

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 18/01113/FUL	Parish: Upton Magna
Proposal: Erection of a conservatory and conversion of existing garage to form a two storey apartment ancillary to dwelling	
Site Address: 8 De Quincey Fields Upton Magna Shrewsbury Shropshire SY4 4US	
Applicant: Mr Stuart Reeves	
Case Officer: Aileen Parry	email: planningdmc@shropshire.gov.uk

Grid Ref: 355634 - 312653



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the erection of a single storey L-shaped extension to provide additional living accommodation in the form of a conservatory and also the conversion of the existing garage to a two storey annex for use by an elderly family member.
- 1.2 After an initial assessment by officers revisions to the proposal for the garage conversion were requested including that the conversion be reduced in height and depth and that the roof orientation be turned by 90 degrees with a gable front and hipped rear roofline in order to reduce the impact of the proposal and to ensure that its subservience to the existing dwelling.
- 1.3 Revisions have been received from the agent which include the change in orientation to the roof, gable and hipping, and reduction in height. However the proposal has not been reduced in depth. Justification for this has been provided which will be discussed later in this report.
- 1.4 Also at the request of officers a block plan showing the proposed parking arrangements for four cars has also been received.
- 1.5 This report is therefore written primarily with regards to the revised proposal received on 01.06.18 and block plan received 19.06.18.
- 1.6 The extension will be attached to the rear elevation and will measure approximately 10.5 metres wide, 5.0 metres deep maximum with a ridge height of 3.5 metres.
- 1.7 The garage conversion is to the west side of the existing dwelling and will measure approximately 5.3 metres wide, 9.7 metres deep maximum 8.3 metres minimum with a ridge height of 6.6 metres. The existing garage measures approximately 5.3 metres wide, 5.3 metres deep with a ridge height of 5.0 metres.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 8 De Quincey Fields is an existing detached property located within a large curtilage within a residential estate on the outskirts of Upton Magna. The site falls outside of the Upton Magna conservation area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Upton Magna Parish Council have submitted a view contrary to Officers recommendation for approval based on material planning reasons where these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and vice chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 - Consultee Comments

None.

- 4.2 -Parish Council

15.06.18

Upton Magna Parish Council considered the revised plans for this application at a meeting on the 14th of June 2018. It was resolved (with one abstention) that it continues to object to the conversion of the garage. The revised plans do not address any of the reasons for our previous objection i.e. that there will be a loss of privacy for the nearest neighbouring property; it will be an over-development of the site; it will set a precedent for the rest of the houses on de Quincey Fields; there is a lack of off-street parking for potential extra vehicles. In addition, the Parish Council feels that there will be a detrimental impact on the street scene.

26.04.18

Upton Magna considered this planning application at a meeting on the 12th of April and resolved to object to it (primarily, the conversion of the garage into a two storey apartment) on the following grounds: there will be a loss of privacy for the nearest neighbouring property; it will be an over-development of the site; it will set a precedent for the rest of the housing on de Quincey Fields; there is a lack of off street parking for potential extra vehicles.

- 4.3 -Cllr Picton

This application needs to go committee.

Despite revised plans, this extension is huge and totally out of keeping within the small estate, a simple case of overdevelopment.

I agree with the PC that allowing this development will set a precedent. If everyone who could applied for a development like this it would increase the estate by 1/3.

- 4.4 - Public Comments

Three neighbours have been consulted. One letter of support from the neighbours at No 10 De Quincey Fields has 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
Other - parking

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.

6.1.2 In addition alterations and extensions to dwellings and freestanding buildings within the residential curtilage are acceptable in principle subject to compliance with CS6 and MD2.

6.1.4 The proposal is considered by officers to comply with this presumption and policies CS6 and MD2.

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 Policy CS18 'Sustainable Water Management' requires all developments to integrate sustainable water management measures to reduce flood risk. An informative will be placed on any planning permission that may be granted advising the applicant of suggested methods of meeting sustainable water management.

6.2.4 The application is for the erection of a single storey L-shaped extension to provide additional living accommodation in the form of a conservatory to the rear of the existing dwelling and also the conversion of the existing garage to a two storey annex for use by a family member.

- 6.2.5 Both the Parish Council and Cllr Picton have expressed that they consider the proposal and in particular the garage conversion to be over development and that granting planning permission would set a precedent within the estate. Cllr Picton has also suggested that if everyone who could convert their garages this could increase the size of the estate by a third.
- 6.2.6 Planning permission is not usually required for a garage conversion, providing the work is internal and does not involve enlarging the building. If the scale of the work exceeds this, which with this proposal it does, or permitted development rights have been removed then planning permission will be required.

The applicants for the application have also advised officers that a neighbour at nearby No 16 has converted their garage.

