

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 16/00219/FUL	Parish:	Whitchurch Rural
Proposal: Erection of a two storey side extension and a single storey rear extension.		
Site Address: 3 Sunnybank Church Lane Ash Magna Shropshire SY13 4DS		
Applicant: Miss Caroline Wynn		
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk	

Grid Ref: 357312 - 339703



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

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of a two storey side extension and a single storey rear extension to the existing dwelling. The scheme has been amended during the progress of the application. The extensions will provide a dining room, extension to the existing kitchen, a ground floor WC and a pedestrian link to the rear garden on the ground floor, and a bedroom on the first floor.

2.0 SITE LOCATION/DESCRIPTION

2.1 The existing semi-detached property is located within a modest curtilage within a residential street in the village of Ash Magna. The dwelling was constructed in the 1980s and externally is clad in brick with concrete tile to the roof. There is a conservatory on the rear elevation.

2.2 The topography of the site is such that the application site is elevated above the adjacent property 3 Sunnybank which lies to the south. There is approximately 1 metre height difference between the ground levels of the two properties. At the front a timber fence defines the boundary between the site and 3 Sunnybank. At the rear a high hedge defines the boundary.

2.3 In 2002 planning permission was granted for the erection of a two storey front and side extension to the dwelling.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In this case the Parish Council have raised objections to the proposed development which are contrary to the views of the Case Officer. It is the opinion of the Local Member that this should be considered by the Committee in view of the concerns raised and the recommendation of Officers.

3.2 At the meeting of the Chair, Vice-chair and Principal Planning Officers the application was discussed and it was agreed that the matter could be dealt with under the adopted Scheme of Delegation. However with further consideration it has been concluded that this application should be presented to Committee for a planning decision with further consideration to local member comments and the comments as made by the local Parish Council.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Parish Council:

Response received 27.04.16

Objection to the scheme on the grounds of overdevelopment of the plot and the overbearing nature of the scheme on the neighbouring property. Out of keeping in terms of design and appearance being at odds with existing properties and the resultant visual impact. Contrary to CS6: protects, restore, conserves and enhances the natural, built and historic, environment and is appropriate in scale, density, pattern and design taking into account the local context and character...'

and CS4: ensuring that all development in community hubs and clusters is of a scale and design that is sympathetic to the character of the settlement ...'.

Response received 08.03.16

Councillors agreed that the proposed scheme is over development of the site which would render the property out of proportion for the size of plot. Objection on the grounds of visual impact and overbearing nature of project.

- 4.1.2 **Highways:** No objection – subject to the development being constructed in accordance with the approved details and the recommended conditions and informatives.
- 4.1.3 **SUDS:** No objection is raised however due to the differences in levels between the application site and the neighbouring property surface water disposal may be an issue together with the outfall from other properties which crosses the site. Further details will be required.

4.2 Public Comments

4.2.1 Eleven letters of representation have been received from two addresses. The areas of concern relate to:-

- Inaccuracies with the definition of the boundary between 3 and 4 Sunnybank
- The plans do not show adjacent development
- The size of the existing building provides a smaller more affordable dwelling
- Increasing the size of the dwelling is overdevelopment
- The height of the extension will tower over 2 Sunnybank and be overbearing.
- The proposal will detract from the character of the village and the buildings surrounding the site.
- The extensions will look out of place with No. 4 Sunnybank and the character or the area.
- Reduction in parking space and potential loss of visibility splay
- Inconvenience to neighbours during construction period
- Drainage issues regarding surface water run-of and drains running under the site.
- Implications for the hedge at the rear of the property which belongs to the adjacent dwelling.
- The development could cause instability in the ground which would affect the neighbouring property
- The dwelling may not be occupied by the applicant in the future and the planning permission is only required to increase the value of the property.

5.0 THE MAIN ISSUES

- Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of Development

6.1.1 Policy CS6 of the Shropshire Core Strategy deals with issues of sustainable design and development principles. This requires all development proposals to achieve applicable national standards. It is also intended to ensure that

sustainable design and construction are incorporated into any development. The policy also requires any development to protect and enhance the built environment.

