

# **PLANNING COMMITTEE**

**19th June 2019**

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**Planning Application 19/00596/FUL**

**Proposed single storey extension to front elevation**

**70 Underwood Close, Callow Hill, Redditch, B97 5YS**

**Applicant: Mr & Mrs Benton**  
**Ward: Crabbs Cross Ward**

**(see additional papers for site plan)**

The author of this report is Sue Lattimer, Planning Officer (DM), who can be contacted on Tel: 01527 881336 Email: s.lattimer@bromsgroveandredditch.gov.uk for more information.

## **Site Description**

The site comprises a 3 bedroomed detached bungalow situated on a corner plot within Underwood Close, Callow Hill.

## **Proposal Description**

The application is for a single storey extension which would project from the front (south facing) elevation of the property by a distance of 4 metres. The extension would have a width of 6.3 metres and would measure 2.4 metres to eaves and 3.2 metres to the highest part of its proposed solid tiled hipped roof. The walls would be constructed of brickwork with 'diamond' shaped lead glazed windows matching the design of the windows in the existing property. Pedestrian access to the property from Underwood Close would be gained via the proposed development which would also act as an extension to the existing living room via a sliding patio door.

## **Relevant Policies:**

### **Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

### **Others**

SPG Encouraging Good Design

NPPF National Planning Policy Framework (2019)

## **Relevant Planning History**

None

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### **Public Consultation Response**

Six letters received objecting to the application for the following summarised reasons:

- The proposed development is in contravention to a covenant covering properties on the estate including Underwood Close which prevents the erection of buildings beyond the front elevation of a dwelling (between the dwelling and road)
- The design and appearance of the extension would not respect the local context having regard to the existing dwelling and surrounding buildings and would be out of character with the area
- The proposal is too large and inappropriate on such a prominent corner plot
- The extension would result in noise disturbance to the detriment of amenity
- Privacy concerns raised

A petition containing 10 signatures has been received, objecting to the application. The petition does not explain the reason for the objections.

### **Assessment of Proposal**

The application site is within a residential area where there is a general presumption in favour of domestic extensions to dwellings subject to the application satisfying relevant policies of the development plan.

The proposed single storey extension is considered to be relatively modest in scale and massing and your officers are satisfied that the extension would appear as a subservient addition to the original dwelling which has not been extended previously. It is considered to represent a proportionate extension with materials matching those of the existing dwelling.

Were the extension to be located to the rear of property it would benefit from permitted development rights afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A and therefore the works would not be subject to planning control. It is understood however that the applicant wishes to maximise the south facing front gardens' potential, thereby triggering the need for planning permission.

Structures and buildings extending beyond a dwellings 'principal' elevation do have the potential to impact upon the character and appearance of an existing street and applications have to be considered on their particular merits.

Properties in Underwood Close, Partridge Lane and others in the vicinity such as Woodgreen Close and Thorncliffe Close are comprised of primarily detached dwellings accessed via invariably short, curved cul-de-sacs which reduce vehicle speeds. This layout results in a changing of vista and views and importantly a variable building line. More consistent building lines are generally found in development erected in the 1970's or earlier where dwellings tend to be spaced out more evenly along generally longer and straighter roads (such as Evesham Road for example).

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The front garden onto which the extension is proposed to be erected is screened by planting, much of which is evergreen, ranging from between two and four metres in height. The planting would screen the majority of the development from Underwood Close. However, in the absence of the planting which exists, the proposed extension would remain 2.5 metres from the edge of pavement, Underwood Close at its closest point and over 7 metres from the edge of pavement at its furthest point.

As referred to above, a variable rather than a consistent building line exists along Underwood Close due to the nature of the cul-de sacs which serve the dwellings in this area. It has therefore been concluded that the size and location of the extension to the front elevation of the property would not appear incongruous or cause harm to the character of this residential area.

Representations received in objection to planning applications often refer to restrictive covenants imposed by housebuilders on future occupiers which often prohibit certain operations including (for example) the planting of trees or hedges or the stationing of caravans on front gardens. However, such operations are often not subject to planning control. In any case, restrictive covenants are private land interests and, as such, they do not constitute material planning considerations. In much the same way that anyone can seek and obtain planning permission for a development on land even if they do not own all or part of the land, cannot afford to implement the development, or cannot obtain building regulation approval for it, anyone can seek or obtain planning permission for a development which, if carried out, would be in breach of a restrictive covenant, and it is no part of the local planning authority's remit to consider whether the applicant is able to overcome the various practical constraints which may restrict their ability to complete the development. As such, the existence of a restrictive covenant should play no part in the planning decision making process.

Although noise disturbance during construction is an inevitable consequence of granting permission for new development, such noise and general inconvenience is temporary and not in itself a reason to refuse permission. Although loss of privacy has been raised as a concern, the proposed extension would be situated approximately 22 metres from the front face of No.8 Underwood Close which is located to the south of the application site, and the extension would be no nearer to No.88 Underwood Close (to the east of the site) than the nearest part of the existing dwelling. Your officers have concluded that privacy and the amenities enjoyed by occupiers of nearby dwellings would not be diminished by granting consent.

In accordance with relevant policies of the development plan including the Council's SPG Encouraging Good Design, it is considered that the proposed extension would not cause any detrimental harm to the visual amenities of the area.

The proposal is considered to comply with the Borough of Redditch Local Plan No.4 and the National Planning Policy Framework 2019 and can therefore be recommended for approval.

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### **RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:**

### **Conditions:**

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason:- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building.

Reason:- To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policies in the Local Plan.

- 3) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Location Plan dated 21st May 2019

Block Plan dated 21st May 2019

Proposed Elevations and Floor Plans dated 21st May

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

### **Informatives**

- 1) Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.

### **Procedural matters**

This application is being reported to the Planning Committee because two (or more) objections have been received.