

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 18/04308/FUL	<u>Parish:</u>	Oswestry Town
<u>Proposal:</u> Erection of a single storey extension		
<u>Site Address:</u> 24 Lilac Grove Oswestry Shropshire SY11 2SD		
<u>Applicant:</u> Mr M Jones		
<u>Case Officer:</u> Melanie Durant	<u>email:</u> planningdmnw@shropshire.gov.uk	

Grid Ref: 330128 - 329333



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

Recommended Reason for Approval

REPORT

1.0 THE PROPOSAL

1.1 Erection of a single storey extension.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposal relates to a two storey end of terrace dwelling within south Oswestry in a residential area constructed with red brick and brown tiles.

2.2 The nearest neighbour is the adjoining neighbour 23 Lilac Grove and is surrounded by residential properties.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The applicant is a Councillor for Shropshire and a Member of the North Planning Committee therefore 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
None received

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 The application is considered in the light of Core Strategy Policies CS6 (Sustainable Design and Development) and SAMDev Policy MD2 (Sustainable Design).

6.1.2 CS6 requires development to be designed to a high quality using sustainable design principles. It also seeks to ensure that development is appropriate in scale, density, pattern and design to its local context and has regard to residential and local amenity.

6.1.3 Policy MD2 of the Council's adopted SAMDev Plan similarly requires development to contribute to and respect local distinctive or valued character and existing amenity value.

6.1.4 The Supplementary Planning Document on the Type and Affordability of Housing (SPD) also sets out policies in connection with extensions to existing dwellings. The policy requires a mix of housing to be available whilst there is a need to maintain acceptable living standards for the occupants of dwellings including the internal size of living accommodation and the provision of external private amenity space. It is also commented that it is important to ensure that such development does not have unacceptable impact on neighbouring properties due to overshadowing or loss of privacy.

6.1.5 On the basis of the above, it is considered by Officers that there is no objection to the principle of the construction of extensions to the property. Other issues relating to scale, design, impact on neighbours etc will be discussed further in this report.

6.2 Siting, scale and design of structure

6.2.1 The proposal is for a small addition to the side of the property adding to an existing store to provide an enlarged kitchen area. Materials are described as matching brickwork with a flat roof system. A condition will be added to the decision notice requesting that the materials match this description.

6.2.2 The extension is considered to be acceptable in scale, design and use of materials proposed. The development would not be out of context with the original appearance of the dwelling and would provide additional living space, which is of a suitable scale and mass for its setting.

6.3 Visual impact and landscaping

6.3.1 The extension is single storey and a minor addition to the property. It proposes a doorway and window which will all be focused on and access the owner's own curtilage. Therefore it is felt there will be no impact on neighbouring amenity caused by the proposal.

6.3.3 In addition, as mentioned the extension will only cover a minor area of the curtilage to the side of the property. Therefore it is felt that the extension would not have any adverse effect on the amenity currently enjoyed by the occupants of the property.

7.0 CONCLUSION

The proposed extension is considered to be acceptable within the context of the overall street-scene and the proposed works are not considered to result in any significant implications for the residential amenity of existing properties. Therefore the proposal is deemed to comply with the relevant development plan policy framework laid down within CS6 of the Core Strategy and SAMDev Policy MD2 and is recommended for approval.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

18/04308/FUL Erection of a single storey extension 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 John Price Cllr Clare Aspinall
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 shall match in colour, form and texture those of the existing building.

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

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