

Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 18/02015/FUL	<u>Parish:</u>	Longden
<u>Proposal:</u> Erection of a two storey side extension and porch to front		
<u>Site Address:</u> 1 Ferndale Annscroft Shrewsbury Shropshire SY5 8AT		
<u>Applicant:</u> Mr & Mrs Paul Stack		
<u>Case Officer:</u> Alison Tichford		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 344888 - 307435



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 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 application relates to the erection of a two storey side extension to provide an enlarged kitchen area and first floor bedroom, the bricking up of the existing front door to the property, and a new door with porch to the front elevation.
1.2	Revised drawings were received during the course of the application which set the 2 storey extension back from the front elevation and abutting the side wall rather than contiguously extending the roof, while introducing a Juliet balcony to the side elevation.
2.0	SITE LOCATION/DESCRIPTION
2.1	The existing early C20 brick and tile semi-detached dwelling is located towards the southern end of the village of Annscroft, adjacent to the class C road from Shrewsbury through Longden and Pulverbatch and on towards Bishopscastle, The immediately adjacent semi lies to the south-west of the property, and a further pair of matching semis lie to the south west again.
2.2	The dwelling already has a rear conservatory extension which extends past the side elevation of the property so as to be visible from the front elevation. There is a parking area to the north east side of the dwelling with vehicular access to the driveway from the classified road, and an outbuilding/car port to the boundary.
2.3	The side vehicular access lies opposite the road providing access to Meadowbrook Cottages to the north west. A large detached dwelling, The Mallards, lies opposite on the other side of the road in a large corner plot, and further east the property has an outlook towards pasture land.
2.4	A water course runs along the rear and north east side boundary, and the site lies within Flood Zone 3. There are mature trees along the banks of the water course and adjacent to the dwelling's boundary, and beyond there are cultivated fields.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The development is proposed by a relevant staff member outwith the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.
4.0	COMMUNITY REPRESENTATIONS
4.1	Consultee Response
4.1.1	SC Flood and Water Management provided informative advice suggesting that as the site is in flood zone 3, the applicant should ensure that the finished floor level is no lower than the existing building, or that the floor level of the extension is set 600 mm above the known or modelled 1 in 100 year flood

	level.
4.1.2	SC Trees The proposed development will not have a negative impact on any significant tree or arboricultural feature and no objection is raised.
4.1.3	SC Ecology Consultees requested a bat survey report which was submitted on 24 th July. Ecology consultees are satisfied with this information, and have provided informative advice as to bats and nesting birds which will be added to any grant of planning permission.
4.2	Public Response
4.2.1	2 neighbouring properties have been advised as regards the proposal and no comments have been received as a result of this publicity.
4.2.2	Longden Parish Council have made comments in support of the application.
5.0	THE MAIN ISSUES
	Principle of development Design and Scale Residential Amenity
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	<p>Annscroft is part of the Longden Community Cluster and there is a general presumption within the development plan policy in favour of domestic extensions and alterations.</p> <p>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 local amenity and ensure sustainable design and construction principles are incorporated within the new development. 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.</p>
6.2	Design, Scale and Character
6.2.1	The two existing pairs of semi-detached red brick dwellings have an existing attractive homogeneity, with brick headers around matching shaped ground floor windows and doors. The proposed side extension will take up some existing pathway area to the immediate side of the house, and some driveway area.
6.2.2	The original drawings showed a contiguous roof to the front elevation, albeit of

	reduced ridge height, and revisions received during the course of the application have amended this to set back the new extension from the front elevation, ensuring it is more subservient in appearance, and that loft areas to the existing house are not disturbed.
6.2.3	The revised drawings indicate that the existing property has a base footprint of 7.9m depth x 5.3m width, with a cloaks/utility outrigger to the groundfloor, as well as the more recent conservatory addition. The proposed 2 storey extension is 6.6m deep, and 4.6m wide, with ridge height 0.9m appx lower than the existing principal ridge line, and does significantly increase the size of the existing dwelling, but its revised design and character will enable it to sit comfortably with the existing house and its adjacent partner, and it is not considered inappropriate in this location, while providing a more modern spatial standard for the dwelling.
6.2.4	The extension will not result in a significant loss of garden area and an appropriate level of amenity space for the enlarged dwelling will remain. The extension is being developed in an existing driveway area, and may reduce turning area a little, but ample space remains to enable vehicular turning within the confines of the property.
6.2.5	A new front door with porch is planned to the front of the new side extension, with the porch extending forward of the existing front elevation by appx. 0.80cm. The existing front door is to be bricked in reveal, so that the original front door position and the symmetry of the original pair of semi-detached properties can remain visible. While the porch is not ideal, in that its increased depth and dual pitched roof will be rather prominent when viewing the pair of semis, and cause some sense of imbalance, the roof does enable the headers to the original house to be reflected to the door and glazing to the porch and extension, such that it will not be completely out of character to the existing house.
6.2.6	The revised plans indicate a Juliet balcony of maximum depth of 30cm appx, with opening double doors behind to the side north-east elevation. This is set appx. 4m back from the front elevation to the side extension, and will not be visually prominent in views from the public realm.
6.2.7	It will be appropriate to add a condition as to materials to ensure that the proposed extension and porch will be built from matching materials which will be sympathetic to the existing character of the property.
6.3	Impact on Residential Amenity
6.3.1	<p>Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.</p> <p>The proposed layout, design and scale of the extension in relation to the boundary will not result in any detrimental overbearing impact, loss of outlook, loss of light, or shadowing. No increase in noise disturbance is anticipated.</p> <p>Having regard to the proposed orientation and distance away from neighbouring properties the proposed new windows and balcony will not result in any detrimental impact from overlooking or loss of privacy.</p>

7.0	CONCLUSION
7.1	<p>The proposed scale, design and appearance of the extensions will respect the existing character of the dwelling and will not result in visual impact or cause any detrimental impact on neighbouring properties. The proposed development is therefore considered to accord with the requirements of the adopted Core Strategy Policy CS6 and SAMDev Policy MD02.</p> <p>Recommend permission is granted.</p>
8.0	RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 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. <input type="checkbox"/> 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 three months after the grounds to make the claim first arose. <p>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 of application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>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.</p>

	<p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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.</p>
9.0	Financial Implications
	<p>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 – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
 CS6 - Sustainable Design and Development Principles
 MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

18/02015/FUL Erection of a two storey side extension and porch to front PDE

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 Roger Evans

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 REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to the above ground works commencing photographs of the roofing materials and the materials to be used in the construction of the external walls shown against the existing roof/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.

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

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

Informatives

1. 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.

2. To minimise the risk of fluvial flooding the applicant should ensure that the finished floor level to the extension

is no lower than the existing building, or that the floor level of the extension is set 600mm above the known or modelled 1 in 100 year flood level.

3. All bat species found in the UK are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such

offences.

If any evidence of bats is discovered at any stage then development works must immediately halt

and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Breathable roofing membranes should not be used as it produces extremes of humidity and bats

can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

4. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as

amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks

are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest;

and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for

such offences.

All vegetation clearance, tree removal, scrub removal, conversion, renovation and demolition work

in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m

of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work

must cease until the young birds have fledged.

-