

Committee and date

Central Planning Committee

10 September 2015

Development Management Report

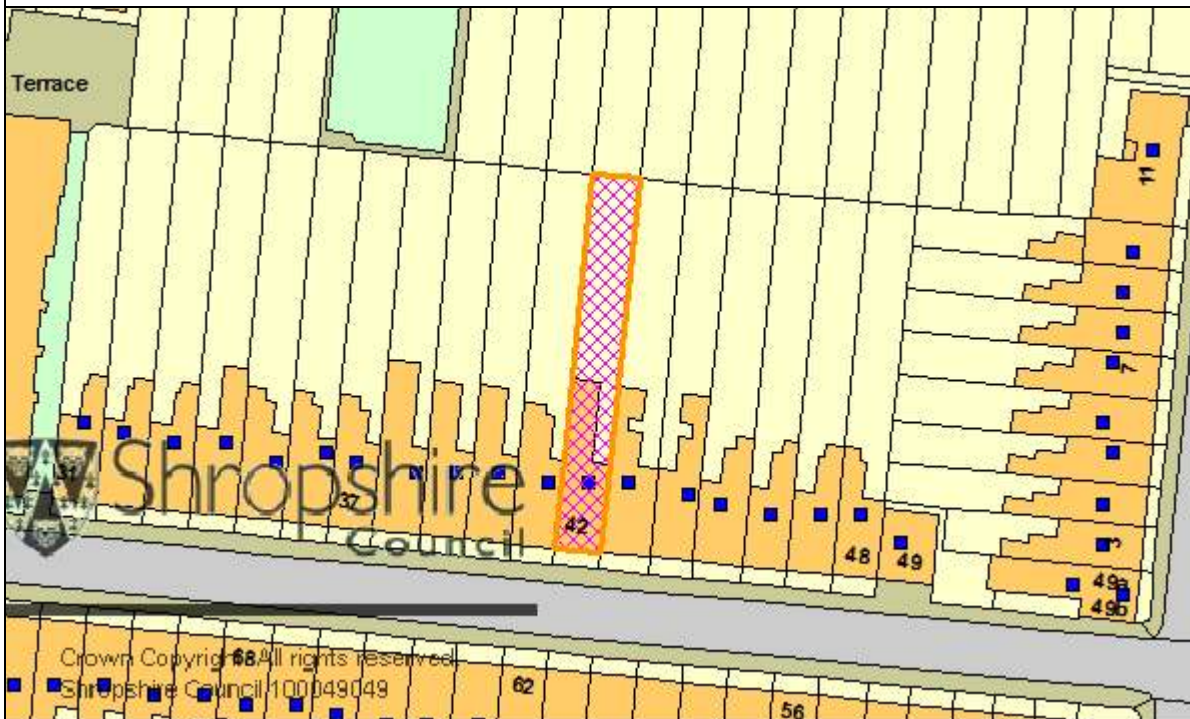
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 15/02310/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of a single storey rear extension following demolition of existing		
Site Address: 42 North Street Shrewsbury Shropshire SY1 2JJ		
Applicant: Mr H Hannaford		
Case Officer: Kate Whitfield	email: planningdmc@shropshire.gov.uk	

Grid Ref: 349951 – 313185



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Contact: Tim Rogers (01743) 258773

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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is for a single storey side and rear extension to a residential dwelling to provide a new dining area and kitchen.
- 1.2 The 'L' shaped extension will infill a yard area to the side of an existing two storey element and also project back by around a further 2.6 metres beyond the rear elevation. The rear section of the extension will have a lean-to roof adjoining a flat roof over the side element with a roof lantern reaching a height of around 3.5 metres. The extension will be constructed from brick and tile.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application site is a mid-terraced, 19th Century residential dwelling. The property occupies a narrow but relatively long plot with a deep rear garden. On the rear elevation of the house a narrower two storey section extends back. Later single storey extensions have been added to the side and rear of this but will be replaced by the proposals under this application.
- 2.2 The property is located within the 'Castlefields and Spring Gardens Special Character Area' which makes up part of the larger Shrewsbury Conservation Area and the front elevation is covered by an Article 4(2) Direction, the purpose of which is to retain the visual character of unlisted residential buildings in the Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposed development is considered to accord with the requirements of the Council's relevant adopted policies and no contrary opinions have been received that would require determination of the application by Committee. However, the Applicant is an officer of the Council who directly reports to the Planning Services Manager of the Business Support and Regulatory Services Directorate. Therefore under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution the application should be determined by the Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.2 **Shropshire Council's Historic Environment Officer** : This proposal is confined to the rear elevation and will have no impact on the appearance of the front elevation or public views from North Street and therefore the aims of the Article 4 Direction in this instance are maintained. I would also raise no objections to the removal of the existing rear extension which is in a poor state of repair, and would note that the proposed new extension respects the main part of the dwelling and the rest of the terrace and would be an improvement to the configuration of the rear elevation of the property. The application is considered to satisfactorily meet the policies, guidance and legislation noted above in terms of historic environment matters.

