39 Richmond Hill Road, Edgbaston, Birmingham, B15 3RR

Erection of two storey side and forward extension and single storey side, forward and rear extensions

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Recommendation
Determine

REPORT BACK

Your Committee deferred determination of this application on 30th October 2014 pending the submission of a tree survey regarding the condition of the four protected trees which would be removed as part of the proposed works and justification for their removal.

The four trees which are proposed to be removed are sited to the front of the existing property and are adjacent to the boundary with No.37 Richmond Hill Road. The four trees, numbered as being T2, T3, T4 and T5 on the submitted tree plan, are a hornbeam (category B), oak (category B), red horse chestnut (category U) and a deodar cedar tree (category B) respectively. The tree report which has been submitted now refers to these four trees as T1 (oak), T2 (hornbeam), T3 (red horse chestnut) and T4 (deodar cedar). These trees would need to be removed as part of the proposed works as there would be an un-resolvable conflict between their root protection areas and the proposed building.

The tree report prepared by Westside Forestry Ltd and submitted by the agent has been referred to my Tree Officer for consideration and the following comments have been made:

- TPO 447 was made in 1985 and its plan shows a single building in the centre of the old site which extends to the end of the current Belgrove Close. Two main groups of trees were included in the order; trees on the north boundary with No.37 Richmond Hill Road, and trees fronting Richmond Hill Road. The TPO is typical of an order that was made in response to proposed development so that any proposal could be considered before trees were removed. From the time of the order was made the only public amenity that could be attributed to the trees on the site was that of the current G5 as shown in the arboricultural report. Before the proposal for Belgrave Close (a private gated road) was accepted (also in 1985) there may have been a
development that opened up internal public amenity and this is the reasoning that supports an order under these circumstances. As mentioned in the arboricultural report, and my Tree Officer’s previous comments, the trees now numbered T1 to T4 have very limited public views. It is considered that only the public visual amenity of the trees fronting Richmond Hill Road could successfully be defended.

- BS5837:2012 recommendations are that trees of C category and above should be considered for retention. Three of the trees for removal are B category (Tree Report T1, T2 and T4.) If there were any significant public amenity for these trees then their retention category would be strongly in support of a refusal. If, though, we were to receive a TPO tree works application for the removal of these trees, aside of any planning application, then it is not considered that this could be defended because of their lack of visual amenity (and no potential through development for new amenity views of the trees to be opened.) If this planning application is refused due to removal of the trees and then a TPO application to remove the trees is subsequently submitted then my Tree Officer would follow the precedent of the decision, however, it is considered that such a decision would be unlikely to be sustained on appeal.

- For these reasons my Tree Officer considers that it was right to accept the proposal while insisting on a tree survey to properly define the tree constraints of the retained trees so that tree protection plans could be made. The arboricultural survey and implications assessment includes a preliminary tree protection plan. This appears reasonable but will need detail added regarding areas outside fencing where method statements apply. An appropriate condition has been proposed to be attached to the approval of this scheme.

My Tree Officer considers that there is sufficient justification for the removal of these protected trees. Fourteen existing mature trees would be maintained to the front of the site which would maintain the public amenity from Richmond Hill Road and preserve the green character of the Edgbaston Conservation Area. Members are requested to determine the application, with Approval subject to Conditions still recommended.

**ORIGINAL REPORT**

1. **Proposal**

1.1. Consent is sought for the proposed erection of a two storey side and forward extension and single storey side, forward and rear extensions. The proposed development would involve a reconfiguration of the internal space of the property and would provide an enlarged kitchen, living room, hall and porch along with a new study, utility games room and WC at ground floor. A new garage would also be provided with the existing detached garage to the side of the dwelling to be demolished. At first floor level two bedrooms, a bathroom, shower room and the landing area would be enlarged with a new dressing room and en-suite also provided.

1.2. The proposed two storey side extension would project from the existing side wall in the northern elevation of the dwelling with a width of 3.5m. The proposed two storey extension would extend along the entire side elevation of the dwelling and then project forward from the existing front wall of the dwelling by 13.5m towards
Richmond Hill Road itself with a width of 6.8m. The proposed side and forward extension would have a gable end roof design to match the existing dwelling. The proposed garage extension would project forward of the proposed two storey extension by 7m with a depth of 6.3m. This extension would have a hipped roof design.

