

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 16/04085/FUL	<b>Parish:</b> Bicton
<b>Proposal:</b> Erection of part single, part two storey extension to include first floor balcony	
<b>Site Address:</b> Milns Bridge Shepherds Lane Shrewsbury Shropshire SY3 8BT	
<b>Applicant:</b> Mr & Mrs W Mohamad	
<b>Case Officer:</b> Cathryn Robinson	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 345303 - 314167



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

Recommended Reason for Approval

## REPORT

<b>1.0</b>	<b>THE PROPOSAL</b>
<b>1.1</b>	This application seeks permission for the erection of part single, part two storey extensions to the existing property including the addition of a first floor balcony.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
<b>2.1</b>	Milns Bridge is a modest detached property, occupying a generous plot established within a ribbon of residential development which comprises part of the settlement of Bicton. The property, located to the Western peripheries of this residential cluster, backs onto open countryside. The property is accessed via a private track protruding from the C-classified highway Sheperds Lane, which North of the site joins the B4380 Holyhead Road which travels east into Shrewsbury.
<b>3.0</b>	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
<b>3.1</b>	The Parish Council have provided views contrary to the Officers recommendation. This application has been discussed with the Local Member whom agrees that the objection of the Parish Council is based on material considerations, and as such has requested a committee determination of the scheme. The Area Planning Manager considered the request in consultation with the Chair and Vice-Chair of Committee in accordance with the scheme of delegation, and it was agreed to refer the application to Committee.
<b>4.0</b>	<b>Community Representations</b>
<b>4.1</b>	<b>- Consultee Comments</b>
<b>4.1.1</b>	<b>Bicton Parish Council</b> Bicton Parish Council strongly objects to this application. These proposals are out of keeping with the locale and do not fit in with the natural or built landscape in any way. The proposed extension is too large and completely swamps the existing building, in effect making it a new build. The use of so much

	aluminium and glass would clash with the rest of the built environment and, in appearance, is industrial in a residential area. The whole proposal would be damaging to the historical landscape. To allow this proposal to be built would amount to urbanization.
<b>4.2</b>	<b>- Public Comments</b>
<b>4.2.1</b>	Four neighbouring properties were individually notified by way of publication of this application. At the time of writing this report, no representation had been received in response to this publicity.
<b>5.0</b>	<b>THE MAIN ISSUES</b>
	<p><b>Principle of development</b></p> <p><b>Siting, scale and design of structure</b></p> <p><b>Impact on visual amenity</b></p> <p><b>Impact on neighbouring amenity</b></p>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
<b>6.1</b>	<b>Principle of development</b>
<b>6.1.1</b>	Alterations and development to properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extensions and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area. Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 7 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.
<b>6.1.2</b>	It is acknowledged that the works proposed are substantial, and can neither be considered to be subservient to the original property nor conserving its character as is required by the aforementioned policies regarding appropriate additions to properties. However it is noted that the development site is located within the development boundaries delineating the Bicton and the Four Crosses area as a community cluster as referenced by SAMDev settlement policy S16.2(vi); here residential development is permitted, by way of infilling and conversion schemes, on suitable sites within the development boundary. As a plot directly affixed to the main nucleus of this settlement, which would be deemed a 'suitable site within the development boundary', officers are afforded some flexibility in their assessment of the proposed works due to the site being deemed acceptable for new residential development.

<b>6.2</b>	<b>Siting, scale and design of structure</b>
<b>6.2.1</b>	Proposed are both single and two storey extensions which shall transform this property to a modern family home. The comments of the parish are noted in regard to the extent of the works being tantamount to a new build; however for the policy reasons highlighted above this in itself is not a reason to consider the scheme as unacceptable. Similarly, regarding the parish concern for the inclusion of much modern building material; paragraph 55 of the National Planning Policy Framework seeks to encourage innovative design, particularly within rural context, which help to raise design standards and significantly enhance its immediate settings. Thus the prominence of aluminium and glass as construction materials isn't inappropriate in its own right.
<b>6.2.2</b>	The ridgeline as proposed shall sit at approximately 7.4m; this is an increase of approximately 0.6m in comparison to the existing, however it is noted that it remains below the tallest point of the existing property, the chimney, which stands at approximately 7.7m tall. Whilst not surpassing the upper confines of the existing dwelling, the majority of the proposed additions are observed above the main bulk of existing dwelling; this has obvious implications in terms of substantial alterations to the massing, bulk and silhouette of the existing property. When assessed as an extension to the existing property, the development proposed cannot be considered in scale as is desired by Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles. However, as previously noted, this plot benefits from policy support for new residential development; as such, provided the proposal is appropriate its design and scale as part of its surrounding context, the application may still be able to align with policy CS6 and be viewed favourably.
<b>6.2.3</b>	Proposed is a modern dwelling, constructed primarily of grey zinc metal sheeting. It is acknowledged that these are not the most traditional of domestic construction materials, and as noted by the parish council are not a common feature of the vernacular. However this material, combined with elements of the proposed property silhouette, is reminiscent of contemporary agricultural design; in considering that the property curtilage backs out onto agricultural fields, this is not considered inappropriate.
<b>6.2.4</b>	The additions proposed represent a substantial increase to the property's levels of accommodation; the dwelling as proposed provides an internal footprint approximately 64% larger than that currently observed by the main dwellinghouse and associated outbuildings. However it is noted that the property sits within an extremely generous curtilage, where such an increase shall observe as neither contrived nor inappropriate within its immediate context.
<b>6.2.5</b>	In its present format, the dwellinghouse and its associated linked garage/studio outbuilding appear somewhat un-cohesive; in this light the proposal is deemed an aesthetic improvement in providing a coherent property. Efforts have been made to reduce the bulk and massing, by establishing two lesser elements linked together to create the property as a whole. These elements have also been orientated by

