

Committee and date

Central Planning Committee

3 December 2015

## Development Management Report

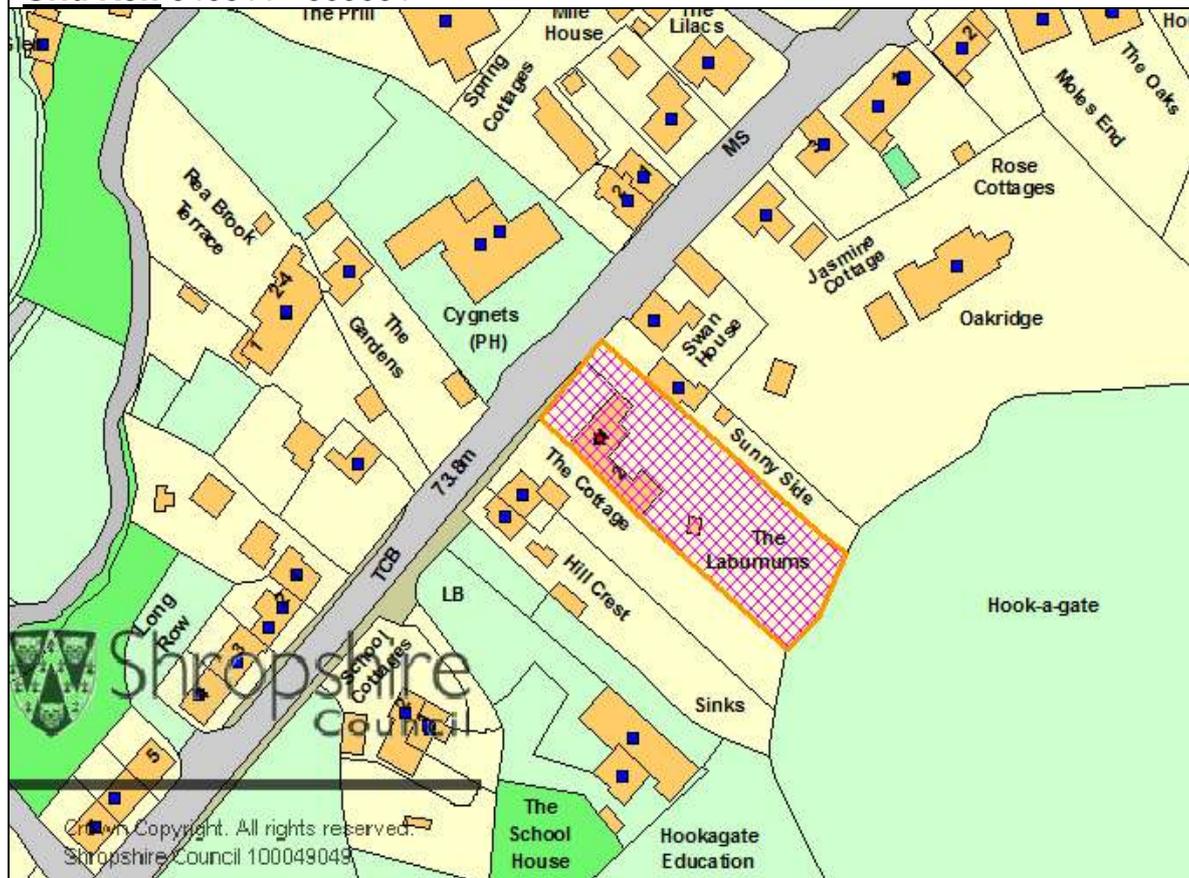
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 15/04748/FUL	<b>Parish:</b>	Longden
<b>Proposal:</b> Erection of detached garage		
<b>Site Address:</b> The Laburnums Hookagate Shrewsbury Shropshire SY5 8BH		
<b>Applicant:</b> Mr K Roberts		
<b>Case Officer:</b> Aileen Parry	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 346511 - 309091



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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 This application seeks full planning permission for the erection of a new detached garage. The garage is proposed to be approximately 8.5 metres long by 5.0 metres wide and 3.86 metres ridge height.
- 1.2 Materials to be used are vertical timber cladding for the walls, slate for the roof and UPVC doors and windows.

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

- 2.1 The Laburnums, Hookagate, Shrewsbury is a detached three storey property within a modest/large plot in the village of Hookagate. The property is over 100 years old and according to the applicant the property has not been extended in any way since before 1948.
- 2.2 From Planning records the site has previously benefitted from the issuing of a Certificate of Lawfulness for the erection of a two storey extension including the insertion of a Juliet balcony under Schedule 2, Part 1, Class A and Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) which was issued under 14/02938/CPL.

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

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the applicant is an elected member of the Council and therefore the application must be determined by Planning Committee. In addition the Parish Council have submitted a view contrary to officers.

### **4.0 COMMUNITY REPRESENTATIONS**

- 4.1 - Consultee Comments  
Trees  
Waiting on comments at the time of writing this report.
- 4.2 - Longden Parish Council  
After discussion it was agreed that the Parish Council do not support this application. It is too large and the proposed appearance is out of keeping with the

surrounding buildings

#### 4.3 - Public Comments

Three neighbours have been consulted. No public comments have been received at the time of writing this report.

### 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 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Policy CS17 of the Shropshire Local Development Framework Core Strategy states that development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

It is considered that the proposal is acceptable in principle.

#### 6.2 Siting, scale and design of structure

6.2.1 It is considered that the proposed scale, design and appearance of the garage will respect the existing character of the dwelling and will not result in an adverse visual impact in or on the locality. The proposed garage will be built from materials which will be sympathetic to the existing character of the property, whilst it will be sustainably constructed meeting the current Building Regulation standards as a minimum.

#### 6.3 Impact on Residential Amenity

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The proposal is considered will not to have an adverse impact on the character or context of the dwelling or the surrounding area.

The proposal will lie behind a set of large wooden gates at the back left of the existing dwelling and in excess of 12 metres from the highway. Also, the land slopes up and away from the highway with the dwelling itself siting in an elevated position. It is considered that there will be minimal impact on the neighbouring properties and street scene. Officers note that there have been no concerns raised by neighbours during or after the public consultation period.

## 7.0 CONCLUSION

**The principle of the development is considered to be acceptable and it is also considered to meet the requirements of Shropshire Core Strategy Policies CS6 and CS17. It is therefore recommended that members support this application and grant planning permission with additional conditions that may be recommended by our SC Trees Officer once their consultee comments have been received.**

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ② 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.
- ② 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

### Relevant Planning History:

14/02938/CPL Lawful Development Certificate for the proposed erection of a two storey extension; including insertion of a Juliet balcony LA 26th August 2014

## 11. ADDITIONAL INFORMATION

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Roger Evans
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Appendices APPENDIX 1 - Conditions
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## **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 and their colour shall be provided strictly in accordance with the details indicated in the submitted application form and on the approved plans.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the area.

### **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.

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