

## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 18/00477/FUL	<b><u>Parish:</u></b>	Ightfield
<b><u>Proposal:</u></b> Erection of detached garage workshop and store		
<b><u>Site Address:</u></b> 6 The Townsend Ightfield SY13 4NS		
<b><u>Applicant:</u></b> Mr & Mrs Furber		
<b><u>Case Officer:</u></b> Charlotte Murchington	<b><u>email:</u></b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 359234 - 338296



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

## REPORT

<b>1.0</b>	<b>THE PROPOSAL</b>
1.1	This application seeks planning permission for the erection of a detached garage, workshop and store.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
2.1	6 The Townsend is an existing semi-detached 2 storey dwelling located within the village of Ightfield, approximately 3.5 miles south east of Whitchurch. The property is located within a relatively modest curtilage within open countryside.
2.2	Neighbouring properties lie to either side, with Number 5 being the adjoining semi-detached property, and open fields lie to the rear and front of the property.
<b>3.0</b>	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
3.1	The views of the Parish Council are contrary to the Officer recommendation and the Principal Planning Officer in consultation with the Committee Chairman and Vice-Chairman has advised that it is appropriate for the application to be determined by Planning Committee.
<b>4.0</b>	<b>Community Representations</b>
<b>4.1</b>	<b>Consultee Comments</b>
4.1.1	<p><u>Ightfield Parish Council:</u>  The Parish Council wishes to submit an objection to this proposal on the grounds that it is inappropriate development in the location due to the size and scale of the building which is considered to be too large for a domestic garage.  The Townsend development is small, residential and the access is via an unadopted road which is in a poor state of repair. A development of this proposed scale would not be in keeping with neighbouring properties and the Members have queried the need and intended use for such a large scale building in this setting, where a building for commercial uses would not be appropriate. The Townsend is set on comparatively high ground and concerns have been raised about visual impact in this setting.</p> <p><u>22/05/2018 – re-consultation:</u>  The Parish Council maintains its previous objection to this proposal on the grounds of the scale of the proposed structure (revised scheme dimensions noted), considering it to be inappropriate development in the location due to the size, which from the plans indicate that it will occupy a larger footprint than a neighbouring property.  The visual impact of a structure of this size in this setting is of concern and</p>

	<p>Councillors expressed the view that it is inappropriate development for the location and would be out of keeping with neighbouring properties.</p> <p>As such the proposed scheme contravenes both CS4 as the design and scale are not 'sympathetic to the character of the settlement and its environs', and CS6 as the scheme would not 'protect, restore, conserve or enhance the natural, built and historic environment and would not be appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments..'</p>
4.1.2	<p><b>SC Regulatory Services:</b></p> <p>Having considered the proposal it is noted that this garage is not for commercial use. I therefore have no objection to the proposals. If the application had been for commercial use I would have objections based on potential noise impacts however I do not have the same concerns for a residential garage.</p> <p>The applicant should be aware that should noise be generated from residential activities that amounts to a statutory nuisance, as defined in the Environmental Protection Act 1990 s79, and complaints are received this could result on formal actions being taken to resolve the issue. It is therefore in the applicants interests to ensure that any activities carried out are reasonable when consider in particular the volume, frequency, duration and time of day of any noise which may be created by use of the garage in future for residential uses.</p>
<b>4.2</b>	<b>Public Comments</b>
4.2.1	<p><b>Mr and Mrs Powell – Objection:</b></p> <p>We write in connection with the above planning application.</p> <p>We wish to OBJECT to this application after examining this plan carefully.</p> <p>Size of garage, store and workshop, location/appearance.</p> <p>We feel that the proposed garage, store and workshop will be visually overbearing to a number of properties including my own. We feel the overall measurements for this garage are totally out of keeping with this area. The proposed garage would be more in-keeping on an industrial estate unit not in a residential area made up of only 10 houses. We feel the size of 12365x8427 are far larger than any standard double garage. The height of 5245 is also a great concern as this is actually 1 metre taller than the eaves on my two storey house! I cannot understand why a double garage would need to be of this height for noncommercial use?</p> <p>I also raise the concern that my property looks straight onto this proposed site and I would in fact see the whole length of this garage (12365) which will be more than 6 Townsend will actually see.</p> <p>Previous planning objection.</p> <p>We note that a previous application for a bungalow was turned down for this site, we would be interested to see what size this planned bungalow was and if the planned bungalow was actually smaller than the proposed garage?</p> <p>Further concerns.</p> <p>We understand that the occupation of the occupant of the house is a mechanic by trade and we are concerned that this oversized garage may be used in the future for business use!</p> <p>Summery.</p> <p>We want to clarify that we would have no objections if this garage was to be built to</p>

	<p>a smaller more standard double garage height, length and width size.</p> <p><u>Ms Halden – Objection:</u>  I object to this application for the following reasons;  The size of the proposed garage/workshop is not in keeping with the residential nature of The Townsend.  A garage of this size is more suited to an industrial estate.  The erection of such a building would greatly increase the traffic on an already well used unadopted road, the upkeep of which falls on us as residents. As a result it would undoubtedly need to be repaired much more regularly forcing an extra cost onto residents.  Whilst I would not see the structure from my windows, it would surely seem very overbearing and depressing for those residents who could not avoid looking out onto it.</p>
<b>5.0</b>	<b>THE MAIN ISSUES</b>
	<ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Siting, scale and design of structure</li> <li>• Visual and neighbouring amenity</li> </ul>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
<b>6.1</b>	<b>Principle of development</b>
6.1.1	<p>Alterations and development to properties are considered 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. Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 7 of the National Planning Policy Framework (NPPF) 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.</p>
6.1.2	<p>The application site is situated in open countryside in planning terms where Policy CS5: Countryside and the Green Belt of the Shropshire Core Strategy strictly controls development within such locations, permitting development which is considered to be appropriate uses which enhances and maintains the vitality and character of the countryside.</p>
6.1.3	<p>Shropshire Core Strategy Policy CS17: Environmental Networks is also 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 natural and built environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.</p>

