



Committee and date

South Planning Committee

1 August 2017

Development Management Report

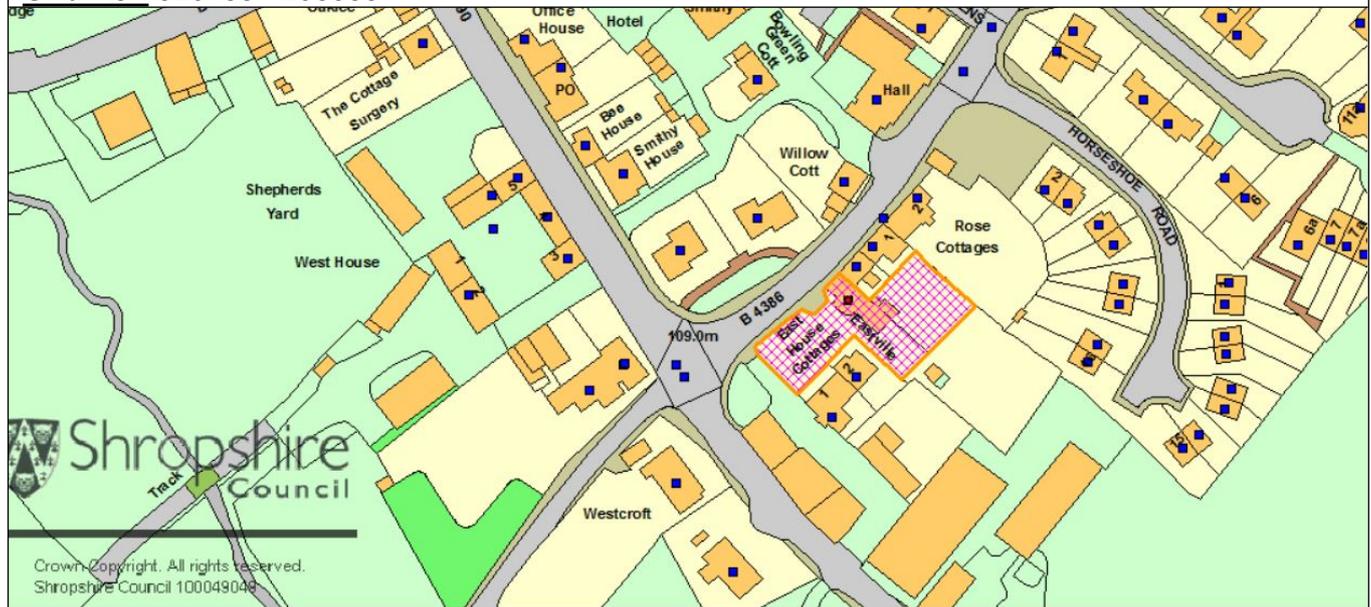
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 17/01352/FUL	Parish: Chirbury With Brompton
Proposal: Erection of extension to dwelling	
Site Address: Eastville Chirbury Montgomery Shropshire SY15 6BH	
Applicant: Mr Trevor Kidd	
Case Officer: Trystan Williams	email: planningdmsw@shropshire.gov.uk

Grid Ref: 326188 - 298355



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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 erect a two-storey extension to the southeast side of the above dwelling house.

2.0 SITE LOCATION/DESCRIPTION

2.1 The property sits on the B4386 close to its junction with the A490 in the built-up core and conservation area of Chirbury village. It is a substantial two-storey house with a brick façade incorporating a large two-storey gabled porch and half-dormers, all with dentil course detailing and moulded brickwork, plus sash windows with painted stone sills and lintels. At the southeast end farthest from the road is a lower bay with similar detailing, which may have been a later addition. Both gable ends and the rear wall are stone-built with brick quoins and window surrounds, whilst the rear aspect also has a pair of lean-tos and white-painted timber-clad attic dormers.

2.2 Adjoining the rear of the property at its northwest end, and continuing along the roadside, is a terrace of stone and brick cottages which once housed workers of the nearby Marrington Hall estate. On the southwest side, set back behind Eastville's front garden, 'East House Cottages' are a semi-detached pair faced in render but with brick gable ends. Meanwhile on the opposite side of the road, beyond low stone walls and trees, are two modern detached houses whose detailing loosely reflects Eastville.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the adopted 'Scheme of Delegation' the application is presented to the planning committee for determination since it relates to the property of an elected member of Shropshire Council.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Chirbury with Brompton Parish Council – No reply received.

4.1.2 Shropshire Council Historic Environment (Archaeology) – comment:

The site lies within the historic core of Chirbury village. Eastville is a stone and brick house with probable worker's cottages attached (Shropshire Historic Environment Record No. 16438), and historic Ordnance Survey mapping indicates that the position of the proposed extension was formerly occupied by an outbuilding (whose roof has left scars on the southeast elevation of the house).

