



Committee and date

South Planning Committee

19 May 2015

## Development Management Report

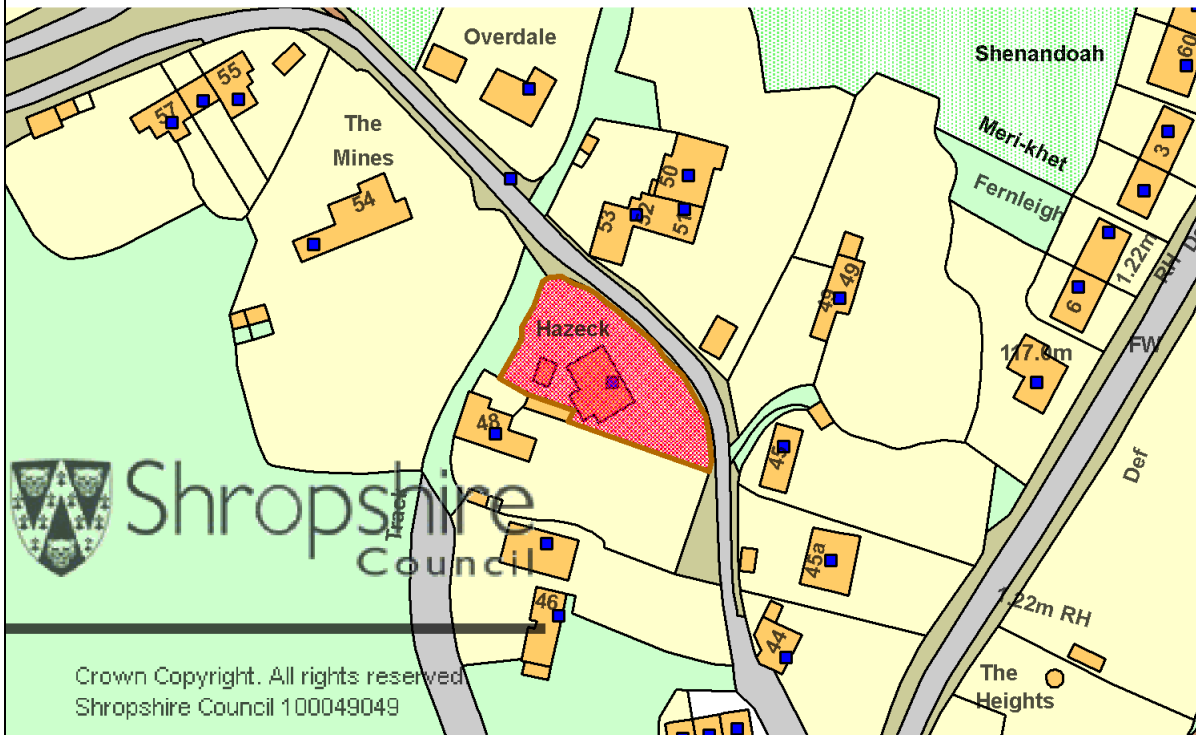
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 14/05212/FUL	<b>Parish:</b>	Barrow
<b>Proposal:</b> Revisions to existing planning approval for side extension		
<b>Site Address:</b> Hazeck The Mines Benthall Broseley TF12 5QY		
<b>Applicant:</b> Paul Craven		
<b>Case Officer:</b> Lynn Parker	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**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 is an amendment to the extension on the north west facing side elevation of the dwelling which formed part of the scheme delegated as approved at Hazeck, the Mines, Broseley under Planning Ref: 13/02940/FUL for the 'Erection of a single storey extension to include balcony, replacement of existing roof to include dormer windows' on 21<sup>st</sup> November 2013. The changes originally proposed were as follows:

- o Increase in the size of the living/bedroom extension on the north west facing side elevation by extending a further 1.55m to the north east and widening it from the 4.65m approved to 4.75m. (But see 1.2 below).
- o Insertion of an additional dormer window on the north east facing front elevation of the north west side extension to serve the bedroom and to match the two already approved under 13/02940/FUL on the roof of the existing dwelling. (But see 1.2 below).
- o Increase in height of the gable on the side extension (approved as stepped down by 1.3m) and replacement of the previously approved obscure glazed round window with a recessed brick feature of similar appearance. There is therefore no opening at first floor level on this gable.
- o Erection of a single storey glazed area on the south west facing rear elevation off the dining room and living area measuring 3.44m wide x 2m in depth.

