

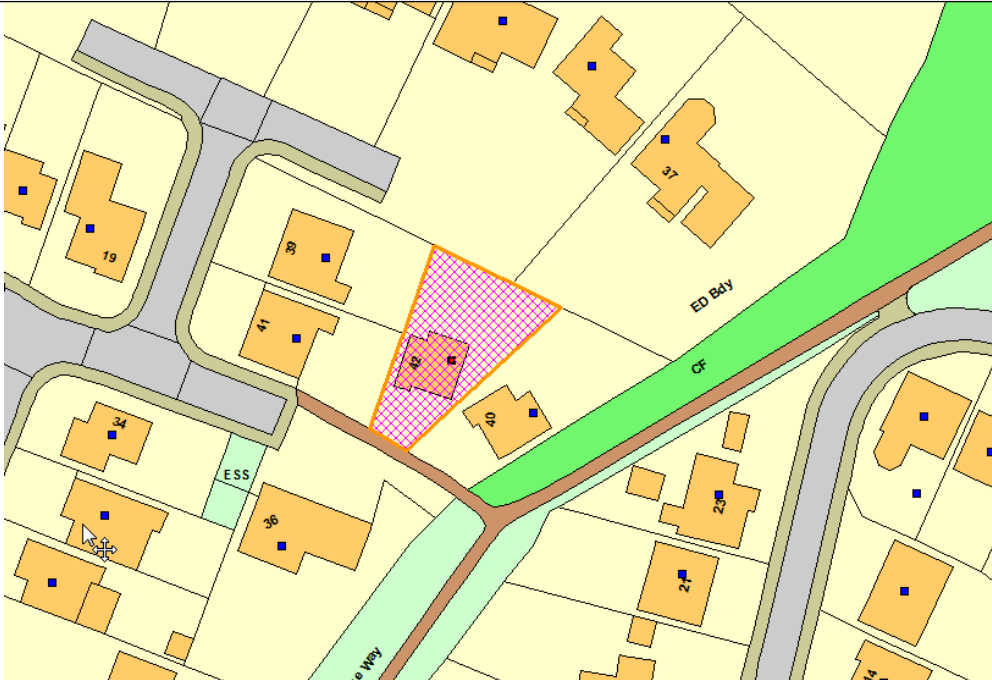
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 17/03276/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of a two storey; single storey and first floor extensions		
Site Address: 42 Rothley Close Shrewsbury SY3 6AN		
Applicant: Mr J Simmonds		
Case Officer: Shannon Franklin	email: planningdmne@shropshire.gov.uk	

Grid Ref: 347791 - 311615



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

REPORT

1.0 THE PROPOSAL

- 1.1** The proposal is for the erection of a two storey side extension together with a single storey rear and side extension. The two storey element of the proposal will be limited to the west elevation above the existing garage and will form front and rear subservient gables. The single storey extension will be to the east elevation with a slim strip wrapping around the north (rear) elevation.
- 1.2** In total the extension will provide two additional bedrooms, an enlarged open plan kitchen diner and an additional living room. These additions will enable the existing second bedroom to be utilised as an office/study and the existing living room as a family room/playroom.
- 1.3** During the course of the application assessment the applicant has provided revised drawings as requested by officers which show a reduced pitched to the 2no. proposed gables. In addition it has been confirmed by the applicant that the west (side) elevation will be finished in brick.

2.0 SITE LOCATION/DESCRIPTION

- 2.1** The application site is located in the residential area of Radbrook, a suburb to the south of Shrewsbury town centre. The site is surrounded on all sides by residential dwellings and their associated curtilage and its boundaries are formed of domestic close boarded fence panels lined in places with hedging trees and ornamental planting. Due to the road layout the dwellings on Rothley Close are orientated at varying angles.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1** The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Shrewsbury Town Council Parish Council (Objection)

Members do not object to this property being extended but feel that the proposed plans will impact considerably on the resident at number 40. Members request that the plans be reviewed to take into consideration overlooking aspects and impacts on the privacy of the neighbouring properties.

4.2 - Public Comments

- 4.2.1** The six adjoining neighbours have been notified of the application. To date two representations have been received; one in support of the application citing the following:

- Enhancement of the properties appearance.
- Improvement in the appearance of the general area.

The other two representations received object to the proposal for the following reasons:

- Elimination of light to the gardens of the adjoining properties (overshadowing) to the west.
- Reduction of light into the adjoining dwellings (overshadowing).
- Necessary works to thin the trees on the boundary and impact on their roots.
- Proposed construction method and materials.
- Unsightly view caused by the 'over dominant' gable end extension being 1m from the shared boundary.
- Overlooking of the neighbours residential curtilages.
- Reduction in parking facilities.

