

**PLANNING COMMITTEE**

**6<sup>th</sup> December 2022**

**APPLICATION FOR CONSIDERATION**

**REPORT OF ASSISTANT DIRECTOR - GROWTH & REGENERATION**



**Application Number:** 0417/2022

**Development:** Erection of a two bedroom bungalow

**Location:** The Orchard, 9 Clifford Close, Glascote, Tamworth, B77 2DD, B77

## 1. Introduction

- 1.1 A planning application was received in 2021 for a single storey two bedroom dwelling on the side garden of The Orchard, 9 Clifford Close in Glascote. This application was withdrawn due to ownership issues with the site and because the applicants were advised that the likely outcome would be a refusal. This application was subsequently resubmitted in July 2022 and refused under delegated powers. Some minor changes were made to the scheme in comparison to the withdrawn scheme. The planning application subject of this report is a resubmission of the refused application however, the documents and plans submitted are identical to those submitted with the application previously refused.
- 1.2 The application site is approximately 228 square metres in area and to the east side of the host dwelling. The site is situated in an established residential area with bungalows on either side and beyond on Clifford Close. To the rear of the site is a piece of incidental open space isolated by the surrounding dwellings and on the opposite side of the road is a dense row of conifer trees beyond which are two storey semi-detached dwellings.
- 1.3 The dwelling would measure approximately 6m wide by 12m deep with a pitched roof 2.4m to the eaves and 4.1m to the ridge. The dwelling would include one window on the front elevation, two double full height patio doors at the rear, a front door, a window and a rooflight on the west facing side elevation and two windows and a rooflight on the east facing side elevation. A drive and access point has recently been created to the front of the site in advance of making this planning application. The proposed dwelling would include a lounge, kitchen, utility room, two double bedrooms and bathroom.
- 1.4 At pre-application stage the applicants were advised that the site was likely to be too small for a new dwelling and that there were concerns regarding design and layout and the limited amenity space that a small site such as this could accommodate.
- 1.5 This planning application has been called to committee by Councillor Wade for reasons as follows;
- ‘Tamworths emerging Local Plan shows a need for further housing in Tamworth and we have a duty to co-operate with LDC/NWBC to meet our need. This application offers up a new dwelling with minimal impact on infrastructure and neighbours. We need to support housing growth.’
- 1.6 The site is currently the subject of an enforcement case regarding a treehouse in the rear garden.

### Location Plan



## 2. **Policies**

### 2.1 Local Planning Policies

*Adopted Tamworth Local Plan 2006-2031*  
SS1 The Spatial Strategy for Tamworth  
SS2 Presumption in Favour of Sustainable Development  
HG1 Housing  
EN4 Protecting and Enhancing Biodiversity  
EN5 Design of New Development  
SU1 Sustainable Transport Network  
SU2 Delivering Sustainable Transport  
SU5 Pollution, Ground Conditions and Minerals and Soils  
IM1 Infrastructure and Developer Contributions  
Appendix A Housing Trajectory  
Appendix C Car Parking Standard  
Tamworth Design Supplementary Planning Document 2019  
Tamworth Borough Council's Community Infrastructure Levy (CIL)

### 2.2 National Planning Policies

National Planning Policy Framework 2019 (NPPF)  
National Planning Practice Guidance (NPPG)  
National Design Guide 2021  
National Model Design Code 2021

## 3. **Relevant Site History**

T13550	DEMOLITION OF BUNGALOW AND ERECTION OF 8 BUNGALOWS
T14014	DEMOLITION OF EXISTING BUNGALOW, CONSTRUCTION OF NEW ROAD AND 8 BUNGALOWS
T14729	8 BUNGALOWS, NEW ROAD AND SEWERS
0016/1999	3 Bedroom bungalow and associated garage
0397/2021	Construction of 2 bedroom bungalow
0330/2022	Erection of a Two Bedroom Bungalow (re-submission of 0397/2021)

Numbers 1 to 8 Clifford Close were approved in the mid 1980's however 9 Clifford Street was the result of a separate planning application in 1999 for a 3 bed bungalow in the rear garden of 8 Clifford Street.

