



Committee and date

South Planning Committee

10 February 2015

Development Management Report

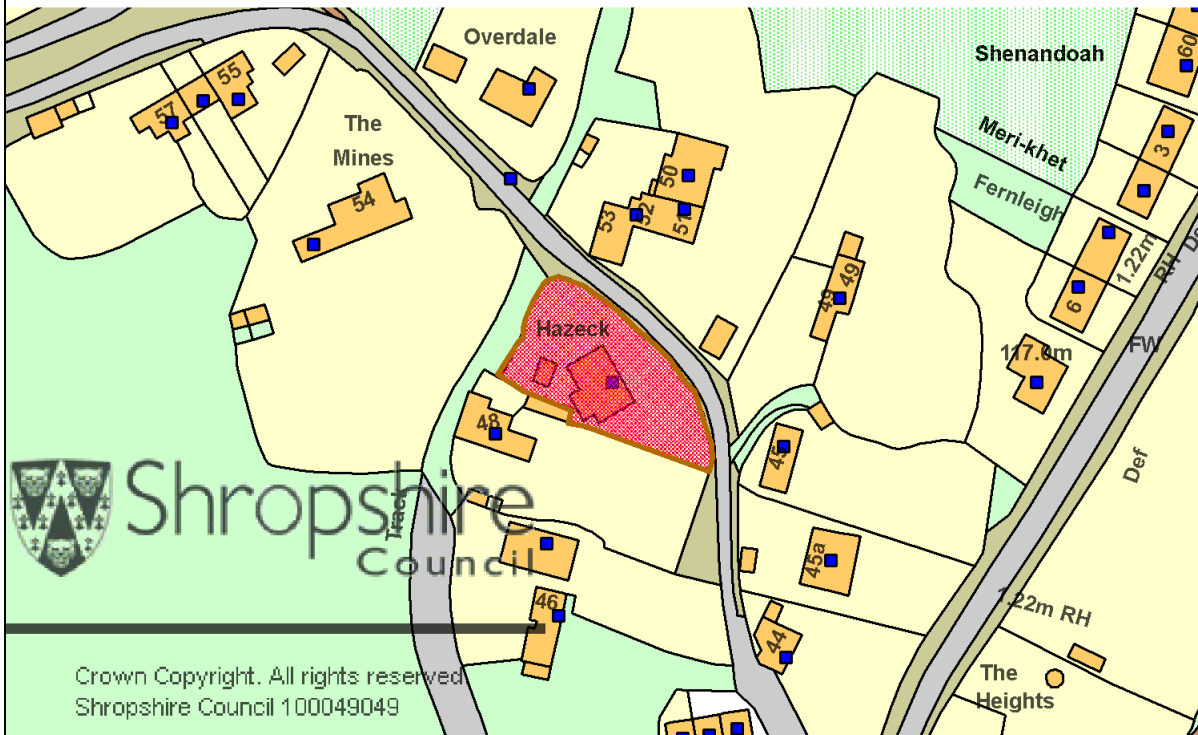
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 14/05210/FUL	Parish:	Barrow
Proposal: New chimney to existing roof		
Site Address: Hazeck The Mines Benthall Broseley TF12 5QY		
Applicant: Mr Paul Craven		
Case Officer: Lynn Parker	email: planningdmse@shropshire.gov.uk	

Grid Ref: 366960 - 302719



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

REPORT

1.0 THE PROPOSAL

1.1 This application originally proposed the erection of two chimneys at the property. During the course of the application amended plans have been received correctly labelling the elevations and reducing the number of chimneys proposed from 2 to 1. The single chimney now proposed is positioned within the dining room and would emerge on the roof slope towards the north west end adjacent to the approved two storey side extension. The proposed chimney would be constructed mainly internally with external projection above the existing roof ridge of 1.05m including the chimney pot, 0.85m without. The projecting top section would be square and measure 0.67m wide x 0.67m in depth.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within the Key Centre settlement of Broseley and is located to the north of the main service area. The dwellings in this part of Broseley are largely older stone and brick dwellings of historic merit associated with the Industrial Revolution period, hence the site falls within Broseley Conservation Area. However, the dwelling at Hazeck was a latter half 20th Century bungalow with accommodation in the roof. Apart from the historical buildings, the area is characterised by steep winding narrow streets off which access is directly gained.

2.2 The extensions and alterations approved under Planning Ref: 13/02940/FUL are under way. Landscaping works have also already been carried out at the site including the erection of boundary fencing retrospectively approved under Planning Ref: 13/03694/FUL on 6th January 2014, and removal and replanting of trees at the site. A retained tall, prominent Norway Spruce tree is visible from some distance away, positioned as it is on the south east boundary of the site where the land falls away steeply below it. The land is level around the dwelling and access, however, it rises up to the west and slopes more steeply down to the south east. Thus the gardens are landscaped to reflect the change in ground level and there is a lower lawn to the south east of the dwelling which is itself positioned above the road. There are wide views from this side of the dwelling across the valley. Access is gained into the site from a track which also serves a number other properties, however, it is close to its junction with the road.

2.3 There are adjacent dwellings on all sides of the property, but no rational patterning is formed. The dwelling to the north west at no. 54 is approximately 35m away, its rear garden sharing a boundary with the access track. Dwellings across the road at nos. 51, 52 and 53 directly face towards the application property, however, the frontage of Hazeck is angled to face north east towards garaging and front gardens. To the south east no. 48 is approximately 10m away but set at a higher level and there is brick outbuilding between the two properties. The rear elevation of Hazeck faces towards the north west corner of no. 48 whose main garden area slopes gradually down to the south east. No. 47 to the south is approximately 20m way beyond the garden of no. 48 and faces directly east so that its side gable is

closest to Hazeck. There are also dwellings beyond the road to the east, but these are set at a much lower level and only their roof tops are clearly visible from Hazeck.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications requested to be referred, by the Local Member to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman to be based on material planning reasons.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Barrow Parish Council - We object to this application.

