



Committee and date
South Planning Committee
4 July 2017

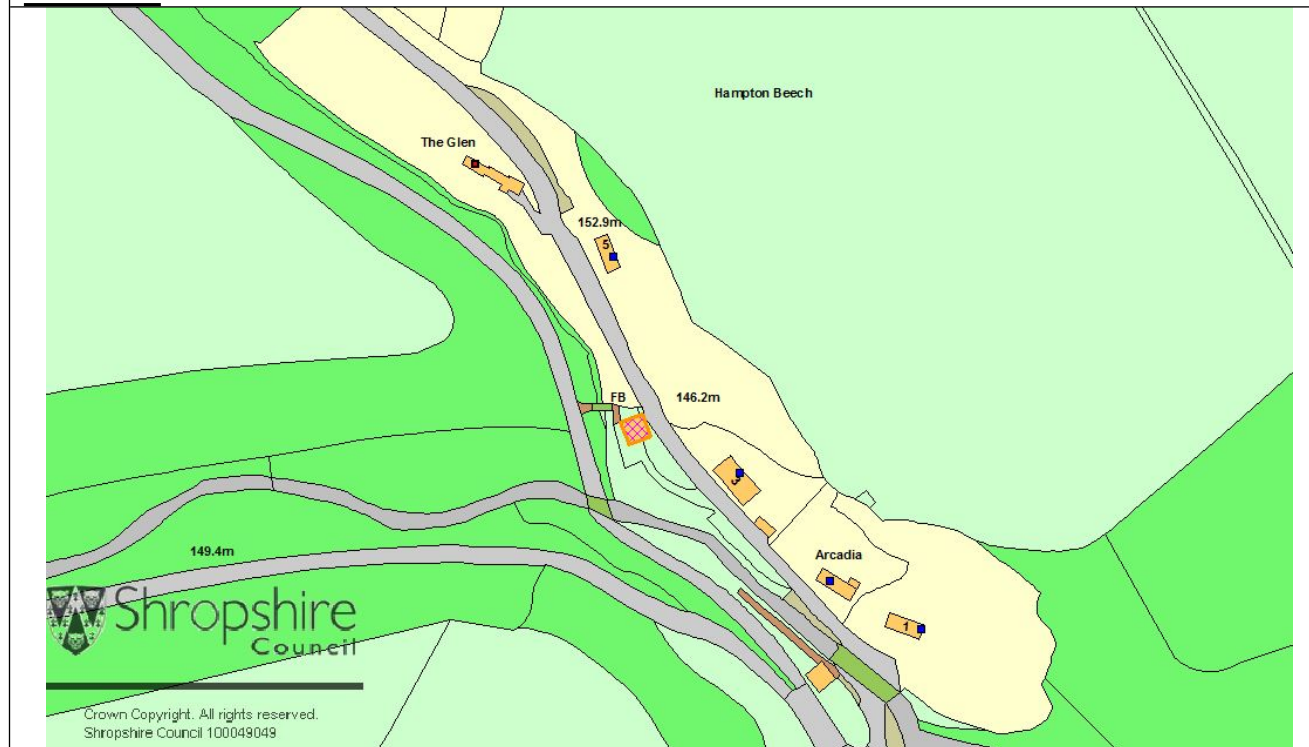
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 17/00448/FUL	Parish:	Worthen With Shelve
Proposal: Conversion of garage into games room/occasional overnight accommodation, to include new shower room (part retrospective)		
Site Address: The Glen Cottage 6 Worthen Shrewsbury Shropshire SY5 9JH		
Applicant: Linda Jones		
Case Officer: Trystan Williams	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 330835 - 305321



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission to convert an existing detached outbuilding within the curtilage of the above dwelling house into additional, ancillary accommodation comprising a games room, shower room and mezzanine 'bunk' area. An additional plan also now shows the installation of a new package sewage treatment plant for foul drainage.

1.2 It is noted that the application is at least partially retrospective, with the conversion work already having been well under way at the time of the officer's site inspection.

2.0 SITE LOCATION/DESCRIPTION

2.1 The Glen is a rendered cottage perched on the steep and well wooded northeast bank of a deeply incised brook at Hampton Beech, just north of its confluence with Brockton Brook and 1 mile northwest of Brockton (Worthen) village. The building in question is situated towards the lower southern tip of the property's long, tapering curtilage, and is served by a separate access and parking area angled obliquely to the adjacent lane before it continues upwards past the cottage itself. Built c2007 to replace a smaller garage (see planning application No. SS/1/07/19535/F), it has a footprint of roughly 43m² and is ostensibly a single-storey structure with a gabled roof and ridgeline a little under 4 metres high. The walls are timber-clad, and the roof slated.

