

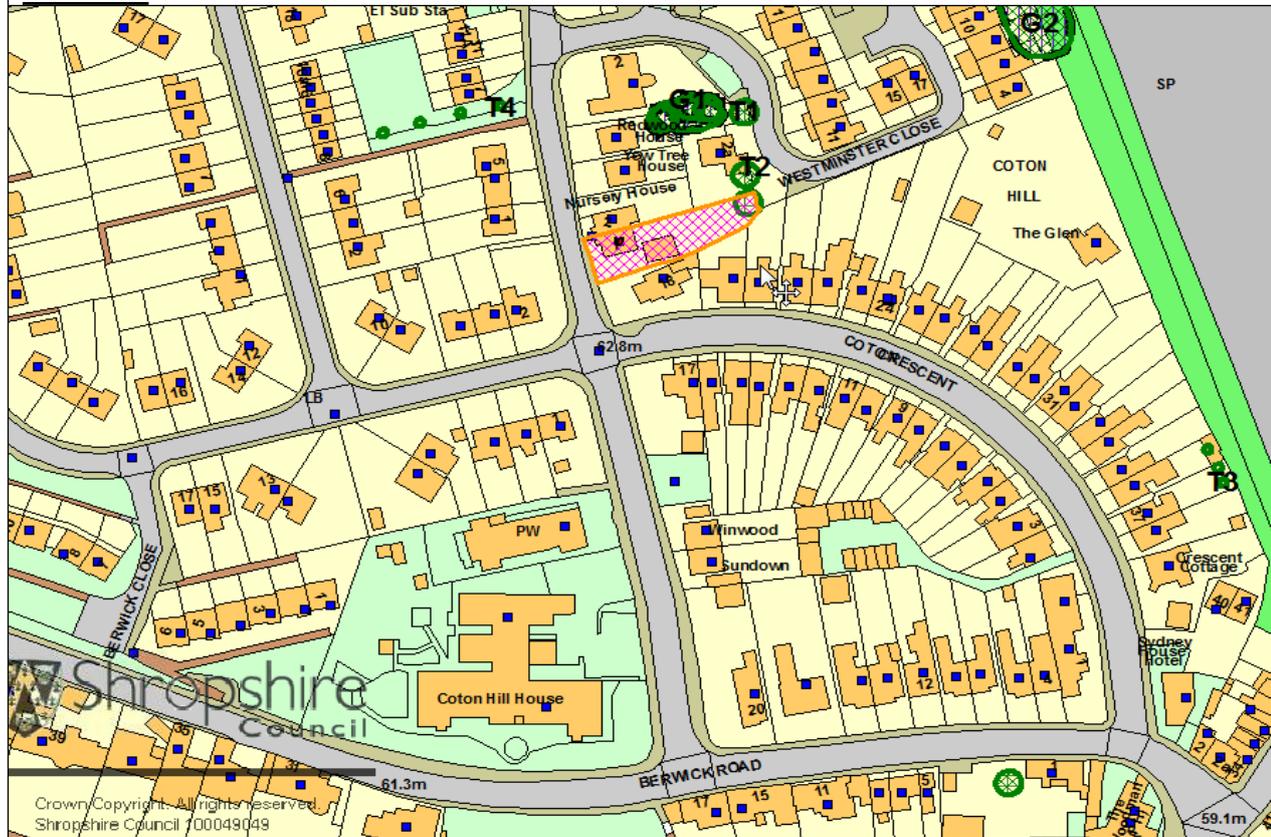
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 18/00969/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of single storey extension to rear of property including incorporation of some existing workshop area and new living space		
Site Address: 1 Nursery House Corporation Lane Shrewsbury SY1 2PA		
Applicant: Mr T Jenkins		
Case Officer: Aileen Parry	email: planningdmc@shropshire.gov.uk	

Grid Ref: 349091 - 313577



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

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of a single storey extension to the rear elevation including incorporation of some existing workshop area and new living space. The proposal will measure approximately 7.8 metres wide (combined maximum), 7.8 metres deep for workshop and 9.1 metres deep for the single storey extension with a ridge height from finished floor level of 3.6 metres (from ground level 4.5 metres).

1.2 Upon request from officers the applicant has provided a revised scheme that includes an asymmetric roof and also addresses officers concerns regarding the height of the eaves and the overall height of the proposal and the impact upon the street scene. This report is primarily written with regards to the revised drawings received on 12.04.18.

2.0 SITE LOCATION/DESCRIPTION

2.1 1 Nursery House is existing semi-detached property located within a modest curtilage within a residential street known as Corporation Lane, Shrewsbury. The site falls within the Shrewsbury conservation area.

