Recommendation

- 8.1. Approve, subject to the following conditions.

- 
- |   |   |
|---|---|
| 1 | Requires that the materials used match the main building            |
| 2 | Requires the prior submission of hard and/or soft landscape details |
-

- 
- |   |  |
|---|--|
| 3 | Requires the prior submission of boundary treatment details            |
| 4 | Requires the prior approval of a parking layout                        |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
| 6 | Implement within 3 years (Full)  |
- 

Case Officer:         Hiteshree Kundalia



## Photo(s)



Photo 1 – site of proposed new dwelling house, to replace the existing side garage.

## Location Plan



Site Location Plan 1:1250

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Committee Date:	01/02/2018	Application Number:	2017/09708/PA
Accepted:	07/12/2017	Application Type:	Householder
Target Date:	01/02/2018		
Ward:	Lozells and East Handsworth		

22 Wellesbourne Road, Handsworth, Birmingham, B20 3TH

Retention of single storey outbuilding to rear

Applicant: Mr N Khan  
22 Wellesbourne Road, Handsworth, Birmingham, B20 3TH  
Agent:

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought to retain a detached building at the end of the rear garden of the application site. This measures 6.8m by 3.5m and designed with a pitched roof at a total height of 3.75m (2.8m to eaves). The structure has a timber finish.
- 1.2. The outbuilding is used as a home gym and domestic store
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a traditional hipped roof semi-detached dwelling house. The property has been previously extended with a first floor side extension, single storey rear extension and dormer windows to the rear; in addition to this a detached outbuilding has been erected to the rear of the curtilage. The detached building forms the basis of this application. The rear of the application property is enclosed by 1.8m high fencing with some additional planting on the rear boundary.
- 2.2. To the rear of the application site is No. 28 Winston Drive. This is a detached dwelling house located at a 90 degree angle to application site. The nearest window at this property lights a study to the front which has been previously converted from a garage.
- 2.3. There are a number of other detached structures in the locality; these differ in scale and design.
- 2.4. [Site Location](#)

3. Planning History

- 3.1. 25/03/2004 - 2003/07393/PA - Erection of single storey rear and first floor side extensions – Approved with Conditions
- 3.2. 2017/0266/ENF - Alleged unauthorised large extension and outbuilding to rear – investigations ongoing
4. Consultation/PP Responses
  - 4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted. One letter of objection has been received; objections have been raised in respect of loss of outlook. Concerns have also been raised in respect of a recent roof extension to the main dwelling.
5. Policy Context
  - 5.1. The following local policies are applicable:
    - Birmingham Unitary Development Plan saved policies 3.14 – 3.14D & Chapter 8 (Adopted 2005)
    - Birmingham Development Plan (Adopted 2017)
    - Places For Living (Adopted Supplementary Planning Guidance 2001)
    - The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
    - Extending your Home (Adopted Supplementary Planning Document 2007)
  - 5.2. The following national policies are applicable:
    - NPPF: National Planning Policy Framework (2012).
6. Planning Considerations
  - 6.1. The principal matters for consideration are the scale and design of the detached building as erected on site, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties' amenities.
  - 6.2. The scale of the detached outbuilding is proportionate to the original dwelling house and plot size. The development does not compromise the character or architectural appearance of the property and has a limited impact on the visual amenity of the surrounding area. As such the development complies with the design principles contained within your Committee's adopted design guide 'Extending Your Home' (Supplementary Planning Document).
  - 6.3. The detached building as built complies with the distance separation guidelines contained in 'Extending your Home' and 'Places for Living'.
  - 6.4. Due to the orientation of No. 28 Winston Drive the detached outbuilding breaches your Committee's 45 Degree Code at a distance of 5m from a front facing study window. However, the Code does make allowances for circumstances that can be taken into consideration; this includes when there is screening between the development and the effected window. It is noted that in this instance there is some planting to the rear of the detached structure on the boundary with No. 28 Winston Drive that screens the development in part.

