1. **Background**

1.1 The application was registered on 13\textsuperscript{th} August 2019. An extension of time has been agreed until 30\textsuperscript{th} January 2020.

1.2 The application has been referred to the Planning Committee in accordance with the adopted Scheme of Delegation.

2. **The site and surrounding area**

2.1 The application site is located within a well established residential area of the Nunnery Ward; the site is a semi-detached dwellinghouse of redbrick construction and a tiled pitched roof. The property also has a small porch that is adjoined to the neighbouring property at No. 108 Medway Road.
3. **The proposal**

3.1 The application seeks householder planning permission for the erection of a two-storey rear extension and single storey side extension.

3.2 The application is accompanied by a full set of plans together with a suite of supporting documents that include:

- 003b (c) Amended Proposed Floor Plans
- 004a (c) Amended Existing and Proposed Elevations
- 003b (c) Amended Existing and Proposed Elevations
- 004a (c) Amended Site/ Block Plan
- 003a (c) Amended Existing Floor Plans
- 003b (c) Amended Parking Plan

3.3 An amended plan to show provision for a bicycle storage structure on the forecourt of the premises and the proposed forecourt parking layout was submitted. However, the bicycle storage structure is shown to have a height of 2.2 metres which Officers do not consider is acceptable in relation to its siting on the forecourt adjacent to the ground floor habitable room windows of the adjoining property at 108 Medway Road. The proposed bicycle store has been omitted from the scheme and a condition for the provision of more suitable bicycle storage is recommended accordingly.

3.4 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council’s website. As such, Members will have had the opportunity to review the submitted plans and documents in order to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.
4. **Planning History**

4.1 The site has been the subject of the following applications:

- 72/0407 - Erection of 28 semi detached houses on road 4 off road 1 Medway Road.
  Refused - Appeal Allowed 16-08-1974.

5. **Planning Policy**

5.1 The Town and Country Planning Act 1990 ('the Act') establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be taken into account. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan, unless material considerations indicate otherwise.

5.2 The Development Plan for Worcester now comprises:

- The South Worcestershire Development Plan (SWDP) which was adopted February 2016, and;
- The Worcestershire Waste Core Strategy, which was adopted on December 2012.

**South Worcestershire Development Plan (South Worcestershire Development Plan 2016)**

5.3 The following policies of the SWDP are considered to be relevant to the proposal:

**SWDP21 – Design**

**Material Considerations**

1. **National Planning Policy Framework**

5.4 The revised National Planning Policy Framework was updated on 19 February 2019 and sets out the government’s planning policies for England and how these are expected to be applied and is a material planning consideration in determining planning applications. All the policies in the NPPF constitute Government's view of what sustainable development in England means in practice: an economic role, contributing to a strong, responsive, competitive economy; a social role, supporting vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment with accessible local services that reflect the community’s needs; and an environmental role, protecting and enhancing our natural, built and historic environment. Economic, social and environmental improvement should be sought jointly and simultaneously.
5.5 Paragraph 38 of the NPPF encourages Local Planning Authorities to approach decision taking in a positive way and to foster the delivery of sustainable development. Local Planning Authorities are advised to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

2. National Planning Practice Guidance

5.6 On 6th March 2014 the Government also published National Planning Practice Guidance (NPPG) that has been updated in the meantime and comprises, amongst other matters: Design, Determining a planning application, Health and Wellbeing, Noise, and Use of Planning Conditions.

3. Supplementary Planning Documents

5.7 The following Supplementary Planning Documents are relevant to the application proposals:

- Design Quality SPD

The Design Quality SPD was adopted on 5th March 2018 and replaces the previous Supplementary Planning Guidance Note 3: Design (SPG3). Both documents encourage high standards of design for development proposals in accordance with the aims and interests that the NPPF seeks to protect and promote in this regard. The Design Quality SPD is consistent with the planning policies in the SWDP.

