

Development Management Report

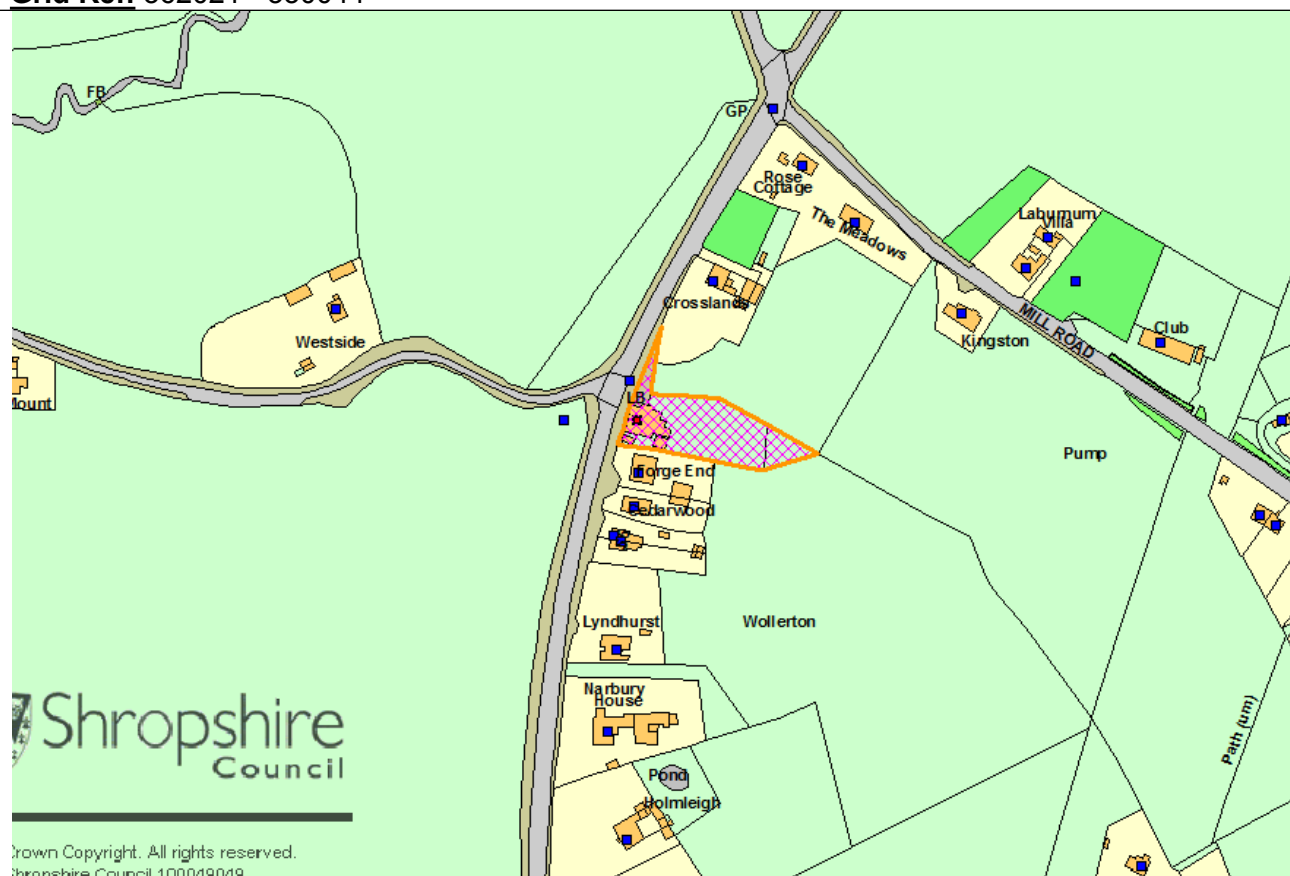
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 17/03001/FUL	<u>Parish:</u>	Hodnet
<u>Proposal:</u> Erection of a part single/part two storey extension and a detached single storey storage building; reconfigure driveway		
<u>Site Address:</u> Former Squirrel Inn Drayton Road Wollerton Market Drayton Shropshire		
<u>Applicant:</u> Ms Claire Howell		
<u>Case Officer:</u> Luke Ashley	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 362021 - 330044



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

- 1.1 The application relates to the construction of a large single storey outbuilding measuring 17.7m long and 6m in depth. This will be set to the rear of the existing building tight along the common boundary with the adjacent dwelling known as Forge End.
- 1.2 The application also relates to a part single/part two storey extension to the side of the dwelling with alterations to the front elevation including the raising of a front wall and the insertion of a window.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The host structure is a former public house which is set within a substantial curtilage. The unit is bounded on its southern aspect by an existing dwelling and its associated rear garden. Open countryside is set on all other sides of this unit.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Hodnet Parish Council's objection is contrary to the officer recommendation of approval. The matter has been discussed with the chair and vice chair of the Planning Committee who confirmed that the issues raised are material planning considerations which should be considered by the committee.

