

# **PLANNING COMMITTEE**

**4th March 2020**

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**Planning Application 19/01464/FUL**

**Proposed New 3 Bedroom Detached Dwelling with Associated Parking and Landscaping**

**23 Hoopers Lane, Astwood Bank, Redditch, Worcestershire, B96 6AP,**

**Applicant: Mrs Clare Whalley**  
**Ward: Astwood Bank And Feckenham Ward**

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

Case Officer: Laura Russ, Planning Officer (DM), who can be contacted on Tel: 01527 534122 Email: l.russ@bromsgroveandredditch.gov.uk for more information.

## **Site Description**

23 Hoopers Lane is located within the village of Astwood Bank. It is an existing semi-detached dwelling situated to the north-west of the turning head of the cul de sac part of the Lane. The dwelling is sited within a more spacious plot than the surrounding dwellings, owing to its location within the cul de sac. It is surrounded by garden land to both the north and west. There is a single bay garage with a lean-to structure attached to the northern elevation of the existing dwelling.

23 Hoopers Lane is bound to the north by the rear garden serving 29 High Street, to the west by the rear garden serving number 29A High Street, and to the south by 21 Hoopers Lane.

The application site comprises the northern half of 23 Hoopers Lane.

## **Proposal Description**

The proposal is to demolish the existing attached garage and lean-to structure within the garden of 23 Hoopers Lane and construct a new 3 bedroom detached two storey dwelling, with associated parking and landscaping.

The dwelling would be built in line with number 23 and would be set off the boundaries either side, with a garden to the rear and parking to the front. It has been designed to reflect the scale and detail of surrounding dwellings with a porch with a mono pitched tiled roof to the right hand side, and flush windows with decorative detailing inbetween.

## **Relevant Policies :**

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

Policy 1: Presumption in Favour of Sustainable Development

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Policy 2: Settlement Hierarchy  
Policy 5: Effective and Efficient use of Land  
Policy 16: Natural Environment  
Policy 39: Built Environment  
Policy 40: High Quality Design and Safer Communities

## **Others**

Redditch High Quality Design SPD  
National Design Guide  
NPPF National Planning Policy Framework (2019)

## **Relevant Planning History**

No relevant planning history

## **Consultations**

### **Cllr Warhurst**

No Comments Received To Date

### **Cllr Clayton**

No Comments Received To Date

## **North Worcestershire Water Management**

Based on the available information there is no reason to withhold approval of this application on flood risk grounds. There is no surface water flood risk indicated on the site and the site is in flood zone 1. I don't deem it necessary for this planning application to recommend attaching a drainage condition.

## **Highways Redditch**

The site is located in a residential and sustainable location off an unclassified road, the site benefits from an existing vehicular access with good visibility in both directions from the existing access. Hoopers Lane benefits from footpaths and street lighting on both sides of the road and no parking restrictions are in force in the vicinity. The site is located within acceptable walking distance of amenities, bus route and bus stops.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.

## **Arboricultural Officer**

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I hold no objections to this proposed application, in relation to any tree related issues, subject to conditions

### **Public Consultation Response**

9 neighbour notification letters sent out on 28.11.2019. Expired 22.12.2019.

A further notification letter was sent on 10.02.2020 (to all contributors). Expires 27.02.2020

3 objections were received during the original consultation period and at the time of publication 1 objection has been received following amendments to the scheme. These raised the following concerns:

- The increased amount of traffic in the close will result in parking issues and the loss of available parking for visitors or residents in the parking bay
- No objection to an extension but an extra property will add a feeling of claustrophobia
- Plans do not show our extensions which will be overlooked along with our garden
- Loss of light into the house from the easterly aspect, especially in the winter.
- The proposed development will have a direct view into our living rooms from the west facing windows and will directly overlook our garden sitting areas. The current fence is only 5 feet high and the land is elevated in relation to our property.
- It would not conserve or enhance biodiversity as it will destroy important garden habitat.
- Hedgehogs, which are a declining species, regularly visit our and neighbouring gardens. Gardens are a vital source of biodiversity and habitat for wildlife.
- Section 70 of the NPPF states 'Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.' This development is clearly a case of "Garden Grabbing" and will undermine the garden area of the immediate area.
- Section 122 of the same document states: 'Planning policies and decisions should support development that makes efficient use of land, taking into account... the desirability of maintaining an area's prevailing character and setting (including residential gardens)'. Again this proposed development does not adhere to this guidance.
- The inclusion of obscure glazing (of which the obscurity level is unknown) will do little to restrict the overview of our property. The objector questions the desirability of the proposed property with an obscure glazed bedroom window. Double glazed units can be easily replaced with clear glass units at a later date, so this amendment is difficult to enforce/monitor over time. By adding obscure glazing to the plan, it is acknowledged that there will be a severe impact to the privacy of our property.
- Severe overshadowing of our garden at key parts of the day, particularly as the proposed development is directly south of our garden. This will reduce the natural sunlight available in our main sitting out area. Supporting photographs submitted.

