



Committee and date

Central Planning Committee

26 May 2016

Development Management Report

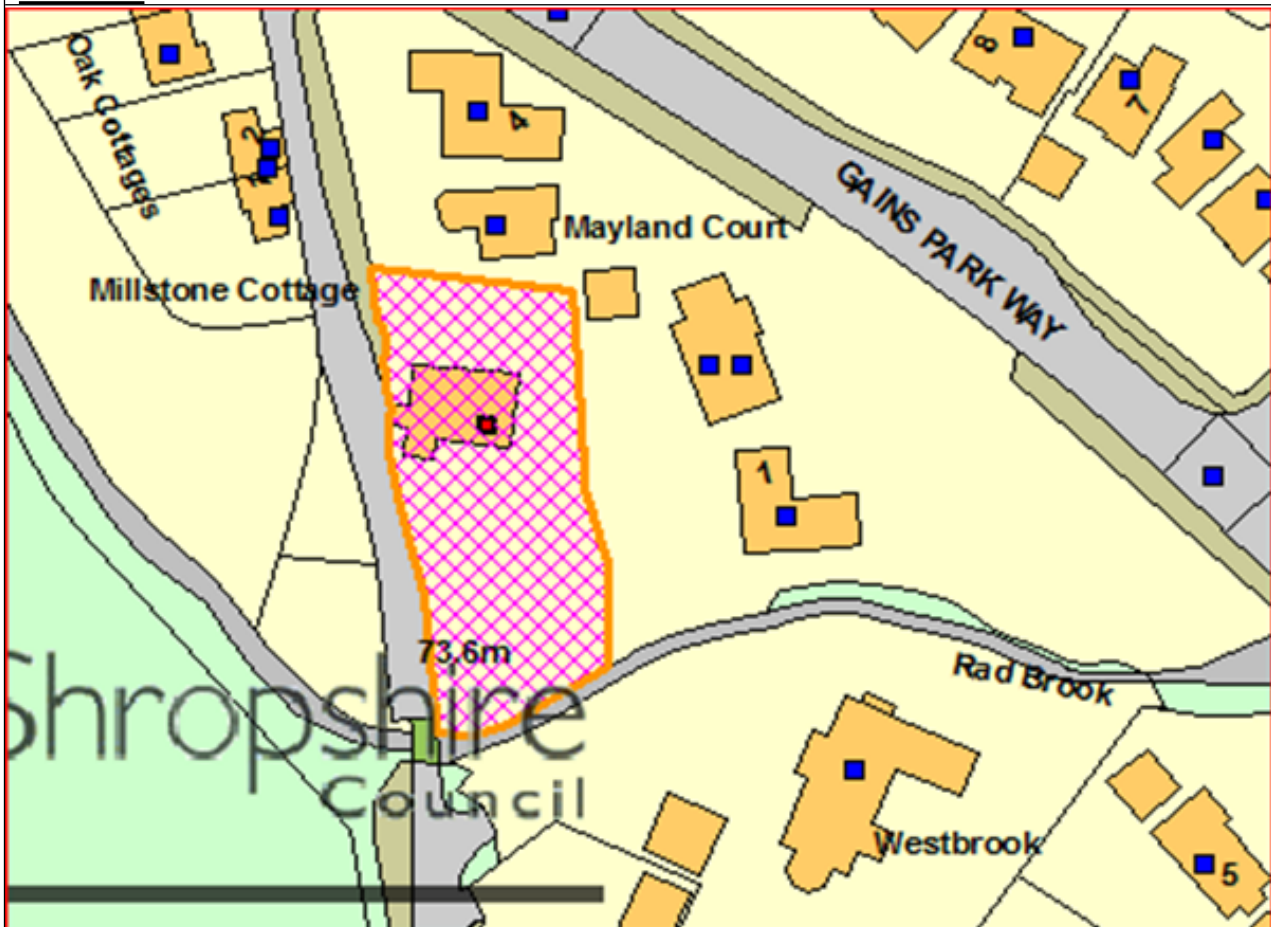
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 16/00882/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of a two storey extension and attached garage		
Site Address: 2 Oak Lane Bicton Heath Shrewsbury SY3 5BW		
Applicant: Mr Joe Harris		
Case Officer: Mared Rees	email: planningdmc@shropshire.gov.uk	

Grid Ref: 345822 - 312393



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks planning permission for the construction of two storey front, rear and side extensions.