1.3. The proposed centrally located forward porch, study and living room extensions would project from the front wall of the dwelling towards Belgrove Close by a maximum of 2.1m with a combined width of 12.7m and would have a mono pitch roof design. The proposed single storey side extension to provide the games room on the northern elevation would also have a mono pitch roof design and would have a width of 3.3m and a depth of 10.7m. The proposed single storey kitchen extension to the rear of the dwelling would project from the rear wall of the property towards No.3 Belgrove Close by a maximum depth of 3.2m with a width of 9.8m and a flat roof design. The proposed scheme would result in an increase in the footprint of the existing property at ground floor level from 187 square metres to 416 square metres.

1.4. Four trees would be removed as part of the proposed works. These are numbered as T2, T3, T4 and T5 on the submitted tree plan and consist of a hornbeam, oak, red horse chestnut and pine tree. These trees are covered by Tree Preservation Order 447 which includes a significant number of trees within the curtilage of both the application site and dwellings within Belgrove Close.

Link to Documents

2. Site & Surroundings

2.1. The application site consists of a detached property with a gable end roof design. The property has a gable feature and flat roofed dormer window within the front elevation. The site is located within the Edgbaston Conservation Area. The street scene is predominantly residential in nature and comprises of dwellings of varying ages and designs. The property is set well back from the main highway with a number of large mature trees within the front garden. These trees are covered by Tree Preservation Order 447. The rear amenity area of the site is modest in size and partially paved. The property has an existing detached garage to the side. The windows in the side elevation of No.3 Belgrove Close facing the application property relate to a bathroom.

Site Location

Street View

3. Planning History

3.1. 02/09/2003 – 2003/02671/PA – Permission granted for erection of single storey garage extension to side and dormers to front.

3.2. 24/02/2014 – 2013/09127/PA – Erection of two storey and single storey forward, side and rear extensions with porch and balcony to front – Withdrawn.

Enforcement history:
3.2. 2000/1654/ENF – Erection of a garage extension to the side of the property – Case closed.

3.3. 2007/1224/ENF – Erection of garage to rear of property – Case closed.

4. Consultation/PP Responses

4.1. Neighbours were consulted for the statutory period of 21 days and the application advertised through a site notice and press notice. Objections have been received from the owners of No.3 Belgrove Close and Cllr Deidre Alden on the following grounds:
   - Loss of light.
   - Loss of privacy.
   - The scale of the proposed development.
   - The proposal would be encroaching on the boundary of their property.

5. Policy Context

5.1. The following local policies are applicable:
   - 45 Degree Code SPD.
   - Edgbaston Conservation Area Character Appraisal.
   - Tree Preservation Order 447.

5.2. The following national policies are applicable:
   - National Planning Policy Framework.
   - National Planning Policy Guidance.

6. Planning Considerations

6.1. The principal matters for consideration are the scale, design and siting of the proposed development, and the impact on the architectural appearance of the property, the Conservation Area and general street scene, loss of trees and neighbouring properties amenities.

6.2. The proposed scheme is a resubmission of application reference 2013/09127/PA which was previously submitted for the proposed erection of a two storey and single storey forward, side and rear extensions with a porch and balcony to the front. This application was withdrawn earlier this year. Following protracted discussions with the applicant and the City Design Team a new scheme has been submitted with the design and layout of the proposed extensions significantly revised from the previous scheme.

6.3. The proposed development is of a similar overall footprint to the previous scheme, however, with the input of the City Design Officer the overall design and layout of the proposal has been significantly improved to a more cohesive and sympathetic design which would sit more comfortably within the application site. A greater emphasis has
been placed upon the property projecting further forward to take advantage of the large existing front garden rather than extending at first floor level so near towards the boundaries with No.3 Belgrove Close and No.37 Richmond Hill Road. The roof plan of the property has been simplified so that the proposed extensions to the dwelling would be more in keeping with the character and appearance of the original property.