We note that there is no information as to the proposed use of these chimneys. Until we can be assured that the overall design is sympathetic to and not intrusive in the Conservation Area and that their proposed use is such that any smoke or fumes do not adversely affect neighbouring properties we will object to their installation.

In view of the number of applications submitted for this property, we would request that when decisions are made, the changes due to previous successful applications are taken into account and that in addition the new applications are all considered at the same time.

4.1.2 SC Conservation – No Conservation objections.

4.1.3 SC Archaeology - No comments to make on this application with respect to archaeological matters.

4.2 - Public Comments

4.2.1 Two letter of public representation have been submitted from the same neighbour which raise concerns relating to all four of the current planning applications on this site. These can be viewed in full online, however the concerns relating to this proposal are summarised below:

- o The addition of two chimneys although a further increase in roof height are negligible in relation to the enormous size of the building, without the section for which construction is yet to start.
- o We are of the opinion that no further building should take place on this site.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Impact on neighbours/residential amenity
- o Impact on surrounding Conservation Area

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS6 of the Shropshire Council LDF Core Strategy states that development should conserve and enhance the built and historic environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. LDF Core Strategy Policy CS17 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's historic environment and does not adversely affect the heritage values and function of these assets. There is no in-principle planning policy objection to the provision of a chimney at this property.

6.2 Design, scale and character

6.2.1 Broseley and Benthall are areas which contain many older properties of which chimneys are a prominent and widely present feature. The majority of the adjacent properties have single or multiple chimneys. Design Principle DS.6 of the Broseley Town Plan specifically relates to chimneys, stating that:

'Existing chimneys must be preserved. The inclusion of functioning, brick built chimneys in design proposals will be supported'.

6.2.2 Whilst many of the chimneys already present within the surrounding area are higher and more decorative than those proposed in this application, such chimneys would not be appropriate to the modern design of the dwelling. Therefore the clean, simple design with minimal external projection of the chimney proposed and its construction in brick is considered to be suited to the dwelling and in accordance with the design ethos of the Broseley Town Plan. The proposed chimney is not considered to have an adverse impact on the character or context of the existing building or surrounding Conservation Area and is of an appropriately domestic scale and design, utilising matching materials.

6.3 Impact on neighbours/residential amenity

6.3.1 It is not felt that there will be any overbearing impact on the neighbouring properties from the proposed chimney due to the separation distances involved, its minimal 1.05m projection in height above the existing roof ridge and minimal girth.

6.3.2 Whilst Barrow Parish Council have raised concerns in relation to the potential for smoke or fumes from the chimney to affect neighbouring properties, it is noted that Design Principle DS.6 of the Broseley Town Plan does require chimneys to be 'functioning'. Additionally, given the prevalence of existing chimneys within the area, it is not considered that the addition of the single, relatively small chimney proposed will result in a significant increase in any localised pollution issues. There are a number of chimneys on the cottages directly to the east which are sited below the level of Hazeck and its neighbouring properties to the north and south from which smoke could already drift. The construction of the chimney would also be subject to building regulations approval.

6.4 Impact on surrounding Conservation Area

6.4.1 For the reasons given in paragraphs 6.2.1 and 6.2.2, the proposed chimney is considered to be a positive contribution to the surrounding Conservation Area of which existing chimneys are a feature, and provide a link between the modern appearance of the property and those adjacent of a more traditional nature. The

heritage values and functions of the surrounding Conservation Area will therefore be protected and enhanced.

7.0 CONCLUSION

7.1 It is considered that this proposal is not contrary to adopted policies and will not adversely affect the existing building, the amenities of adjacent neighbours, the street scene or the surrounding Conservation Area. While there are other applications currently under consideration in respect of this property, as listed in the relevant planning history section of the report below, there are no planning reasons which would justify a delaying the determination of this particular proposal.

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:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS6 Sustainable Design And Development Principles
CS17 Environmental Networks

Broseley Town Plan 2013 - 2026

RELEVANT PLANNING HISTORY:

14/05212/FUL – Revisions to existing planning approval for side extension. **Pending Consideration.**

14/05211/FUL – Erection of a new double garage with external staircase to room above. **Pending Consideration.**

14/05209/FUL – Proposed side kitchen extension. **Pending Consideration.**

14/01341/FUL - Erection of two single storey extension to side elevations; increase in roof height to allow for first floor accommodation to include insertion of dormer windows and rooflight to front and rear roofline (amended description). Refused 29th October 2014.

13/03694/FUL - Application under Section 73a of the Town and Country Planning Act 1990 for the erection of close boarded perimeter fencing. Granted 6th January 2014.

13/02940/FUL - Erection of single storey extension to include balcony; replacement of existing roof to include dormer windows. Granted 21st November 2013

11. Additional Information

View details online: <http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

None submitted

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr David Turner

Appendices

APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITIONS**

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.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The chimneys hereby approved shall be constructed in brick as specified on the submitted application form and to match the existing dwelling, and there shall be no variation.

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

Informatives

1. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.

2. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

LDF Core Strategy Policies:
CS6 Sustainable Design And Development Principles
CS17 Environmental Networks

Broseley Town Plan 2013 - 2026

3. 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.

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