



Committee and date  
North Planning Committee  
8 April 2014

Item  
**6**  
Public

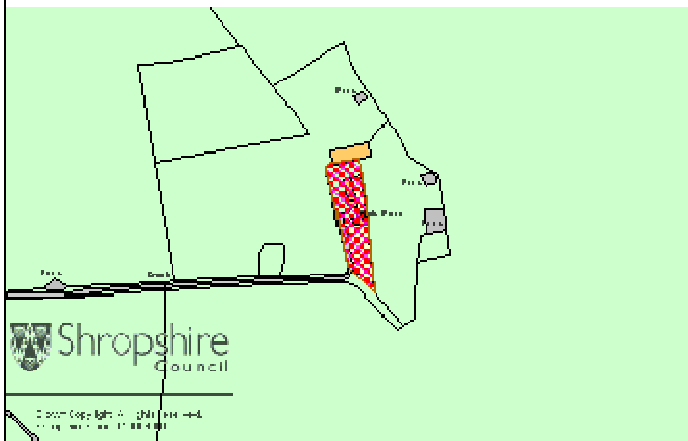
### Development Management Report

Responsible Officer: Tim Rogers  
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#### Summary of Application

|  |  |        |
|--|--|--------|
| <b>Application Number:</b> 14/00852/FUL  | <b>Parish:</b>   | Hodnet |
| <b>Proposal:</b> Proposed two storey extension to dwelling; extension to existing garage/workshop to provide annex |  |        |
| <b>Site Address:</b> Field Farm Marchamley Wood Shrewsbury Shropshire SY4 5LH                                      |  |        |
| <b>Applicant:</b> Mr And Mrs J And M Benbow  |  |        |
| <b>Case Officer:</b> Joe Crook   | <b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a> |        |

**Grid Ref:** 360520 - 331065



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.****REPORT****1.0 THE PROPOSAL**

- 1.1 The application is for a two storey extension to the existing dwelling and an extension to the existing garage/workshop to provide an annex.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 Field Farm is within Marchamley Wood and in a rural position at the end of an access track. It is made up of a farmhouse and associated buildings including a partly traditional building which has been utilised for garaging, domestic storage and a workshop associated with the main dwelling house.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment should be determined by the Planning Committee. In this instance Jane Preece, who works as a Senior Planner in Development Management for Shropshire Council, is intending to move into the property following the proposed works and the application is made by her Mother and Father.

**4.0 Community Representations**

## Consultee Comments

Hodnet Parish Council – Supports the application.

Public Comments - None received.

**5.0 THE MAIN ISSUES**

Principle of development

Design, scale and character

Impact on residential amenities

Use

**6.0 OFFICER APPRAISAL**

- 6.1 Principle of development

6.1.1 The provision of extensions and conversions to provide additional residential accommodation for the existing dwelling is acceptable in principle.

## 6.2 Design, scale and character

6.2.1 The proposed two storey extension to the side of the main dwelling will match the height, design and materials of the property and will have a depth of 8 metres with a width of 4.5 metres. Whilst the proposal will match the height of the building, its overall proportion will be in keeping with the character of the dwelling, and with the existing gable end and lean-to projecting forward to the other side of the dwelling it is not considered that the addition will be visually intrusive or prominent in comparison. Furthermore there will be a slight set back from the property frontage and its matching design, materials and fenestration will ensure visual continuity and no adverse impact in this regard. There will also be the addition of a storm porch to the frontage, and whilst this is considered to be acceptable in its design, it is permitted development in any case and is not required to make up part of the planning permission. On balance the extension is considered to be acceptable in its design and scale, and will be in keeping with the character of the existing building, in accordance with policy CS6 of the Shropshire Core Strategy and D6 of the North Shropshire Local Plan.

6.2.2 The proposed extension to the existing domestic garage/workshop building to the rear/side of the property will see the removal of the existing unsympathetic garage structure, with a replacement extension much more sensitive to the design of the existing building and visually considered to be an enhancement. The proposed extension will be subservient to the main structure with a lower height and shallower depth. It will have a length of 7.5 metres and will utilise matching materials and sympathetic fenestration. On balance it is considered that the extension to the building will be appropriate in its design and scale and in keeping with the character of the existing structure. The proposal therefore accords with policies CS6 and D6 in this regard.

## 6.3 Impact on residential amenities

6.3.1 There will be no adverse impact on residential amenities in the surrounding area given the substantial distance from the nearest neighbouring property. The proposed development at the site therefore accords with policies CS6 and D6.

## 6.4 Use

6.4.1 The use of the existing domestic outbuilding is subject to a Certificate of Lawfulness (CPL) in respect of regularising its continued use as a domestic building. However, the use of this building as an annex is considered to be acceptable under this application given its close association with the main dwelling and can be restricted in its use by a condition ensuring it is not sold, let or occupied as an independent unit.

## 7.0 CONCLUSION

The proposed extensions are considered to be appropriate in their design, scale and materials and in keeping with the character of the existing buildings. The use of

the outbuilding for ancillary domestic purposes as an annex is considered to be acceptable. The development creates no adverse impact on the amenities of neighbouring properties. As such it is considered that the scheme accords with policy CS6 of the Shropshire Core Strategy as well as D6 of the North Shropshire Local Plan. In arriving at this decision the 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.

## 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 three months 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 1970.

### 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

D6 - Control and Design of Extensions

### RELEVANT PLANNING HISTORY:

14/00851/CPL Certificate of Lawful Development for proposed use of existing domestic outbuilding as annex accommodation PCO

NS/93/00326/PN PRIOR NOTIFICATION FOR THE ERECTION OF AN AGRICULTURAL LIVESTOCK BUILDING PDDEV 28th September 1993

## 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 M. Price

Local Member

Cllr Karen Calder

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 buildings.

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

#### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

4. The annex hereby permitted shall only be used as an integral part and incidental to the enjoyment of the existing dwelling and shall not at any time be sold, let or occupied as a separate unit of residential accommodation.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage.