

Application Number	22/01027/HP
Site Address	Woodlands, 268 Malvern Road, Worcester, WR2 4PA
Description of Development	Proposed ground and first floor rear extension. Addition of attached double garage with accommodation over. Removal of bay window to front elevation.
Expiry Date	24 February 2023
Applicant	M&M Homes Worcester Ltd
Agent	Mr Ben Taylor, Trower Davies Ltd
Case Officer	Lydia Hall
	lydia.hall@worcester.gov.uk
Ward	Bedwardine Ward
Reason for Referral to Committee	Ward Member referral
Key Issues	The principle of development and whether the proposal would be sustainable form of development having regard to the 3 dimensions of sustainable development in terms of its economic role, social role and environmental role.
Web link to application	https://plan.worcester.gov.uk/Planning/Display/22/01027/HP
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee grant planning permission subject to the conditions set out in section 9 of the report.

1. **Background**

- 1.1 The application was registered on 30 November 2022 and was due for a decision on 25 January 2023. An extension of time for the determination of the application has been agreed until 24 February 2023 to allow determination by the Planning Committee.
- 1.2 The application has been referred to the Planning Committee at the request of Councillor Amos.

2. **The site and surrounding area**

2.1 The site comprises the detached dwelling known as Woodlands, an early twentieth century house set within its own grounds on the west side of Malvern Road. The dwelling is set-back from the road by circa 100 metres and is located at the end of a private driveway, which also serves two other relatively new detached houses (268a and 268b Malvern Road), the plot of a third house (situated to the north side of Woodlands and currently under construction) and another dwelling at the Malvern Road end of the driveway, known as The Bungalow (see Figure 1 below).



Figure 1: Site location plan

- 2.2 Numbers 268a and 268b Malvern Road are located in the former front garden of Woodlands and were granted planning permission in October 2008, along with a third detached house to the north of Woodlands. All three new houses, along with extensions and alterations to Woodlands, were approved under planning permission ref. P08C0487. As two of the dwellings have been built, the permission, as a whole, is extant. In this respect, permission remains intact for the extensions and alterations to Woodlands approved under P08C0487.
- 2.3 The third dwelling (currently under construction) is the subject of two current applications for non-material amendments to the original permission (22/01033/NMA & 22/01034/NMA), both of which are reported in this agenda.
- 2.4 The application site is surrounded by residential uses, comprising two bungalows to the rear / west of the site (20 and 22 Hudson Close), the house under construction to its north, and the site access and houses at 268a and 268b Malvern Road to its east / northeast. To the south, the site is bounded by the long rear garden of 270 Malvern Road.

- 2.5 The site is not located within a conservation area and none of the buildings on the site, or on adjoining sites, are listed. No part of the site is allocated as Green Space; however, the site is subject to a Tree Preservation Order (TPO177), which relates to the mature lime tree in the southwest corner of the site.
- 2.6 The site is located within Flood Zone 1 and is not noted on the Council's GIS as being susceptible to surface water flooding.

3. The proposals

- 3.1 As outlined above, planning permission already exists for extensions and alterations to Woodlands by way of extant planning permission ref. P08C0487.
- 3.2 The current application is to make relatively minor changes to the extensions and alterations approved under P08C0487, comprising the following:
- Ground floor rear extension – Extension 0.95 metre deeper and 3.9 metres wider than that approved. [The current proposal is 4.25 metres deep (at its deepest point) by 11.6 metres wide, compared with the approved extension, which is 3.3 metres deep by 7.7 metres wide.] Roof changed from a glazed lean-to roof (maximum height 3.6 metres) to a flat roof (maximum height 3.4 metres).
 - First floor rear extension – Extension 0.7 metres deeper, 0.15 metres wider and 0.2 metres higher than that approved. [The current proposal is 4 metres deep by 4.25 metres wide with a ridge height of 7.4 metres, compared with the approved extension, which is 3.3 metres deep by 4.1 metres wide with a ridge height of 7.2 metres.]
 - Two-storey side (garage) extension – Dormer windows 0.26 metres wider and 0.15 metres higher than those approved. [The proposed dormers are 2.26 metres wide and 2.75 metres high, compared with the approved dormers, which are 2 metres wide and 2.6 metres high.]
 - External alterations – Removal of the bay window at ground floor level on the front elevation; replacement of the approved dormer window on the front elevation with a rooflight; and installation of render-effect insulation cladding to all elevations.
- 3.3 Other changes, which are so slight as to be considered de-minimis, are also proposed and are included on the submitted overlay plan, which shows the proposed scheme overlaid on top of that approved under P08C0487 (see Figure 2 below).