4.3 **RECOMMENDATION:** No objection to the proposed rear extension subject to the inclusion of conditions to state materials should match existing and rooflights.

4.4 **Shropshire Council's Historic Environment Archaeology Officer :** No comments on this application.

4.5 **Shropshire Council's Flood and Water Management Team :**
Informative: The applicant should consider employing measures such as the following:

- Surface water soakaways (Designed to BRE Digest 365)
- Water Butts
- Rainwater harvesting system
- Permeable surfacing on any new driveway, parking area/ paved area
- Attenuation
- Greywater recycling system
- Green roofs

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

4.6 **Public Comments**

4.7 **Shrewsbury Town Council :** No objections to the proposal.

4.8 The application has been advertised by notices at the site and seven surrounding properties have been individually notified. No representations have been received in response to this publicity.

5.0 THE MAIN ISSUES

- Principle of development.
- Siting, scale and design of the extension and alterations to the dwelling and the impact on the appearance of the property and the visual amenity of the Conservation Area.
- 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 As the application site is within a designated Conservation Area proposals also need to meet policy CS17 : Environmental Networks, which seeks to protect and enhance the historic environment and the character and appearance of the locality, and national guidance including PPS5 Historic Environment Planning Practice Guide and section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to preserving or enhancing the character or appearance of

the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.2 Siting, scale and design of the extension and alterations to the dwelling and the impact on the appearance of the property and the visual amenity of the Conservation area.

6.2.1 The proposed extension will be located on the rear elevation of the dwelling, where alterations and additions are acceptable in principal and the impact on the character and appearance of the surrounding Conservation Area will be minimal. In this case the proposed extension will replace a flat roofed rear extension and an untidy, side extension covering the yard area. The floor area covered by the proposed new extension is fairly similar to these existing extensions but the design and proposed materials are far more in keeping with the age and character of the property. The proposals should therefore enhance the appearance of the rear elevation.

6.2.2 The height of the flat roof over the side extension is relatively high but this is part of the design which enables a lean-to roof over the rear section. This side elevation is not visible as it will be built against the side of the two storey element on the adjoining property and therefore it should not appear as overly bulky. The proposed extension is therefore considered acceptable in scale and design and would accord with Section 72 and Shropshire Core Strategy policies CS6 and CS17. The scheme will not be detrimental to the appearance of the dwelling or its setting within the Conservation Area.

6.2.3 It is proposed to use brick and tile for the extension. The main roof over the dwelling is slate but a slate effect tile would be acceptable for the extension and a condition will be added to the permission to state that the materials should match the existing house. The Conservation Officer has requested a condition relating to the submission of details of the rooflights for prior approval. However, due to the siting of the extension this is not deemed to be necessary and a condition is added purely to state that these should be 'conservation style' rooflights.

6.3 Impact on the residential amenity of neighbouring properties.

6.3.1 The configuration of all the properties within the terrace is largely identical and both adjoining properties have intersecting two storey rear elements. Due to this it is not considered that the proposed extension will have any additional negative impact of the outlook or light enjoyed by either adjoining property.

6.3.2 The proposed side extension will lie between the existing two storey elements on the application site property and the adjoining dwelling to the east. It will not project out beyond the rear elevation of the adjoining dwelling and therefore should have a negligible impact on its amenity. On the western side the proposed extension will directly replace the existing flat roof rear extension, extending back by the same depth. Whilst the roof height will be higher than the existing flat roof it would not be expected that this would have any additional impact on the adjoining property on this side, which is already overshadowed by the original dwelling.

7.0 CONCLUSION

7.1 The proposed extension is considered to meet the criteria of Core Strategy Policies CS6 and CS17. It considered appropriate in scale, density, pattern and design to the existing house and will not adversely affect the amenity of neighbouring residents or the character and appearance of the Shrewsbury Conservation Area. 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.

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

Part 12 : Conserving and Enhancing the Historic Environment

Core Strategy and Saved Policies:

CS6 : Sustainable Design and Development Principles

CS17 : Environmental Networks

RELEVANT PLANNING HISTORY:

None

List of Background Papers : Application Reference 15/02310/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.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The external materials shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development and the surrounding Shrewsbury Conservation Area.

4. The roof windows shall be of the traditional low profile metal 'Conservation' design.

Reason: To ensure that the works harmonise with the existing development and the surrounding Shrewsbury Conservation Area.

Informatives

1. The provisions of the Party Wall etc. Act 1996 apply in respect of this development and you are required to notify all neighbours affected by the proposal before any work commences on the site.

2. The applicant should consider employing measures such as the following:

- Surface water soakaways (Designed to BRE Digest 365)
- Water Butts
- Rainwater harvesting system
- Permeable surfacing on any new driveway, parking area/ paved area
- Attenuation
- Greywater recycling system
- Green roofs

To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

3. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.
4. 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.