

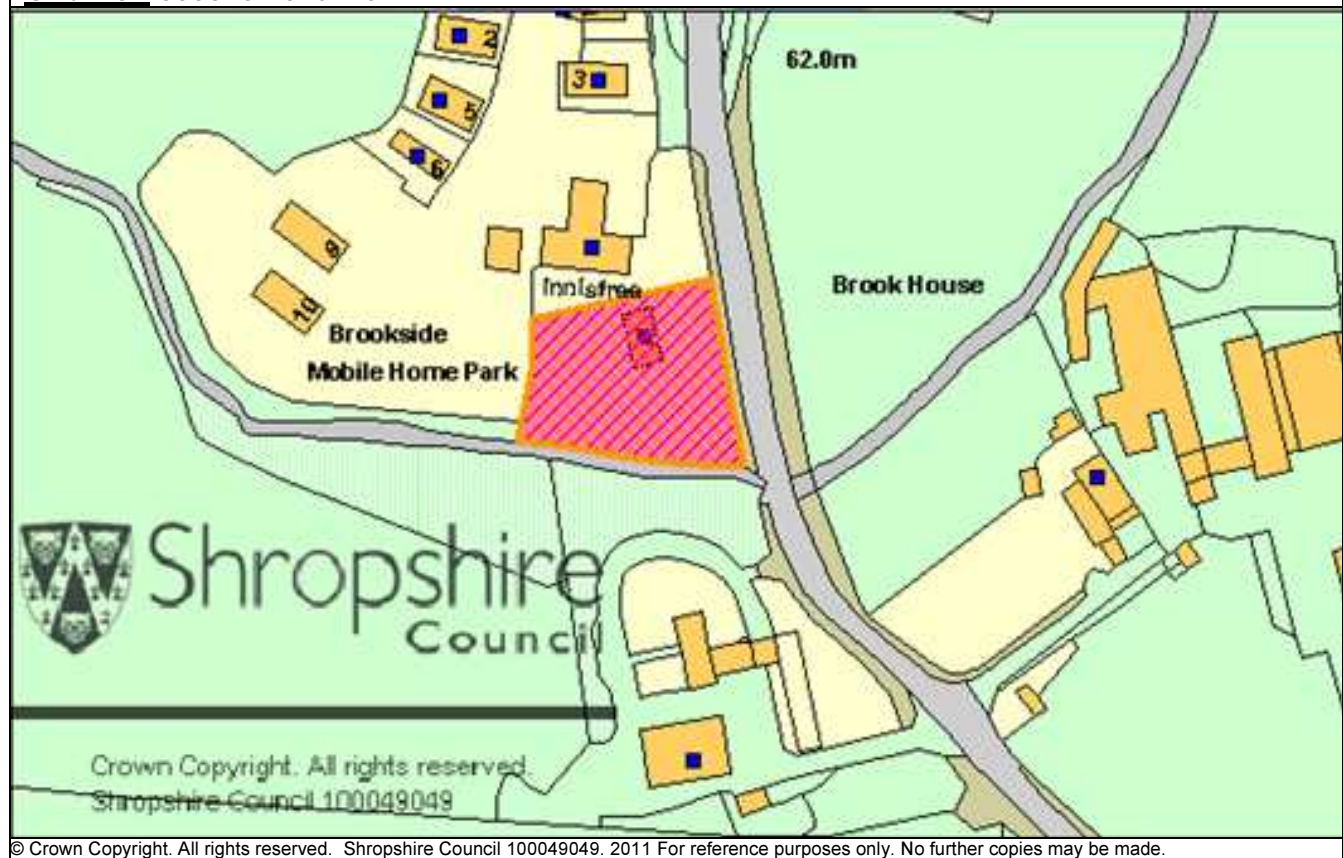
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 15/00725/FUL	Parish:	Kinnerley
Proposal: Erection of single storey front extension		
Site Address: Barn Brookside Caravan Park Kinnerley Oswestry Shropshire		
Applicant: Mr John Finney		
Case Officer: Eleanor Moss	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 333878 - 319723



Recommendation:- Refuse for the following reasons

Recommended Reason for refusal

1. It is considered that the proposed extension is not of an appropriate design and scale. As such, they would have a detrimental impact on the agricultural character, appearance and form of the barn. Accordingly the scheme fails to comply with policies H23 of Local Plan, CS6, CS17 of the Core Strategy and Type and Affordability of Housing SPD.

