

Development Management Report

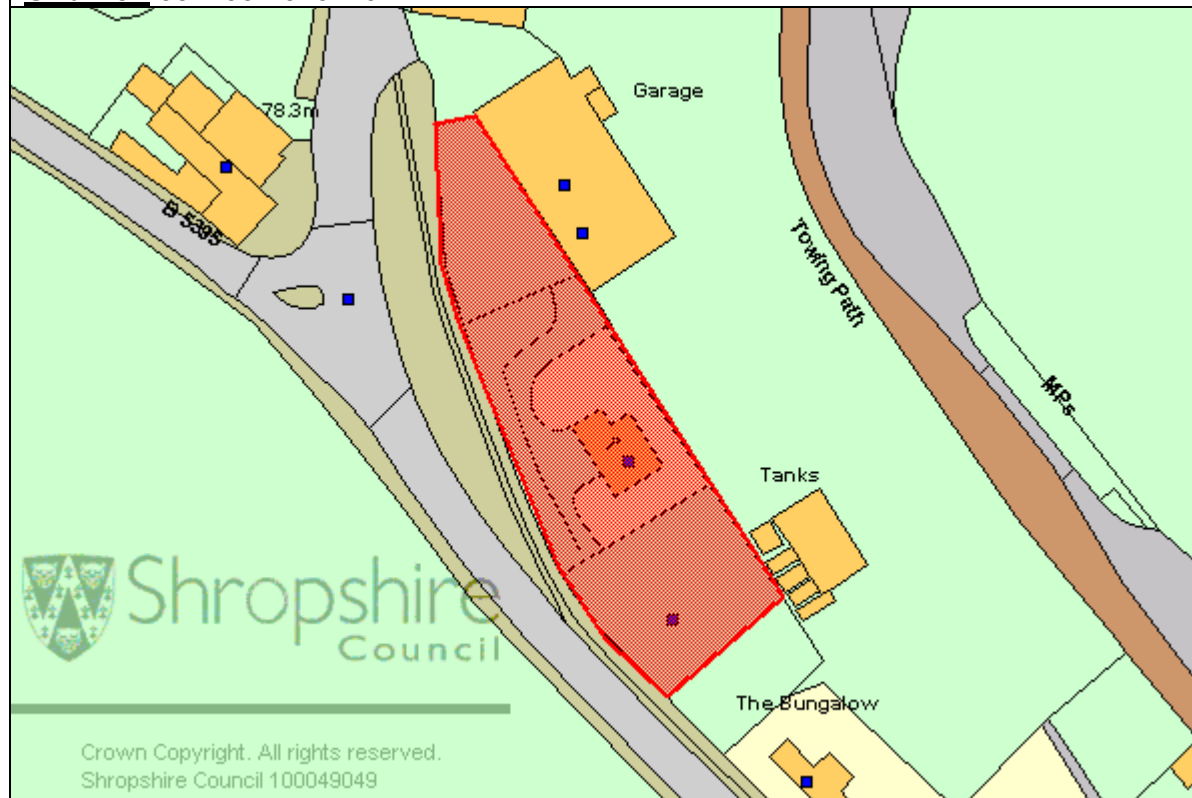
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 13/01182/FUL	Parish:	Whitchurch Urban
Proposal: Erection of single storey extension to side elevation; construction of outside kitchen/patio area; erection of boundary fencing to include change of use of land to domestic curtilage land		
Site Address: Hillbrook Drive Grindley Brook Whitchurch SY13 4QJ		
Applicant: Mr P Roberts		
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk	

