



# Planning Committee

18 November 2014

<b>Planning application no.</b>	14/00845/FUL
<b>Site</b>	Land rear of 36 Foley Avenue, Wolverhampton
<b>Proposal</b>	Proposed detached dormer bungalow
<b>Ward</b>	Tettenhall Wightwick
<b>Applicant</b>	Maythorn Developments Ltd
<b>Agent</b>	Mr Jake Sedgemore, Stoneleigh Architectural Services Ltd
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable director</b>	Tim Johnson, Education and Enterprise
<b>Planning officer</b>	Name Ragbir Sahota Tel 01902 555616 Email ragbir.sahota@wolverhampton.gov.uk

## 1. Summary Recommendation

1.1 Grant subject to conditions

## 2. Application site

2.1 The application site is the land to the rear of 36 Foley Avenue which extends to the rear of 38 and 40 Foley Avenue. The land in question forms part of the rear gardens of these properties with dense trees/hedges to the boundary with Beechwood Court, Corfton Drive some of which has already been cleared.

2.2 The area is predominantly residential characterised by detached houses and bungalows.

## 3. Application Details

3.1 The proposals seeks to erect a detached dormer bungalow

3.2 The height of the dormer bungalow is 7metres, has provision for two off street parking spaces within an integral garage and a rear garden of 15 metres.

3.3 The nearest dwelling at 36 Foley Avenue is 15metres away whilst the distance between the proposed dormer bungalow and 18 Foley Drive is 26metres.

#### **4. Relevant Policy Documents**

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:  
Wolverhampton Unitary Development Plan (UDP)  
Black Country Core Strategy (BCCS)
- 4.3 Tettenhall Neighbourhood Plan (TNP)
- 4.4 Supplementary Planning Guidance Note 3 'Residential Development'

#### **5. Environmental Impact Assessment Regulations**

- 5.1 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

#### **6. Publicity**

- 6.1 A total of 17 letters of objection have been received. The concerns relate to:
  - Loss of wildlife/trees
  - Loss of privacy/overlooking
  - Increase in traffic/parking issues
  - Back land development
  - Poor design of dwelling
  - Effect on visual amenities
  - Noise and disturbance during construction

#### **7. Legal Implications**

- 7.1 The Planning Authority is a competent authority for the purposes of The Conservation of Habitats and Species Regulations 2010 ("the Habitat Regulations") and the Planning Authority is under a duty to have regard to the Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) in the exercise of its function so far as any requirements of the Habitats Directive may be affected by the exercise of those functions. Planning authorities should give due weight to the presence of protected species on a development site to reflect these requirements in reaching planning decisions. Regulation 40 of the Habitats Regulations defines European Protected Species. For example Great Crested Newts and Bats are a protected species and are in addition also protected under part 1 of the Wildlife and Countryside Act 1981
- 7.2 It should be noted Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligation and their impact within the Planning System provides that it is essential that the presence or otherwise of protected species and the extent that

they may be affected by the proposed development is established before the planning permission is granted otherwise all the relevant material considerations may not have been addressed before making the decision. The need to carry out ecological surveys should only be left to planning conditions in exceptional circumstances.

