

## Development Management Report

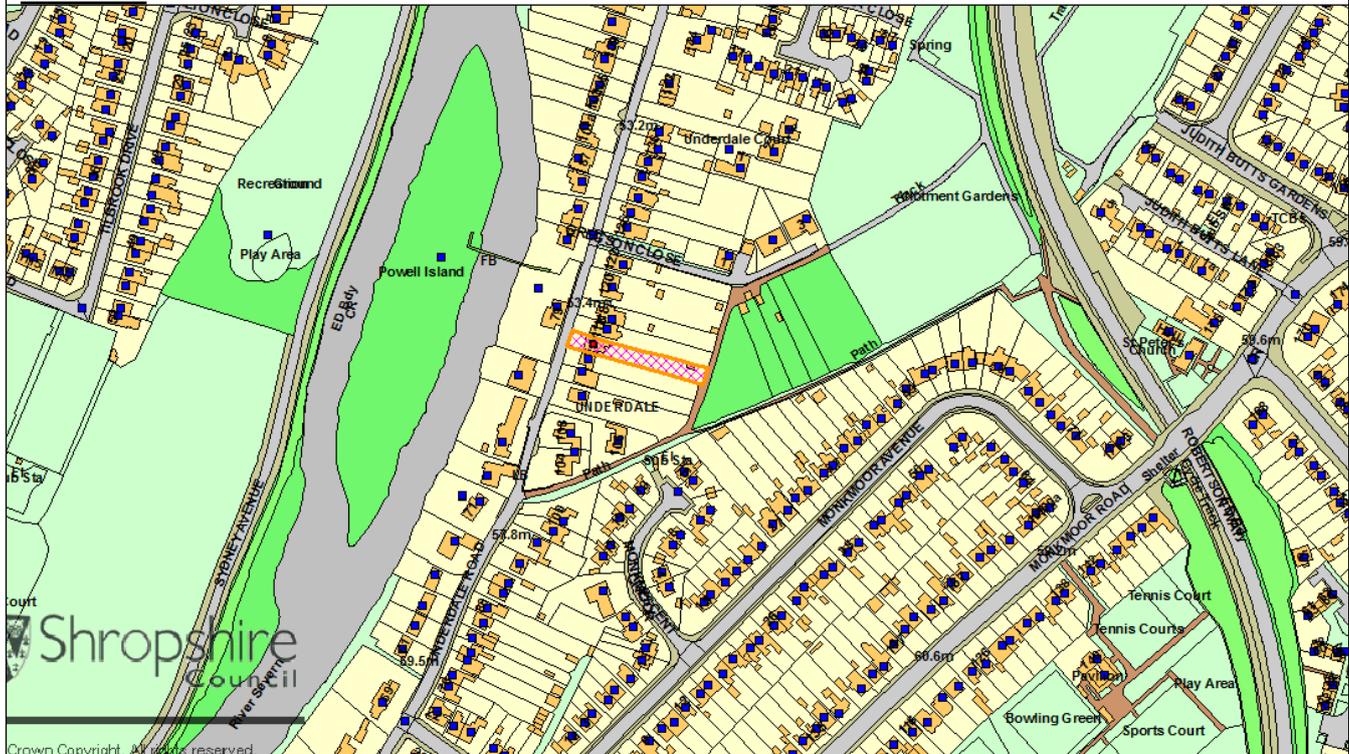
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 17/03906/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Alterations to conservatory to form garden room; new detached outbuilding; alterations to existing driveway and installation of fence to front		
<b>Site Address:</b> 116 Underdale Road Shrewsbury SY2 5EF		
<b>Applicant:</b> Mr And Mrs Moseley		
<b>Case Officer:</b> Aileen Parry	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 350462 - 313350



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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application seeks full planning permission for the alteration to an existing conservatory to form a garden room and linking to the existing rear single storey extension; a new detached building within the rear garden forming a hobby room with log burner and separate store; and alterations to the existing driveway (paving) and formation of a new fence in the form of metal railings to the front of the dwelling with the garden area being retained.
- 1.2 The garden room is attached to the rear and will measure approximately 3.5 metres wide, 3.3 metres deep with a ridge height of 3.3 metres. The new detached building will be sited approximately 0.6 metres from the boundary enable maintenance of the boundary and building and will measure approximately 8.0 metres wide, 3.0 metres deep with a ridge height of 3.2 metres. The metal railings will measure approximately 1.5 metres high and 2.8 metres wide.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 116 Underdale Road is an existing detached property located within a large elongated curtilage within a residential street in the Monkmoor area of Shrewsbury. The site does not fall within the Shrewsbury Conservation Area.

