



Committee and date  
Central Planning Committee  
21 May 2015

## Development Management Report

Responsible Officer: Tim Rogers  
email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 15/00842/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Erection of a first floor and single storey extension to rear elevation including a Juliet balcony; insertion of porch, conversion of garage to provide a residential annexe - modification to previously approved application 14/05496/FUL (Amended description)		
<b>Site Address:</b> 37 Regents Drive Shrewsbury Shropshire SY1 2TN		
<b>Applicant:</b> Mrs Jane Mackenzie		
<b>Case Officer:</b> Kate Whitfield	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 350344 - 313668



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 The proposal is for the following alterations to a residential dwelling :
- A first floor rear extension to extend an existing bedroom and provide an en-suite bathroom.
  - A single storey rear extension to provide a sun room.
  - Conversion of the existing garage to living accommodation.
- 1.2 The first floor rear extension will measure around 2.6 metres deep and 4.8 metres wide. It will have an intersecting pitched roof around 0.5 metres lower than the main roof over the dwelling. The south west facing side elevation will have a set of French doors and a Juliet balcony.
- 1.3 The single storey rear extension will measure around 3.2 metres deep and 3 metres wide. It will have a mono pitched roof around 3.75 metres high.
- 1.4 It is proposed to render the walls of the extensions. The roof will be tiled to match the existing.

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

- 2.1 The application site is a semi detached, 3 bedroom dwelling located at the head of a residential cul-de-sac in the Ditherington area of Shrewsbury. The property is constructed from brick with a tiled roof and has a flat roof single storey rear extension over which the proposed extension under this application will be built.
- 2.2 The adjoining property lies to the north west of the application site. To the south a further semi-detached dwelling lies around 8 metres away. The rear boundary of the site borders the Castlefields and Spring Gardens Special Character Area of the Shrewsbury Conservation Area.

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

- 3.1 The application is submitted by a Member of the Council sitting on the Central Planning Committee. Therefore under the terms of the scheme of delegation as set out in Part 8 of the Council Constitution the application requires determination by Committee.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

- 4.2 **Shropshire Council's Historic Environment Officer** : No comments on this application.

#### 4.3 **Public Comments**

4.4 **Shrewsbury Town Council** : Whilst the Town Council has no objections per se to enhancing buildings within the curtilage of the main property to provide additional living accommodation, conditions should be established to ensure that the additional living space remains ancillary to the main property and cannot be sold as a separate residence.

4.5 The 5 nearest residential properties have been individually notified. One anonymous representation has been received which raises concerns over access to the site.

#### 5.0 **THE MAIN ISSUES**

- Principle of development.
- Siting, scale and design of the extensions and the impact on the appearance of the property.
- Impact on the residential amenity of neighbouring properties.

#### 6.0 **OFFICER APPRAISAL**

##### 6.1 **Principle of Development**

6.1.1 Extensions to residential properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6 : Sustainable Design and Development Principles. This policy states that development should be appropriate in scale, density, pattern and design and should also safeguard residential and local amenity.

6.1.2 The Town and Country Planning Act 1990 allows the use of any buildings or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the main dwelling. In this case it is proposed to convert an existing single garage to annexe accommodation. However, the plans indicate that the building will only have a bedroom and small shower room. The building would not therefore be capable of providing independent living accommodation and occupiers would be dependent on the main dwelling for general day to day needs. The location of the annexe, on the driveway of the main dwelling, would mean that it will still be seen as part of the main residential unit, rather than an independent property. To reinforce this a condition can be attached to the planning permission to state that it cannot be sold or let as a separate dwelling. It is therefore considered that this proposal for a residential annex could be supported in principle.

##### 6.2 **Siting, scale and design of the extensions and the impact on the appearance of the property.**

6.2.1 The proposed extensions are proportionate in scale to the size of the existing property. The first floor extension has an intersecting pitched roof which is slightly lower in height and should appear subservient in appearance to the main house. The single storey addition is also of a modest scale and the combined extensions should not have any detrimental impact on the character and appearance of the property.

6.2.2 It is proposed to render the extensions, rather than use bricks, but this should complement and blend in well with the property. In general the proposal should not have any detrimental impact on the appearance of the dwelling.

### 6.3 **Impact on the residential amenity of neighbouring properties.**

- 6.3.1 The proposed extension does not extend up to the boundary with the adjoining property, with around a 1.5 metre distance between the two. This distance is considered to be sufficient to prevent the extension from having an overbearing impact on the adjoining property and prevent any overshadowing or restriction of light to its closest rear elevation window.
- 6.3.2 Given that there is currently a balcony on the roof of the existing single storey rear extension the proposed extension should generally lead to less overlooking onto the neighbouring properties than the present situation. French doors and a Juliet balcony is shown for the south eastern side elevation but due to the distance to the boundary and the relative siting and angles of the properties this window should not lead to any undue overlooking of the neighbouring property to the south.
- 6.3.3 It is not considered that the conversion of the garage to annexe accommodation would have any impact on the residential amenities of the area. The building adjoins the garage of the neighbouring property on this side and its use as residential accommodation should not lead to any excessive noise and disturbance. In addition, the access to the property will remain unaltered and the long driveway is sufficient to park 2 to 3 vehicles, which is in excess of the minimum level of spaces set out in the parking standards of the saved Shrewsbury and Atcham Borough Local Plan policy T14 : Parking Standards Outside the River Loop, and Appendix 2.

## 7.0 **CONCLUSION**

- 7.1 The proposed extensions to this residential dwelling and the conversion of the garage building to a residential annexe are considered to meet the criteria of Core Strategy Policy CS6. They are considered appropriate in scale, density, pattern and design to the existing house and will not adversely affect the residential amenity of neighbouring properties. Delegated approval is therefore recommended.

## 8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### 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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly

and b) in any event not later than three months after the grounds to make the claim first arose 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.

## **HUMAN RIGHTS**

Article 8 give 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.

## **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 of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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 :  
Part: 7: Requiring Good Design

#### **Core Strategy and Saved Policies:**

CS6 : Sustainable Design and Development Principles

### RELEVANT PLANNING HISTORY:

14/05496/FUL Erection of a first floor extension to the rear; including insertion of a Juliet balcony GRANT 27th January 2015

SA/85/0853 Alterations and additions at the rear to provide a flat roof utility room and sun lounge with balcony over for domestic use. PERCON 14th November 1985

SA/80/0408 Erection of an extension to existing kitchen. PERCON 29th April 1980

SA/79/0833 Erection of a 2 storey flat roofed extension to provide enlarged lounge, kitchen, entrance hall, and dining area with additional bedrooms above. REFUSE 9th October 1979

SA/74/0492 To erect extension to provide rear entrance porch. PERCON 15th October 1974

#### 11. Additional Information

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

List of Background Papers : Application Reference 15/00842/FUL
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Alan Mosley
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 be as detailed on the application form for planning permission and shall match those of the existing building where appropriate. There shall be no variation to these materials.

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

4. The development 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.

**Informatives**

1. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.
2. 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.

-