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Committee Date:	06/08/2015	Application Number:	2015/04642/PA
Accepted:	11/06/2015	Application Type:	Minor Material Amendment
Target Date:	06/08/2015		
Ward:	Sutton Vesey		

10 Digby Road, Sutton Coldfield, Birmingham, B73 6HG

Minor Material Amendment attached to approval 2014/04788/PA for repositioning of some windows on the front elevation, an increase in the height of the building by 0.5m, reduction in finished site level, reduction in ridge height at the rear and new retaining walls.

Applicant: Digby Road Developments Ltd  
122 Colmore Row, Birmingham, B3 3BD  
Agent: BPN (Bryant Priest Newman) Architects  
3 Mary Street, Birmingham, B3 1UD

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. The proposal is for amendments to planning approval 2014/04788/PA the erection of 7 apartments, car parking and associated works, to allow for an increase in the height of the building, lower the finished site level, reposition 2 windows on the front elevation and reduce the ridge height at the rear.
- 1.2. The increase in height of the building by 0.5m is required to allow for adequate floor to ceiling heights to be achieved within the building. Following discussions with officers, the applicants considered the preferred solution was to lower the finished site level of the building by 0.5m to ensure the ridge height of the building did not increase in relation to the adjacent properties. The resultant finished site level would be 0.93m lower than no. 12 Digby Road and 0.65m lower than no. 8A Digby Road. The lowering of the building would require retaining walls to be constructed adjacent no. 8A Digby Road (1.9m in length x 0.7m high) and adjacent no. 12 Digby Road (4m in length x 1.2m high at the front and 6.6m in length x 1.2m high at the rear).
- 1.3. Other minor amendments include the repositioning of a first and second floor window on the front elevation so they would line up with the position of the ground floor window and a slight decrease (0.5m) in the height of the ridge of the roof at the rear of the building,
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a large detached dwelling, located on the southern side of Digby Road within a residential area. It is 3 storeys with a 2 storey wing to

rear on the western boundary and has been vacant for a number of years. The dwelling is derelict and the site is overgrown with a security hoarding on its front boundary with Digby Road.

- 2.2. To the east, No. 12 is a large detached dwelling with 2 listed buildings at No's. 11 and 14 on the junction with Driffold. Directly to the west are No's. 8 and 8a Digby Road which are smaller, more modern detached dwellings set forward of No. 10. There is a cul-de-sac with modern houses, Kirkby Green, to the west, and No's. 6, 8 and 10 Kirkby Green back directly onto the western boundary of the application site. To the rear of the site is Ashdene Close and beyond the Sutton Coldfield to New Street railway line in a cutting.

2.3. [Location plan and street view](#)

3. [Planning History](#)

- 3.1. 31 July 2003 - 2002/06598/PA – Erection of 7 apartments and car parking, and demolition of existing dwellinghouse. Approved subject to conditions following Planning Committee site visit.
- 3.2. 11 September 2008 – 2008/03092/PA - Erection of 7 apartments and car parking, and demolition of existing dwellinghouse. Approved subject to conditions.
- 3.3. 17 October 2011 – 2011/05400/PA - Application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation of 2008/03092/PA for the erection of 7 apartments, car parking, associated works and demolition of existing dwelling house. Approved subject to conditions. Approval expired on 17<sup>th</sup> October 2014.
- 3.4. 30 October 2014 – 2014/04788/PA. Demolition of existing dwelling house and erection of 7 apartments, car parking and associated works. Approved.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – no objections subject to conditions.
- 4.2. Regulatory Services – no objections.
- 4.3. Severn Trent Water – no objections subject to condition.
- 4.4. West Midlands Fire Service – no objections.
- 4.5. West Midlands Police – no objections.
- 4.6. Councillors, Residents Associations and nearby occupiers notified. 5 letters have been received objecting to the proposal on the following grounds;
- Proposed increase in height change the 3 storey building to a 4 storey building which is out of character with the road.
  - Bin store would impact on roots of existing tree.
  - Proposal too significant to be considered as a minor amendment.
  - Plans do not show relationship with 8A and 12.