Grid Ref: 352233 - 343149



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Recommendation:- Refuse

Recommended Reasons for refusal

1. The proposed development would result in a restricted occupancy dwelling that is excessively large in relation to the requirements of the operation of the garage business and accordingly the proposal fails to comply with policy CS11 of the Shropshire Council Core Strategy and the Supplementary Planning Document on the Type and Affordability of Housing.
2. The scale of the proposed extension is not subsidiary in appearance to the original dwelling and as such it will detract from the character and appearance of the original building. Furthermore the development will have a significant detrimental impact upon the character and appearance of the surrounding area which lies in open countryside. Therefore the application is considered contrary to policy CS6 of the Shropshire Core Strategy and "saved" policy D6 of the North Shropshire Local Plan.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey extension to the side elevation of the existing dwelling and for the change of use of land to domestic use. The extension is to provide a conservatory, swimming pool, snooker room, changing rooms, sauna, steam room and plant room. There is also an undercover outdoor kitchen area proposed. In order to make room for the extension it is proposed to change the use of adjoining land into domestic use.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The property is located within the settlement of Grindley Brook adjacent to the Garage in an area which is defined in the North Shropshire Local Plan as countryside as it has no development boundary. The existing property is a three bedroom detached dwelling in a corner location which has an occupancy restriction to ensure that the dwelling is occupied in connection with the adjacent garage premises. Due to the topography of the area the dwelling is at a lower level than the adjacent highway, however the dwelling is still visible from the public domain.
- 2.2 Boundary treatments include a high leylandii hedge along the western boundary. To the east the highway is bounded by a low metal railing fence with a hedge behind and to the south-east there is a rise in the land level with a hedge on top screening the adjoining property. Beyond the eastern boundary there is a large building and yard associated with the garage premises
- 2.3 The land that is the subject of the change of use is located to the south east of the dwelling and is currently authorised for use in connection with the adjoining garage business.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is being presented to the Committee as the Town Council support the application on the basis that the development will tidy the area. As Officers consider the proposal to be contrary to policy the development was being recommended for refusal. In view of the contrary opinions and in accordance with the Shropshire Council Constitution the Local Members were asked for their

opinion as to whether the application should be considered by the Planning Committee. One Member requested that the application presented to Committee for determination as they considered the proposal acceptable. Other local Members did not agree with this opinion. On consultation with the Chairman of the Committee it was agreed that the application be presented to the Planning Committee for consideration.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Whitchurch Town Council:** Supports – tidying up area making it more presentable.

4.2 Public Comments

4.2.1 No letters of representation have been received.

5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

6.1.1 Planning permission for the dwelling at Hillbrook Drive was granted on 24th April 1995. As is currently the situation the site was located in countryside where new dwellings are not generally accepted unless there is appropriate justification for a workers dwelling. In this case it was considered justified by the needs of the attached business premises and a condition was imposed limiting the occupation of the dwelling to a person solely employed in the adjacent garage premises.

6.1.2 As the premises has an occupancy restriction, the requirements of the SPD on the Type and Affordability need to be considered in particular the need for it to remain of an affordable size. The existing dwelling has a gross internal floorspace of approximately 160 square metres which is above that currently recommended in the adopted policy. Therefore any further extension to the property would be contrary to both the SPD and policy CS11 of the Shropshire Core Strategy which requires such restricted occupancy dwellings remain affordable in perpetuity.

6.1.3 The gross internal floorspace for the extension is approximately 175 square metres which would more than double the floor area of the dwelling. In addition the scale could not be considered to be subservient in scale to the original dwelling which is contrary to policy CS6 of the Shropshire Core Strategy and “saved” policy D6 of the North Shropshire Local Plan. This aspect of the proposal will be considered more fully in section 6.2 of this report.

6.1.4 With regard to the change of use of the garage land to domestic use, the Case Officer would have no objection to this in principle as the existing dwelling separates the land from the garage. This has resulted in the land being underused and has to a large extent become derelict. The Case Officer can understand why the Town Council and Local Member would wish to see the site enhanced. However, by incorporating it into the garden area of the dwelling it could be tended and cared for and therefore improved without the need for an

extension to be erected on the dwelling. Therefore it is Officer opinion that there is insufficient material planning consideration to out weigh the objection to an extension that is contrary to adopted policy in order to enable the tidying of a relatively smaller parcel of land.

6.1.5 In view of the above it is considered by Officers that the principle of the proposed extension is contrary to the requirements of the SPD and policy CS11 of the Shropshire Core Strategy.

6.2 **Design, Scale and Character**

6.2.1 The existing dwelling comprises living room, lounge, dining room, kitchen and utility with an integral garage on the ground floor and three bedrooms, 1 en-suite and a family bathroom on the first floor. Externally the building has been finished in brick with slate to the roof. The maximum dimensions for the existing dwelling are 13.85 metres by 8.8 metres with a ridge height of 7 metres. The approved residential boundary for the dwelling extends from the entrance off the garage forecourt down to the south eastern end of the dwelling and encompasses the land between the rear of the garage building and the boundary to the highway. It is noted that some of the land beyond the approved boundary to the south east is already being utilised as garden space without having first obtained planning permission for change of use. This has various items of children's play equipment and other domestic paraphernalia on it.