	way of ensuring that no one elevation displays only roof-slope or gable end, which helps to break up any potentially bulky or overly linear silhouettes which may arise from the formation of a property of this scale. Additionally significant levels of fenestration are included within the scheme, which further works to lessen the prominence of the works.
<b>6.3</b>	<b>Impact on visual and neighbouring amenities</b>
<b>6.3.1</b>	Accessed via a private drive protruding from a classified C-highway, and backing onto open countryside, wider views of the property are to an extent somewhat limited. However, considering the extent of the changes proposed, potentially adverse visual impacts must be carefully considered. As viewed from the East, from the adjacent fields, the dwelling appears not dissimilar to a cluster of small agricultural buildings; whilst a contrast to the generally residential immediate context, and a relatively substantial visual alteration to the existing dwelling, the development sites' location adjacent to agricultural fields (the other side of which modern agricultural buildings are observed) provides a further context within which the innovative design can comfortably sit. As such, though posing a relatively substantial visual change, it is not considered that adverse impacts arise from this.
<b>6.3.2</b>	Despite representing a relatively significant increase in terms of its scale it is not considered that this enlargement shall substantially increase the activity levels at the property. Whilst providing the applicants the opportunity to expand their family, the property shall remain a single dwellinghouse thus the proposal shall not fundamentally alter the property function nor associated activity of occupants. As such it is unlikely that the proposal, in general, shall pose unacceptable levels of disturbance to neighbouring dwellings.
<b>6.3.2</b>	The proposal incorporates relatively substantial levels of fenestration, and the introduction of a first floor balcony. The bulk of fenestration is confined to the North-East elevation which overlooks the applicants' garden; in this direction approximately 35m of garden separates the dwelling from its curtilage boundary with a further approximately 7.7m separating the application site from the nearest building. It is noted also that these buildings are not in residential use, thus their occupants less susceptible to harm. The nearest residential neighbour, Merida, is located approximately 33m to the East; the orientation of the proposal sees that no fenestration directly faces this direction, thus mitigating harm in terms of potential overlooking. Similarly the balcony as proposed has been carefully located in this regard. As such, it is not considered that the proposal shall give rise to unacceptable impacts to the amenity of neighbouring residents.
<b>7.0</b>	<b>CONCLUSION</b>
<b>7.1</b>	Whilst not obviously in scale and character with the original dwelling, the development proposed is nevertheless considered to be acceptable in its scale within its plot and surroundings. Equally, whilst largely contrasting with the locality in terms of general design and construction materials, the NPPF states that innovative design must not be stifled. The design as proposed is judged to be

	acceptable in terms of its modern and bespoke approach and the proposal will not have any demonstrable harm in terms of either visual or residential amenities. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended.
<b>8.0</b>	<b>Risk Assessment and Opportunities Appraisal</b>
<b>8.1</b>	<b>Risk Management</b>
	<p><b>There are two principal risks associated with this recommendation as follows:</b></p> <p>☐ <b>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.</b></p> <p>☐ <b>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.</b></p> <p><b>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.</b></p>
<b>8.2</b>	<b>Human Rights</b>
	<p><b>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.</b></p> <p><b>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</b></p>

	<b>This legislation has been taken into account in arriving at the above recommendation.</b>
<b>8.3</b>	<b>Equalities</b>
	<b>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.</b>
<b>9.0</b>	<b>Financial Implications</b>
	<b>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.</b>

## 10. Background

### Relevant Planning Policies

#### **Central Government Guidance:**

National Planning Policy Framework

#### **Core Strategy and SAMDev Policies:**

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

### RELEVANT PLANNING HISTORY:

16/04085/FUL Erection of part single, part two storey extension to include first floor balcony  
PDE

SA/77/0720 Erection of single storey extension to kitchen. PERCON 1st September 1977

16/04085/FUL Erection of part single, part two storey extension to include first floor balcony  
PDE

## 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr John Overall
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Appendices APPENDIX 1 - Conditions
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**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 no's. 011, 012, 013, 014, 015, 016, and 020.

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****CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT****CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

3. The external materials and their colour shall be as shown on the deposited plans and details. No alterations shall be made to these materials or colour without the express consent in writing of the Local Planning Authority.

Reason: To ensure that the proposed development shall harmonise with surrounding development.

**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 in order to secure an appropriate outcome as required by the National Planning Policy Framework paragraph 187.

2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation. Your attention is specifically drawn to any conditions above that require the Local Planning Authority's approval.

In accordance with Article 27 of the Town & Country Planning (Development Management Procedure) Order 2015 a fee may be payable to the Local Planning Authority for applications to discharge conditions. If a fee is necessary this will be required per request. The required forms are available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority.

Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given. Failure to discharge pre-commencement conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

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