4.1.3 The site therefore has some archaeological potential, albeit low. Consequently a condition should require an archaeological inspection during groundworks.

4.1.4 Shropshire Council Historic Environment (Conservation) – comment:

Eastville contributes positively to the character and appearance of the Chirbury Conservation Area. The lower section at its southeast end may have been a former worker's cottage, or the stone-built sections may indicate earlier structures throughout. Certainly the building seems to have been modified significantly during the Victorian period, with the red brick frontage and steeply pitched gables being typical of the 1880s.

- 4.1.5 There are no objections in principle to the proposed extension, which would be positioned towards the rear of the plot away from the road. However, it is disappointing that some minor design amendments suggested in pre-application advice have not been forthcoming. It is therefore reiterated that the extension's ridgeline should step down from that of the existing right-hand bay (just as the latter is set below the main part of the house), and that its frontage is recessed so as to avoid obscuring the existing quoins on the corner. Furthermore the design of the rear dormer is somewhat odd, and would be better articulated with a lintel and sill. Until these recommendations have been taken into account an objection is raised.
- 4.1.6 Shropshire Council Ecology:
21/4/17 – objection:
According to Government Circular 06/2005 it is essential for the presence or otherwise of protected species, and the extent to which they may be affected by development proposals, to be established before planning permission is granted, in order to ensure that all relevant material considerations are addressed in making the decision. In this case a bat survey report submitted with the application concludes that further survey work is required, given that some stonework and roof spaces were inaccessible and could not be inspected thoroughly. Without these additional surveys there can be no certainty that the development would not cause an offence under the Conservation of Habitats and Species Regulations 2010, and it is recommended that the application is refused.
- 4.1.7 A presence/absence Survey should be carried out in all cases where the preliminary roost assessment finds evidence of or potential for bats, or where a complete and thorough inspection cannot be carried out. The presence/absence survey should involve two or three dusk emergence and/or pre-dawn re-entry surveys between May and September, to aid identification of the bat species present, estimation of the numbers of individuals, and establishment of other characteristics of the roost. This will in turn inform the need for mitigation, compensation and/or enhancements, and for the development to occur under a European Protected Species Mitigation Licence from Natural England. All survey work should be carried out by an experienced, licensed ecologist and in accordance with The Bat Conservation Trust's guidelines.
- 4.1.8 6/7/17 – comment (No Objection):
A licensed ecologist has now carried out sufficient additional surveys to confirm the absence of bats beyond reasonable doubt, with no bats having been recorded entering or leaving parts of the building which would be affected by the development.
- 4.1.9 The presence/absence surveys revealed a summer (non-breeding) roost of a single common pipistrelle bat in the upper part of the main gable on the southwest elevation of the house. However, this is distant from and will be unaffected by the proposed works.
- 4.1.10 A second summer (non-breeding) roost was identified within the roof structure of the adjacent property, No. 2 East House Cottages. A single *Myotis sp.* bat was observed entering and exiting under the roof apex on the gable end, which faces onto Eastville's driveway in an area where high-power night-time security lighting is used. However, no additional illumination of the roost will occur as a result of the proposed extension, and so no adverse impacts are anticipated.

4.1.11 Any planning permission granted should include conditions controlling external lighting and requiring the provision of bat and bird boxes. Informatives regarding the legal status of bats and nesting birds should also be attached.

4.2 Public comments

4.2.1 Site notice displayed 20-04-17; press notice published 11-04-17. Nine neighbour notification letters sent 03-04-17. No responses received to this publicity.

5.0 THE MAIN ISSUES

- Principle of development
- Scale, design and impact on historic environment
- Impact on residential amenity
- Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of enlarging existing dwellings in order to provide additional accommodation for private use by the same household unit is accepted under the Council's Supplementary Planning Document (SPD) on the Type and Affordability of Housing, which supports Core Strategy Policy CS11.

6.2 Scale, design and impact on historic environment

6.2.1 The SPD's key requirement is for extensions to be sympathetic to the size, mass, character and appearance of the *original* dwelling (taken to mean as existed in 1948 in the case of earlier properties, and discounting any subsequent additions) and its surroundings. Meanwhile Policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan requires all development to reflect locally characteristic architectural design and detailing, having regard to factors such as building materials, form, scale and proportion, and also to protect, conserve and enhance the historic context and character of heritage assets. A further consideration here is the Council's duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas, which is reflected by Part 12 of the National Planning Policy Framework (NPPF), Core Strategy Policy CS17 and SAMDev Policy MD13.

6.2.2 As mentioned above this property may have been enlarged previously with the lower bay at the southeast end and the lean-tos at the rear, although conversely the end bay and other stone-built sections may be remnants of an earlier building which was heightened and re-fronted in Victorian times. In either case the local planning authority has no record of any additions post-1948, and, with the possible exception of the right-hand lean-to, historic Ordnance Survey mapping and the nature of construction also suggest that all elements predate the modern planning system. This means they *would* be regarded as original for the purpose of judging whether or not the scale of the proposed extension is appropriate. It is also worth highlighting the Archaeology Team's comment about the existence previously of an attached outbuilding in roughly the same position.