## 3. **Consultation Responses**

### 3.1 Whilst every effort has been made to accurately summarise the responses received, full copies of the representations received are available to view at <http://planning.tamworth.gov.uk/northgate/planningexplorer/generalsearch.aspx>

TBC Strategic Planning and Development Services (received 16/10/2022) – no objections subject to compliance with wider policies of Local Plan.

The Coal Authority (received 10/11/2022) – object on the grounds of inadequate information

Staffordshire County Highways (received 25/10/2022) – no objections subject to conditions

TBC Environmental Protection (received 28/10/2022) – no objections subject to a condition.

TBC Strategic Housing (expired 16/11/2022) – no response received

TBC Waste Management (received 25/10/2022) – no objection

The consultation comments are préciséd, if conditions are proposed these are included within the conditions at the end of the report unless stated otherwise.

## 4. **Additional Representations**

### 4.1 As part of the consultation process adjacent residents were notified. No neighbour comments had been received at the time of writing this report.

## **5. Equality and Human Rights Implications**

- 5.1 Due regard, where relevant, has been taken to the Tamworth Borough Council's equality duty as contained within the Equalities Act 2010. The authority has had due regard to the public sector equality duty (PSED). Under section 149 of the Equality Act 2010, a public authority must in the exercised of its functions, have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race. This proposal has no impact on such protected characteristics.
- 5.2 There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act, regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.

## **6. Planning Considerations**

- 6.1 The key issues to be considered at this stage are

- Principle
- Character and Appearance
- Amenity of Neighbouring Properties
- Supplementary Planning Document
- Highway Safety and Parking
- Biodiversity and Trees
- Community Infrastructure Levy

- 6.2 Principle

- 6.2.1 The starting point in determining the acceptability of development proposals is the Local Plan, where the policies are consistent with the NPPF. Policy SS1 The Spatial Strategy for Tamworth is to provide development in the most accessible and sustainable locations and SS2 Presumption in Favour of Sustainable Development, states that proposals that accord with the local plan are sustainable and will be approved without delay. Policy HG1 is the most relevant local policy in assessing residential development within the Borough which supports residential development within the urban area of the Borough. These are considered to reflect the presumption in favour of sustainable development contained within the NPPF because development within the urban area of Tamworth is in general terms sustainable. This is as a result of access to sustainable modes of transport and access to relevant services and amenities within the Borough. Therefore, it is considered that the above policies are consistent with the NPPF. The application site as defined on the proposals map is located wholly within the urban area of Tamworth.

- 6.2.2 Policy SS1 states that over the life of the plan 4,425 dwellings will be built in Tamworth, this sets the annual housing requirement to be a minimum of 177 dwellings each year. The Local Plan requires a net increase of 4,425 dwellings over the plan period 2006-2031. Despite past delivery rates being slightly behind target, the delivery rates have increased significantly, and it is still anticipated that the 4,425 dwellings will be delivered by 2031. The Council currently has a greater than five-year housing land supply meaning that there is not an urgent need for housing in the Borough at this time which might otherwise outweigh other policies contained within the Local Plan. In relation to policy HG1, because of having this healthy supply of housing there is no requirement to accept a lower standard of design.

- 6.3 Character and Appearance

- 6.3.1 The appearance of a development is a material planning consideration and in general terms the design of a proposal should not adversely impact on the character and appearance of the wider street scene
- 6.3.2 Policy EN5 – Design and New Development states that developments should be of a scale, layout form and massing which conserves or enhances the setting of development and utilize materials and overall detailed design which conserves or enhances the context of the development.

Proposals should respect and where appropriate reflect existing local architectural and historic characteristics but without ruling out innovative or contemporary design which is still sympathetic to the valued characteristics of an area.