- Planning for Health in South Worcestershire SPD

The Planning for Health SPD primarily focuses on the principal links between planning and health. It provides guidance and interpretation of the SWDP from a public health perspective. The SPD addresses following nine health and wellbeing principles:

- Sustainable development
- Urban form - design and the public realm
- Housing and employment
- Age-friendly environments for the elderly and those living with dementia
- Community facilities
- Green infrastructure and play spaces/recreation
- Air quality, noise, light and water management
- Active travel
- Encouraging healthier food choices

5.8 The ‘Streetscape Design Guide’ (SDG) was produced to aid architects, engineers, planners, developers, designers and other professionals in preparing transport infrastructure related to new developments. It is to be considered in conjunction with Manual for Streets 1 and 2, as well as the Design Manual for Roads and Bridges.

5.9 Chapter 4 relates to ‘Planning for Parking’ and seeks to provide an approach as to how car parking in Worcestershire should be provided to support development in a manner which embraces the NPPF. It is considered that if the applicant is the end user that they are well placed to assess operational demands but all sites must be considered against a planning use class to ensure they equally address the needs of future users. Therefore applications should provide a suitable evidence base to ensure vehicles are not displaced onto the highway to ensure highway safety is not compromised and maintain the free flow of traffic to the benefit of the local economy. This document only reflects a small part of managing vehicle demands and therefore should be read alongside the Local Transport Plan which contains policies to promote sustainable travel through the provision of physical infrastructure and travel planning initiatives.

5.10 Car and cycle parking standards are provided within the SDG which replace those contained in WCC’s Interim Car Parking Standards (2016). With regard to car parking standards for residential development the SDG states as follows:

‘There is no direct relationship between car parking provision and choice of transport mode, so a minimum provision for residential need should be made to ensure suitable in curtilage storage.’

The following are the minimum requirements:

- 1 Bedroom Unit: 1 Space, 1 cycle space
- 2 – 3 Bedroom Units: 2 Spaces, 2 cycle spaces
- 4 – 5 Bedroom Units: 3 Spaces, 2 cycle spaces

**Pre-application Engagement**

None

6. **Consultations**

6.1 Formal consultation has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees and interested third parties have been received in relation to the original and amended proposals and are summarised as follows:

**Neighbours and other third party comments:** A number of neighbour comments have been received from neighbouring properties, in summary these generally relate to:

- Lack of access to the rear of the property
- Concerns relating to the potential for the property to become a HMO.
- Loss of light
- Loss of views
- Overlooking
- Car parking
- Restrictive covenants
- Potential disruption in the construction of the extension
- Accuracy of the plans
- Impact on the character of the area
- Overdevelopment
- The size and massing of the proposed extension
- Bin storage
- Concerns regarding siting of proposed guttering on property boundary and potential impact on garden and boundary fence
- Height of proposed bike store and potential fire risk/ability to maintain boundary fence

**Councillor Biggs**: "I am the city councillor for Nunnery I have been contacted by residents who are concerned about this development. The property has already been extended twice at ground floor level. This further extension would considerably add to the original footprint of the house. I am also concerned about how this development might negatively impact upon levels of light to the neighbouring property. The siting and size of the cycle shed seems very close to the neighbouring property and I am concerned that the aesthetics of the local area may be negatively impacted."

**Worcester City Council Landscape and Biodiversity Adviser**: No comments have been received to date.


The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Worcester District (B).

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.'

**South Worcestershire Land Drainage Partnership**: No comments have been received to date.

**Worcestershire County Council (Highway Authority)**: The following comments on the amended plans were received from the Highway Authority:

'I note the re-consultation on this site. For clarity, I would like to see a dimensioned plan showing 2 parking spaces on the frontage measuring a minimum of 2.4m x 4.8m per space plus the cycle parking on the frontage as proposed. All the parking has to be useable so that car doors can be opened and cycle parking accessed whilst cars are parked.
If the cycle parking is to be moved to the rear of the property, it must be shown to be accessible with a pathway through from front to back which will impact on the proposed side extension.