5.0 THE MAIN ISSUES

- **Principle of development**
- **Siting, scale and design of structure**
- **Visual impact and landscaping**
- **Impact on residential amenity**

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 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.
- 6.1.2 Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.
- 6.1.3 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.
- 6.1.4 Shropshire Core Strategy Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.

6.2 Siting, scale and design of structure

- 6.2.1 The proposal will provide additional living accommodation to the ground floor including an enlarged kitchen diner and an additional living room. To the first floor, in the extension above the existing pitched roof garage to the west side of the dwelling, the proposal will provide two modest sized bedrooms and a storage cupboard.
- 6.2.2 The proposal will increase the overall internal floor area of the dwelling by approximately 58.4m², while this is a relatively large increase it is considered to be acceptable considering substantial size of the neighbouring properties to the north and south. In addition the proposal will retain a good sized residential curtilage, appropriate levels of parking and generous gaps between the proposed extensions out walls and its shared boundaries with neighbours.
- 6.2.4 Following the applicant's revision of the plans to reduce the ridge height of the 2no. proposed gable it is officers opinion that the vertical emphasis has been reduced and that the proposal is therefore appropriate in scale. In addition officers consider that this alteration reduces the shadow caused by the proposal and ensures that this additional gable is clearly subservient to the existing dwelling and does not over dominate the principal elevation of the dwelling as a whole. From the rear the single storey addition will be clearly identifiable as a later addition and the gable to the west will again be clearly distinguishable from the original dwelling due to its position and the proposed materials.

6.3 Visual impact and landscaping

- 6.3.1 The design utilises a single storey extension to the east elevation and an additional storey extension above the existing garage. Both these additions are present on properties within the area and as such the proposal is in character with the surroundings.
- 6.3.2 The proposed construction method of the dwelling is not a planning concern however the material finishes to the facades of the building are required to be in character with the area and of no significant detrimental visual impact.
- 6.3.3 The proposed materials to be utilised include; facing brick, painted render, interlocking roof tiles and white uPVC windows and doors. These materials are all to match the existing materials present in the existing dwelling and can also be found in a number of dwellings within the locality therefore officers consider that they are in character and will not detract from the visual impact of the locality.
- 6.3.4 The site is bounded to the east and west by close boarded timber fencing which will be retained as part of the development. To the north is a substantial mature hedge which screens the property from the large dwellings approximately 30m to the north on Rothley Drive. To the west the 2no. adjoining properties have substantial mature trees and hedging lining the shared boundary within their ownership. It is officers opinion that these trees effectively screen the existing dwelling and will go some way to screening the additions within the proposal. These trees are outside the applicants' ownership and therefore their removal is not proposed as part of the application. It is considered by officers that the close boarded fence to the east will screen the majority of the single storey addition to this boundary and no concerns are identified.
- 6.3.5 As concerns have been raised by the neighbours ascertaining to the visual impact of the proposed white painted render finish to the west (side) gable end, it has been

concluded that an appropriately worded condition should be imposed on any grant of planning permission ensuring that this elevation is finished in brick to match the existing dwelling. Officers consider that this will ensure that the visual outlook from the 2no. neighbours properties to the west will remain similar to the existing arrangement; a brick gable end, and the proposal will therefore not have a significant negative impact on these neighbours. The use of a brick façade will ensure the extension is less visually intrusive when viewed through the mature tree and hedge planting forming the shared boundary.

6.3.6 Due to the complimentary materials, the in keeping design features and the existing boundary treatments in place, officers considered there to be no significant visual impact caused by the development.

6.4 Residential Amenity

6.4.1 Representations have been received from two neighbouring properties identifying a number of concerns, predominantly the scale, over dominance and degree of over shadowing affecting the neighbouring properties.

6.4.2 With regards to the over dominance of No.41 to the west, the west (side) elevation of the proposal will be between approximately 10.4m and 12.2m from the stepped rear elevation of this dwelling. It should be noted that the applicant will retain a side access between the existing garage wall and the close boarded fence forming the shared boundary of approximately 1m in width. No.41 already has views of the side of the dwelling subject to this application, including its garage and the gable end of the property. While the second storey wall will move 3m closer to No.41; in line with the ground floor garage, and extend slightly longer in the northern direction, due to the siting of the existing dwelling and the width of No.41's residential curtilage, the proposal will only abut approximately half of the shared boundary which is no more than the existing dwelling. Having considered the existing boundary treatments, the existing outlook from No.41 and the distances between the two dwellings, officers consider that the proposal will not be experienced as overbearing on this property.

6.4.3 The existing dwelling does not sit adjacent to the shared boundary with No.39. the proposal will extend the existing dwellings footprint such that approximately 3m of the boundary with No.39 faces the west (side) elevation of the proposal. In considering the size of the existing properties residential curtilage, the height of the proposed extension and the amount of the shared boundary with No.39 affected by the proposal officers considered that the proposal will not be experience as overbearing to this property.