### **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 applicant is an elected member of the Council and therefore the application must be determined by Planning Committee.

### **4.0 COMMUNITY REPRESENTATIONS**

- 4.1 - Consultee Comments  
Highways  
No Objection – subject to the development being constructed in accordance with the approved details. A Condition & informatives have been recommended.
- 4.2 -Town Council  
The Town Council raises no objections to this application.
- 4.3 - Public Comments  
Three neighbours have been consulted. No public comments have been received at the time of writing this report.

## 5.0 THE MAIN ISSUES

Principle of development  
Design, Scale and Character  
Impact on Residential Amenity  
Highways

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Within the development plan policy, there is a general presumption in favour of extensions to dwellings provided that the scale, siting and design do not overwhelm or dominate the appearance of the original dwelling or that the extension does not have any detrimental impact on residential amenities. The proposal is considered to comply with this presumption.

### 6.2 Design, Scale and Character

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.2.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. 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.

6.2.3 The proposal is seeking full planning permission for the alteration to an existing conservatory to form a garden room and linking to the existing rear single storey extension; a new detached building within the rear garden forming a hobby room with log burner and separate store; and alterations to the existing driveway (paving) and formation of a new fence in the form of metal railings to the front of the dwelling with the garden area being retained.

6.2.4 It is considered that the proposed scale, design and appearance of the proposed development will respect the existing character of the dwelling and will not result in any visual impact in the locality. The proposed development will be built from materials which will be sympathetic to the existing character of the property, whilst it will be sustainably constructed meeting the current Building Regulation standards as a minimum. The proposed development will not result in the significant loss of garden area and will provide an appropriate level of amenity space for the enlarged

dwelling.

6.2.5 Officers consider that the proposal meets the relevant criteria within the NPPF, CS6 and MD2 and is therefore acceptable in principle.

### 6.3 Impact on Residential Amenity

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Having regard to the proposed orientation and distance away from neighbouring properties it is considered that the proposed windows will not result in any detrimental impact from overlooking or loss of light. It is felt that the proposed layout, design and scale of the proposed development in relation to the boundary will also not result in any detrimental overbearing impact or result in any noise disturbance.

### 6.4 Highways

6.4.1 The proposal has been assessed by the Councils Highways Team who has stated that they have no objection to the development subject to the development being constructed in accordance with the approved details. A condition and informatives have been recommended.

6.4.2 Officers have sort clarification on the condition recommended, which requires a Construction Method Statement (CMS) to be submitted prior to development, as it is considered onerous for the scale of the proposed development from the Developing Highways – Area Manager South and Central of Shropshire Council. Their response advises that they can understand what the consultee respondent was seeking in suggesting the condition due to the constraints of Underdale Road, however as the applicant has confirmed it is not in their interest to obstruct the carriageway and there is sufficient room for storage of materials within the curtilage of the property boundary. They are therefore happy to support the application without the requirement for a formal condition to be attached to the planning permission if granted.

6.4.3 On this advice, officers will therefore not impose the initially requested CMS condition but will include the recommended informatives on any planning permission that may be granted.

## 7.0 **CONCLUSION**

**Officers consider that the proposed scale, design and appearance of the proposed development will respect the existing character of the dwelling and will not result in visual impact or cause any detrimental impact on neighbouring properties.**

**Recommendation is that planning permission is granted.**

## 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:  
NPPF

Core Strategy and Saved Policies:  
CS6 - Sustainable Design and Development Principles  
MD2 - Sustainable Design

### Relevant Planning History:

SA/03/0522/F Erection of single storey rear extension and front porch, following demolition of part existing conservatory and pergola PERCON 21st May 2003

## 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 David Vasmer
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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

3. The external materials and their colour shall be as detailed on the submitted application form and as shown on the deposited plan.

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 to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.
2. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.

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