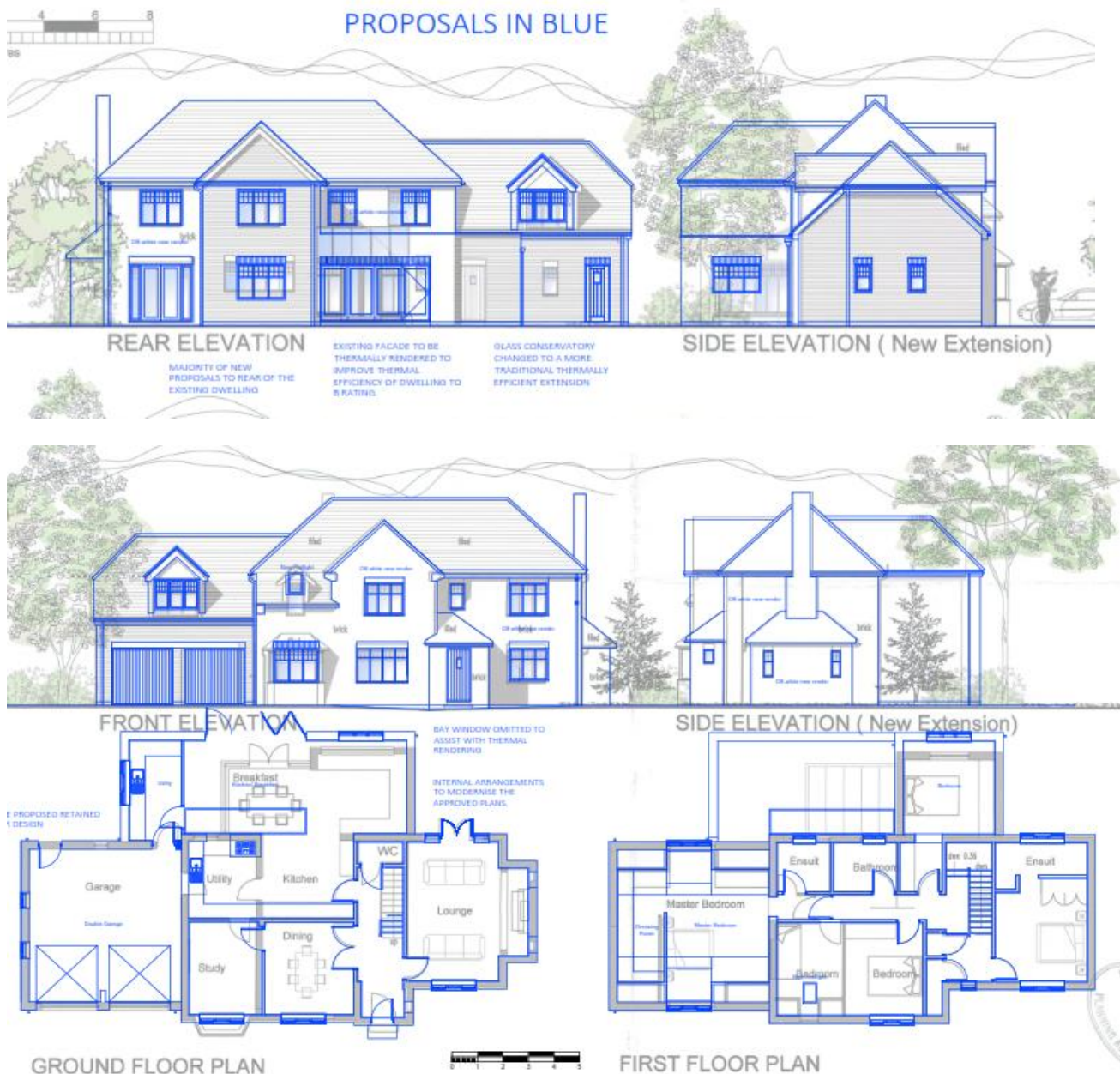


Figure 2 - Proposed scheme overlaid over the extant permission (proposal in blue)

- 3.3 The walls of the extensions are proposed to be rendered (to match the existing house – once exterior cladding has been installed), with concrete roof tiles to match the existing house.
- 3.4 The application is accompanied by the following plans and supporting documents:
- 858-100A – Site location plan
 - 858-101A – Existing site plan
 - 858-106 – Proposed floorplans & elevations (overlay)
 - 858-105A – Proposed site plan
 - Existing Floor Plans
 - Existing Elevations
 - Extensions and alterations approved under P08C0487

- Arboricultural Report (incorporating Arboricultural Impact Assessment, Tree Protection and Arboricultural Method Statement), prepared by Silverback Arboricultural Consultancy Ltd, November 2022
- Letter from Silverback Arboricultural Consultancy Ltd dated 20th December 2022

3.5 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 Policy

4.1 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 to have regard to the Development Plan, insofar as it is material to the application, 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 to be determined in accordance with the Plan, unless material considerations indicate otherwise.

4.2 The Development Plan for Worcester now comprises:

- The South Worcestershire Development Plan (SWDP), adopted Feb 2016;
- The Worcestershire Waste Core Strategy, adopted in December 2012; and
- The Worcestershire Minerals Local Plan 2018-2036, adopted July 2022.

South Worcestershire Development Plan

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

SWDP 4 – Moving Around South Worcestershire

SWDP 21 – Design

SWDP 22 – Biodiversity and Geodiversity

SWDP 29 – Sustainable Drainage Systems

The Waste Core Strategy for Worcestershire - Adopted Waste Local Plan 2012-2027

4.4 The Waste Local Plan was adopted by Worcestershire County Council on 15 November 2012 and is a plan outlining how to manage all the waste produced in Worcestershire up to 2027.

Material Considerations

1. National Planning Policy Framework (NPPF)

2. National Planning Practice Guidance

3. Supplementary Planning Documents

- 4.5 The Worcestershire Design Guide Supplementary Planning Documents (SPD) is also relevant to the assessment of the proposals.

Other Material Considerations

- 4.6 The following documents are considered are relevant to the application proposals however due to the documents not being planning documents and therefore not adopted the weight attached to the decision should be considered as limited:

- Worcestershire's Local Transport Plan (LTP4) 2018 – 2030
- Worcestershire County Council Streetscape Design Guide 2020

5 Planning History

- 5.1 The site has an extensive planning history; the applications relevant to the current application are listed below:

- P08C0487 – Alterations and extensions to existing dwellinghouse. Erection of three detached dwelling houses. Alterations to existing access and all associated works. Approved 9th Oct 2008.
- 22/00601/FUL – Alterations and extensions to existing dwellinghouse. Erection of three detached dwelling houses. Alterations to existing access and all associated works (Variation of Condition 2 attached to P08C0487). Section 72 application, withdrawn 9th November 2022.
- 22/01033/NMA – Non-material amendments to planning permission P08C0487 comprising changes to (i) the approved site layout plan and (ii) the approved drainage arrangements for Woodlands and the new house at Plot 3. Current application, reported elsewhere in this agenda.
- 22/01034/NMA – Non-material amendments to planning permission P08C0487 comprising internal and external changes to the approved house at Plot 3. Current application, reported elsewhere in this agenda.

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:

Third Party Comments:

- 6.2 Five letters of representation have been received. The letters raise the following considerations:

- Loss of privacy (living accommodation above the garage)
- Work is already underway
- Inadequate parking
- Traffic safety (inadequate access driveway to serve the potential increase in vehicles to Woodlands with no passing place on the access driveway)
- Removal of trees in breach of conditions attached to planning approval P08C0487

- Increased risk of flash flooding / shared sewers overwhelmed
- Removal of trees along the western boundary were necessary due to disease and safety reasons and are being replaced with new trees and shrubs
- The development will create a wonderful family home that will greatly improve the appearance of the location and the security of the property to the rear

6.3 The following comments have been received from consultees:

Worcestershire County Council (Highway Authority) – No objection, subject to parking being provided in accordance with the submitted plans.