6.4.4 With regards to over dominance of No.40 to the east it is considered by officers that the introduction of a single storey building a minimum of 600mm beyond the shared boundary will not constitute over dominance.

6.4.5 With regard to overshadowing, the rear elevation of the existing dwelling is north facing. The residential curtilage associated with the dwelling is situated to the north elevation and therefore the majority of additional shadow caused by the proposal will fall within the applicant's residential curtilage. Officers conclude there will be little to no increase in overshadowing to the neighbour to the east (No.40) as the proposal will only be single storey in this location and will not protrude significantly above the existing close boarded fence boundary treatments. Any shadowing to this elevation will fall on the neighbours' garage wall and officers consider this will not therefore negatively impact the amenity of this dwelling.

6.4.6 To the west elevation (side) of the dwelling an additional storey is proposed above

the existing garage and the length of this elevation will increase by approximately 1.5m beyond the rear most part of the existing dwelling. Officers conclude there will be some increase in overshadowing in this direction as a result of the proposal to the residential curtilages of No.41 and No.39 but that it is not sufficient to warrant the refusal of the scheme. The increase to No.39 will be limited to the south western corner of the residential curtilage as only 3m of this boundary will be shared with the proposal. This overshadowing will not have a significant impact on the residential curtilage and will not affect the dwelling, the rear elevation of which is between 10.2m and 12.4m is away from the proposal. Any increase in shadow on the residential curtilage of No.41 will again be limited to the eastern most strip of their residential curtilage which currently experiences some shadowing from the existing dwellings gable end and garage and the substantial mature trees located on this boundary. Again as the dwelling is between 10.2m and 12.4m away from the proposal any shadow caused will not impact the dwelling itself.

6.4.7 On balance it is considered by officers that any increase in overshadowing on the neighbouring properties is not sufficient to warrant a refusal of the scheme given the distance of the dwellings from the proposal and the proportion of the residential curtilages which will be impacted by the development.

6.4.8 The proposal will introduce additional windows to the dwellings north (rear) elevation and south (front) elevation of the existing dwelling. Officers conclude that the window on the front elevation is a significant distance from its opposite neighbour and it not situated in a position that would cause any degree of overlooking. The ground floor rear windows proposed overlook the applicants residential curtilage and there are no properties immediately north of the dwelling which these windows could impact. In addition officers consider that the 2no. sky lights proposed in the single storey extension to the east elevation will not overlook or cause privacy concerns to any neighbouring dwellings. Officers acknowledge that the additional rear window to the bedroom of the two storey element of the proposal may cause a slight degree of overlooking to the residential curtilage of No.39 however this will be minimal due to the orientations of the dwelling and the mature tree forming the boundary. In addition officers consider that the distance and orientation of the two dwellings mean that any over looking will not impact the dwellings habitable rooms and will not detrimentally impact on the privacy of the amenity space in comparison to the existing first floor windows of the dwelling.

6.4.9 One small window is proposed to the west elevation on the ground floor. This window will look at the close boarded fence forming the shared boundaries and officers conclude that it will not have any impact on the privacy and amenity of No.41. It should be noted that the first floor window to this existing elevation is omitted in the proposal and therefore the degree of perceived overlooking from this position is reduced.

6.4.10 Officers conclude that the extension should not be experienced as overbearing on any of the adjoining properties and the orientation would indicate that there will be minimal increase in over shadowing compared to the existing arrangements. On balance it is therefore considered by officers that the proposal will not cause unacceptable levels of overlooking or overshadowing and that the amenity and privacy of neighbouring dwellings will not suffer any substantial harm.

7.0 CONCLUSION

7.1 The works are judged to be in scale and character with the original dwelling and its setting, and of no demonstrable harm in terms of neither residential nor visual amenities. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended.

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

Central Government Guidance:

Core Strategy and Saved Policies:

National Planning Policy Framework
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

SA/81/0238 Erection of 45 dwellings (layout and design of roads and sewers) (6 acres).
PERCON 9th June 1981

SA/80/0967 Erection of 97 dwellings with private garages and the formation of vehicular and pedestrian accesses (15 acres). (Ref. Outline application No. 74/856/779/74 dated 18th January 1978). PERCON 13th July 1981

SA/79/0748 Earthmoving works and landscaping. (Ref. Outline application No. S74/856/779/74 dated 18th January 1978). PERCON 20th August 1979

SA/74/0856 Residential development. APPAL 18th January 1978

Appeal

78/00422/NONDET Residential development. ALLOW 18th January 1978

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)

Cabinet Member (Portfolio Holder) Cllr R. Macey

Local Member Cllr Keith Roberts

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.

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.

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

4. The west (side) elevation of the proposal must be finished in brick to match the existing dwelling.

Reason: To protect the visual amenity of the area.

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.

2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

3. 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.

4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start 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.

5. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

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