- 6.5. Furthermore, the affected window (a study) is not an original window opening at the neighbouring property. The study has been previously converted from a garage and is also recessed under a canopy. It is also noted that the outbuilding only requires planning permission because the eaves are 300mm above what would be allowed under permitted development rights (2.5m).
- 6.6. Taking all these factors into account and considering the harm to the study, it is considered that on balance a refusal could not be sustained on the grounds of loss of light or outlook.
- 6.7. A condition will be attached to safeguard the future use of the structure and that it remains incidental to the main house.
- 6.8. It is noted that concerns have been raised over a recent roof extension at the property which includes a large rear dormer window. This matter is being investigated separately as part an ongoing enforcement case (2017/0266/ENF) and does not form part of the determination of this application.
- 6.9. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. Notwithstanding the objections received I consider that the development complies with the objectives of the policies outlined above. As such the development does not cause sufficient detriment to warrant a refusal of the application.

8. Recommendation

- 8.1. Approve subject to the following conditions

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1 Requires the scheme to be in accordance with the listed approved plans

2 Requires that the approved scheme is incidental to the main use

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Case Officer: Philip Whittaker



**Photo(s)**

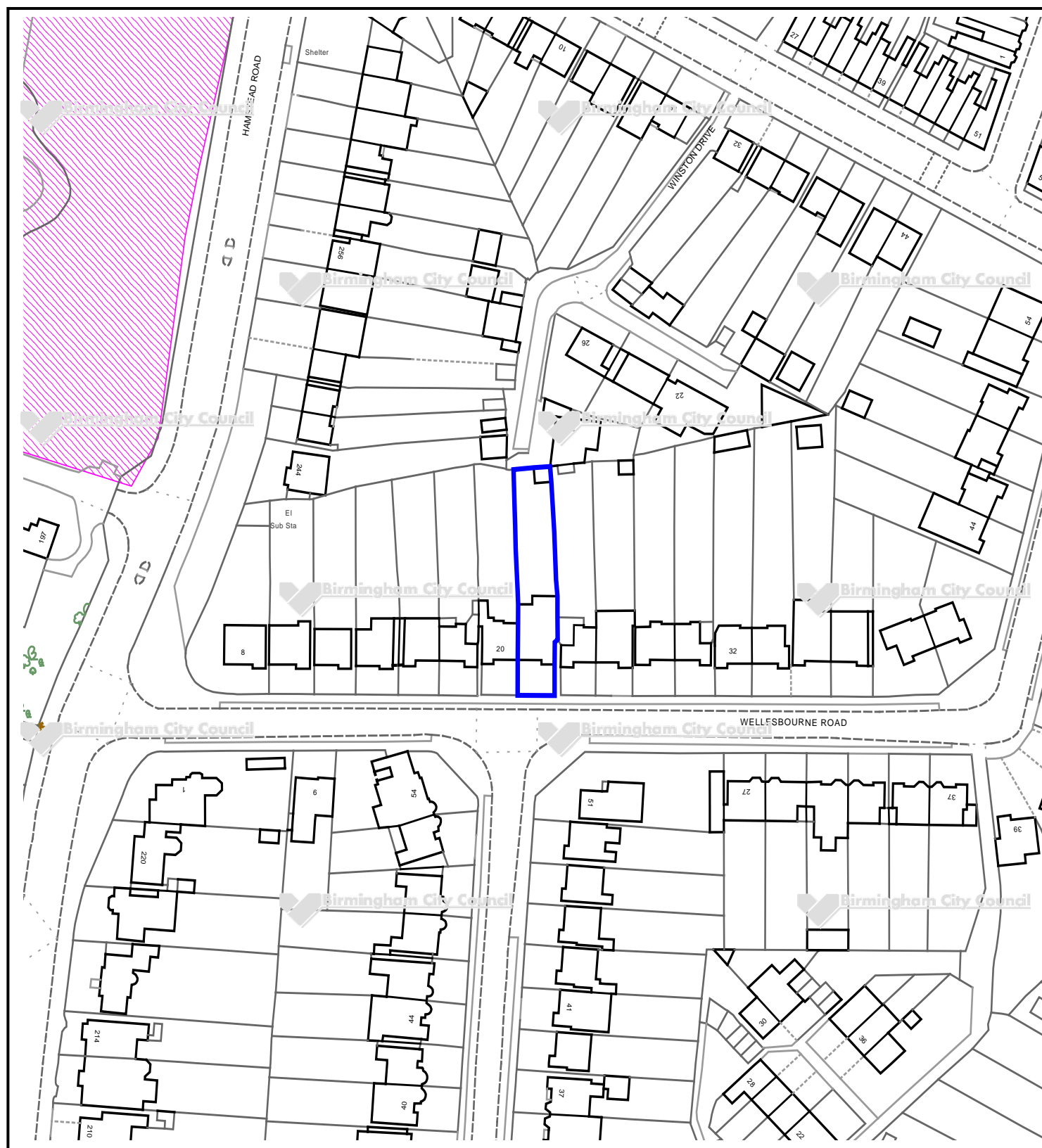


Photo 1: Detached Outbuilding



Photo 2: Rear view from Winston Drive

## Location Plan



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Committee Date:	01/02/2018	Application Number:	2017/09416/PA
Accepted:	10/11/2017	Application Type:	Householder
Target Date:	05/01/2018		
Ward:	Sutton Four Oaks		

202 Dower Road, Sutton Coldfield, Birmingham, B75 6SZ

Erection of single storey side, rear and forward extensions

Applicant: Mr & Mrs Zubari  
202 Dower Road, Sutton Coldfield, Birmingham, B75 6SZ  
Agent: NH Planning  
7 Wollerton Grove, Sutton Coldfield, West Midlands, B75 7SP

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## Recommendation