The extension to the north west facing side elevation as originally proposed and the glazed addition to the south west facing rear elevation are the same as those which formed part of the scheme of extensions proposed under Planning Ref: 14/01341/FUL refused at the 14<sup>th</sup> October 2014 South Planning Committee. The refusal reason for that scheme of extensions, which included an extension off the south east side elevation which does not form part of this current application, stated:

The proposed development, by reason of its massing and inappropriate design and the loss of trees would result in overdevelopment of the site, would detract from the character and appearance of the built and historic environment and would have an adverse impact on neighbouring amenities. The development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS17 and paragraphs 56 to 58; 60; 64 and 131 of the National Planning Policy Framework.

1.2 During the course of the application, the agent has submitted amended plans which:

- reduce the depth of the side extension to that already approved under Planning Ref: 13/02940/FUL i.e. stepped 1m back from the north east facing front elevation, however retaining it amended width.
  - have omitted the insertion of the dormer window on the north east facing front elevation and replacing it with a rooflight, again as approved under Planning Ref: 13/02940/FUL.
- 1.3 All materials are proposed to match the existing including facing brick walls, plain roof tiles and white UPVC windows. No alterations are proposed to accesses.
- 1.4 The footprint of the dwelling before approval of the development under planning ref: 13/02940/FUL (comprising a bungalow with a kitchen, living room, bathroom, lean-to conservatory and two bedrooms at ground floor level, and a bedroom in the roof space served by 2 roof lights on the south west facing rear elevation) amounted to approximately 91m<sup>2</sup>. The footprint was enlarged under 13/02940/FUL to approximately 112m<sup>2</sup>, an increase of 24%. Under this amended proposal, the footprint is increased to approximately 130m<sup>2</sup>, totalling a 42% increase in the original footprint.
- 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 20<sup>th</sup> 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 already under way, the upper portions are clearly visible to neighbouring properties as well as from across the Benthall valley to the east. 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 6<sup>th</sup> 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.

The proposed changes to the existing permitted building would add to the over development of the site. The existing footprint of the permitted building is already too large for its position within the conservation area and for its impact on neighbouring properties. The proposed increase in height would further impact on both the conservation area and neighbouring properties. Because of the position of this building, these changes would be visible from the road as well as from many properties in the area.

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 - The proposed revisions to the existing planning approval will result in an extension of much greater massing and bulk than that previously approved. It may result in an overly dominant impact on the conservation area.

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

#### 4.2 - Public Comments

4.2.1 Five letters of public representation have been received from four different neighbouring properties which are available to view in full online. The comments also relate to the other three current applications for this property however, the concerns relating to this application are summarised below:

- o The development significantly extends the property, which has already been extended way beyond the previous bungalow.
- o We are of the opinion that no further building should take place on this site. If

- the applicant wanted a 5 bedroom, 2 storey house then he should not have purchased a small bungalow on a small piece of land.
- o The original bungalow is lost within an enormous 2 storey house.
  - o The majority of houses in the immediate locale are cottages, not 5 bedroom executive developments.
  - o The size and modern architecture is totally inappropriate to the site which is surrounded by 18<sup>th</sup> Century properties and is within a Conservation Area.
  - o This revision is a further increase in roof height to the enormous size of the already constructed building, the protruding triangular section also at an increased width and height now at the roof ridge, will bring the building closer to our boundary.
  - o Two 2<sup>nd</sup> floor windows are proposed which will directly overlook my property.
  - o There is an increase in glazing which is a further intrusion of our privacy, creating an overbearing and imposing effect, impinging on our home.
  - o This revision will require the removal of a large Bramley Apple Tree and Silver Birch Tree.
  - o It is abundantly clear, that rather than using the appeals process to have the previous application refusal reconsidered, the applicant is submitting separate applications for each part of the proposed development in the hope that the Council will turn a blind eye or find insufficient grounds to refuse.

## 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. The principle of residential extensions are acceptable in this location.

### 6.2 Design, scale and character

6.2.1 As noted above in paragraph 1.4, the increase in the footprint of the dwelling now proposed amounts to approximately 42% of that of the former bungalow, a dwelling with limited internal provision not necessarily desirable in terms of modern living standards. A footprint enlargement of 42% is not unreasonable in this case, or generally on most other residential properties that have not been previously extensively developed. The plot is of a size capable of absorbing the increase in footprint without significant loss to the level of outside amenity space afforded to the property.