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## **8. Appraisal**

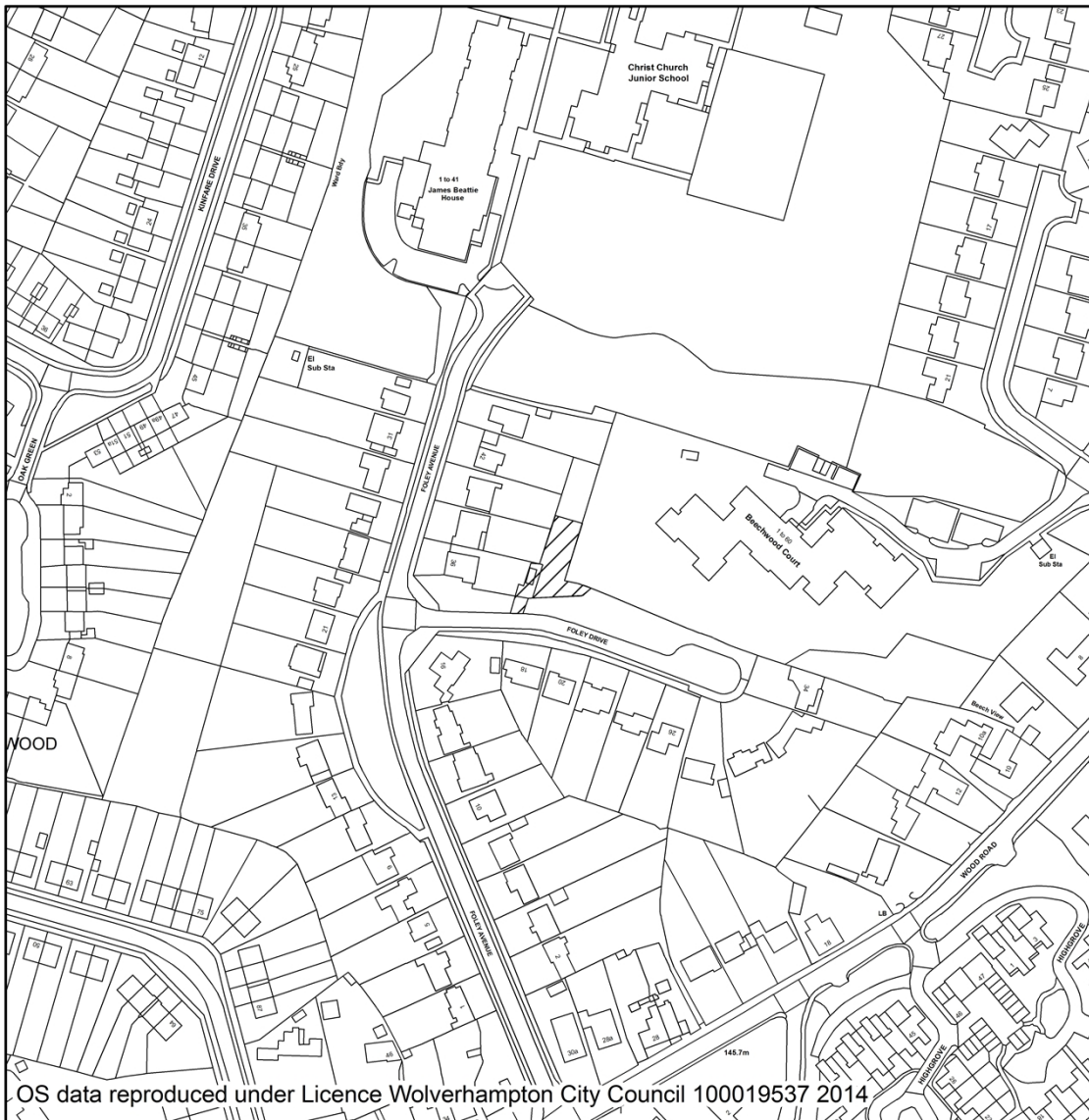
- 8.1 The surrounding area comprises detached bungalows and houses of differing heights and designs. The dormer bungalow in the proposed position against the backdrop of Beechwood Court is considered to be of an appropriate height, scale and massing and as a result is considered to be in keeping with the locality.
- 8.2 The concerns of residents as to the loss of privacy and overlooking as a result of the development are unfounded as the design and layout of the property is such that separation distances between the neighbouring properties are in excess of those within the Councils Supplementary Planning Guidance and the parking provision and private amenities to the dwelling are appropriate.
- 8.3 Concerns have been raised as to the loss of trees however those that have been removed were not protected or of any significant amenity value. It is considered that the further loss of any significant trees are not proposed as a result of this development.
- 8.4 In respect of concerns as to the loss of wildlife, an ecology report has been requested and is awaited. The comments of the report will be updated verbally at the meeting.

## **9. Conclusion**

- 9.1 The proposal is considered to be acceptable in terms of its layout, design and amenities. It has no adverse neighbour impact by virtue of overlooking or loss of privacy and subject to no outstanding issues arising from the Ecology report, the proposal is considered to be acceptable. The proposal is in accordance with the provisions of the BCCS, UDP and the Tettenhall Neighbourhood Plan policies.

## **10 Detailed Recommendation**

- 10.1 That planning application 14/00845/FUL be granted, subject to any necessary conditions to include:
  - Materials
  - Landscaping
  - Boundary treatments
  - Levels
  - Drainage
  - Bin stores
  - Restrict first floor windows/dormers



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