_The dropped kerb extension should also be indicated on plan._

An amended plan to show provision for a bicycle storage structure on the forecourt of the premises and the proposed forecourt parking layout was submitted and in response the Highway Authority has commented as follows:

“Further to the re-consultation, I have no objection to the revised plan as attached and provision should be made on site in accordance with this plan however please include the condition and note below requiring the extension to the dropped kerb.

**Condition**
Prior to occupation, the existing vehicle access shall be extended in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

**REASON:** In the interests of highway safety and to ensure the free flow of traffic on the adjoining highway.”

The proposed bike store has now been omitted from the scheme and a condition for an alternative facility is recommended, the Highway Authority has been re-consulted accordingly.

6.2 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.

6.3 In assessing the proposal due regard has been given to local residents comments as material planning considerations. Nevertheless, I am also mindful that decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. The Localism Act has not changed this, nor has it changed the advice that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons.

7. **Comments of Deputy Director - Economic Development and Planning**

7.1 Policy SWDP1 of the South Worcestershire Development Plan sets out overarching sustainable development principles and these are consistent with the Framework. The various impacts of the development have to be assessed and the benefit and adverse impacts considered, establishing whether what is proposed is sustainable development.
Taking the above matters into account, I consider the main issues raised by the proposal relate to the principle of development and whether the development would be sustainable, having regard to the 3 dimensions of sustainability set out in the Framework: economic, social and environmental, in particular with regard to:

1. The economic role;
   - Providing construction jobs

2. The social role:
   – Residential amenity;

3. The environmental role:
   – Design and appearance;
   – Access, car parking and highway safety;

These issues will now each be considered in turn.

**The Principle of Development**

7.2 As the application site is located within a well established residential area it is considered that the principle of development is acceptable as it is for extended residential accommodation.

**Sustainable Development**

1. **The economic role**

7.3 In the short term the proposal would see the creation of construction jobs for the construction period of the project and some on-going opportunities for the provision of goods and services. In my opinion, this weighs in favour of granting planning permission.

2. **The social role**

**Residential Amenity**

7.4 The site lies adjacent to residential properties located within the Nunnery Ward. Policy SWDP 21 requires that new development does not have a significant adverse effect on neighbouring amenity. This is consistent with paragraph 127 of the NPPF that requires planning policies and decisions, amongst other matters, to ensure a high standard of amenity for existing and future users of land and buildings.

7.5 The introduction of the proposed development could give rise to potential noise and disturbance for the occupiers of the surrounding properties as a result of construction works. However, as the proposals are relatively small in scale, it is considered that the disruption caused by construction would be relatively minimal.
7.6 A number of neighbour comments have been received from neighbouring properties, in summary these generally relate to:

- Loss of light
- Overlooking
- Lack of access to the rear of the property
- Bin storage
- Concerns relating to the potential for the property to become a HMO.
- Loss of views
- Restrictive covenants
- Potential disruption in the construction of the extension
- Accuracy of the plans
- Overdevelopment
- Size and massing
- Concerns regarding siting of proposed guttering on property boundary and potential impact on garden and boundary fence
- Height of proposed bike store and potential fire risk/ability to maintain boundary fence

These are addressed below as follows:

**Loss of light**

7.7 In order to assess the impact of the proposal on the amenity of neighbouring residents, the application has been considered against the South Worcestershire Design Supplementary Planning Document. This includes guidance regarding the impact of extensions on daylight and sunlight. In this respect, a 45 and 25 degree code light assessments is undertaken. The 45° is taken by drawing an imaginary vertical line at an angle of 45° from the mid point of the nearest habitable (normally excludes bathrooms, halls, landings and garages) room window which would be affected by a proposed extension. The plane connecting the two lines is then tilted to an angle of 25° above the horizontal from the mid point line of the lowest window, or 1.6 metres from ground level in the case of ‘French windows’ or patio doors.