- 6.3.3 The National Planning Policy Framework (NPPF) was published in July 2021 and is a material planning consideration in the determination of planning decisions. One of the core planning principles contained within the NPPF seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3.4 Paragraph 126 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities..”
- 6.3.5 Paragraph 130 of the NPPF concentrates on guiding the overall quality of the area, good design, landscaping, layout, sympathetic to local character and history, including the surrounding built environment, establishing a strong sense of place by optimising the potential of the site and creating places that are safe, inclusive and accessible.
- 6.3.6 Paragraph 134 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 6.3.7 Design is subjective and open to interpretation and is often quoted as the art of making places for people, a process that is reliant on a number of different but mutually reinforcing objectives. Successful places constitute more than good architecture. It is important to understand the function of a place over time as well as the connections and spaces between buildings will affect the way a place ‘feels’.
- 6.3.8 The proposal to locate a dwelling in the side garden would be markedly different to the pattern of development in this locality; other dwellings having large plots with generous rear gardens and wide frontages addressing the street. The proposed bungalow would be viewed in the context of the bungalows along Clifford Close. Number 9 Clifford Close has a depth of approximately 23m and a width of 31m. Number 8 Clifford Close has a depth of approximately 48m and a width, where it meets the road, of 14m. Compare this to the proposed plot having an approximate width of 9.5m and a depth of 24m there would be quite a difference from those in the immediate area. Consequently, the dwelling would appear disproportionately small and narrow when viewed to the front elevation and lack the depth to be in keeping with the adjacent bungalows to the immediate east.
- 6.3.9 The proposal is to accommodate a new dwelling in the side garden of a house which itself has been built in the rear garden of another house. When The Orchard was approved a planning condition was applied stating that permitted development rights be removed in order to protect the character and appearance of the area. The inclusion of this condition suggests that the addition of further built structures within the site boundary are likely to represent over development of the site.
- 6.3.10 Furthermore, the design of the proposed dwelling is considered to be simplistic and lacking in interest in comparison to the other properties along the street with the front elevation featuring a wall with one window and a small element of building set back from the front and projecting out from the side. This is in contrast to the other bungalows along the street that feature multiple windows of differing styles, garages of varying sizes and a variety of set backs and steps forward in the front façade. This is likely a consequence of the constraints of the site in terms of size.
- 6.3.11 Overall it is considered that the proposal would be contrary to policy EN5 with regards to character and design.

#### 6.4 Amenity of Neighbouring Properties

- 6.4.1 Policy EN5 – Design and New Development states that developments will be expected to minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of

neighbouring land. Such impacts may include loss of light, privacy or security or unacceptable noise, pollution, flooding or sense of enclosure.

6.4.2 The proposed dwelling is single storey and orientated such that it sits between the existing dwellings at number 8 and 9 Clifford Close. Consequently, there would be an insignificant impact in terms of of the proposal creating a loss of light or being overbearing. Two side windows are proposed on the elevation facing number 8 however these could be obscure glazed to prevent any issue with loss of privacy. On the side facing 9 Orchard Close there is a window to the kitchen which if obscure glazed would limit the light into the room. Therefore a pre-commencement condition to submit boundary treatments for approval would be recommended in order to maintain privacy for the adjacent property.

6.4.3 The proposal will not have a significant impact on the amenities of occupiers of neighbouring dwellings for the following reasons:

- Following the Building Research Establishment (BRE) daylight and sunlight tests, the proposal does not have an adverse effect on daylight and sunlight to neighbouring properties
- Due to the orientation of the proposal relative to neighbouring properties there is unlikely to be a significant impact on the reasonable amenities of any of the adjacent residents through overshadowing, overbearing or loss of privacy

6.5 Tamworth Design Supplementary Planning Document (SPD)

6.5.1 The contents of the SPD currently have significant weight when considering this application. The Design Guidance was adopted in July 2019, and significant weight is attributed to it in accordance with paragraph 134 of the National Planning Policy Framework. The NPPF states that SPDs adds further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

6.5.2 The layout of the proposed dwelling falls short of the guidance contained in the SPD on a number of counts. The layout appears to show two double bedrooms and therefore this proposed dwelling would be a two bed four-person dwelling. The SPD recommends a garden depth of 10.5m and an area of 75sqm and the proposed dwelling would have a garden depth of 7m and an area of 67sqm therefore falling short of the guidance. Furthermore, the recommended internal floor area is 70sqm and the proposed dwelling measures 57sqm in this regard. These shortfalls in space standards further demonstrate the constraints and limitations of the site in terms of size and supports the view that the site is too small to deliver a new dwelling of a scale in keeping with the setting.