Worcester City Council Landscape and Biodiversity Adviser – No objection, subject to no existing trees being adversely affected and to an ecologist being "on call" in the event of any evidence of bats being found.

Worcester City Council Tree Advisor – No objection subject to a condition requiring a planting plan to be submitted for approval indicating the location, species and size of trees to be planted to form a new hedgerow along the western boundary of the site.

South Worcestershire Land Drainage Partnership – No objection.

- 6.4 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.
- 6.5 In assessing the proposal due regard has been given to local residents' comments as material planning considerations. Nevertheless, 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 Planning Assessment

- 7.1 Policy SWDP 1 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 benefits and adverse impacts considered to establish whether what is proposed is sustainable development.
- 7.2 The application site is located within the urban area and is an established residential property which sits in its own grounds. The proposed extensions would be closely related to the existing residential property and would not impact on the wider area. On this basis, the proposed development is considered to be acceptable in principle.
- 7.3 The key issues for assessment are considered to be the impact of the proposals on:
- (i) Character and appearance of the area and host property
 - (ii) Amenity of neighbouring properties
 - (iii) Parking and highway safety
 - (iv) Trees & landscaping
 - (v) Surface water drainage

Character and appearance

- 7.4 Policy SWDP 21 of the Development Plan states that the siting and layout of a development should reflect the given characteristics of the site in terms of its appearance and function. Further, the policy advises that development proposals must complement the character of the area. In particular, development should respond to surrounding buildings and the distinctive features or qualities that contribute to the visual and heritage interest of the townscape, frontages, streets and landscape quality of the local area. On scale, height and massing, Policy SWDP 21 states that the scale, height and massing of development must be appropriate to the setting of the site and the surrounding landscape character and townscape, including existing urban grain and density. The Council's Design Guide SPD has also been given careful consideration, in particular Section 8, which supports Policy SWDP 21 in providing guidance for house extensions.
- 7.5 Having assessed the proposed plans, it is considered that the extensions proposed are acceptable in terms of their impact on the character and appearance of the area, on the basis that they are subservient to the host property; retain sufficient garden space for the size of the property; and would, in terms of their scale, design and use of materials, be in keeping with the character of the existing house.
- 7.6 Members will note that approval has been given for extensions to the property previously, a permission that remains extant. The current proposal, whilst being different, does not result in any additional concerns being raised in design, massing or visual impact.
- 7.7 In summary, in terms of impact on the character and appearance of the area and the host property, the proposals are considered acceptable.

Amenity of neighbouring properties

- 7.8 Paragraph 130(f) of the NPPF requires planning policies and decisions to, amongst other matters, "create places ... with a high standard of amenity for existing and future users" and Policy SWDP 21 (Design) requires that new development should not have a significant adverse effect on neighbouring amenity. In addition, the Council's Design Guide SPD provides design advice for house extensions and provides standards relating to separation distances between existing and proposed developments (Section 8).
- 7.9 As stated above, an extant planning permission exists for a set of very similar extensions and alterations to the existing house, and this is a material consideration that carries significant weight in the assessment of the current application. The proposed scheme does not include any additional windows at first floor level facing the site boundaries (compared with the approved scheme). The only notable change with regard to first floor windows is that within the rear elevation of the proposed two-storey rear extension, which would be 0.8 metres closer to the rear boundary of the site than that already approved. Notwithstanding the move closer to the boundary, the required separation distances is exceeded with the window being more than 12 metres away from the rear boundary of the site ensuring the protection of amenity of properties to the rear in terms of loss of privacy.

- 7.10 As stated above, some very minor changes are also proposed to the dormer windows on the front and rear elevations of the garage extension; however, these are considered so minor as to not have any meaningful impact on adjoining properties by reason of overlooking.
- 7.11 With regard to other potential impacts, all of the proposed extensions are considered sufficiently distant from the site boundaries as not to have an adverse impact on the amenity of neighbouring dwellings by reason of loss of light or outlook, or by appearing overbearing.
- 7.12 The proposals are considered acceptable in terms of their impact on the amenity of neighbouring properties.

Parking and highway safety

- 7.13 Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Furthermore, with regard to highway safety, paragraph 111 states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 7.14 The relevant development plan policies on this issue are Policy SWDP 4 (Moving Around South Worcestershire) and Policy SWDP 21 (Design). Policy SWDP 21 states that "vehicular traffic from the development should be able to access the highway safely and the road network should have the capacity to accommodate the type and volume of traffic from the development".
- 7.15 With regard to parking, Worcestershire County Council's Streetscape Design Guide 2020 (SDG) sets out indicative standards for new dwellings. For dwellings with 4-5 bedrooms the requirement is 3 no. car parking spaces and 2 no. cycle parking spaces.
- 7.16 The floor plans of the existing dwelling indicate that it has 3 bedrooms at present, however, the proposed extensions would increase it to a 4 bedroom house. As such, the parking requirement for the dwelling would increase from 2 no. to 3 no. parking spaces. This has been provided for within the site. The proposed parking layout is similar to that approved under the extant permission (P08C0487) but has been improved allowing parking spaces directly in front of the garage to be increased to 6 metres in length, enabling the garage doors to be opened with the parked cars in place.
- 7.17 County Highways have assessed the proposal and have raised no objection on parking or highway safety grounds, subject to a condition requiring on-site parking being provided in accordance with the submitted plans.
- 7.18 The condition recommended by Highways is considered reasonable and necessary and is therefore proposed. Subject to this condition, it is considered that the proposal is acceptable in terms of its impact on parking and highway safety.

Trees and landscaping

- 7.19 Paragraph 174 of the NPPF states that planning decisions "should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity" and Policy SWDP 22 states that developments

should "take opportunities, where practicable, to enhance biodiversity corridors / networks beyond the site boundary".

- 7.20 The site is subject to a Tree Preservation Order which relates to the mature lime tree situated in the southwest corner of the site. An Arboricultural Report was submitted with the application, which refers to a number of individual trees and groups of trees; however, the only tree included in the report that is situated on this application site is the protected lime tree (the other trees, including the Cedar referred to in the Tree Advisor's initial comments, are all on the adjacent site – i.e. on Plot 3).
- 7.21 The Council's Tree Advisor has raised no objection to the proposals, subject to a condition requiring tree protection fencing to be installed around the lime tree prior to works commencing and to the provision of a new hedgerow along the western boundary of the site (detailed to be submitted for approval). Such conditions are considered reasonable and necessary to protect and enhance biodiversity on the site and beyond and are therefore proposed.
- 7.22 Subject to the aforementioned conditions, it is considered that the proposals are acceptable in terms of their impact on trees and landscaping.

Surface water drainage

- 7.21 Policy SWDP 29 requires developments to demonstrate that site drainage and run-off will be managed in a sustainable and co-ordinated way that mimics the natural drainage network.
- 7.22 The submitted drainage details indicate the discharge of surface water from the house and driveway to a soakaway located within the rear garden as the means of disposal of surface water. The submitted drainage plan (ref. 858-105) has been measured and it is confirmed that the proposed soakaway is more than 2 metres from the site boundaries and more than 5 metres from the proposed rear extension. The plans also include a strip drain at the boundary of the private driveway serving Woodlands, to ensure that surface water from the driveway will be retained and discharged to the soakaway on the site, rather than being permitted to run down the access drive towards Malvern Road.
- 7.23 The South Worcestershire Drainage Land Drainage Partnership (SWLDP) have assessed the proposals and have confirmed that use of a soakaway is acceptable in principle, subject to site and ground conditions being suitable and that, in this respect, soils maps indicate that ground conditions at this location are likely to be suitable for infiltration drainage methods. In summary, the SWLDP have raised no objection to the surface water drainage proposals, noting that the detailed design and construction of the soakaway will be dealt with under the Building Regulations.
- 7.24 It is noted that concern regarding flash flooding of the access drive has been highlighted in the third-party comments received. Taking into account the proposed drainage arrangements outlined above and the supportive comments of the SWLDP, it is considered that the proposed arrangements for the disposal of surface water from the development are acceptable.

Other issues

- 7.25 As stated above, planning permission already exists to extend and alter Woodlands by way of extant planning permission P08C0487 (albeit to a lesser extent).

Officers have considered whether or not planning permission P08C0487 has lawfully commenced and have determined that it has. As such, the applicant is entitled to commence works to extend and alter Woodlands in accordance with the scheme approved under that permission.

- 7.26 The concerns regarding the inadequacy of the existing sewer serving the site and others along the access road are noted; however, as the sewer between Woodlands and Malvern Road is located on third party land, this is considered to be a private matter. However, the current proposal does not increase the number of bathrooms, retaining the approved single bathroom and two ensuites. As such there would be no increase pressure on the sewage system as a result of this application.

8. Conclusion and Planning Balance

- 8.1 All comments received as part of the consultation process and all material planning issues have been considered in the determination of the application. The extant permission has been considered alongside the proposed alterations. The proposed extensions are considered to be wholly acceptable and do not result in any additional adverse impacts to the visual amenities of the area or neighbouring properties. Adequate parking can be provided in accordance with the advice of the Highway Authority. The development proposed is fully compliant with Development Plan policies and can be supported.

9. Recommended Conditions

In the event that Members are minded to grant planning permission the following conditions are recommended, as outlined in this report:

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:

858-100A – Site location plan

858-101A – Existing site plan

858-106 – Proposed floorplans & elevations (overlay)

858-105A – Proposed site plan

Arboricultural Report (incorporating Arboricultural Impact Assessment, Tree Protection and Arboricultural Method Statement), prepared by Silverback Arboricultural Consultancy Ltd, November 2022

Letter from Silverback Arboricultural Consultancy Ltd dated 20th December 2022

Reason: To ensure compliance with the approved scheme.

3. The development hereby approved shall not be occupied until the access and parking shown on approved plan ref. 858-105A has been provided and this area shall thereafter be retained for the purposes of parking only at all times.

Reason: To ensure the proposed development is provided with adequate parking space in the interests of road safety and in accordance with the policies of the South Worcestershire Development Plan 2016 and the aims and objectives of the National Planning Policy Framework.

4. Prior to the commencement of works to implement the permission hereby approved, protective fencing shall be erected around the lime tree in the southwest corner of the site in accordance with the recommendations set out in the Arboricultural Report submitted with the application (prepared by Silverback Arboricultural Consultancy Ltd and dated November 2022) and no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made inside the fence, unless previously agreed in writing by the local planning authority. The protective fencing shall thereafter be retained in situ until all works on site have ceased.

Reason: To ensure that the protected tree on the site is not subject to damage either as a result of works carried out on site or during the carrying out of such works in accordance with Policies SWDP 21 and SWDP 25 of the South Worcestershire Development Plan 2016 and the aims and objectives of the National Planning Policy Framework.

5. The development hereby approved shall not be occupied until full details of a new hedge to be planted along the western boundary of the site have been submitted to and approved in writing by the local planning authority. The submitted details shall comprise a schedule of proposed planting and a site plan and shall indicate the location, species type, numbers / densities and size of trees at the time of planting. The hedge shall be planted in accordance with the approved details in the first planting season following approval of the details and any trees which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with Policies SWDP 21 and SWDP 22 of South Worcestershire Development Plan 2016 and the aims and objectives of the National Planning Policy Framework.

6. The development hereby approved shall not be occupied until the means for the disposal of surface water, including the provision of a soakaway, as specified on approved plan ref. 858-105A shall be fully implemented and thereafter be retained in full working order to serve the development.

Reason: To ensure that an appropriate sustainable drainage system is provided to serve the development in accordance with Policy SWDP 29 of the South Worcestershire Development Plan 2016.

Informatives

1. Positive and Proactive Statement
2. Householder Bat Note