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Other matters which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

### **Assessment of Proposal**

#### **Principle of development**

The site is located within the village settlement of Astwood Bank. Policy 2 of the Borough of Redditch Local Plan No.4 sets out that Astwood Bank is a Sustainable Rural Settlement, excluded from the Green Belt, which offers an appropriate range of services and facilities. Development within the settlement boundary will be the focus for identified development needs and supporting local services and infrastructure. The principle of development on this site is therefore considered to be acceptable provided that the design of the proposal is appropriate to its surroundings and that it does not have any adverse impacts on the neighbouring occupiers or the environment.

#### **Character and appearance of area**

Hoopers Lane is predominantly characterised by spacious pairs of semi-detached dwellings in the same design, set back behind a small garden or driveway. In the opposing north east corner of the turning head to the application site is a detached dwelling of a similar design to its surroundings. There is also a detached dwelling at the entrance to the cul de sac. The proposed detached dwelling has been designed to reflect the scale, design and materials of the surrounding dwellings and would appear in balance with the opposing detached dwelling. It would still retain the characteristic spacious feel of Hoopers Lane and would not result in a terracing effect.

Two objections have been received in respect of “garden grabbing” and the feeling of claustrophobia, however for the reasons set out above it is considered that the proposed dwelling would integrate fully into the neighbourhood, making efficient use of the land. It would be erected adjacent to the existing dwelling at number 23, rather than in the rear garden and would therefore follow the established building line of the cul de sac. As such the proposal would comply with Policy 5: Effective and Efficient Use of Land, Policy 39: Built Environment, Policy 40: High Quality Design, the High Quality Design SPD and the NPPF.

#### **Amenity**

The High Quality Design SPD states that where plot subdivision is proposed, the plot must be of a sufficient size for both the existing and proposed development. The proposed dwelling would have a rear amenity space of 114m<sup>2</sup> whilst retaining an acceptable amenity space of 72m<sup>2</sup> for the existing dwelling.

The Council’s SPD states that ‘Private amenity spaces will be expected to be suitably sited and in scale with the plot and surrounding buildings and reflect existing local density’. Whilst the proposed garden length of 8 metres would be substandard to the 10.5

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metres stated in the SPD, it would be in keeping with the length of adjacent and surrounding gardens in the cul de sac.

Policy 39 states that 'Areas should be designed to ensure they make places better for people and proposals have demonstrated that community views have been taken into account in the design of the development.'

Objections have been received from the dwellings bounding the northern and western boundaries in respect of overshadowing and overlooking.

The dwelling to the western boundary, 29A High Street, has been extended to the rear at single storey and to the side at two storey, however the first floor windows in the two storey extension are level with those in the rear elevation of the original house. To ensure privacy levels are maintained the Council's SPD sets out a spacing standard of 21 metres between rear dwelling windows that directly face each other. Where there is a difference in gradient of 1 metre or more, further distance between windows can be required. It is acknowledged that there is a modest gradient to the land running from west to east, but this is clearly under the 1 metre marker. Furthermore, the distance between opposing first floor windows would be 24 metres.

In addition to the above regard must be had to an extant outline planning permission for a 'dormer style' bungalow in the rear garden of 1 Hoopers Lane, the adjacent dwelling to 29A High Street and south-east to 23 Hoopers Lane. Whilst reserved matters have not yet been received, the outline plans show the rear elevation of the bungalow to be sited in line with the single storey rear extension of number 29A. The garden length of the proposed application site which is the subject of this report, would be the same length as the garden length of 21 Hoopers Lane where similar separation distances between existing and proposed dwellings have already been deemed acceptable in principle by virtue of permission being granted. This material consideration therefore carries significant weight.

The other objection in respect of overlooking relates to the dwelling to the northern boundary, 29 High Street. Unlike 29A High Street, 29 High Street does not directly oppose the application site, rather it is offset at an angle, however, it would be within closer proximity. It is acknowledged that the original floor layout proposed could have resulted in a degree of overlooking to the living and garden areas of 29 High Street. The agent has sought to address these concerns by reversing both the ground and first floor layout to ensure that those windows closest to the boundary with number 29 High Street would serve non-habitable rooms. Furthermore, the nearest ground floor windows and all the windows in the first floor rear elevation would be obscure glazed as annotated on the amended plans. The appropriate level of obscurity could be conditioned. Whilst the comments are noted in respect of the obscure glazing to a bedroom window, the agent has incorporated this as a compromise to the development and there would also be a clear glazed high-level window in the southern side elevation. Furthermore, there are two other bedrooms proposed to the front elevation. There are no windows proposed in the northern elevation. This amendment, whilst not considered necessary for the reasons

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already set out, would also address concerns regarding overlooking to number 29A High Street. Finally, to preserve the amenity of adjoining occupiers and separation distances a condition could be attached restricting any further extensions.

