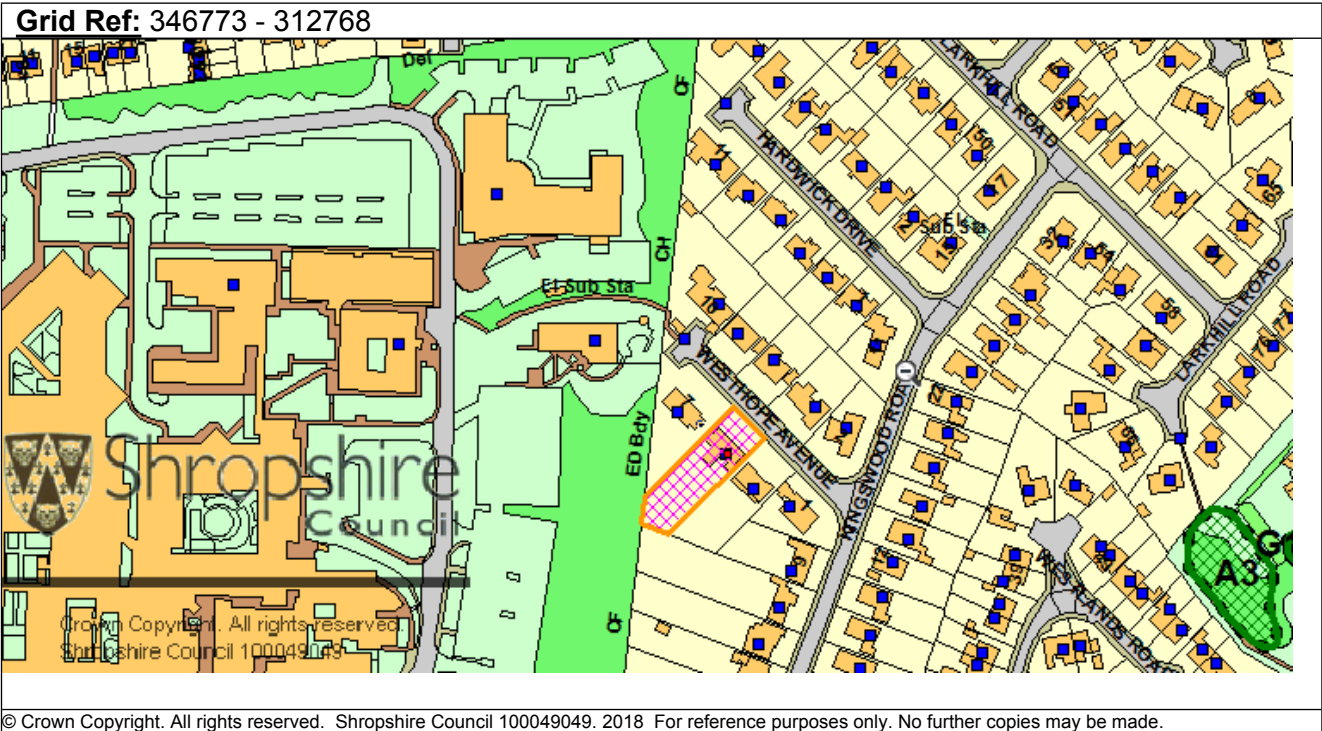


**Development Management Report**

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

<b>Application Number:</b> 18/05630/FUL	<b>Parish:</b> Shrewsbury Town Council
<b>Proposal:</b> Replacement enclosed front porch and enlarged room over	
<b>Site Address:</b> 5 Westhope Avenue Shrewsbury Shropshire SY3 8UY	
<b>Applicant:</b> Mr And Mrs Nutting	
<b>Case Officer:</b> Charlotte Murchington	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>



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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two storey front extension.

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

- 2.1 5 Westhope Avenue is an existing detached dwelling located approximately 2 miles west of Shrewsbury Town Centre. The dwelling is located within a relatively modest curtilage with neighbouring properties to either side.

- 2.2 Westhope Avenue is a cu-de-sac, consisting of 9 detached dwellings, which joins onto Kingswood Road to the east.

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

- 3.1 The applicant works for Shropshire Council and to accord with the Scheme of Delegation it is a requirement that this application be determined by Planning Committee.

### **4.0 Community Representations**

- 4.1 Consultee Comments

4.1.1 Shrewsbury Town Council:

The Town Council raises no objections to this application.

- 4.2 Public Comments

- 4.2.1 None received.

### **5.0 THE MAIN ISSUES**

Principle of development

Siting, scale and design of structure

Visual and residential amenity

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 Alterations and development to properties are 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 Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. 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.

### **6.2 Siting, scale and design of structure**

6.2.1 Proposed is the erection of a two storey front extension to provide a porch to the ground floor and to enlarge an existing first floor store room to create an additional bedroom. The proposed extension would measure approximately 2.1 metres in length and 5.2 metres in width. The extension would measure approximately 3.5 metres to the eaves and 6.1 metres to the ridge.

6.2.2 Initial concerns were raised regarding the proposed height of the extension, as the ridgeline would have the same height as the existing dwelling. Officers are of the opinion that, given its height, the extension would not be considered as a subservient addition to the dwelling. Also, due to the extensions prominent location at the front of the dwelling within a relatively open street scene, there would be opportunity for this addition to be viewed from the wider built environment and have the potential to impact further on the visual amenity.

6.2.3 Subsequently, amended plans were received 23.01.2019 which have reduced the height of the ridgeline to 5.9 metres.

### **6.3 Visual and residential amenity**

6.3.1 As the proposed works are to the front elevation of the dwelling, there will be opportunity for the addition to be viewed from the highway, therefore warranting a careful consideration of the visual amenity. The extension proposed is of generally high quality design and has been reduced in scale to remain as a subservient addition. In this light, it is not considered that the proposal shall give rise to any undue visual harm.

6.3.2 Policy SC6: 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 layout, design and scale of the proposal in relation to the boundary, it is considered that the development would not result in any detrimental overbearing impact or result in any noise disturbance.

- 6.3.3 Additionally, it is not considered that the levels of activity associated with a minor increase in living accommodation shall give rise to levels of disturbance sufficient to cause undue harm to neighbouring properties.

## 7.0 CONCLUSION

- 7.1 The extension is judged to be in scale with the original dwelling and is of no detrimental harm in terms of neither residential nor visual amenities. The application therefore accords with the principle determining criteria of the relevant development plan policies and approval is recommended.

## 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:

18/05630/FUL Replacement enclosed front porch and enlarged room over PDE  
SA/03/0857/F Erection of a single storey garden room to the rear of the property PERCON 30th July 2003

## 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 Peter Nutting

Appendices

APPENDIX 1 - Conditions

## **APPENDIX 1**

### **Conditions**

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

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).

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**

The external materials shall be as described within the application form (dated 07.12.2018).

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

### **Informatives**

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 38.