- 6.1.2 MD2 of the SAMDev also deals with the issue of sustainable design. This includes such matters as the form and layout of development and reflecting local characteristic architectural design and details.
- 6.1.3 The Supplementary Planning Document on the Type and Affordability of Housing (SPD) also sets out policies in connection with extensions to existing dwellings. The policy requires a mix of housing to be available whilst there is a need to maintain acceptable living standards for the occupants of dwellings including the internal size of living accommodation and the provision of external private amenity space. It is also commented that it is important to ensure that such development does not have unacceptable impact on neighbouring properties due to overshadowing or loss of privacy.
- 6.1.4 On the basis of the above, it is considered by Officers that there is no objection to the principle of the construction of extensions to the property. Other issues relating to scale, design, impact on neighbours etc will be discussed further in this report.
- 6.2 **Design, Scale and Character**
- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.
- 6.2.2 Policy MD2 of the SAMDev also deals with the issue of sustainable design and requires consideration to be given to the impact of the proposal not only in terms of form and layout but also how it functions.
- 6.2.3 The SPD also refers to the need to ensure accommodation meets applicable standards as well as protecting the amenities of neighbours.
- 6.2.4 A number of objections have been made by local residents to the proposal including the design and scale of the proposed development and that it is not in keeping with its surroundings or the area.
- 6.2.5 Since the submission of the application in January 2016 the scheme has had two amendments made to try to overcome concerns from neighbours and also initially from officers.
- 6.2.6 The existing dwelling is a small, two bedroom semi-detached dwelling within a residential area. The primary aim of the application is to provide a third bedroom to the property at first floor and an improved dining/kitchen area at the rear. The proposed bedroom will be positioned above a storage area/link to the rear garden.
- 6.2.7 The single storey section at the rear will primarily replace an existing dining/utility

area to improve not only the layout and usability of the space, but also to improve the heating and lighting of this area as at present due to poor insulation it is cold and expensive to maintain.

- 6.2.8 The two upstairs bedrooms are a double and a single with a floor area of approximately 9.3 square metres for bedroom 1 and 4.5 square metres for bedroom 2 excluding the built in cupboard space. The Technical Housing Standards – Nationally Described Space Standard issued by DCLG sets out that a single bedroom must have a floor area of at least 7.5 square metres with at least 2.15 width. A double bedroom must be a floor area of 11.5 square metres and is at least 2.75 metres wide. It is clear that neither of the existing bedrooms meet the minimum space standards required. Indeed the size of the rear bedroom cannot accept a single bed. As such this reduces the building from a small family home to a dwelling suitable only for a single person or couple. Adding the new bedroom would provide the dwelling with two useable bedrooms meeting the standards set out by Government and maintaining its use as a small family home.
- 6.2.9 Externally the scale of the two storey extension has been reduced particularly as a result of the latest amended plan. The extension will fully fill the gap to the mutual boundary with no. 2 Sunnybank. The ground floor will have a canopy extending over the entrance doors to the ground floor storage. The extension is alongside the existing dwelling providing an entrance into the rear garden. The single storey dining area then wraps around the rear elevation. Upstairs the bedroom has been set back from the front elevation and the ridge height of the roof is approximately 6.3 metres above ground level and 1 metre below the ridge height of the main dwelling. This is a significant reduction on the original proposal and has been achieved through the introduction of a dormer window to the front elevation and a rooflight to the rear. It has also been necessary to lower the ceiling height to the ground floor and as such it is only possible to allow this to be used as storage and a link to the rear garden as it would not meet the height requirements for general living accommodation.
- 6.2.10 It is noted that the neighbour and Parish Council has commented that this design is out of keeping with the character of the area and with the adjoining semi-detached dwelling. Having undertaken a tour of Ash Magna the Case Officer has found numerous properties where dormer windows have been installed whether as part of the original property or since as an extension. This is particularly within close proximity of the site and the “triangle” area at the centre of the village. As such the use of this would not be considered by officers to be a feature out of keeping with the village character. With regard to the issue on the appearance of the adjoining property it is frequently an issue where one half of a semi-detached pair of dwellings may wish to extend. The design of setting the upper floor back from the front elevation and reducing the roof level are a means of reducing its visual impact and ensuring the extension remains subordinate to the original building.
- 6.2.11 Overall it is the opinion of officers that the proposal will ensure that the dwelling is brought to an acceptable standard of family accommodation to ensure its future use. The scale and design of the extension is appropriate for its intended use and is within keeping of the character of the village.

6.3 **Impact on Residential Amenity**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Having regard to the proposed orientation and distance away from neighbouring properties the proposed windows will not result in any detrimental impact from overlooking or loss of light. The proposed layout, design and scale of the extension in relation to the boundary will also not result in any overbearing impact or cause any detrimental loss of light or result in any noise disturbance.
- 6.3.2 The SPD also reiterates the requirements to protect the residential amenity for the neighbouring properties.
- 6.3.3 Concerns have been expressed by local residents that the proposed development will have a detrimental impact on their amenities by reason of loss of light, loss of privacy and have an overbearing impact.
- 6.3.4 The ground floor rear extension will be a depth of approximately 3 metres with a height to ridge of approximately 3.3 metres. This is the same depth as the existing utility and as high as the existing boundary wall with no. 4 Sunnybank. All windows are at ground floor level with the rooflights being above head height. The width of the extension does stretch to the mutual boundary with no. 2 Sunnybank to provide the link to the rear garden.
- 6.3.5 The two storey part of the extension has no side facing windows and at its highest point will be approximately 6.3 metres above ground level. The rear rooflight would be approximately 1.4 metres above floor level. A dormer window is proposed to the front elevation.
- 6.3.6 Currently the bedroom window in the rear elevation of the existing dwelling provides extensive views across the rear garden of nos. 2 and 4 Sunnybank. However in order to reduce the impact of the rooflight, a condition could be imposed requiring this to be obscure glazed and to remain closed. As such the proposal would not cause a loss of privacy.
- 6.3.7 With regard to the potential for loss of light, the proposed ground floor extension would be no higher than the existing boundary wall to no. 4 Sunnybank and therefore would have no impact. With regard to no. 2 Sunnybank the side wall of this dwelling faces north and has a first floor landing window. A garage is positioned between the side wall and the mutual boundary. Given its orientation and that a landing is not a habitable room, the potential for loss of light would not be to an unacceptable level.
- 6.3.8 It is appreciated that the dwelling at No. 2 Sunnybank is on land that is approximately 1 metre lower than No. 3 Sunnybank and as such building up to the boundary will have more of an impact. However it is noted that there is a garage on the premises as no. 2 which will be parallel with the majority of the 2 storey section of the proposed extension. This will significantly remove the potential for the proposal to have an overbearing impact as it will be more closely related to the garage than if it were garden space. The height of the extension has also been significantly reduced in order to make the proposal more acceptable in this regard.