The Council's design SPD states that the extent of overshadowing and the severity of its impacts upon amenity will depend on a number of factors. Careful consideration has been given to the potential for the proposed dwelling to overshadow living areas and the gardens serving both numbers 29 and 29A High Street, particularly given the aspect of the development. It is evident from the site visit to number 29 that there is no set patio or sitting out area. Different areas of the garden are used throughout the day depending on the sun light. The sun diagrams provided by the agent show that in the Winter months shadowing could occur to the mid – far end of the garden of number 29 in the first few hours of daylight. Whilst the sun is lower in the sky in the winter casting a longer shadow, it is likely that less time would be spent in the garden, particularly at the affected time of day. It is accepted that in the summer, when more time is spent in the garden, there could be a greater impact, where shadowing could occur to the middle to far end of the garden in the mid-morning into the early afternoon, however the shadows would be shorter. It is apparent from the supporting photographs provided that there already exists some shadowing at different parts of the day from existing trees and buildings, however, this is the case in most gardens and there are still areas of sunlight available given the scale of the garden. It is considered that this would remain the case with the proposed development. Given the area and width of the rear garden of number 29 relative to the height of the proposed dwelling and its distance of 2.5 metres from the boundary, the extent and duration of overshadowing is unlikely to be severe, even when taking into account the modest change in gradient. It is not considered that there would be any loss of light to the dwelling itself.

Given the path of the sun it would appear that there would be discernible impact in the Winter months on number 29A High Street. It is the summer months when the path of the sun is longer that the garden of number 29A would have the potential to be over shadowed in the early to mid-morning. However, given the height of the sun, combined with the limited height of the proposed dwelling and the depth of the proposed garden the extent of the shadow is unlikely to severely impact on the garden of number 29A. Again, it is noted that an existing tree to the south of number 29A already provides some shadowing to the mid – far end of the garden. It is not considered that that there would be a loss of light to the dwelling despite the slight difference in land levels, given the separation distances.

### **Highways**

An objection has been received on the basis of increased traffic in the close and the loss of visitor and resident parking in the bay adjacent to 23 Hoopers Lane. The Highways Authority have raised no objection to the proposal on the grounds that the site is located in a residential and sustainable location off an unclassified road, and benefits from an existing vehicular access with good visibility in both directions. Although two car parking spaces have been provided, the site is located within acceptable walking distance of

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amenities, bus route and bus stops. The Highways Authority is of the view that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained. The 'parking bay' referred to forms the turning head to the cul de sac allowing emergency and refuse vehicles to turn and leave in a forward gear, as such the area should be kept free from vehicles therefore, the access would, if anything, alleviate the issue.

### **Biodiversity**

Having regard to the urban setting and maintained garden land a Preliminary Ecological Appraisal was not sought. However, it is noted that ecological enhancements have been incorporated into the scheme in the form of hedgehog highways in the fences and a Schwegler bird box on the side elevation, with a view to seeking net gains for wildlife in accordance with Policy 16 of the Borough of Redditch Local Plan No.4 and the NPPF.

### **Housing Supply**

At present the Council cannot demonstrate a 5 year supply of deliverable housing sites. It is considered that the amended scheme addresses the potential adverse impacts on residential amenity and as such complies with the policies of the Borough of Redditch Local Plan No.4, the Council's High Quality Design Guide SPD and the NPPF. As such the proposal would represent a sustainable form of development which would contribute to the Borough's housing supply.

### **RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following 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) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Site Location Plan 010 P1  
Proposed Site Layout 003 A  
Proposed Block Plan 002 A  
Proposed Ground Floor Plan 004 A  
Proposed First Floor Plan 005 A  
Proposed Front Elevation 006 A

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Proposed Rear Elevation 008 B  
Proposed Side Elevation 007 A  
Proposed Side Elevation 009 A

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

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 4) The window to be installed in the rear elevation at first floor and serving the bedroom, as shown on the approved plans, shall be obscure glazed to level 3 or higher on the Pilkington Glass privacy scale. The obscure glass shall be maintained in the said window in perpetuity.

Reason: To protect the amenities of neighbouring residents

- 5) Other than the window referred to in condition 4, all other windows shown to be obscure glazed on the approved plans shall be obscure glazed to level 4 or higher on the Pilkington Glass privacy scale. The obscure glass shall be maintained in the said windows in perpetuity.

Reason: To protect the amenities of neighbouring residents

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A to C shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To protect the amenities of surrounding occupiers.

- 7) All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees. This fencing and /or ground protection shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed. Any excavations within the root protection areas must be carried out by hand and in accordance with BS5837:2012.



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Reason: In order to protect the trees which form an important part of the amenity of the site.

- 8) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

- 9) The Development hereby permitted shall not be first occupied until the secure cycle parking shown on drawing 003 Rev A has been provided in accordance with the details received by email on 17/12/19. The cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards.

- 10) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 003 Rev A.

Reason: To ensure conformity with submitted details.

### **Informatives**

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 2) The applicant is reminded of their responsibilities under the Wildlife and Countryside Act (1981). In addition hedgehogs are listed as a species of principal importance with the NERC Act (2006) therefore the site should be hand searched prior to any demolition. Should any protected species or species of principal importance be found then works must cease until the advice of a registered, qualified ecologist has been sought.
- 3) Alteration of highway to provide new or amended vehicle crossover  
This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk). The applicant is solely responsible for all costs associated with construction of the access.
- 4) No Drainage to Discharge to Highway  
Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

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**Procedural matters**

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