2.2 The existing property appears to be mid/late C19 and originally formed one quite substantial dwelling, although is now subdivided into two dwellings, with No.1 forming the Southern half. It is constructed in brick with attractive moulded stone window/door heads. The building is considered to make some contribution to the character and appearance of the street scene and Shrewsbury conservation area.

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 a senior member of the Council and therefore the application must be determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS - full details of the responses can be viewed online

4.1 - Consultee Comments

Trees

No objection.

Archaeology (Historic Environment)

Have no comments to make on this application with respect to archaeological matters.

Conservation (Historic Environment)

No objection. Conditions recommended.

4.2 -Town Council

The Town Council raises no objections to this application.

4.3 - Public Comments

Six 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

Design, Scale and Character

Impact on Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Within the development plan policy, there is a general presumption in favour of extensions to dwellings provided that the scale, siting and design do not overwhelm or dominate the appearance of the original dwelling or that the extension does not have any detrimental impact on residential amenities. The proposal is considered to comply with this presumption.

6.1.2 In addition in considering this application due regard has been made to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area.

6.2 Design, Scale and Character

6.2.1 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.

- 6.2.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
- 6.2.3 Policy CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.
- 6.2.4 In addition, SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets.
- 6.2.5 Also, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.
- 6.2.6 Policy CS18 'Sustainable Water Management' requires all developments to integrate sustainable water management measures to reduce flood risk
- 6.2.7 The proposal has been assessed by the Councils Conservation Officer who has stated that as the extension is set back to the rear corner of the building, and given that the ground does fall away slightly, they wouldn't be hugely concerned with the scale / form of the proposal from a conservation perspective, and would likely consider the impact on the character and appearance of the street scene / conservation area to be minimal / neutral.
- 6.2.8 Conditions are recommended to ensure good quality finishing materials are utilised- i.e. plain clay tiles to match existing, with eaves detailing and overhangs also of an appropriate style to match existing- exposed rafter feet to eaves, slightly extended overhang to verges and brickwork is carefully considered to match the existing.
- 6.2.9 The proposal has been assessed by the Councils Trees Officer has been consulted. The applicant has indicated that there are trees and hedges on the proposed development site. However, confirmation has subsequently been received that no tree works will be involved in the current application. The Councils Trees Officer has therefore confirmed that they raise no objection to the proposal.
- 6.2.10 It is considered that the proposed scale, design and appearance of the proposal will respect the existing character of the dwelling and will not result in any visual impact in or on the locality.

- 6.2.11 The proposal 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. Materials will be conditioned as requested by the Councils Conservation Officer.
- 6.2.12 The proposal will not result in the significant loss of garden area and will provide an appropriate level of amenity space for the enlarged dwelling.
- 6.2.13 Officers consider that the proposal meets the relevant criteria within the NPPF, CS6, CS17, MD2, MD12 and MD13 and is therefore acceptable in principle.

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. Having regard to the proposed orientation and distance away from neighbouring properties it is considered that the proposed windows will not result in any detrimental impact from overlooking or loss of light. It is felt that the proposed layout, design and scale of the proposal in relation to the boundary will also not result in any detrimental overbearing impact or result in any noise disturbance.

7.0 CONCLUSION

It is considered that the proposed scale, design and appearance of the proposal will respect the existing character of the dwelling and will not result in visual impact or cause any detrimental impact on neighbouring properties.

Officers recommend that planning permission is granted.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

18/00969/FUL Erection of single storey extension to rear of property including incorporation of some existing workshop area and new living space PCO

SA/92/1087 Change of use to provide 3 additional bedrooms as annexe to the adjacent Stiperstones Guest House (for temporary period of 5 years). For Mr A MacCleod and Mrs V Coomby. PERCON 27th November 1992

SA/92/0423 Change of use to provide additional bedroom accommodation as annexe to adjacent guest house. For Mr A Maclead & Mrs V Coomby. REFUSE 27th May 1992

SA/78/0189 Erection of a private garage and workshop. PERCON 11th April 1978

Appeal

92/00797/REF Change of use to provide additional bedroom accommodation as annexe to adjacent guest house. For Mr A Maclead & Mrs V Coomby. DISMIS 15th September 1992

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)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Nat Green
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. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Conservation Area.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

5. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

Informatives

1. Wild Birds

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive.

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of birds nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

2. Bats

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

3. Surface Water Drainage

The applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Greywater recycling system

4. In arriving at this decision Shropshire 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.

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