1.2 The majority of the materials are stated to match existing.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located within Shrewsbury Settlement Boundary as delineated on Policy Map S16-INSET 1.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The local member has requested that the application be considered by the Central Planning Committee. The Chair of the committee, in discussion with the Area Planning Manager, has agreed that given the scale of the extensions proposed and the potential impact on the neighbouring property that the application should be determined by members.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 **SC Rights of Way – No objection** based on original plans submitted 25th February 2016 and revised plans submitted 11th April 2016.
Informative regarding maintenance of the public right of way during construction works is recommended.

4.1.1 **Shrewsbury Town Council – No objection** based on original plans submitted 25th February 2016.

4.2 - Public Comments

4.2.1 Based on original plans submitted 25th February 2016, 2 representations received, objecting to the proposal. Concerns raised include:-

the scale of the extension is too large, adverse impacts on overbearing and overlooking, adverse impacts on neighbouring properties solar array and solar thermal water heating, loss of light, loss of privacy.

4.2.2 Based on the revised plans submitted on 11th April 2016, 2 representations received, objecting to the proposal. Concerns raised include:-

loss of privacy, the scale of the extension is too large, adverse impacts in terms of overbearing, outlook and overlooking.

5.0 THE MAIN ISSUES

- Principle of development
- Character and Appearance
- Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application site is located within Shrewsbury Settlement Boundary as identified on Policy Map S16 – INSET 1, to which Policy S16 applies.

6.1.2 The principle of development is acceptable subject to compliance with visual and residential amenity policies.

6.2 Character and appearance

6.2.1 The originally submitted plans showed that the overall height of the proposed extensions exceeded the height of the existing dwelling on site, which was considered would result in overly dominant and disproportionate additions.

6.2.2 The plans have since been revised so that the overall height of the extensions now sit in line with the existing ridge line. This would result in extensions which officers consider to be more proportionate to the existing dwelling and would not appear as discordant additions.

6.2.3 The proposed kitchen/dining area and master bedroom have been reduced in depth, which is considered would help to reduce the overall scale of the extensions, particularly when viewed along Oak Lane.

6.2.4 The proposal is considered to result in an improvement to the existing dated dwelling, whilst respecting its traditional appearance, albeit changing the flat roof dormers to gables and incorporating a pitched roof to the porch.

6.2.5 A condition to secure submission of external material samples prior to commencement of works is considered reasonable to ensure the proposal integrates with the main dwelling as well as surrounding dwellings within the locality.

6.2.6 Overall, the proposal is considered to be acceptable and would not adversely impact on existing or proposed levels of visual amenity and would comply with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

6.3 Residential Amenity

6.3.1 There are no principal windows on the facing side elevation of the neighbouring

property at No 3 Mayals Court.

- 6.3.2 The rear extension is not considered would adversely impact on existing levels of light into the rear single storey conservatory at No 3 Mayals Court, given the extension would be offset and would not directly face the conservatory.
- 6.3.3 It is not considered that the proposed window serving the north elevation of the rear extension would result in undue impacts in overlooking into the neighbouring property at No 3 Mayals Court. This is in the context of its limited width which would measure 1m and its siting which would directly face the blank gable end of the neighbouring dwelling, resulting in oblique views into the rear garden of the neighbouring property.
- 6.3.4 The nearest part of the side (east) elevation of the extension would measure in excess of 15m away to the nearest first floor principal window on the rear elevation of No 2 Mayals Court.
- 6.3.5 This is considered by officers to be acceptable in the context that the facing wall of the extension would have a blank facade and the overall ridge height would not exceed that of the existing dwelling.
- 6.3.6 Properties along Mayals Court are orientated east to west, which naturally results in more daylight to the rear of the properties in the afternoon. It is not therefore considered that the extension would result in such adverse overshadowing impacts, to warrant refusal of the application.
- 6.3.7 Based on the submitted Proposed Block Plan, the proposal would result in an approximate 4.4m increase in depth to the rear of the existing dwelling, with the nearest part of the rear of the extension measuring 3.5m away from the side boundary to the neighbouring property.
- 6.3.8 This is not considered would result in undue overbearing impacts to the property at No 2 Mayals Court, in the context of the ridge height not exceeding beyond the existing as well as the staggered layout of the extension and the properties orientation in that it would be off-set against the boundary, which is considered would help to reduce its overall massing when viewed from neighbouring properties to the east.
- 6.3.9 It is not considered that the proposal would result in adverse impacts of overlooking into the dwelling or rear garden of No's 1 and 2 Mayals Court. This is in the context that the proposed principal windows along the side (east) elevation of the extension would comprise a skylight serving the Master Bedroom and a dormer window.
- 6.3.10 The dormer window is considered to be limited in its width, measuring approximately 0.85m and would be off-set from the neighbouring properties, which would help to result in oblique views to the rear of these properties.
- 6.3.11 Given the above considerations, it is not considered that the proposed extensions would cause a significant detrimental impact to existing levels of outlook and light to neighbouring properties, sufficient to warrant refusal of the application.

6.3.12 It is not considered that the proposal would result in significant adverse impacts on existing levels of residential amenity and would comply with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

6.4 Public Right of Way

6.4.1 Restricted Byway 43 Shrewsbury abuts the western boundary of the site and runs along what appears to be the access to the property.

6.4.2 SC Public Rights of Way consider that it would not be directly affected by the proposals. An informative regarding maintenance and general upkeep of the right of way is recommended.

7.0 CONCLUSION

7.1 The overall scale, design and siting of the proposal is considered to be acceptable and would not result in adverse impacts on visual or residential amenities, sufficient to warrant refusal of the application.

The proposal would comply with the above mentioned local policies contained within the Core Strategy and SAMDev as well as the National Planning Policy Framework.

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 three months 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 1970.

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:
NPPF

Core Strategy and Saved Policies:
CS2, CS6

SAMDev:
MD2, S16

RELEVANT PLANNING HISTORY:

SA/79/0793 Erection of dwellings with associated roads and drainage works. PERCON 19th November 1980

SA/76/0010 To use for residential development and formation of vehicular and pedestrian accesses. (1.36 acres). REFUSE 1st May 1979

SA/74/0329 To develop land for residential purposes. 1.36 acres. REFUSE 15th October 1974

SA/78/0770 Erection of dwellings, formation of vehicular and pedestrian accesses and laying of associated roads and sewers PERCON 16th October 1980

SA/78/1031 Laying of foul and storm water sewers PERCON 1st May 1979

SA/80/1109 Erection of dwellings with associated roads and drainage works, including the provision of a temporary access road REFUSE 13th January 1981

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 Peter Adams
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 referenced:-

- 1:1250 Site Location Plan
- 1:500 Existing Block Plan
- 1:500 Proposed Block Plan (received 11th April 2016)
- 1:100 Existing Ground and First Floor Plans
- 1:100 Existing North and East Elevations
- 1:100 Existing South and West Elevations
- 1:100 Proposed Ground Floor Plan (received 11th April 2016)
- 1:100 Proposed First Floor Plan (received 11th April 2016)
- 1:100 Proposed North and East Elevations (received 11th April 2016)
- 1:100 Proposed South and West Elevations (received 11th April 2016)

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. Prior to commencement of development, details of materials to be used in the construction of all external surfaces of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard existing levels of visual amenity in accordance with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

4. No further windows or other openings shall be installed in the first floor of the eastern elevation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the amenity and privacy of adjoining properties in accordance with Policy CS6 of the Core Strategy and Policy MD2 of SAMDev.