7.8 The nearest habitable room windows of the adjoining property at No. 108 Medway Road, include a bedroom at first floor and dining room patio doors at ground floor. When the assessment is taken from the dining room patio doors at ground floor there is a minor breach of the 45 degree code of 0.3 metres. When the 25 degree code is applied there is also a breach. When the assessment is taken from the first floor bedroom window there is also a breach of the 45 degree code, however when the 25 degree code is applied there is not a breach. As such, I consider that there will be less impact on loss of light to the first floor bedroom window of No. 108 Medway Road. With regard to the dining room patio doors I consider that the proposals would have some impact on the outlook and loss of light to the neighbouring property.

7.9 However, given the minor degree of breach of the 45 and 25 degree code it is not considered that that the visual impact and potential loss of light to the neighbouring property would be to an unacceptable level.
Although the development would be visible from the garden and dining room, the test is not whether there will be any loss of amenity but, rather, whether the loss will reduce neighbouring residents’ amenity below a reasonable level such that it justifies a refusal of consent. In this case, it is not considered that the proposed development would equate to an unacceptable degree of harm to justify planning permission being refused on these grounds or that could be successfully defended if challenged by the applicant on appeal.

**Overlooking**

7.10 The proposed extension would have a depth of 2.4 metres at ground floor level and 1.5 metres at first floor level and would include utility and kitchen/dining room door and window openings and bedroom windows in the rear elevation. No windows are proposed in the side elevations of the extension. Neighbouring residents have expressed concerns that this aspect of the proposals would result in overlooking from these windows, particularly at first floor. Whilst I note these concerns, nevertheless I do not consider that the proposals would result in a significantly greater degree of overlooking of neighbouring properties in comparison with the existing situation.

**Lack of access to the rear of the property**

7.11 Initial concerns were expressed by neighbouring properties in relation to the original proposal for a two storey side extension as no rear access was shown on the plans. The plans have since been amended to include a rear patio door which provides internal rear access to the property.

7.12 Whilst I note that the rear garden of the property can only be accessed from within the property via the rear patio door rather than retain an external access alongside the property, nevertheless the decision of the applicant to forego this facility is entirely their own and is outside the scope of planning control.

**Size and massing**

7.13 Concerns have also been expressed in relation to the size and massing of the proposed extension. In my opinion, the original proposals for a two storey side extension would have had an overbearing impact on the neighbouring properties 23 and 24 Helford Close. However, the proposals have now been amended to a two storey rear extension and a single storey side extension. In this form, I do not consider that the proposals as amended would have over dominant or overbearing impact on the neighbours at 23 and 24 Helford Close.

7.14 As the proposed two storey element of the extension is adjacent to the rear of No. 108 Medway Road, it is considered that the massing of the proposed extension may have some impact on the rear amenity and habitable room windows to the rear of No. 108. However, the first floor element of the rear extension would only project 1.5 metres from the rear elevation above the ground floor element that would extend 2.4 metres. As such, it is not considered that the impact of the massing of the proposed extension at a first floor depth of 1.5 metres would have such a detrimental impact on the adjoining neighbour to the extent that if refused it could be defended at an appeal.
Bin storage

7.15 Whilst I note the concerns that have been expressed with regard to bin storage, as it is possible for bins to be stored on the frontage of the property without planning consent, in the case of this application it is beyond the scope of planning control to require that bins are stored to the rear of the property.

Concerns relating to the potential for the property to become a HMO

7.16 I note the concerns that have been expressed regarding the potential for the property to be converted into an HMO. However, as there is an Article 4 direction across Worcester City Centre removing permitted development rights for the conversion of Class C3 dwellinghouse into Class C4 HMOs, the applicant would be required to submit a planning application to change the use of the property to a HMO.

Accuracy of the plans

7.17 Initial concerns have been expressed by neighbouring properties suggesting that the position of the boundary may be inaccurate on the original proposed plans. The agent has since been made aware of this and amended plans have been submitted which have been certified to be accurate by way of certificate on the application form.

Restrictive Covenants

7.18 I note the comments received regarding restrictive covenants however, planning approval is consent from the Local Planning Authority to undertake the works and does not affect or imply alteration to any legal covenants or restrictions upon the land.

