

Development Management Report

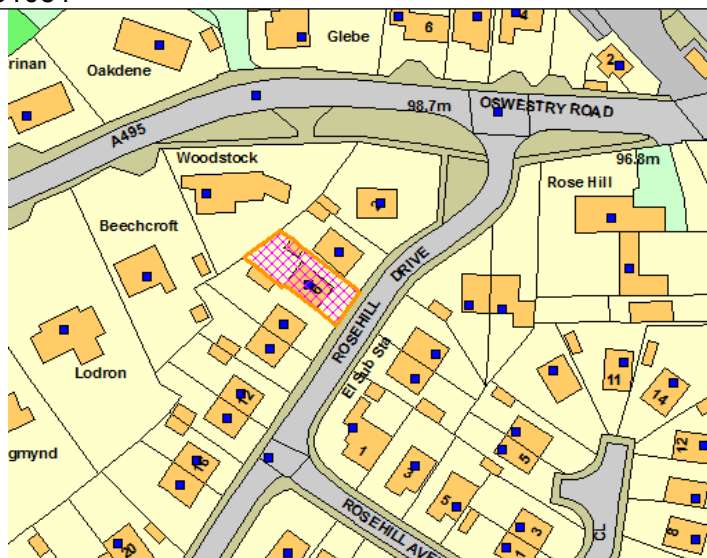
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 18/00836/FUL	<u>Parish:</u>	Whittington
<u>Proposal:</u> Erection of dormer to side elevation and enlargement of existing dormer to side elevation		
<u>Site Address:</u> 6 Rosehill Drive Whittington SY11 4BE		
<u>Applicant:</u> Mr Mark Perry		
<u>Case Officer:</u> Llinos Jones	<u>email:</u> planningdmnw@shropshire.gov.uk	

Grid Ref: 332005 - 331051



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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 planning permission for the installation of a new dormer window and the enlargement of an existing dormer in order to provide additional living accommodation within the first floor accommodation.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application property is detached set within a residential estate in Whittington. It is constructed using orange/ brown facing brick and brown tile for its roof. The application property is orientated perpendicular to Rosehill Drive, with steep pitch and low eaves in appearance.

- 2.2 There are residential neighbours all around, with nearest neighbour to the application property being No.4 to the north east and No.8 Rosehill Drive.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The applicant is employed within Development Management as such in accordance with the Councils Scheme of Delegation, the application is required to be considered by the North Planning Committee.

4.0 Community Representations

Consultee Comments

None received

Public Comments

No comments received at the time of writing the report.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Policy CS6 of the Core Strategy advises that all new development must respect the local distinctiveness, must protect, restore and enhance the natural, built and historic environment as well as be appropriate in scale, density, pattern and design taking into account the local context and character including features which contribute to local character. Policy MD2 of the SAMDev Plan further builds on

CS6, advising that new development must contribute to the form and layout of existing development and the way it functions, including streetscapes, building heights and lines, scale, density, plot sizes and local patterns of movement. The amenity of neighbouring residents needs to also be maintained.

6.2 Siting, scale and design of structure

6.2.1 The applicant proposes the enlargement of an existing dormer and construction of a new dormer window, in order to provide enlarged first floor accommodation for the occupants, by means of an additional bedroom.

6.2.2 The enlarged dormer window is to be located on the north east elevation with the proposed new dormer located within the south west roof elevation.

6.3 Visual impact and landscaping

6.3.1 The roof line of the application property is orientated perpendicular to Rosehill Drive, with the windows situated to the rear of the principle front elevation of the dwelling house. Although the proposed works would be visible partly from the public road given their position set back within the plot, they would not appear dominant or intrusive to the original appearance, character of the property or the street scene.

6.3.2 The enlarged dormer window is to be located on the north east elevation, facing blank roofline. The new dormer window is to be installed within the south east roofline. No.8 Rosehill Drive is orientated on linear line, facing Rosehill Drive, with existing windows to principle rooms facing the road with small windows included within the side gable to non-principle rooms stairs and bathroom which is frost glazed. Officers consider on balance, there would be limited impact to the occupants of No.8 Rosehill Drive.

6.3.3 The materials proposed within the scheme would not be unlike those as used in the construction of the dwelling and surrounding development. There is no specific historic vernacular to be incorporated within the appearance of the dwelling.

7.0 CONCLUSION

The proposed development is considered to be in-keeping with the character and appearance of the existing property and its setting. There would be no adverse loss of amenity on the occupants or neighbouring residents, and neither would there be any highway safety implications. The development is therefore considered to comply with policies CS6 of the Core Strategy and MD2 of the SAMDev Plan and the overall aims and objectives of the NPPF. The recommendation is therefore one of approval subject to conditions as attached to appendix one.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ⑦ 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.
- ⑦ 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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

18/00836/FUL Erection of dormer to side elevation and enlargement of existing dormer to side elevation PDE

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 Steve Charmley
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.

3. The external materials shall match those of the existing building.

Reason: To ensure that the works harmonise with the existing development.