6.2.3 Given the above it seems the overall increase relative to the 'original' house would in fact be fairly modest, and that the scheme would reflect the building's historic elongated form. Moreover the extension would be to the far side of the house least visible from public vantage points, and would follow the recessed frontage and lower roofline of the current end bay so that it too appears subservient to the main part. Although the Conservation Officer suggests it would be better still to step the extension inwards and downwards again, this may look a little contrived and fussy, particularly as it is proposed to continue the facing brickwork across the front of the extension and replicate the existing quoins where this meets the new gable end.

6.2.4 The design of the extension follows the distinctive style of the existing façade, and the use of matching materials can be reinforced by condition. The plans also show sympathetic fenestration which reflects the variety in the form and detailing of the existing windows. It is noted that those on the rear elevation, including the existing dormers, are less elaborate and so arguably it would not be appropriate for the new dormer window to be reworked as per the Conservation Officer's advice.

6.2.5 The Archaeology Team's interest can again be addressed by condition to allow the monitoring of ground works and to record any archaeological evidence.

6.3 **Impact on residential amenity**

6.3.1 The extension would face the gable end of its closest neighbour, No. 2 East House Cottages, which is un-fenestrated apart from a door screened by the boundary fence. It may afford some views of No. 2's rear garden, although these would be at an oblique angle and filtered by trees. Neither would views from the new rear dormer be unduly problematic, given the extent to which the cottages to the northeast are already overlooked and vice versa. It is considered that the proposals would not impact unduly on neighbour amenity.

6.4 **Ecology**

6.4.1 As summarised above the Council's Ecology Team is now satisfied that the scheme is unlikely to impact directly on bats roosting in another part of the building and in the neighbouring property. Nevertheless a condition requiring ecological enhancements in the form of bat and bird boxes would appear to accord with Core Strategy Policy CS17. However, a further condition controlling external lighting would not be reasonable or directly relevant to the development proposed, given that the site is in established residential use with no such restriction in place. Instead this matter could be addressed through an informative, alongside those recommended by the Ecology Team.

7.0 **CONCLUSION**

7.1 The development relates to the property's established residential use and is therefore acceptable in principle. It is judged to be in scale and character with the 'original' property as it existed in 1948, and would have no significant impact on the character and appearance of the conservation area. The proposals would not significantly impact on neighbour amenity and archaeological and ecology interests can be safeguarded through planning conditions. 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 aspects.

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:

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

SAMDev Plan Policies:

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 - Historic Environment

Supplementary Planning Documents:

Type and Affordability of Housing

Planning History:

None of relevance

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=ON6IADTDKKW00>

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 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 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 THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES

3. The applicant/owner/developer shall notify the Local Planning Authority in writing not less than three weeks prior to the commencement of ground works associated with the development hereby permitted. A representative of Shropshire Council's Historic Environment Team shall be afforded reasonable access onto the site during the course of the development in order to monitor the ground works and record any archaeological evidence as appropriate.

Reason: To ensure that any evidence associated with known archaeological features and sites nearby is recorded satisfactorily, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. Notification is required prior to commencement of the development since the inspection will relate to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

4. Prior to the first use or occupation of any part of the development hereby permitted, artificial roosting opportunities for bats and nesting opportunities for wild birds shall be provided at the site. This shall comprise a minimum of one external woodcrete bat box designed for nursery or summer roosting by small crevice-dwelling bat species, and a minimum of one woodcrete nest box/cup suitable for small wild birds (such as robins, blackbirds, tits, sparrows or swallows), both installed in accordance with the manufacturer's guidelines. These features shall be retained thereafter for the lifetime of the development, in the absence of any further specific permission in writing from the local planning authority.

Reason: To enhance roosting opportunities for bats and compensate for the potential loss of nesting opportunities for wild birds as a result of the development, in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

5. Except where indicated otherwise on the approved plans, the external materials and finishes of the development hereby permitted shall match in colour, form, texture and execution those of the existing dwelling on the site.

Reason: To ensure that the development harmonises with the existing dwelling and its surroundings, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

INFORMATIVES

1. In pursuance of Condition 3 above, which requires the Council's Historic Environment Team to be notified at least three weeks before any grounds works commence, please contact Charlotte Orchard, Senior Archaeological Advisor, at charlotte.orchard@shropshire.gov.uk.
2. All species of bat found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). Should a bat be discovered on site at any point during the course of development work must halt and Natural England should be contacted for advice.
3. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.
4. Ideally, in order to minimise disturbance to bats (which are European protected species), any external lighting at the site should be designed to take into account the advice set out in the Bat Conservation Trust document 'Bats and Lighting in the UK'.
5. 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.