Guttering

7.19 I note the concerns of the neighbouring resident regarding the siting of the proposed guttering for the pitched roof of the proposed side extension. Details of the guttering are not shown on the submitted plan and will therefore be requested as a recommended condition prior to commencement of the development to ensure the concerns of the neighbour can be addressed.

Height of proposed bike store and potential fire risk/ability to maintain boundary fence

7.20 As noted above, the bike store originally proposed has now been omitted from the scheme and a condition is recommended for the provision of a more appropriate, alternative storage facility to address the concerns of the neighbour.

3. The environmental role
Design and appearance

7.21 Policy SWDP 21 of the South Worcestershire Development Plan 2016 requires all development to achieve a high standard of design, having regard to the character of the area and to harmonise with its environment. The proposed materials include a felted flat roof and external walls with a rendered finish to match those of the existing property. In my opinion, the proposed extension is appropriate in terms of scale and mass in relation to the host property and would not detract from the appearance or setting of the host property and would comply with policy SWDP 21 of the South Worcestershire Development Plan and guidance contained in the South Worcestershire Design Supplementary Planning Document.

Access and Highway Safety

7.22 The Highway Authority has no objection to the proposed parking layout to serve the development, subject to a recommended condition requiring the extension to the dropped kerb.

8. Conclusion and planning balance

8.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. In my opinion, the above assessment of the planning application proposals against the planning policy framework demonstrates that the application responds to, and is in accordance with, the requirements of the adopted planning policy within the development plan and material considerations relevant to the determination of the application.

8.2 The following material planning issues are relevant to this application:

- Principle of the development
- Design
- Access and highway issues
- Impact on neighbouring properties

8.3 Whilst the assessment is not an exhaustive list of all policies that are potentially applicable to this site, it seeks to address how the proposals respond to the key planning criteria in the planning policy framework against which the planning application will be determined.

8.4 Whilst I note the objections from neighbouring residents as summarised in paragraph 7.6, nevertheless for the reasons set out in this report I do not consider that the proposals as amended would equate to an unacceptable degree of harm to justify planning permission being refused on these grounds or that could be successfully defended if challenged by the applicant on appeal. On balance, I am of the opinion that the submitted scheme has indicated more than sufficient detail to warrant approval. In fact, it is considered that the proposal is a well designed site utilising the full potential of the site within a sensitive location.

8.5 I acknowledge all comments received as part of the consultation process and consider all material planning issues have been considered in the determination of this application.
Having regard to the totality of the policies in the Framework, I consider that he proposed development is sustainable when looking at its social, economic and environmental credentials in the round. The adverse impacts of the development (taking into account the considerable importance and weight to be given to the less than substantial harm to the significance of the heritage assets) do not significantly and demonstrably outweigh the benefits. Overall it is considered that the proposals constitute an environmentally, socially and economically sustainable form of development that accords with the Framework and the Development Plan as a whole.

9. **Recommended conditions**

In the event that members resolve to grant planning permission the following conditions are recommended:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   **Reason:**

   To conform with the requirements of Section 91 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 permitted shall be carried out and completed in accordance with the following approved plans and associated documents and the specifications and recommendations contained therein, except where otherwise stipulated by conditions attached to this permission:

   **Reason:**

   For the avoidance of doubt and to secure a satisfactory form of development in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

3. Prior to occupation, the existing vehicle access shall be extended in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

   **Reason:**

   In the interests of highway safety and to ensure the free flow of traffic on the adjoining highway.

4. The development hereby permitted shall not be first occupied until sheltered, secure and accessible cycle parking to comply with the Worcestershire County Council’s adopted Streetscape Design Guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.
Reason:

To comply with the parking standards contained in the Worcestershire County Council’s adopted Streetscape Design Guide.

5. Full details of the following matters including any details shown on the submitted plans shall be submitted to and approved by the local planning authority in writing prior to commencement of the development hereby approved.

Siting and design of guttering and all other rainwater goods that shall be installed within the boundaries of the application site.

The development shall not be undertaken other than in full accordance with such approved details.

Reason

Insufficient details were submitted for this matter to be fully and properly considered in respect of the approval hereby granted and policy SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.