



Committee and date
Central Planning Committee
4 March 2016

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 15/04988/FUL	Parish:	Wroxeter And Uppington
Proposal: Erection of three bay part open fronted detached garage/store to include roof mounted solar panels; siting of an external air source heat pump; formation of driveway and turning area; alterations to existing vehicular access		
Site Address: 3 Charlton Hill Wroxeter Shrewsbury Shropshire SY5 6PS		
Applicant: Mr A Richardson		
Case Officer: Mandy Starr	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 359083 - 308211

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Recommendation:- subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 The proposal is erect a three bay part open fronted detached garage/store to include roof mounted solar panels; siting of an external air source heat pump; formation of driveway and turning area; alterations to existing vehicular access on land at 3 Charlton Hill Wroxeter which currently has a detached dwelling and collapsed garage on it. Materials are indicated as being timber cladding with a slate roof on the frontage, whilst at the rear facing onto track would be a brick wall.

1.2 The second part of the scheme is to enlarge the existing hole in the boundary hedge and create a new vehicular entrance and driveway from the unclassified road which would be just south of the existing track's entrance off the highway which is opposite No 1 Charlton Hill. Access to the garage would be from this new entrance drive which would have the first 6m laid down to tarmac with the rest of it as gravel. The existing entrance drive to the old garage would remain unaffected

1.3 Planning permission was granted in October 2015 under 15/02038/FUL for the erection of a replacement dwelling and detached garage and external works. This development has not been implemented

2.0 SITE LOCATION/DESCRIPTION

2.1 The application refers to the site of a detached residential property located between the villages of Donnington and Eaton Constantine in the open countryside. It is one of small group of properties clustered around a junction known as Charlton Hill. This site is around 0.4ha in size in a rectangular plot which currently contains a detached dwelling and associated but partially collapsed garage and outbuildings within the curtilage. Beyond No 3 is No 4 Charlton Hill which is sited in a similarly large plot.

2.2 There is an existing vehicular access that leads to garage which is situated halfway down a track that leads to the north of the site just beyond the entrance to the dwelling itself. The recent permission would involve the demolition of the existing dwelling and its replacement further to the east towards the highway, but the plans indicated that the original garage would remain.

2.3 The current proposed garage would be sited in roughly the same area as the previous permitted garage; except that what is now proposed is larger to accommodate a covered parking area and higher than the previous scheme. In addition the proposed building would be used to house the associated plant such as the air source heat pump and solar panels.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 Following the formal objection from the Parish Council, the officer contacted the Division Member and discussed the case issues.

3.2 Councillor Wild has raised concerns about this case due to the planning history of the site. Planning permission was granted for a large replacement dwelling, garage block and a new access. The vehicular access was originally proposed to be off the adopted highway but following objections from the Parish Council who raised concerns that the location of the new access to the site would be very hazardous so close to a blind bend it resulted in negotiations to relocate the access off the existing track instead.

Therefore this current application which now seeks to erect a larger garage plus create a new vehicular access onto the adopted highway in the same place that was objected to last time should now be determined by the Planning Committee.

4.0 Community Representations

4.1 **SC Highways:**

The site adjoins a rural unclassified road. The Highway Authority is of the view that the original position of the access to serve the dwelling under the outline application (15/02038/FUL drawing no. 1650D23) is preferable to the use of the existing access under the current application. The 'existing' access is however considered to be acceptable for the prevailing highway conditions to serve as a means of access to the dwelling and raise no objection to the principle of the proposal.

Recommendation

No objection – subject to conditions and informatives

SC Public Protection

Having considered this application and location I have no pollution concerns and therefore no objection

SC Tree Officer:

This proposal does not appear to affect any protected or important amenity trees. I have no objection to the removal of a section of the roadside hedgerow to facilitate the new access. Mitigation new planting is shown on the submitted plan.

4.2

- Public Comments

Wroxeter and Uppington Parish Council:

The Parish Council objects to this application as it has reverted back to the access originally submitted in the planning application for this dwelling. The parish council objected to this access previously.

The application was advertised by notices at the site and two neighbours were individually notified. No representations have been received.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Core Strategy 'CS5 Countryside and Green Belt' applies in this location. It states that new development in the open countryside will be strictly controlled in accordance with national planning policies and such proposals will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. There is significant emphasis on achieving quality and sustainability of design with regard to local design and materials.

6.1.2 CS6 deals with Sustainable Design and Development Principles. This requires that all development is designed to a high standard which respects and enhances local distinctiveness and which mitigates and adapts to climate change. This will be achieved by requiring all development to be sustainable and incorporate appropriate energy efficiency and renewable energy generation. The development should also protect, conserve and enhance the natural, built and historic environment and be appropriate in scale, pattern and design taking into account the local context and character having regard to national and local design guidance.