- Window on south east corner at property could be changed to a door so flat roof could be used as a balcony.
- Conflict with 45 degree code.
- Insufficient information provided.

## 5. Policy Context

- 5.1. UDP (Adopted 2005), Draft Birmingham Development Plan, Places for Living SPG, 45 Degree Code, Mature Suburbs Residential Guidelines SPD, Car parking Guidelines, NPPF (2012), NPPG (2014).

## 6. Planning Considerations

- 6.1. Planning permission was granted in 2003 for the demolition of the existing dwelling house and the erection of a 3 storey building to provide 7 apartments with car parking. The planning permission was renewed in 2008 and in 2011 permission was granted for an extension of time to implement the consent until 17<sup>th</sup> October 2014. This permission was never implemented. Your Committee granted planning permission for an amended proposal for 7 apartments and car parking on 30<sup>th</sup> October 2014 (2014/04788/PA). Subsequent to this the site was sold to the applicants who fully intend to develop the site, however, during the detailed design stage it became apparent that there were a number of inaccuracies in respect of levels and floor to ceiling heights which resulted in the approved scheme being unbuildable. The applicants discussed their options with officers and the current application has been submitted with the principal amendments that the finished site level has been lowered by 0.5m and the height of the building increased by 0.5m (11.7m to 12.2m).
- 6.2. I consider the proposed amendments to the approved scheme are acceptable. The design of the building remains essentially the same as the previous approval. The lowering of the finished site level and the minor increase in height would have no adverse impact on the visual amenities of the area or on the amenities of the adjoining occupiers at no's 8A and 12 Digby Road.
- 6.3. The ridge height of the building would not exceed the height of the ridge line on the approved scheme and would be below the height of the existing dwelling house on the site. The building would be set well back into the site behind the parking area and would be well screened by the existing wall and trees on the site frontage which are to be retained. The building would still have the appearance of 3 full storeys with additional accommodation in the roofspace.
- 6.4. The lowering of the building would not have any additional impacts on the adjoining occupiers. The building complies with the 45 degree code in relation to no. 12 Digby Road and the applicants have confirmed the flat roof adjacent to the boundary with no.12 has no direct access and would not be used as a balcony. The impact on no. 8A would be no greater than the approved scheme. The approved scheme breaches the 45 degree code in relation to no. 8A, however, this has previously been accepted by your Committee on the grounds that the existing dwelling house breached the 45 degree code and the most recently approved scheme breached the code to a lesser amount than the previous schemes approved in 2003, 2008 and 2011.

6.5. The Tree Officer has confirmed that she raises no objection to the location of the bin store within the Root Protection Area of a retained tree on the site frontage.

7. Conclusion

7.1. I consider the proposed amendments to planning approval 2014/04788/PA are acceptable subject to conditions.

8. Recommendation

8.1. Approve Subject To Conditions.

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| 1  | Requires the prior submission of an additional bat survey   |
| 2  | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures        |
| 3  | Requires the prior submission of details of bird/bat boxes  |
| 4  | Requires the prior submission of hard and/or soft landscape details                               |
| 5  | Requires the prior submission of hard surfacing materials   |
| 6  | Requires the prior submission of boundary treatment details                                       |
| 7  | Requires the prior submission of sample materials   |
| 8  | Requires the prior submission of level details  |
| 9  | Requires the prior submission of drainage details   |
| 10 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 11 | Requires vehicular visibility splays to be provided   |
| 12 | Requires the provision of a heavy duty crossing   |
| 13 | Requires the prior submission of cycle storage details  |
| 14 | Requires the implementation of tree protection  |
| 15 | Requires the prior submission of details of refuse storage  |
| 16 | Requires the prior submission of window details   |
| 17 | Requires the prior submission of entrance gate details  |
| 18 | Removes PD rights for boundary treatments   |
| 19 | Requires the scheme to be in accordance with the listed approved plans                            |
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20 Limits the commencement of this development upto the 30th October 2017.