2.2 Immediately behind is the waymarked (but seemingly not definitive) route of a public footpath linking the road with a footbridge across the brook, and in turn a track leading northwest to Beechfield Farm. Directly opposite the site entrance, meanwhile, is a modern 1"-storey house (No. 3 Hampton Beech), again weatherboarded under a slate roof, and there are two more dwellings further southeast along the road.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted 'Scheme of Delegation' the application is referred to the planning committee for determination since the officer recommendation is contrary to the Parish Council's objection, and Shropshire Council's Local Member and Planning Committee Chair consider that issues raised warrant consideration by the committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Worthen with Shelve Parish Council:

6/3/17 – objection:

Drainage and flooding issues will be considered by the relevant authority. However, despite the inclusion of a shower room within the scheme no details of drainage arrangements have been provided, and based on extensive local knowledge of the adjacent brook and weather conditions here there are concerns about flood risk. There have been recent and historic cases of flooding in this area.

4.1.2 24/5/17 – objection:
Councillors stand by their original comments.

4.1.3 Shropshire Council Rights of Way – no objection:
No public rights of way appear to be affected.

4.1.4 Shropshire Council Flood and Water Management – no objection:
No comments from a drainage and flood risk perspective.

4.2 **Public comments**

4.2.1 One neighbouring resident objects and another has submitted a neutral comment. The following points are made:

- An error on the Council's part meant this garage was built larger than it should have been, which in turn set a precedent for a similarly oversized garage opposite one of the other dwellings further down the hill. Both were built by unqualified people and are unlikely to meet the Building Regulations applicable to habitable structures.
- The local planning authority has ignored neighbours' previous concerns about the installation of water, electricity and wood burning stoves in this building and the other similar 'garage' nearby. Subsequently this one was used as a workshop and later as part of a builder's yard, with heavy machinery and mechanical noise disturbing local residents late at night. Problems with the other garage are still ongoing.
- It now appears that the ultimate intention all along was to convert the building into a dwelling. Although described as a games room and occasional overnight accommodation, it is believed that it may in fact be used as a 'crash pad' for the applicant's son, suggesting more permanent occupancy. This would be difficult to avoid once planning permission is granted, as would the possibility of holiday lettings etc. in the future. Such a level of activity would be unacceptable given that the site entrance directly opposes the front door of No. 3 Hampton Beech.
- The garage is some sixty metres from the main house and connected via a steep, narrow path or else by the road, which is also steep, unlit and very rough. Use of either route would be dangerous at night time.
- The building is far too close to the adjacent watercourses, and because the site floods badly on a regular basis the spillage of sewage and grey water cannot be avoided. This would speed the demise of species such as brook trout, dippers, kingfishers and otters at or adjacent to the site itself, and would also have implications for ecology and leisure activities further downstream, including along the Rea Brook and ultimately the River Severn.

5.0 **THE MAIN ISSUES**

- Principle of development
- Design and visual impact
- Impact on residential amenity
- Flood risk and drainage
- Ecology and other matters raised in representations

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Alterations and additions to established dwellings are acceptable in principle under the Council's Supplementary Planning Document on the Type and Affordability of Housing, which supports Core Strategy Policy CS11. Whilst this does not refer specifically to detached outbuildings or annexed accommodation, such development poses no fundamental conflict with policy provided it would genuinely be used for ancillary purposes in connection with the existing house and not as a new, separate unit.

6.1.2 Ordinarily the conversion of an *existing* domestic garage into a games room or overspill accommodation would not require planning permission, as merely swapping one ancillary use for another would not amount to a material change of use. In this case it is only the physical alterations proposed (including the insertion of a mezzanine, which could be held to result in the building having more than one storey), and the combination of the building's height and proximity to the road, that mean 'permitted development' rights do not apply and bring the scheme within planning control. This does provide an opportunity to impose a condition stipulating ancillary use, which is not included on the original permission for the garage.