<b>6.2</b>	<b>Siting, scale and design of structure</b>
6.2.1	Proposed is the erection of a single storey pitched roof garage and store, located to the rear of the garden of the site. The garage would be accessed via the existing rear entrance to the garden and the parking area.
6.2.2	Initial concerns were raised by officers regarding the scale and design of the proposed structure, where the proposed would be an overdevelopment of the site and would more reflect a garage of a commercial use. Letters of objection were also received from neighbours and the Parish Council. In the interests of working proactively to seek solutions, as required by paragraph 187 of the NPPF, these concerns were relayed to the agent and amended designs subsequently received (19.04.2018).
6.2.3	Amended designs saw a reduction in the length, width and height of the garage and the use of more traditional construction materials. The proposed garage now measures approximately 10 metres in length and 7.6 metres in width. The garage would also measure approximately 2.4 metres to the eaves and 4 metres in overall height. A double steel roller shutter door is proposed to the front and two steel personnel doors are proposed to the northern elevation. A window is also proposed to the rear elevation and to the side (north) elevation. No openings are proposed to the southern elevation.
6.2.4	Details of the proposed constructions materials of the garage have not been confirmed and these can be controlled by way of condition. Amended plans submitted with the application indicate the external materials will be brick and with a tile roof.
6.2.5	Concerns were raised by officers regarding the intended use of the garage. The agent has now confirmed that all vehicles kept on site are in the ownership of the applicant, who has a total of four cars. The applicant wishes to store and maintain these vehicles within the garage. The restoration and preparation of cars within the garage will be for the applicant only and not for other people. The applicant will not be selling cars from the garage. The agent has also confirmed that the garage is for the sole personal use of the applicant to pursue his hobby and no cars would be stored or worked on in connection with his place of work, P. A. Roberts. The applicant has recently moved to the property, which does not currently have a garage, hence the submission of this application. The garage would be for the private storage and preparation of cars only, no spray painting of vehicles would take place on site.
6.2.6	A condition can be imposed restricting the use of the building to domestic uses only and not for any commercial purposes.
6.2.7	Under Permitted Development Rights, a garage of the proposed footprint (10 metres by 7.6 metres) could be constructed without the need for Planning Permission as the total ground area of the garage would not exceed 50% of the total area of the curtilage. However, as the garage would be within 2 metres of a boundary, the overall height of a garage is restricted to 2.5 metres. Therefore, if the proposed garage had a flat roof of 2.5 metres in height, the proposal would meet

	the criteria for Permitted Development.
6.2.8	Overall, it is considered that the garage will not have a detrimental impact on the character and appearance of the area and the use of more traditional construction materials will blend with the surrounding area. This is considered more appropriate for the location in design terms than a flat roofed garage. Therefore, the proposal is considered to be in accordance with policies CS5, CS6 and MD2.
<b>6.3</b>	<b>Visual and neighbouring amenity</b>
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, the proposed development will not result in any detrimental impact from overlooking or loss of light.
<b>7.0</b>	<b>CONCLUSION</b>
7.1	The proposed garage is considered to be in scale and character with its setting and of no detrimental impact to visual or neighbouring amenity. The application therefore is considered to accord with the principle determining criteria of the relevant development plan policies and approval is recommended, subject to conditions as set out in appendix 1.
<b>8.0</b>	<b>Risk Assessment and Opportunities Appraisal</b>
8.1	<p>Risk Management</p> <p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>☐ 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.</li> <li>☐ 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.</li> </ul> <p>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.</p>
8.2	Human Rights

	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	<p><b>Equalities</b></p> <p>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.</p>
9.0	<p><b>Financial Implications</b></p> <p>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.</p>

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

National Planning Policy Framework

### RELEVANT PLANNING HISTORY:

NS/90/00120/OUT Erection of bungalow and alterations to existing vehicular and pedestrian access REFUSE 7th March 1990

18/00477/FUL Erection of detached garage workshop and store PCO

18/00707/FUL Erection of two storey and single storey extensions GRANT 21st March 2018

NS/94/00334/FUL ERECTION OF A CONSERVATORY TO SOUTH WEST

ELEVATION AND PORCH TO SOUTH EAST ELEVATION  
OF EXISTING DWELLING (RETROSPECTIVE) APPRVD 6th December 1994

# 11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=P36FJWTDJ8S00>

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 Paul Wynn
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Appendices APPENDIX 1 - Conditions
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## **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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

4. The garage hereby approved shall not be used as living accommodation. The garage shall only be used for the storage and preparation of vehicles and purposes incidental to the enjoyment of the residential dwelling and its occupants at the site and shall not be used for any commercial or business purposes.

Reason: In order to safeguard the residential amenities of the area and in order to prevent the establishment of an additional dwelling on the site.