2. The proposed extension to this residential barn conversion is not considered to meet the criteria of Core Strategy Policies CS6 and CS17. It is considered to inappropriate in pattern and design and would introduce an element which is unsympathetic and alien to this traditional converted barn, adversely affecting its character and appearance.

REPORT**1.0 THE PROPOSAL**

1.1 This application seeks planning permission for the erection of a single storey front extension to a single storey barn conversion which was permitted under application 08/15378/FUL.

1.2 The proposed extension measures 64.6sqm in total and this includes a brick 'link' extension containing an entrance hall which connects the existing barn to the proposed extension. The proposed extension seeks to provide a kitchen/dining room, an additional bedroom and bathroom. The footprint of the proposed extension would almost double the size of the existing barn conversion scheme.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is a converted stable building with an existing extension at the rear of the building which was approved under application 08/15378/FUL, the extension was approved at the time in order to improve the level of accommodation that could be provided at the site.

2.2 The site adjoins Brookside Caravan Park which consists of a number of modern mobile homes and a bungalow.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Local Member had been contacted and it was requested by Councillor Walpole that the application be considered for determination by Committee.

4.0 Community Representations**- Consultee Comments****SC Conservation – objection**

The dwelling is a converted stable building with extension which was approved in 2008. It is located within a rural location adjacent to the Brookside Caravan Park.

The proposed extension will be to the front of the property and will be a substantial addition effectively doubling its footprint. The original application for the conversion and extension of the building sought to retain the simple agricultural character of the building by minimising new insertions, adding a relatively modest extension to the rear and retaining the buildings simple frontage. The proposed scheme will project much closer to the highway and whilst attempting to replicate the simple frontage, the overall size and shape of the resultant building would not be in keeping with the simple agricultural structure that was originally converted, and this is somewhat at odds with the justification that was provided within the design and access statement for the original conversion. The proposal is considered to be an incongruous addition which dramatically alters the character of the converted stable building and perhaps a further addition to the rear of the property would be looked upon more favourably.

Highways Authority – no objection

The Highway Authority raises no objection to the granting of consent and recommends that the amended parking and turning are be completed in accordance with the approved details prior to the extension being brought into use and maintained for that purpose thereafter.

Drainage Engineer – comments

The drainage details, plans and calculations should be submitted for approval prior to the determination of the planning permission

Melverley Internal Drainage Board – objects in the absence of information

This property lies within the Melverley Internal Drainage District. The property lies close to a Board maintained watercourse which forms the southern boundary to the application site, as shown on the 1:500 site plan and 1:1250 location plan.

The Board require access for their machinery for maintenance purposes, on a minimum 6m wide strip adjoining the watercourse for the full length of the watercourse within the application site. No buildings or structures, whether permanent or temporary, are to be erected within this strip to prevent obstruction of the land needed for maintenance purposes.

Whilst the Board would have no objection in principle to the proposed extension located to the east of the present building nearest the road, as shown, no drainage details, either foul or surface water, are included in the application. Further information is requested from the applicant before the Board's consent can be granted.

Kinnerley Parish Council - supports

- Public Comments

As per the Councils policy, five of the closest neighbouring residents have received letters in relation to the proposed scheme. At the time of writing, no public comments had been received.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Impact on residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS6 aims to create sustainable places through sustainable design principles and accessibility. Policy H23 of the Local Plan also states that extensions will be allowed provided that they can be adequately accommodated within the curtilage of the existing dwelling without significantly affecting its amenity or the amenity of neighbouring properties and do not adversely affect the character of the original dwelling.