6.3.9 It is the opinion of officers that whilst the proposal will have an impact on the residential amenities of the area, this is not to an unacceptable level. Therefore the proposal is in accordance with policy CS6 of the Shropshire Core Strategy and the SPD.

6.4 **Highways**

6.4.1 An issue has been raised by local residents regarding parking at the dwelling and that there is a condition requiring the visibility splays approved at the time of the permission for the dwelling to be maintained.

6.4.2 The Highways Development Control Officer has responded to the application that from a highway perspective the proposals are acceptable for the prevailing highway conditions and therefore no objection is raised to the development.

6.4.3 Conditions and informatives have been recommended for inclusion on any planning permission that may be granted. These include ensuring the parking spaces within the front curtilage are kept available for parking of vehicles. This will be solely for use by occupiers and their visitors of the property and that no gates or other means of enclosure shall be erected within the access mouth and the parking area to the front of the dwelling.

6.5 **Drainage**

6.5.1 A query has been raised regarding the means of drainage for surface water from the site and also that the proposal will be constructed over manholes which provides access into the drainage system.

6.5.2 No objection to the proposal has been made by the Council's Drainage Engineer although recommendations have been made. It is recommended by Officers that a condition be imposed on any planning permission granted requiring the full details for the surface water drainage system to be submitted for approval prior to the development commencing.

6.5.3 With regard to building over the manholes on the property, this is a matter for Building Regulations and not the Local Planning Authority. The developer would need to contact them to apply for a Building Over Agreement which it is understood is dealt with in conjunction with the appropriate water utility company. Therefore this is not a reason that can be given to refuse the application.

6.6 **Other Matters**

6.6.1 Comments have been received regarding the impact of the proposal on the neighbouring hedge and to the stability of the ground.

6.6.2 The hedge is located on the neighbouring property no. 2 Sunnybank and is outside the application site. It has been allowed to grow to the height of the brick pillars in the rear boundary fence. Any damage to this hedge would be a civil matter between the two landowners would have to be settled privately.

6.6.3 With regard to the stability of the ground, this would be dealt with by Building Regulations in determining the foundations for the extension. Any damage or other impact caused on the adjoining property would be a civil matter between the two landowners. It cannot be used as a reason to justify refusal of planning

permission as it lies outside the remit of the Local Planning Authority.

7.0 CONCLUSION

7.1 The proposed scale, design and appearance of the extension is considered by officers to respect the existing character of the area and will not overall have a detrimental visual impact or cause any unacceptable impact on neighbouring properties. Therefore the proposal is considered to be in accordance with policies CS6 and MD2 of the Shropshire LDF and in accordance with the SPD on the Type and Affordability of Housing.

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 - written representations, a hearing or inquiry.
- The decision is 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 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 give 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 1970.

9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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

National Planning Policy Framework

CS6 - Sustainable Design and Development Principles

CS18 - Sustainable Water Management

MD2 - Sustainable Design

SPD Type and Affordability of Housing

Relevant planning history:

NS/79/00815/OUT Erection of dwelling and formation of vehicular access GRANT 16th October 1979

NS/81/00340/FUL Erection of a pair of semi-detached dwellings and formation of vehicular and pedestrian accesses GRANT 19th June 1981

NS/90/01068/FUL Erection of an extension to front of existing dwelling. GRANT 19th November 1990

NS/02/00064/FUL Erection of a two storey extension to front and side elevation of existing dwelling GRANT 12th April 2002

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Gerald Dakin
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.

3. The external materials shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

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

5. The car spaces currently available within the front curtilage of the property shall be kept available for the parking of motor vehicles at all times. The car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure an appropriate level of parking is provided for the lifetime of the development

6. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015, as amended or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected, within the access mouth and parking area to the front of the dwelling.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.