### **Approve Subject To Conditions**

#### 1. Proposal

- 1.1. Consent is sought for the erection of forward, side and rear single storey (wraparound) extension at 202 Dower Road, Sutton Coldfield. The extension would provide an office, toilet, store, utility room and a kitchen-dining room. The proposal from the front elevation would measure approximately 4m in height (2.7m to eaves), 2.8m in width, and the depth from the front to the rear would measure 11.3m. The proposal will be constructed with matching materials to the existing dwelling.

#### 1.2. [Link to Documents](#)

#### 2. Site & Surroundings

- 2.1. The application property is a semi-detached dwelling within an established residential area consisting of similar properties. The ground level falls in a North to South direction. The application property is physically attached to 200 Dower Road, which is set at a higher level.
- 2.2. No.204 Dower Road has been previously extended with a single storey rear extension. There are 2 ground floor side windows at this property that face the application property. The first window from the front elevation of the property is to the hallway, the second is to the kitchen and is the sole source of light to the kitchen.
- 2.3. There is a Tree Preservation Order (TPO 951) in relation to the land at the rear of the application property. There is a small tree present in the area in which the extension is proposed which is not covered by the TPO.

#### 2.4. [Site location](#)

#### 3. Planning History

- 3.1. No planning history

#### 4. Consultation/PP Responses

- 4.1. Adjoining residents and local ward councillors have been consulted.
- 4.2. One response has been received from a neighbouring resident who has stated no objection. However the neighbouring resident has made a number of comments in regards to the application which are listed below:
- They consider the following information in the application form as inaccurate: 1. the site cannot be viewed from a public footway. 2. There are no trees that would be affected by the development.
  - The tree that is present at the application property will likely be removed or at least pruned if the proposed development takes place.
  - Potential impact on light to the side windows at No.204 Dower Road
  - The proposed development will be directly adjacent to the site boundary, driveway and garage of No. 204 Dower Road.
  - A request for conditions to be placed if permission is granted to ensure adherence to the Party Wall Act.