6.2.2 As previously detailed the SPD limits the gross internal floor space of occupational dwellings to 100 square metres. In addition policy CS6 of the Shropshire Core Strategy requires development to protect, restore and conserve the built environment and that development should be appropriate in scale. The scale of development is also referred to in "saved" policy D6 of the North Shropshire Local Plan which requires that development should be subordinate in scale.

6.2.3 The proposed extension is to be attached to the south eastern elevation of the dwelling and extend over land that is subject to the change of use part of this application. It is proposed that the maximum dimensions of the extension be 23.85 metres by 12.71 metres with a maximum height of 5.435 metres to ridge. On the plans and application form it is stated that the external materials to the extension will match those in the original dwelling which will provide harmony between the two elements of the dwelling.

6.2.4 The size of the extension is the main objection raised by Officers in connection with the proposal. Whilst the height would be approximately 1.5 metres lower than the main dwelling its mass and the length of front elevation would appear significantly larger than the original dwelling. This is borne out by the larger gross internal floor area of the extension (175 square metres) than in the existing dwelling (160 square metres). The length of the front elevation of the extension would be almost double that of the front elevation of the original dwelling and as such would appear over dominant on the site. Whilst the materials would provide some cohesion between the two parts of the building, this does not overcome Officer objection to the scale of the extension.

6.2.5 In view of the above it is Officer opinion that the proposed extension would be detrimental to the character and appearance of the original dwelling, that it will not

be subordinate in scale to the original dwelling and that therefore it is contrary to policy CS6 of the Shropshire core Strategy and “saved” policy D6 of the North Shropshire Local Plan.

6.3 **Impact on Residential Amenity**

6.3.1 There is only one residential property adjacent to the application site and this is located to the south east of the property. Due to the topography of the area the development would be at a lower level than the adjacent dwelling and its garden. As there are no windows to be inserted into the walls of the extension that face the adjacent property the extension would not cause a loss of privacy. Similarly the change of use of the land would not give rise to a loss of privacy given its lower level. It is also the opinion of Officers that the position of the extension to the adjacent property would not cause any loss of light to the dwelling.

6.3.2 In view of the above comments it is considered by officers that the development would not have a detrimental impact on the residential amenities of the surrounding area. As such the proposal would be in accordance with policy CS6 of the Shropshire Core Strategy and “saved” policy D6 of the North Shropshire Local Plan with respect to this matter only but not with regard to matters of scale, design or principle.

7.0 **CONCLUSION**

7.1 Having considered the development against adopted policy it is the opinion of officers that the scale of the development is contrary to the SPD, policies CS6 and CS11 of the Shropshire Core Strategy and “saved” policy D6 of the North Shropshire Local Plan. It is appreciated that the area could be enhanced through the tidying up of the land that is the subject of the application for change of use however, this could be achieved without the need to erect the extension. Therefore there are no material planning considerations that out weigh the adopted policy requirements.

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.

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 - 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.

8.2 **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.

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 1970.

9.0 **FINANCIAL IMPLICATIONS**

9.1 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

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
D6 - Control and Design of Extensions

Relevant Planning History:

NS/04/00825/OUT Erection of one detached dwellinghouse with integral garage; connection to existing septic tank drainage system REFUSE 9th September 2004

NS/92/00877/FUL ERECTION OF DWELLINGHOUSE WITH PRIVATE INTEGRAL GARAGE AND SEPTIC TANK DRAINAGE REFUS 17th November 1993

NS/94/00891/FUL ERECTION OF DWELLINGHOUSE WITH PRIVATE INTEGRAL DOUBLE GARAGE INSTALLATION OF SEPTIC TANK DRAINAGE AND FORMATION OF ACCESS ROAD CONAPP 24th April 1995

NS/95/00855/FUL ERECTION OF DWELLINGHOUSE WITH PRIVATE INTEGRAL DOUBLE GARAGE ETC WITHOUT COMPLIANCE WITH CONDITION 10 ATTACHED TO PP

N/94/955/WN/295 RESTRICTING OCCUPATION REFUS 10th January 1996

NS/98/00892/OUT ERECTION OF A DWELLINGHOUSE WITH INTEGRAL GARAGE AND SEPTIC TANK DRAINAGE REFUS 3rd June 1998

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 Thomas Biggins

Cllr Peggy Mullock

Appendices