6.5.3 In relation to this application the following elements are material:

- Paragraph 4.71 (Internal Space Standards)
- Paragraph 4.72 (Amenity Space)

6.6 Highway Safety and Parking

6.6.1 Policy SU2 and EN5 require development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out in Appendix C of the Local Plan.

6.6.2 The entrance and egress for the site is a recently created drive located on Clifford Close, an unclassified road with no pavement. County Highways have been consulted on this proposal and have confirmed that there are no concerns with regards to highway safety subject to a condition regarding delivery of the parking area in an appropriate material. Two car parking spaces are included within the boundary of the site which meets the requirements contained within Appendix C. Parking for the host dwelling will remain unchanged.

6.6.3 The proposal will not have a significant impact on highway safety for following reasons;

- The host property benefits from existing sufficient parking
- The proposal provides acceptable access and parking arrangements

## 6.7 Biodiversity and Trees

6.7.1 Policy EN4 – Protecting and Enhancing Biodiversity requires development to incorporate the planting of native tree species where appropriate to the site and states that developments that would involve the removal of any tree, woodland or hedgerow, which contributes significantly to its setting, local landscape character or its surroundings, will be resisted unless the wider benefits of the development are sufficient to offset the loss and cannot be avoided by appropriate siting or design. Where removal is justified and unavoidable, suitable and appropriate mitigation planting will be required to offset the loss of these features.

6.7.2 Paragraph 174d) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

6.7.3 It is proposed to build on an area which currently includes natural features including a mature hedgerow which is proposed to be removed. No information has been submitted with regards to biodiversity net gain and therefore it is considered that the proposed development does not comply with policy EN4 and NPPF paragraph 174d).

## 6.8 Community Infrastructure Levy

Tamworth Borough Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 17th July 2018 which came into force for applications determined after 1st August 2018. A CIL charge may apply to this application. If applicable, this would involve a monetary sum payable prior to commencement of development. A CIL Information Requirement Form has been submitted for assessment with this planning application.

## 7 **Conclusion**

7.1 It is proposed to construct a new dwelling on the garden area to the side of 9 Clifford Close. The proposed development would appear disproportionately small and narrow within the street scene and would not be in keeping with the pattern of development in the locality. Furthermore, the development would not comply with the Tamworth Design SPD in terms of amenity space and internal floor area and would represent over-development of the site. There is unlikely to be an impact on highway safety as a result of this development and insufficient information has been provided to demonstrate there will not be an impact on biodiversity. In the light of all of the above considerations it is recommended that the proposed development should be refused.

## 8 **Recommendation**

1. Refuse
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## **Reasons**

1. The proposed development by virtue of its scale would appear discordant and disproportionately small and narrow within the street scene and therefore would not be in keeping with the pattern of development in the locality and as a result would be contrary to policy EN5 of the Tamworth Local Plan 2006-2031 and the National Planning Policy Framework (NPPF).

2. The development by virtue of its under provision of amenity space and internal floor area would not comply with the Tamworth Design SPD and is therefore contrary to policy EN5 of the Tamworth Local Plan 2006-2031 and NPPF.
3. The application fails to provide sufficient information on providing any biodiversity net gain and therefore it is considered that the proposal would not comply with policy EN4 of the Tamworth Local Plan 2006-2031 and the NPPF paragraph 174d).

Plans Reference

This refusal relates to plan number 082201 dated Aug'22 received on 24/10/2022.