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Case Officer: John Davies

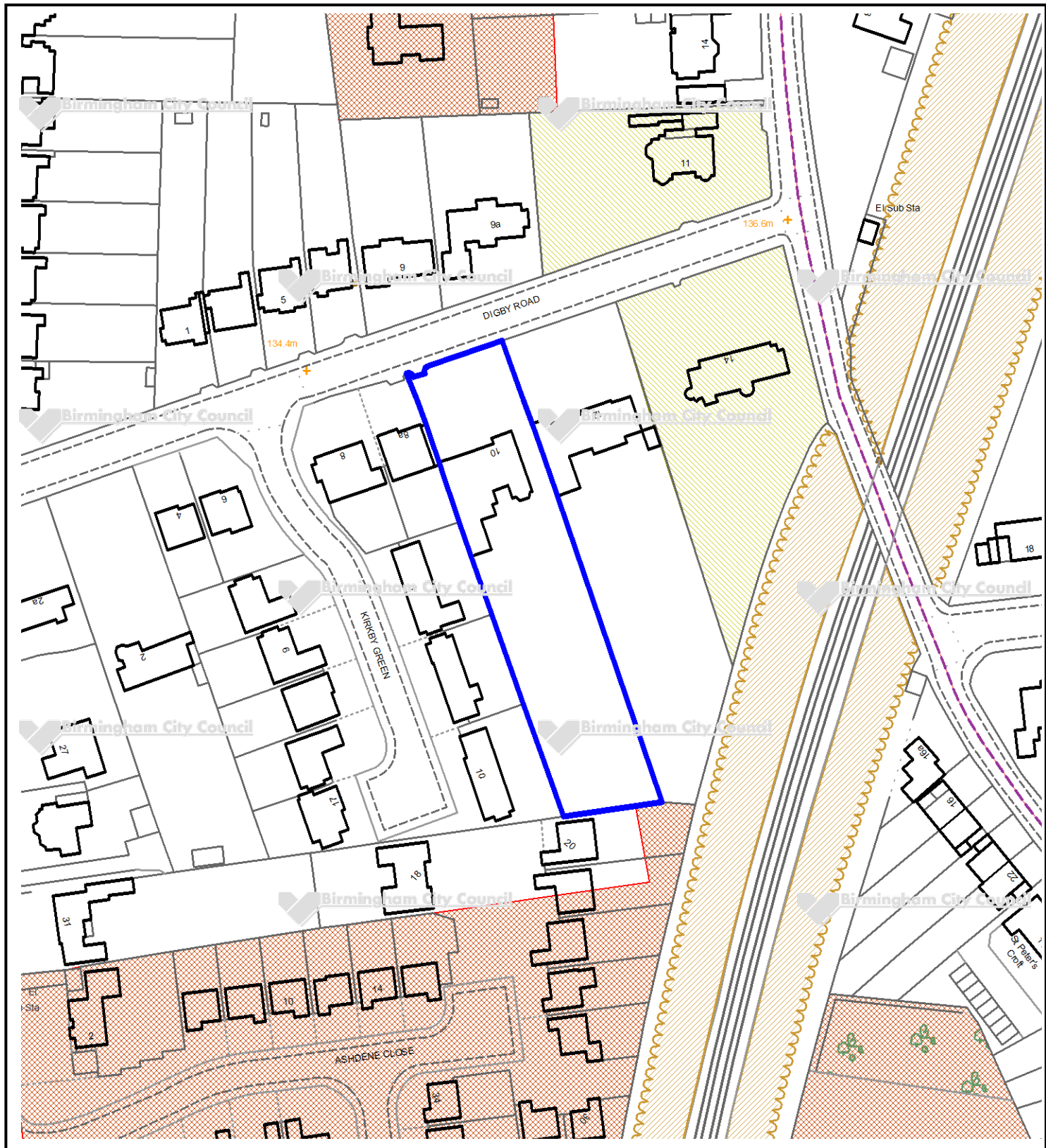
**Photo(s)**



**Figure 1 – Existing dwelling**



## Location Plan



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