6.4. A revised tree plan has been submitted following a request for further information from my Tree Officer in relation to the impact of the proposed works upon the trees to the front of the dwelling.

6.5. The proposed side extension would breach your Committee’s 45 Degree Code policy to the nearest ground floor window in the front elevation of No.37 Richmond Hill Road. However, the nearest section of the proposed extension would be sited approximately 12m away from the neighbouring window. Therefore with this distance taken into account I do not consider that the proposal would have a detrimental impact upon the neighbouring dwelling in terms of loss of light.

6.6. The first floor bedroom windows which are proposed to be installed in the existing rear elevation of the property would fail to meet with the required 10m separation distance as contained within ‘Places For Living’ and ‘Extending Your Home’ from the boundary with No.3 Belgrove Close and the 12.5m separation distance to the adjacent flank wall. However, these windows would only overlook the side elevation of the adjacent dwelling and would not overlook any private amenity space. The proposed development is therefore not considered to have an adverse impact upon the amenity of neighbouring dwellings in terms of loss of privacy.

6.7. The scale, mass and design of the proposal is seen as acceptable. Whilst the proposed development is relatively sizeable and would significantly alter the appearance of the property, Richmond Hill Road is characterised by a number of very large dwellings and properties of varying designs. A number of dwellings within Richmond Hill Road benefit from previous extensions of a significant scale. Neighbouring dwellings such as No.33, 35 and 37 Richmond Hill Road are significantly larger than the application property in its present form. No.55 Richmond Hill Road sits within a similar sized plot and is of a greater footprint to that which is proposed at the application site by approximately 100 square metres.

6.8. The property is set within a very secluded location with the front boundary and the majority of the front amenity area of the site populated by dense mature trees. Therefore there would be minimal visibility of the proposed development within the main street scene of Richmond Hill Road and the only main views of the development would be within the application site itself and any pedestrians or vehicles passing through to the five properties in Belgrove Close. The property as existing is a modern design and is not of any significant historic or architectural merit. Therefore I do not consider that the significant alterations proposed would have a harmful impact upon its visual quality or that of the application site. The design of the proposed two storey extension reflects the design and character of the original dwelling.

6.9. I do not consider that the proposed development would have a significant enough impact upon the architectural appearance of the property and the visual amenity of the surrounding area to warrant refusal of the application. Large developments have previously been supported within this area of the Edgbaston Conservation Area or have been allowed on appeal within recent years and I do not consider that such a
scheme could be resisted when taking into account the appearance of the existing dwelling and its unique location.

6.10. No.37 is set a significant distance away from the application property and an acceptable distance would be retained between these two dwellings. Although the proposed development would project forward of the main building line set by Nos. 33, 35 and 37 Richmond Hill Road, there is no particular strong building line along the main road as a whole with a number of dwellings, in particular the flats at High Point to the southern side of the site, which project significantly closer towards the street. I consider that the proposed development would preserve the green and spacious character of the Edgbaston Conservation Area which is highlighted within the conservation area character appraisal.

6.11. Four trees are proposed to be removed as part of the scheme numbered T2, T3, T4 and T5 on the submitted tree plan. These are covered by Tree Preservation Order 447. My Tree Officer has stated that they have no objections to the proposed development and the loss of these trees subject to a condition being attached to the approval ensuring that sufficient tree protection measures are undertaken as part of the works.

7. Conclusion

7.1. The proposal meets with the objectives of the planning policies set out above. I therefore consider that there are no sustainable grounds upon which to recommend refusal of the application.

8. Recommendation

8.1. Approval is recommended subject to the following conditions:

1. Requires the prior submission of sample materials
2. Requires the scheme to be in accordance with the listed approved plans
3. Requires the prior submission of a tree protection plan and arboricultural method statement
4. Limits the approval to 3 years (Full)

Case Officer: George Baker
Photo(s)

Figure 1 – Front elevation of No.39 Richmond Hill Road

Figure 2 – Front garden of No.39 Richmond Hill Road viewed when facing east towards the main road