6.1.3 With regard to the neighbours' comments, there is no legal basis or planning justification for restricting the frequency or duration of the building's occupancy, even assuming that this could reasonably be enforced, bearing in mind that even longer-term occupation by a family member dependent on the main house for day-to-day needs (such as cooking and taking meals) would still constitute an ancillary use. Whilst it is acknowledged that the outbuilding is some distance from The Glen itself and has its own vehicular access and parking area, this is an historic arrangement arising from the topography, and in any event the building's very limited floor space and shared utility connections effectively prevent it from functioning as an entirely independent unit. It should also be noted that whatever the alleged previous owner's ultimate motives or intentions in applying for a garage back in 2007, and notwithstanding the alleged commercial uses in the interim (which have now ceased), a games room or annexe might well have been equally acceptable from the outset in planning and land-use terms. Holiday or other commercial lettings would, however, require a separate permission.

6.2 Design and visual impact

6.2.1 The external alterations are limited to the installation of replacement and additional doors, windows and roof lights. These very modest changes to the existing building, whose presence within the landscape is established, will have a negligible impact on the surrounding area.

6.3 Impact on residential amenity

6.3.1 The building itself is a reasonable distance (some 22 metres) from the front of the closest neighbouring dwelling (No. 3), and set at an oblique angle with hedging in-between. Consequently the newly glazed frontage will not result in an unreasonable degree of overlooking. The neighbour's point about the vehicular access emerging directly opposite No. 3's front door is noted, but again this arrangement is well established and comings and goings are unlikely to increase significantly as a result of the building being used as a games room/annexe instead of a garage.

6.4 **Flood risk and drainage**

6.4.1 The applicant contends that the building itself has not flooded whilst under her ownership and, according to other anecdotal evidence, was unaffected by historic flood events before that. Certainly it is outside the medium and high risk flood fluvial and surface water flood zones as mapped by the Environment Agency, with these running tighter to the watercourses.

6.4.2 With regard to foul drainage, as noted above an amended plan now shows the installation of a 'Bio-Pure' package treatment plant. Unlike a septic tank this will produce a treated effluent clean enough to be discharged directly into the watercourse. Ultimately its installation will also be subject to Building Regulations and Environment Agency controls.

6.5 **Ecology and other matters raised in representations**

6.5.1 The conversion of this existing, modern outbuilding for a different form of ancillary domestic use is unlikely to have any significant impacts on protected species or the adjacent watercourses, particularly given the relatively high-specification drainage system.

6.5.2 With regard to the neighbours' other comments, it is not the role of the planning system to duplicate the structural requirements of the Building Regulations, whilst pedestrian safety between the outbuilding and the main house is a private matter for the applicant's family to consider and address as they see fit.

7.0 **CONCLUSION**

7.1 The scheme is acceptable in principle on the understanding that the additional habitable accommodation created through the conversion of the garage will remain ancillary to the occupation of the house itself. The visual impact would be negligible, and there would be no significant impacts in terms of residential amenity given the building's distance from the neighbouring properties and the established access arrangements. Furthermore there are no undue concerns regarding flood risk or ecology, particularly following the submission of satisfactory foul drainage details. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspect.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

8.3 **Equalities**

8.3.1 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**

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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.

10.0 **BACKGROUND**

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

SAMDev Plan Policies:

MD2 - Sustainable Design

MD12 - Natural Environment

Supplementary Planning Documents:

Type and Affordability of Housing

Relevant Planning History:

SS/1/07/19535/F – Erection of replacement garage (permitted June 2007)

SS/1/08/20582/F – Alterations to existing vehicular access; erection of retaining wall (permitted May 2008)

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OKLX1ETDJJ200>

List of Background Papers:

Application documents available on Council website

Cabinet Member (Portfolio Holder):

Cllr R. Macey

Local Member:

Cllr Heather Kidd

Appendices:

Appendix 1 – Conditions and Informatives

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

1. The development shall be completed and maintained in strict accordance with the approved plans and drawings listed below.

Reason: To define the consent and ensure that the development is in scale and character with the original dwelling and its surroundings, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

2. The accommodation hereby permitted shall only be used for purposes in connection with and ancillary to the enjoyment of the existing dwelling (named 'The Glen') situated on the land outlined in blue ink on the approved site location plan. At no time shall it be occupied as a separate dwelling or used for commercial or business purposes.

Reason: To safeguard the residential amenities of the area and prevent the use of the development for purposes which may be inappropriate in the open countryside, in accordance with Policies CS5, CS6 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

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 Paragraph 187.