4.0 COMMUNITY REPRESENTATIONS**4.1 - Consultee Comments**

- 4.1.1 **Hodnet Parish Council** objects to this planning application on the following grounds:

- The extension would appear to be a self-contained unit rather than a sympathetic extension of the existing property.
- The applicants advised the Council that the primary function of the extension is storage and an office but this property would appear to already have more than adequate domestic storage.
- The detached single storey storage building seems very excessive for a private residence and this building would appear to provide storage of a more commercial nature.
- The materials used for the detached single storey storage building are not of a sympathetic nature in relation to the buildings around it.
- Both the extension and the storage building are intrusive to the neighbouring property along the whole length of the boundary.

4.1.2 SC Rights Of Way – no objection**4.2 - Public Comments****4.2.1 1no public objection received;**

- The proposed steel framed outbuilding appears to be very large and in close proximity to our property. We feel strongly that it will be an imposing building clearly visible from our bedroom/kitchen and right next to our garden area. The

plastic coated/metal cladding and size mean that we will have the view of an industrial type of building which will also make our property appear 'blocked in' as well as being unsightly.

- We would also like to question whether this is in keeping with a private property and appropriate to the area that we live in.

5.0 THE MAIN ISSUES

Siting, scale and design of structure

Amenity

Response to objections

6.0 OFFICER APPRAISAL

6.1 Siting, scale and design of structure

6.1.1 NPPF paragraph 58 states that planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

6.1.2 NPPF paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.1.3 Core Strategy Policy CS6 states that;

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness.

6.1.4 SAMDev Policy MD2 states that to respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets, in accordance with MD12 and MD13

6.1.5 The proposal is split into two parts which relate to the side extension and to the creation of the large single storey outbuilding to the rear.

6.1.6 Single storey outbuilding;

Officers recognise that this is a large built mass along this common boundary and during the consideration of the application the agent was encourage to submit elevations which clearly illustrated the views taken from the adjoining dwelling. The subsequent drawings show that the outbuilding would be inset into the ground and set behind a 2m high boundary fence. This has resulted in a much more limited view when taken from the adjacent neighbouring garden, with only the uppermost parts of the roof being visible from ground level. Coupled with the roofing arrangement pitching away from the neighbouring garden it is not considered that the built massing along this boundary would result in undue harm.

6.1.7 It is recognised that the outbuilding would be visible from the upper floors of the neighbouring unit however on balance the impact is not considered inappropriate. Views of this neighbouring garden would not be the primary focus of those residents within Forge End and could in effect be masked by boundary planting to further soften any impact.

6.1.8 Side extension

The parish have objected to alterations being made to the host structure and the resultant change in character to the front elevation. The drawings show that the front elevation will be altered via the insertion of a new window set facing the main road and a raise in the resultant wall height.

6.1.9 These changes do not represent changes which would be viewed as untoward in that the additional height can be accommodated without compromising the architectural integrity of the host structure, whilst the new window would match those used in the main building. The window would align with the others set within the front elevation and it is clear that the size of this opening also matches up. As such it is officers opinion that the siting scale and design of the extension is acceptable.

6.2 **Amenity**

6.2.1 The single storey outbuilding set on the shared boundary does appear very large and officer recognise that this could result in harm to neighbouring amenity. Large structures set tight along shared boundaries can be very dominant and lead to a feeling of enclosure. This feeling of enclosure is created by the scale and massing of the structure when viewed from neighbouring gardens and windows and attempts to mitigate the impacts made by such structures can help in this aspect.

6.2.2 This issue was raised with the applicant and a further set of elevational drawings have been submitted which illustrate the extent to which this single storey outbuilding would be visible from the garden area of the adjacent dwelling. It is evident from these drawings that the 2m high boundary fencing would shield most of the structure from public view, with the top courses of brick and eaves height being the only visible elements of this structure.

6.2.3 The measurements show that there would be 55cm of brick visible from the side elevation above the fencing, with a further 88cm of roof with this latter element sloping away as the roof recedes from the shared boundary. On balance this

additional built form is not considered as representing a feeling of enclosure nor would visually dominate this rear garden area. It is officers opinion, in this particular instance, that the proposal would not be undue and therefore officers do not consider that an objection in this regard could be sustained.

6.3 Response to objections

- 6.3.1 The Parish have raised concern in regard to the use of the single storey outbuilding for commercial purposes. This concern stems from the size of the building and the concern that commercial vehicles or activities may be housed within. Although the LPA does recognise these concerns, it is clear that a change of use for this site has not been submitted and that if such activities did occur then this would be dealt with via the Council's planning enforcement team. The size of the outbuilding does not in itself represent a change of use and the planning considerations under assessment relate solely to a domestic outbuilding.

7.0 CONCLUSION

The scale, form and massing of the alterations proposed to the existing building and the proposed outbuilding represent reasonable additions and would not result in harm to either the character of the site nor the existing amenities of neighbouring properties. The proposal is therefore considered to accord with policy CS06 of the Core Strategy, policies MD01 and MD02 of SAMDev and the aims and provisions of the NPPF.

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 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 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 1990.

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

National Planning Policy Framework

CS6 - Sustainable Design and Development Principles

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

Relevant planning history:

12/01849/FUL Change of use from a public house (Use Class A4) to a residential dwelling (Use Class C3) REFUSE 28th August 2012

Appeal

12/01993/REF Change of use from a public house (Use Class A4) to a residential dwelling (Use Class C3) ALLOW 11th April 2013

11. **ADDITIONAL INFORMATION**

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 R. Macey
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Local Member Cllr Karen Calder

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 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

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