6.1.2 In this instance the dwelling is a converted barn. The original conversion scheme was granted planning permission in 2008 under planning permission numbered 08/15378/FUL. At that time the key issue was to maintain the agricultural appearance of the building by ensuring that the layout and form of the dwelling respected the layout and form of the barn, this involved minimal extensions and alterations. When planning permission was originally granted for the conversion, the permitted development rights for extensions and alterations were removed to allow the Local Planning Authority to retain control of the appearance of the building. The up to date policy for converting rural buildings (CS5) supports conversion of rural buildings which take account of and make a positive contribution to the character of the buildings and the countryside”.

6.1.3 There are few instances where traditional agricultural buildings can be extended without there being a detrimental impact on the character and appearance of the building. Often extension can result in the over domestication of what was a traditional agricultural building. The scheme to originally convert the buildings would have been acceptable on the basis of the building being worthy or retention and of landscape importance. Accordingly it is considered that the proposal is contrary to Policies CS6 and CS17 of the Core Strategy.

6.2 Siting, scale and design of structure

6.2.1 As can be seen from the descriptions above the proposed extension does not have design relationship to the agricultural character of the site or its rural context. Almost any extension to the buildings would dilute the agricultural character of the building. The design of the extension is not of an exceptional design where they could be considered to enhance the appearance of the building or to improve its setting. The siting, scale and size of the extension are considered to be incongruous to the original scheme and would have not been permitted when the barn was originally converted; the extension would create an alien element to an agricultural barn and would result in the over-domestication of the barn.

6.2.2 Although the building is not listed it is considered to be a heritage asset because of their historical interest and a valued component of the historic environment and its contribution it makes to the landscape. CS17 of the Core Strategy aims to ensure

that the historic environment is conserved.

- 6.2.3** Policy CS6 of the Core Strategy aims to protect, restore, conserve and enhance the natural, built and historic environment by ensuring development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. It is considered in this instance that the proposed extensions do not have any regard to the locally distinctive character of the building or its agricultural context.
- 6.2.4** As noted by the Conservation Officer, the proposed extension will be to the front of the property and will be a substantial addition effectively doubling its footprint. The proposed scheme will project much closer to the highway and whilst attempting to replicate the simple frontage, the overall size and shape of the resultant building would not be in keeping with the simple agricultural structure that was originally converted, and this is somewhat at odds with the justification that was provided within the design and access statement for the original conversion. The proposal is considered to be an incongruous addition which dramatically alters the character of the converted stable building.
- 6.2.5** In summary it is considered that this extension would have a negative impact on the character and appearance of the barn. The proposed addition is therefore not deemed to be appropriate in pattern and design for this development and is therefore contrary to Core Strategy Policies CS6 and CS17.

6.3 Impact on residential amenity

- 6.3.1** The proposals are single storey in nature and contain no windows on the east elevation which could overlook the neighbouring Brookside Caravan Park. As such it is considered that any impact upon residential amenity would be marginal.

7.0 CONCLUSION

It is considered that the proposed extension is not of an appropriate design and scale. As such, they would have a detrimental impact on the agricultural character, appearance and form of the barn. Accordingly the scheme fails to comply with policies H23 of Local Plan, CS5 and CS6 of the Core Strategy, Type and Affordability of Housing SPD and PPS5- Planning for the Historic Environment.

The proposed extension to this residential barn conversion is not considered to meet the criteria of Core Strategy Policies CS6 and CS17. It is considered to be inappropriate in pattern and design and would introduce an element which is unsympathetic and alien to this traditional converted barn, adversely affecting its character and appearance. Refusal is therefore 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

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

RELEVANT PLANNING HISTORY:

OS/08/15378/FUL Extension and conversion of former agricultural building to provide a dwelling GRANT 10th June 2008

11. Additional Information

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 Arthur Walpole
Appendices