6.1.3 Under the requirements of the Shropshire Sites Allocations and Management of Development (SAMDev) Plan, which was adopted on 17 December 2015, Policy MD2 is considered relevant here which deals with Sustainable Design. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as set out in local community led plans and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details.

6.2 Siting, scale and design of structure

6.2.1 The proposed garage would be larger than the permitted garage both in terms of height and length. The permitted garage shows a ridge height of 5.9m high, whereas what is now proposed would be 7.4m high and with an eaves height of 3.8m. Although this scheme does not refer to the permitted replacement dwelling as being implemented, it still could be; as there would be just about sufficient space to site it between the existing cottage and the proposed garage location. However the permitted plans show the dwelling ridge height would be 7.9m high which is only slightly higher than as the proposed garage.

6.2.2 This would normally be considered unfortunate as ancillary outbuildings should be clearly read as being subordinate to dwellings and not compete with them in terms of height. But this has to be balanced against the proposed additional plant room that would be sited at the rear of the garage building. In addition a shallower roof pitch would be considered out of keeping with both the existing dwelling if it is to be

retained or the replacement dwelling and any solar gain from the roof panels would be reduced as well.

6.2.3 The garage would also have a larger footprint of 75m² compared to the 54m² as permitted in October, so the additional covered parking area and plant room would add some 21m² more to the overall bulk and massing of the garage. Again this has to be weighed against the applicant's proposals to include a plant room and solar panels, plus a new borehole for water so as to make the development more sustainable.

6.2.4 The second part of the scheme involves the creation of a new vehicular access through the hole in the hedge and across the grass verge directly onto the highway itself. This access would create a new driveway and turning area leading to the garage.

6.2.5 The existing vehicular access leading to the old garage would remain as intact and a footpath would be constructed to link the new driveway to the existing dwelling.

6.3 Visual impact and landscaping

6.3.1 The application site is quite level but exposed due to the limited height of the hedgerow that forms the boundary of the site and due to its position on top of a hill. To the northeast beyond the track is a shelter belt of mixed species semi-mature trees. The existing dwelling whilst quite tall is set back from the front field along the track leaving the remains what was the original garden and field in front visible to the road. From the officer's site visit the original curtilage of the dwelling is still intact along with the paddock in front.

6.3.2 The proposed garage building would be materially larger than the permitted scheme and if the existing dwelling is to be renovated and not replaced, then this new garage would sit in a both a much more isolated location as well as being much more prominent than the previous scheme. It would therefore have a much greater impact on the landscape; especially as the existing hedgerow is quite low.

6.3.3 It is considered that in addition to the increased floor area and ridge height; if the replacement dwelling was not built, then the new garage would be some 20m away from the original dwelling house. Due to the clear separation distance between the two buildings there is concern that the garage could be converted into a habitable accommodation in the future thereby creating a second planning unit here. To ensure that this would not happen in the future, it is felt important to impose a condition so that the garage remains ancillary to the dwelling.

6.3.4 It is noted that the Council's Tree Officer has not objected to the removal of part of the trackside boundary hedge to accommodate the building subject to a new hedge being planted beyond. In addition, there is a suggestion that new planting will be carried out at the corner of the site near the track. No details of the planting have been submitted, so this would be dealt with via a condition.

6.3.5 As for the proposed new access, this would involve the loss of more of the hedgerow being removed to achieve the necessary sight lines. Tarmac would be laid for the first 6m with gates leading to the gravel drive beyond, but no details of

the type of gate have been submitted.

