

Planning application no.	20/00015/RC	
Site	Chestnut Cottage, 23a Birchfield Avenue, WV6 8TE	
Proposal	Variation of condition 2 (approved drawings) and removal of conditions 3 (Drainage), 4 (Boundary Treatments), 5 (External Materials) and 7 (Landscaping) of planning consent ref. 18/00086/FUL which granted conditional approval for the: Demolition of Chestnut Cottage, 23a Birchfield Avenue and the erection of four, five bedroomed dwellings with garaging	
Ward	Tettenhall Regis;	
Applicant	Mr. and Dr. R. Bains	
Cabinet member with lead responsibility	Councillor Stephen Simkins Cabinet Member for City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Phillip Walker	Senior Planning Officer
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1.0 Summary recommendation:

1.1 Grant subject to conditions.

2.0 Background

- 2.1 Planning permission 12/01099/FUL for the demolition of Chestnut Cottage, and the erection of four detached houses was granted on 2nd January 2013. That planning permission expired without being implemented.
- 2.2 Planning application 16/01322/FUL for an identical proposal was granted on 14th July 2017. That permission expires 1 May 2021.
- 2.3 Planning application 18/00086/FUL for the demolition of Chestnut Cottage and the erection of four, five bedroomed dwellings with garaging was granted to on 6th March 2018. The demolition of Chestnut Cottage was carried out pursuant to this permission, which was therefore implemented and will not expire.

3.0 Application site

- 3.1 The site is located in an area characterised by large, individually designed two storey houses and bungalows that generally stand within large plots with mature gardens. This layout of development gives the locality a sense of spaciousness.
- 3.2 The application site formerly included a large two storey house set in a large plot accessed from Birchfield Avenue and to the rear of housing off Wrottesley Road, Birchfield Avenue and Henry Fowler Drive. The site is now cleared of built development, but includes some trees and planting, which contributes to the sense of spaciousness in the locality.

4.0 Application details

- 4.1 The application proposes a minor material change to the detailed design of the proposal and details have been submitted to obviate the need for conditions that were imposed on 18/00086/FUL.
- 4.2 The proposed changes to the approved plans are summarised as follows:
- i. Replace stained horizontal timber decking to front elevations with white render.
 - ii. Omission of full height windows and timber handrail and balustrade at ground and first floor of front elevations– proposed replacement with horizontal windows and stone cills and headers.
 - iii. Omission of two storey projecting bay to gable on front elevations.
 - iv. Proposed larger window above front doors.
 - v. Proposed introduction of ground floor projecting bays and windows.
 - vi. Housetype A – removal of stained horizontal timber decking from side wall of attached garage. Proposed introduction of WC window (non-opening and obscure glazing) to flank wall (opposite side to garage).
 - vii. Increased size of the rear single storey wing to House Type A. The width increased from 4.8m to 6.0m, an increase of 1.2m. The depth remains at 1.8m. The footprint remains the same now for House Type A and B. These dimensions are external foot print dimensions.
 - viii. Housetype B – proposed inclusion of door and window in ground floor side flanking wall facing onto detached garage.
 - ix. Proposed handing of housetype A “unit 3” only.
- 4.3 Detailed drainage plans have been submitted for approval.
- 4.4 Boundary treatments will comprise a mix of 2.1 metres high wooden fences and 1.8 metre high brick walls.
- 4.5 The application also seeks approval for the proposed external materials, which are as follows:

- Brickwork: Weinberger Red Gilt
- Render Weber Flexi Render, white
- Windows: Grey Velfac Alucal composite aluminium
- Roof covering: Marley Ashmore Charcoal Grey
- Gutter and down pipes: Lindab gutters and down pipes (black)
- All pathways surrounding each dwelling to be completed in buff natural stone
- Driveways to be completed in Marshalls Tegula Priora permeable paving slabs with matching edging stones, colour Pennant Grey

4.6 The landscaping proposals include replacement tree planting and some laurel planting.

5.0 Relevant policy documents

5.1 National Planning Policy Framework (NPPF)

5.2 The Development Plan
Wolverhampton Unitary development Plan (UDP)
Black Country Core Strategy (BCCS)

5.3 Other relevant policy documents:
Tettenhall Neighbourhood Plan
Tettenhall Historic Landscape Character Study
SPG No.3 Residential Development

