

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

**Application Number:** 18/02032/HHE

**Parish:**

Great Hanwood

**Proposal:** Erection of a rear single storey extension to a terraced dwelling, dimensions 6.0 metres beyond rear wall, 3.0 metres maximum height, 2.45 metres high to eaves

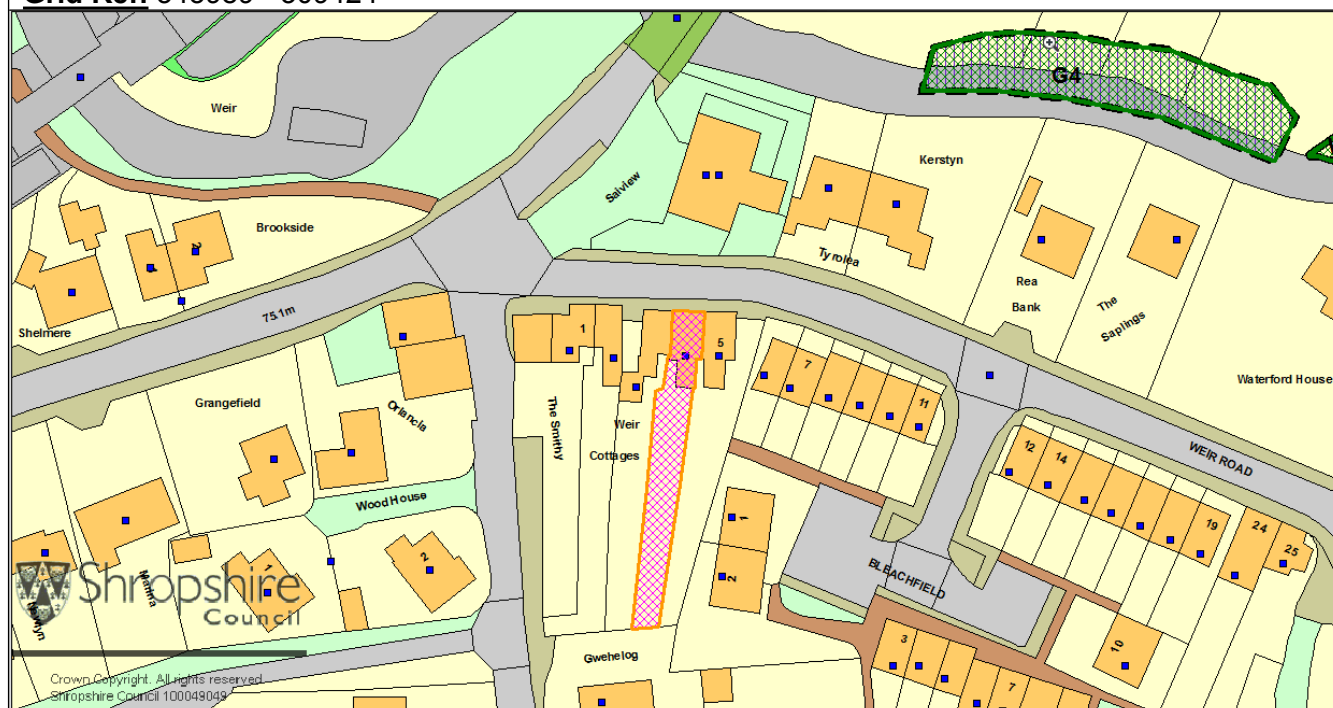
**Site Address:** 4 Weir Road Hanwood Shrewsbury Shropshire SY5 8JZ

**Applicant:** Mr Adam Norton

**Case Officer:** Sonia Kizito

**email:** [planningdmc@shropshire.gov.uk](mailto:planningdmc@shropshire.gov.uk)

**Grid Ref:** 343989 - 309424



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

Recommended Reason for Approval

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 The proposal seeks confirmation that the proposed extension at the above mentioned site is permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.
- 1.2 The proposal is for the erection of a rear single storey extension to a terraced dwelling, dimensions 6.0 metres beyond rear wall, 3.0 metres maximum height, 2.45 metres high to eaves.
- 1.3 The scheme proposes the removal of the flat roof from the existing single storey extension and re construct a new roof with a further extension of approximately 1.1 metres to create an enlarged kitchen and ground floor WC.

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

- 2.1 4 Weir Road is a residential terraced property located in Handwood, Shrewsbury. The property is attached to No3 and No5 and benefits from a long rear garden.