#### 5. Policy Context

- 5.1. The following local policies are applicable:

- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan 2005 (saved policies)
- Places for Living (Adopted Supplementary Planning Guidance 2001)
- Extending your Home (Adopted Supplementary Planning Guidance 1996)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)

The following national policy is applicable:

- NPPF – National Planning Policy Framework (2012)

#### 6. Planning Considerations

- 6.1. The principal matters for consideration are the scale and design of the proposed development and the impact of the architectural appearance of the property and the impact of the surrounding area and the impact upon neighbouring amenities.
- 6.2. Amended plans were received reducing the rear of the proposed extension by 1m and the front elevation by 0.5m. Furthermore the roof of the proposed extension was changed from a flat roof to a pitched roof.
- 6.3. The proposed rear extension would breach the 45 Degree Code by approximately 0.2m in regard to the nearest ground floor habitable room window of No.200 Dower Road. However I consider this breach to be very small scale and thus will not adversely impact the daylight, outlook or privacy of No.200 Dower Road, which is set at a higher level, to such an extent to support a reason for refusal. The proposal would comply with the 45 degree code in regard to the rear habitable room window on the ground floor of No.204 Dower Road. The proposed extension would comply with the 45 degree code in regard to the front habitable room windows at No.200 Dower Road and No. 204 Dower Road.
- 6.4. The proposed development does not comply with the 12.5m distance separation required in 'Extending Your Home' and 'Places for Living' Supplementary Planning

Guidance for existing windowed elevations facing proposed 1 and 2 storey flank walls. As proposed, there would be approximately 2.4m between the existing ground floor side kitchen window of No.204 Dower Road and the proposed side extension. However there is an unusual relationship between the application property and No.204 Dower Road. There is a rear extension at No.204 Dower Road which has resulted in the window at the side elevation being the main source of light to the kitchen. While the orientation would not result in a loss of light, there would be an impact on the outlook from this window albeit the outlook is already restricted by an existing 1.45m high boundary fence.

- 6.5. The applicant could exercise their permitted development rights to build a side extension which would result in the same impact on neighbouring amenity. Furthermore a 2m high boundary fence could be erected without consent. In considering the fall back position of the applicant I do not consider that the proposal would worsen the current arrangement to such an extent as to warrant refusal of the application.
- 6.6. The proposal complies with the remainder of the numerical guidelines as set in 'Places for Living' and 'Extending Your Home' relevant to the proposal.
- 6.7. Following receipt of amended plans the proposed extension will have a pitched roof and thus will be similar to the roof of the existing dwelling and dwellings in proximity to the application property. Furthermore the extension has been reduced by 0.5m and is in line with the front porch of the existing dwelling after amendments were made. The scale, mass and design of the proposal are acceptable. The extension would be in keeping with the style, character and appearance of the original dwelling. The proposed development would be in accordance with the principles contained within 'Extending Your Home' Design Guide.
- 6.8. Comments received from a neighbouring resident stated no objection but highlighted issues in the application form which they considered inaccurate such as the site cannot be viewed from a public road/footpath and that there are no trees that would be affected by the development. The tree officer confirm the presence of a TPO to the land at the rear of the application property and state that no protected trees would be adversely affected by the proposed development. There is a small tree in close proximity to the proposed extension, however this is of very limited public amenity value and not covered by a TPO.
- 6.9. The comments received from a neighbouring resident also stated that the development would be in close proximity to the boundary, drive way and garage at No.204 Dower Road. The neighbouring resident also requests that if planning permission is granted conditions should be placed to ensure adherence to the party wall act. However party wall issues are a civil matter and not a material consideration in the determination of a planning application.

## 7. Conclusion

- 7.1. I consider that the proposed development complies with the objectives of the policies outlined above. As such the development would not cause sufficient detriment to warrant a refusal of the application.

## 8. Recommendation

- 8.1. Approval subject to conditions:

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires that the materials used match the main building
  - 3 Implement within 3 years (Full)
- 

Case Officer: Esther Mngola

**Photo(s)**



Photo 1 – Front Elevation of application site



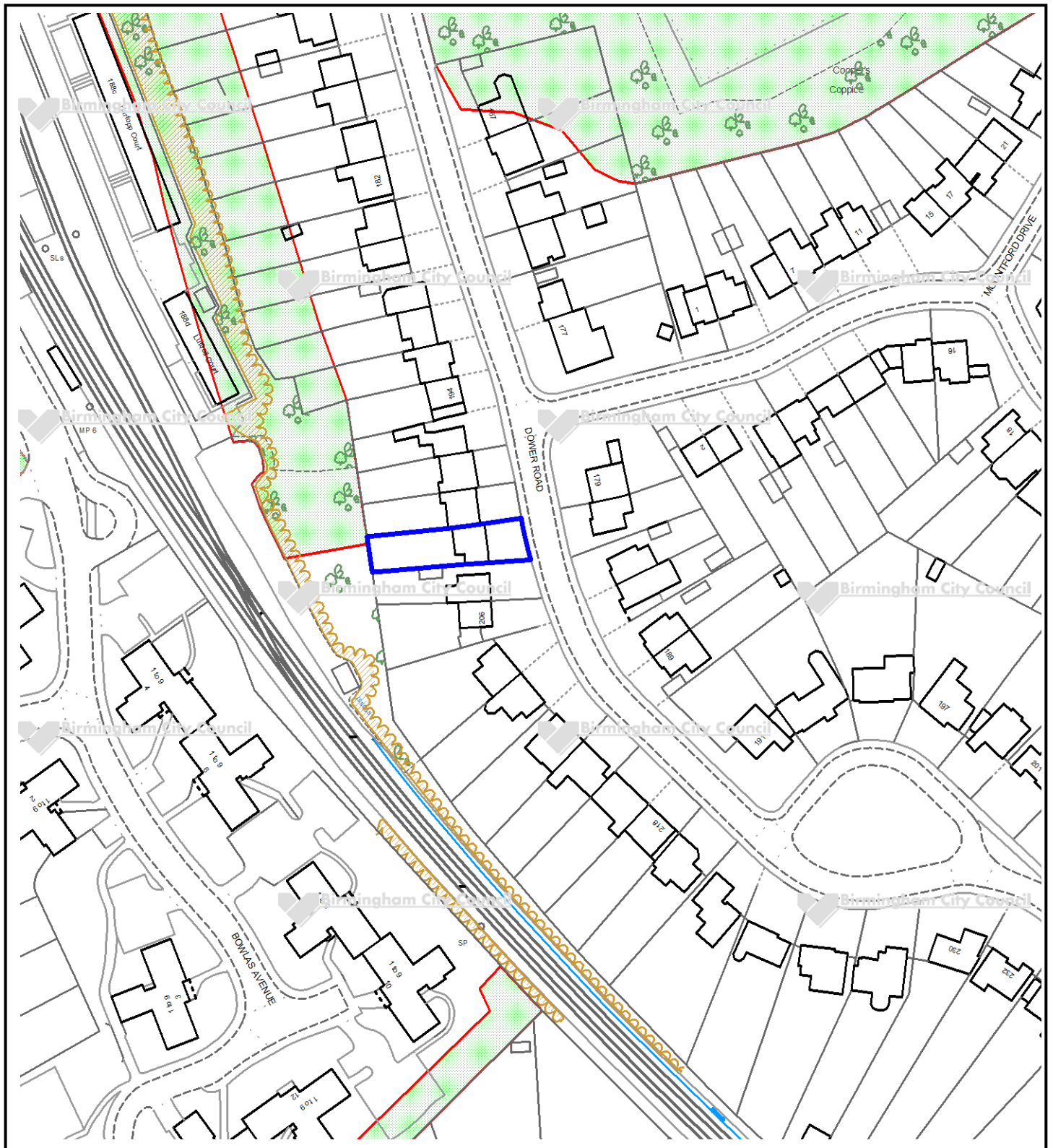
Photo 2 – Rear of No.204 Dower Road



Photo 3 – Rear of application site



## Location Plan



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