- 6.2.7 Officers consider that for the intended use for the garage conversion to an annex would not be possible with the existing size of the garage being approximately 5.3 metres wide, 5.3 metres deep with a ridge height of 5.0 metres.
- 6.2.8 At the request of officers the proposal has been reduced in size from the original proposal received which measured approximately 5.3 metres wide, 9.7 metres deep maximum 8.3 metres minimum with a ridge height of 7.0 metres. It now measures approximately 5.3 metres wide, 9.7 metres deep maximum 8.3 metres minimum with a ridge height of 6.6 metres. The front elevation now has a gable roof line and the rear elevation a hipped roof.
- 6.2.9 The agent for the application has also advised that they have not reduced the depth of the proposed garage conversion as the room sizes would be impractical, and officers have been asked to note that the rear of the conversion does not project into the garden area any further than the rear line of the proposed conservatory.
- 6.2.10 The proposal is considered to be more subservient to the existing dwelling and mirroring the existing dwellings roofline therefore from a design perspective the annex would also appear as less dominant and imposing within the streetscene.
- 6.2.11 The proposal will provide ancillary annex living accommodation and the floor plan indicates the living space on the ground floor providing a living room and kitchen diner with small external patio and on the first floor a bedroom and bathroom with small balcony to the rear. From the plan drawings both the patio area and balcony within side elevation walls.
- 6.2.12 However it is not considered that the site is an appropriate size to provide a separate residential unit and in addition the village of Upton Magna is not designated as a village identified within MD1 as suitable for new residential development.
- 6.2.13 The scale of the proposal is considered to be acceptable for its intended use as an annex providing simple two floor accommodation for a family member enabling

some independent living whilst still being reliant on/to the main dwelling and family.

6.2.14 The ancillary living accommodation which will share both parking and garden areas is considered acceptable subject to a condition to ensure that the proposed building is never sold or let separately to the main dwelling house.

6.2.15 With regards the rear conservatory extension the L-shaped design is considered to compliment the dwelling in both size and form. The site is an existing modern detached property located within a large curtilage and which is considered can easily accommodate the proposed rear conservatory and annex.

6.2.16 It is considered that the proposed scale, design and appearance of the development will respect the existing character of the dwelling and will not result in any harmful visual impact in the locality. The proposed development will be built from matching 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 is considered will not result in the significant loss of garden area and will provide an appropriate level of amenity space for the enlarged dwelling and annex.

6.2.17 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.

6.3.2 Both the Parish Council and Cllr Picton has raised concerns that the proposal is overdevelopment and sets a precedent within the area which could result in an increase in the estate of a third.

6.3.3 Each application is dealt with on its own merits and assessed against current legislation and policy. As stated in section 6.2.6 above planning permission is not usually required for a garage conversion, providing the work is internal and does not involve enlarging the building. Other households could therefore convert their garages without planning permission and if permitted development rights have not been removed.

6.3.4 With regards to the proposed annex it is considered that it will not result in a loss of privacy and overlooking as other than the rear elevation enclosed balcony there will be no first floor windows in the side elevations. In order to protect the privacy of the owners of the adjacent properties for now in and in the future, a condition will be imposed on any planning permission that may be granted that no additional windows, or other openings other than those shown in the approved plans shall be inserted in any part of the annex development.

- 6.3.5 In addition Officers note that one letter of support from the neighbours at No 10 De Quincey Fields has been received at the time of writing this report. The residents of No 10 have stated that the garage conversion will not impact upon their privacy and they do not object to the development.
- 6.3.6 Both the annex rear balcony and patio areas are semi-enclosed with the balcony also having a proposed glass balustrade. Views to the rear will therefore be towards countryside views with only limited views of neighbouring gardens. The single storey rear conservatory is considered will not result in any detrimental impact or overbearance on neighbours being sited in excess of 17 metres from habitable rooms of neighbours to the east and hidden from those to the west by the annex.
- 6.3.7 In addition and having regard to the proposed orientation and distance away from neighbouring properties of both the annex and rear conservatory extension 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 both the extension and annex in relation to the boundary will also not result in any detrimental overbearing impact or result in any noise disturbance.
- 6.3.8 Officers consider that the proposal as a whole accords with policy CS6.

6.4 Other
Parking

The Parish Council has raised concerns regarding off street parking. At the request of officers the agent for the application has provided block plans for both the existing car parking and proposed car parking. Both show spaces for four cars which the agent considers is ample provision for the 2 adult residents in the existing dwelling and for one adult to be resident in the proposed garage conversion to an annex.

7.0 CONCLUSION

Officers consider that the development is acceptable in principle subject to a condition to ensure that the annex is never occupied, sold or let separately to the main dwelling house.

It is considered that the development as a whole would respect the context of the site and would have no adverse impact on the character and appearance of the locality and would not be harmful to the residential amenities of nearby dwellings. The proposal is therefore considered to be acceptable and accords with the relevant parts of policies CS6 and MD2.

Officers 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:

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)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Lezley Picton

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.

2. Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

3. 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. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

4. The external materials (roof tiles and brickwork) shall match in colour, form and texture those of the existing dwelling.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the area.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

5. Prior to the above ground works commencing samples and/or details of the glass balustrading to the balcony at the rear of the annex first floor 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

6. No additional windows, or other openings other than those shown in the approved plans shall be inserted in any part of the annex development hereby approved.

Reason: To protect the privacy of the owners of the adjacent properties.

7. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known at the time of this application as 8

De Quincey Fields and shall not at any time be sold, let or occupied as an independent unit of residential occupation.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage. In addition it is considered that the site is inappropriate for an independent unit of residential accommodation in addition to the main dwelling house and would be contrary to SAMDEV policy MD1.

Informatives

1. The applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Greywater recycling system

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

2. In arriving at this decision Shropshire 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.
3. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.

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