6.0 Publicity

6.1 Five objections and one neutral comment received. Comments summarised as follows:

- Unit 3 is positioned close to 15 Henry Fowler Drive and will have an overbearing impact on the amenity enjoyed by the of the occupants of that property. It is requested, that Unit 3 is removed from the proposal.
- The amended proposal now shows Unit 3 handed such that the garage of that proposed house would be sited nearest to the rear garden boundary of 15 Henry Fowler Drive. An occupant of that neighbouring house says that this will reduce the impact on their property.
- Concern about the drainage proposals, levels arrangements, landscape proposals and possible detriment to amenity, boundary treatments and car parking proposals.
- The new housing will result in a loss of sunlight and daylight to and outlook from 25 Birchfield Avenue.
- Concern that the development site encroaches on land outside of the applicants' ownership.
- Construction hours and methods should be agreed prior to commencing work to protect neighbour amenity.

7.0 Consultees

7.1 Trees and Transportation – No objection.

7.2 Severn Trent Water Limited – No objection.

8.0 Legal implications

8.1 The planning application as set out in the body of this report has been made pursuant to Section 73 of the Town and Country Planning Act 1990. If granted it will enable the applicant to carry out the same development as previously permitted subject to the amended conditions as more fully detailed in the report. JA/28/08/20/C

9.0 Covid Implications

9.1 There are no Covid implications arising from the recommendation of this report.

10.0 Appraisal

10.1 The main issues relate to:

- The scope of what may and may not be considered under Section 73 of the Town and Country Planning Act 1990
- Design and Appearance
- Drainage
- Neighbour Amenity
- Landscaping

Scope of Section 73 of the T&CPA

10.2 Section 73 of the Town and Country Planning Act 1990 concerns ‘Determination of applications to develop land without compliance with conditions previously attached’.

10.3 When assessing s73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented (as in this case), the applicant may go ahead and complete the original approved scheme if they wish.

10.4 The amendments proposed would not result in a development that would be substantially different from that previously permitted and so the application falls within the scope of s73.

Design and Appearance

10.5 The proposed design amendments will result in a high-quality residential development and are acceptable in terms of impact on the character and appearance of the area.

10.6 The proposed “handing” of “unit 3”, so that the attached garage would be repositioned on the other side of the dwelling and nearest to the boundary of the site which adjoins with the rear garden of 15 Henry Fowler Drive, would reduce the overall scale of the proposed dwelling from the perspective of the occupants of 15 Henry Fowler Drive. It would not dilute the design quality of the approved dwelling and there would remain satisfactory car parking provision.

- 10.7 The proposed boundary treatments are visually appropriate and robust. They are an acceptable design.
- 10.8 The proposed external materials are acceptable. They would contribute towards ensuring that the external appearance of the development is high quality and visually attractive.

Drainage

- 10.9 Drainage details are acceptable.

Neighbour Amenity

- 10.10 The design amendments respect the privacy, daylight and outlook to and from adjacent dwellings and there would be no unacceptable overlooking or overbearing impacts. The “handing” of unit 3 would reduce the scale of that building from 15 Henry Fowler Drive, and there would be an associated reduction in the visual impact for the occupants of that property. This would represent an improvement from the originally approved proposal.

Landscaping

- 10.11 The proposed landscaping scheme includes replacement tree planting and some laurel planting. This is acceptable.

11.0 Conclusion

- 11.1 The proposed alterations and new details are acceptable. The proposals are in accordance with the policies of the development plan.

12.0 Detail recommendation

- 12.1 Grant subject to the following conditions:
- Implementation in accordance with the approved plans and details
 - Implementation in accordance with approved drainage plans, boundary treatments, external materials and landscaping scheme
 - Tree protection
 - Car parking to be provided and retained
 - Levels
 - Hours of construction
 - Construction Management plan
 - Removal of permitted development for new windows and openings (unless shown on approved plans) in flank walls and roofs of approved dwellings
 - Bathroom and WC windows to be obscurely glazed

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