- 6.2.2 It is considered that measures have been taken in the design of the extensions, which whilst they are not necessarily subservient to the main dwelling, provide a balanced appearance to it, modernise and improve it visually from the basic latter half 20<sup>th</sup> Century bungalow that it was and which itself was not in character with the adjacent older traditional properties. The appearance of the former bungalow had a neutral impact on the surrounding Conservation Area, however, the higher quality of the proposed design will have a positive contribution to it. Features have been included which add interest, such as the high level apex window and wholly glazed area. An improved appearance to the dwelling is considered important as it is set in an elevated position within the Conservation Area where it can be viewed from some distance away, particularly following the extensive clearance of the site which has already taken place.
- 6.2.3 Objections have been raised to the increase in the height of the gable, however it will not extend beyond the height of the existing roof ridge and there will be a distance of approximately 4m between its south west facing elevation and the boundary on that side, 10m between the elevation and the neighbouring dwelling. The majority of the surrounding properties are already two storey and the combination of the differing land levels around the plot and space between it and the adjacent dwellings allows for the proposed increase in height of the side extension to be appropriately absorbed into the street scene and conservation area surroundings.
- 6.3 Impact on neighbours/residential amenity
- 6.3.1 Whilst the concerns of the neighbours are appreciated, it is felt that the amendment to the proposed side extension and additionally proposed glazed area to the rear retains consideration for the adjacent dwellings in its design. The bungalow has already been changed into a dormer bungalow following the approval of planning ref: 13/02940/FUL and the higher and marginally wider side extension now proposed does not alter this fact. As discussed above in paragraph 6.2.3 there is considered to be sufficient space around the dwelling for no overbearing or overshadowing impact to be felt from the higher gable, certainly no more than there would have been from former mature trees at the site which were closer to the surrounding properties
- 6.3.2 The potential for overlooking created by windows on the proposed side extension is limited as the rear gable does not have a first floor window, but a solid brick feature to replace the obscure glazed window previously approved, thus reducing the overall number of first floor windows on that elevation. The triangular apex window proposed to the north west facing side elevation is high level i.e. to be installed above head height, the bottom being approximately 1.95m above floor level, and will therefore not allow for views of neighbouring properties. The aspect of the roof light proposed to the north east facing front elevation is towards a gap between neighbouring dwellings across the road which comprises garages and garden ends, and there are already dormer windows approved on this elevation. The closest dwelling is 11m away to the north and presents a south facing gable end to the road which has no openings. Otherwise properties to the front of the proposed side extension are approximately 20m away. It is unlikely that any overlooking will occur from proposed ground floor windows.

## 6.4 Impact on surrounding Conservation Area

6.4.1 Although the proposed works will be visible from the wider Conservation Area, it is considered that the design of the alterations will contribute favourably to a more balanced, higher quality visual appearance which will have a positive rather than negative impact upon the character and appearance of the Conservation Area. For the reasons described in section 6.2 above, the proposed appearance of the dwelling is considered to be of greater visual merit than that of the former bungalow. This current proposal would not result in the loss of trees.

6.4.2 Whilst SC Conservation have commented that the proposed extensions may result in an overly dominant impact on the Conservation Area, no objections were raised to the previously refused scheme, and it is considered that this aspect of the proposals would not harm the character or appearance of the conservation area when the site context is taken into account.

## 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 site, the amenities of adjacent neighbours, or the surrounding Conservation Area.

## 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:

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

**Pending Consideration.**

14/05210/FUL – New chimneys to existing roof. **Granted 11<sup>th</sup> February 2015.**

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 29<sup>th</sup> 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 6<sup>th</sup> January 2014.  
13/02940/FUL - Erection of single storey extension to include balcony; replacement of existing roof to include dormer windows. Granted 21<sup>st</sup> 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 external materials shall be as specified on the submitted application form to match those of the existing building and there shall be no variation.

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

4. No windows or other openings shall be formed in the south west facing rear gable elevation at first floor level, and no further openings other than those hereby approved shall be formed in the north west facing side elevation without the prior consent of the Local Planning Authority.

Reason: To preserve the amenity and privacy of adjoining properties.

### **Informatives**

1. If your application has been submitted electronically to the Council you can view the relevant plans online at [www.shropshire.gov.uk](http://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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