- 6.3.6 It should be noted that when the original proposal was submitted the driveway was shown as being in this location, but as both the Parish Council and the highways raised some comments, negotiations took place and the access was relocated back to its original position off the track.
- 6.3.7 The Parish Council made the following comments when 15/02038/FUL was considered last May:
“It was felt that the location of the proposed new access to the site would be very hazardous, emerging onto the lane so close to a blind bend to the north and we would look to a more satisfactory solution being agreed before the application is allowed. Our own view was that a possible solution would be to provide access to the lane at the north east corner of the site, adjacent to the point where the estate track meets the lane. If carefully configured, we believe this would offer much improved visibility with a good sight line in both directions along the lane”
- 6.3.8 It is therefore considered unfortunate that the proposal has now been submitted to create the same new vehicular access to the site here again. However it would appear that the highway authority does not object to the scheme and have recommended approval subject to conditions being imposed.
- 6.3.9 Whilst the new access is not ideal bearing in mind the previous negotiations to ensure that the previous one used the private track, there has been no formal highway objection, so therefore it would be difficult to refuse it on highway grounds, nevertheless the highway itself is narrow and it understood that passing vehicles tend to speed along it.
- 6.3.10 The scheme is therefore finely balanced with the concerns of both the height of the new garage/store building against the permitted replacement dwelling or the refurbishment of the existing dwelling with the creation of a new vehicular access and driveway off the highway instead of the unadopted track. Had the previous garage not been permitted, then this new building would be more objectionable due to its height and remoteness from the original dwelling, but as both the permitted garage and replacement dwelling can still be implemented, the issue is what harm does the new garage/store cause to the landscape when a garage has already been permitted in this same location.
- 6.3.11 The garage would still be lower than the height of the permitted dwelling and would be built of blockwork with timber cladding and brickwork and a slate roof to house the solar panel array. Even though the height would be increased from 5.9m to 7.4m high, no accommodation is shown in the roofspace. In addition the new floor area is specifically required for the plant required to facilitate the development with space for a tank and well head for the new borehole. The air source heat pump would be sited just to the east of the building as well.
- 6.3.12 It is also clear that in addition to the existing dwelling there are a number of poor quality outbuildings to the east, so that if permission were granted, then a condition could be imposed requiring the removal of the existing garage and other outbuildings prior to the occupation of the new garage to remove the clutter.

- 6.3.14 Turning to the proposed new vehicular access, it is noted that there is an existing hole in the hedge and evidence can be seen that this has been used as a field access for the previous occupiers who appear to have raised birds within an enclosed run to the west of the house. Although there is no gate or hardstanding, this access was obviously used on an occasional basis in the past. As highways do not object, it is not felt that this can be refused on highway grounds. It is therefore appropriate to impose a condition requiring the hedgerow to be retained around the site to be grown up to provide better screening for the development in the future.
- 6.3.15 Overall subject to the imposition of conditions to remove the existing poor quality garage and to ensure that the boundary hedgerow is grown up to a height in excess of 3m that these measures would provide sufficient weight to recommend approval of the application.

7.0 CONCLUSION

- 7.1 It is considered that the siting, scale and design of the proposed garage/store is acceptable and would have no material adverse impact on the character and appearance of the locality. A safe means of access would be provided and there would be no adverse impact on highway safety. The proposal is considered to be compliant with Core Strategy policies CS5, CS6 and MD2 of the Shropshire Sites Allocations and Management of Development (SAMDev) Plan and subject to appropriate conditions is considered acceptable.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Core Strategy:

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

Shropshire Sites Allocations and Management of Development (SAMDev) Plan

MD2 Sustainable Design

RELEVANT PLANNING HISTORY:

15/02038/FUL Erection of replacement dwelling and garage, relocation of access and associated external works GRANT 26th October 2015

15/04988/FUL Application documents can be found on Shropshire Council Planning website

11. Additional Information

[View details online:](#)

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Claire Wild
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved by the Local Planning Authority; the details of which shall include
 - (a) indications of all existing trees on the land including the height of the boundary hedgerow
 - (b) details of any to be retained together with measures for their protection in the course of the development
 - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within and overhanging the site in relation to the proposed buildings, roads and other works;
 - (d) confirmation that the boundary hedgerow would be allowed to grow to a height in excess of 3m and that any gaps will be planted up with suitable native hedgerow species.
 - (e) details and drawings of the new gates to be erected across the driveway

All soft landscaping comprised in the approved details shall be carried out in the first planting and seeding season following the completion of the garage. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting in this prominent location and for the protection of existing important landscape features.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

4. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

5. The alterations to the existing access layout, internal driveway, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved plan drawing no.1650D23A prior to the new garage being occupied/brought into use. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

6. Within three months of the completion of the garage building, the existing garage that is sited to the west of the existing dwelling shall be removed and all materials removed from the site.

Reason: To ensure a satisfactory landscaped setting and in the interests of visual amenity.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

7. The access apron shall be constructed in accordance with the Council's specification as follows; 20mm thickness of 6 mm aggregate surface course, 40 mm thickness of 20 mm aggregate binder course and 200 mm thickness of MOT type 1 sub-base and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

8. The garage hereby approved shall not be used as living accommodation. The garage shall only be used for purposes incidental to the enjoyment of the residential dwelling known as 3 Charlton Hill Wroxeter.

Reason: To safeguard the residential character and amenity of the area.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework 2012 paragraph 187
2. This planning permission does not authorise the applicant to: construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus

within the confines of the public highway including any a new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway. The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

3. Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

Core Strategy:

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

Shropshire Sites Allocations and Management of Development (SAMDev) Plan

MD2 Sustainable Design