### **3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION**

- 3.1 The scheme complies with the delegation to Officers as set out in Part 8 of the Shropshire Council Constitution

### **4.0 COMMUNITY REPRESENTATIONS**

- 4.1 Consultee Response
  - 4.1.1 Town/Parish Council – No comments received.
- 4.2 Public Response
  - 4.2.1 Notice of the proposed development has been served on three neighbouring properties and no representations have been received.

### **5.0 THE MAIN ISSUES**

Assessment of whether the proposal is classified as 'permitted development'.  
Impact on the residential amenity of neighbouring properties.

### **6.0 OFFICER APPRAISAL**

- 6.1 **Assessment of whether the proposal is classified as 'permitted development'.**
  - 6.1.1 The proposal relates to the enlargement of a dwelling house consisting of a single storey rear extension. The determination of whether the works benefit from permitted development is made in accordance with Part 1 Class A of the Town and

Country Planning (General Permitted Development) (England) Order 2015 (as amended). Under this Order the enlargement, improvement or alteration of a dwelling house is deemed as permitted development subject to the limitations set out in paragraphs A1 (a) – (k).

6.1.2 In response to the criteria under paragraphs A1 (a) – (i) the following applies for the proposed addition under this application:

(a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

(b) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse will not exceed 50% of the total area of the curtilage;

(c) The height of the part of the dwellinghouse enlarged, improved or altered will not exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered will not exceed the height of the eaves of the existing dwellinghouse;

(e) The enlarged part of the dwellinghouse would not extend beyond a wall which:  
(i) Forms the principal elevation of the original dwellinghouse; or  
(ii) Fronts a highway and forms a side elevation of the original dwellinghouse;

(f) (Subject to paragraph g), the enlarged part of the dwellinghouse will have a single storey and:

- (i) will extend beyond the rear wall of the original terraced dwellinghouse by more than 3 metres
- (ii) will not exceed 4 metres in height;

(g) (Until 30th May 2019) the dwellinghouse is not on article 2(3) land nor on a site of special scientific interest. The enlarged part of the dwellinghouse will have a single storey and:

- (i) will extend beyond the rear wall of the original terraced dwellinghouse by 6 metres- the extension is 6.0m in length;
- (ii) will not exceed 4 metres in height- the extension is 3.0m in height at the eaves;

(h) Not applicable- the extension is a single storey.

(i) The enlarged part of the dwellinghouse will be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves will not exceed 3 metres- the extension is 3.0m in height at the eaves;

(j) Not applicable- The enlarged part of the dwellinghouse will not extend beyond a wall forming the side elevation of the original dwellinghouse

(k) Not applicable - The proposal is for a rear extension and does not include for the provision of the features in criteria (i to iv).

- 6.1.3 A2: The property is not within an article 2(3) land.
- 6.1.4 A3: The materials used in the exterior work will be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

## 6.2 **Impact on the residential amenity of neighbouring properties**

- 6.2.1 The changes to the regulations require the local planning authority must, when considering the impact referred to in sub-paragraphs (7)—
  - (a) take into account any representations made as a result of the notice given under paragraph (5); and
  - (b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.
- 6.2.2 Neighbouring properties were notified and no representations have been received.
- 6.2.3 In view of the above, it is confirmed that the details submitted with the application demonstrate that the extension will be exempt from requiring planning permission as these works do comply with the requirements of Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

## 7.0 **CONCLUSION**

- 7.1 Planning permission will not be required for the proposed development as it does meet the criteria set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

## 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 - written representations, a hearing or inquiry.
- ☐ The decision is 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 a) promptly and b) in any event not later than three months after the grounds to make the claim

first arose 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 give 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

- 9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### RELEVANT PLANNING HISTORY:

18/02032/HHE Erection of a rear single storey extension to a terraced dwelling, dimensions 6.0 metres beyond rear wall, 3.0 metres maximum height, 2.45 metres high to eaves PCO

## 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 Roger Evans
------------------

Appendices APPENDIX 1 - Conditions
---------------------------------------

## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

1. The extension must be built in accordance with the details approved unless Shropshire Council agrees any changes in writing.

REASON: To comply with the provisions of Class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended).

2. The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.

REASON: To comply with the provisions of Paragraph A.3(a) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended).

3. The extension must be completed on or before 30 May 2019. Shropshire Council must be notified in writing of the date of completion.

REASON: To comply with the provisions of Paragraph A 4 (13), (14) and (15) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended).