



Committee and date
South Planning Committee
12 March 2019

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 19/00121/FUL	Parish: Diddlebury
Proposal: Erection of first floor extension	
Site Address: 2 North Sutton Great Sutton Ludlow Shropshire SY8 2AJ	
Applicant: Mrs Marie Pardoe	
Case Officer: Elizabeth Davies	email: planningdmsw@shropshire.gov.uk

Grid Ref: 351794 - 283184



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Recommendation:- Refuse**Recommended Reason for refusal**

The design of the extension by reason of the introduction of gable end features to the front and rear elevations as result of orientation of the roof and the addition of a large balcony on the front elevation would detract from the character and appearance of the original dwelling, its adjoining neighbour and the row of dwellings as a whole. Its overall bulk due to the width and gabled design would be overbearing, failing to be subordinate to the original dwelling. The extension as such would fail to converse or enhance the landscape and scenic beauty of this part of the Shropshire Hills AONB. The extension is therefore not considered to meet the criteria of part 12 and 15 of the NPPF and Shropshire Council development plan in particular, Core Strategy Policies CS5, CS6, CS17, SAMDev Policies MD2, MD12 and SPD Type and Affordability of Housing.

REPORT**1.0 THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a first floor extension to an existing dwelling.
- 1.2 The extension is proposed to be constructed above an existing attached double garage off the east side elevation of the property. It would be approximately 8.1m in width with a depth of approximately 5.4m providing an additional 45 sqm of internal floor space. The extension would provide a master bedroom and en-suite and see the relocation of the main bathroom.
- 1.3 The extension proposed takes the form of a new front and rear gabled pitched roof design, a balcony is proposed to project approximately 1m off the front elevation of the extension and would run for approximately 6m in width. This space would be accessed via a set of double doors, with full height glazing either side. The pitched roof of the extension is proposed to project over this balcony area.
- 1.3 The walls of the extension are proposed to be clad in featheredge boarding while the roof would be constructed from concrete interlocking roof tiles, both of which would match the existing dwelling.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 No. 2 North Sutton Cottages is a semi-detached property located with two other pairs of semi-detached dwellings accessed off the main road via a single width shared track which is also a public right of way. This row of dwellings is set at a right angle to the main class C road which runs north-south between Peaton and Lower Hayton. To the west, opposite the entrance to the shared access is a farm house and group of modern agricultural buildings which make up North Sutton Farm. The application site is located within the Shropshire Hills AONB, with this row of dwellings overlooking open fields to the front (south) and rear (north).

2.2 Constructed from timber weatherboarding with a tiled pitched roof, the dwelling has previously been extended under SS/1/05/17591/F for a single storey double garage, which adjoined an existing single storey side extension. In addition, a single storey extension spans the rear elevation of the original dwelling.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Diddlebury Parish Council has submitted a view which is contrary to officer recommendation and following discussion with the Local Member, and Chairman and Vice Chair of the South Planning Committee it is determined that this application should be considered by Committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Diddlebury Parish Council – Support

4.1.2 Shropshire Council Drainage - No objection, recommended informative regarding sustainable drainage design.

4.1.3 Shropshire Hills AONB – Comments

The local planning authority has a statutory duty to take into account the AONB designation, and National Planning Policy Framework (NPPF) policies give the highest level of protection to AONBs. The application also needs to conform to the Council's own Core Strategy policies and the Site Allocations and Management of Development (SAMDev) plan, whilst the Shropshire Hills AONB Management Plan is a further material consideration. The lack of detailed comments by the Partnership should not be interpreted as suggesting that the application raises no landscape issues.

4.1.4 Shropshire Council Rights of Way – Comments

Bridleway 42 runs along the track to the proposed development, although not directly affected this bridleway will need to be kept open and available throughout the development period.

4.2 Public Comments

4.2.1 1 letter of support received:

- This extension is to our attached neighbours house, our extension is similar and this would balance the look of the houses.
- The extension would not impinge of light or views and is a natural additon above the garage.
- The extension would sit naturally within the row of houses and is in keeping with the wooden construction.
- Whole-heartedly support the application to provide a slightly larger home for a growing family.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and Shropshire Hills AONB
Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'. Paragraph 11 of the National Planning Policy Framework builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

6.1.2 Alterations and development to properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extension and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area and should also safeguard residential and local amenity. Policy MD2: Sustainable design of the adopted Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 12 of the National Planning Policy Framework also requires development to display favourable design attributes which contribute positively to making better for people, and which reinforces local distinctiveness.

6.1.3 Shropshire Core Strategy Policies CS5: Countryside and CS17: Environmental Networks is concerned with design in relation to its environment but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the environment and does not adversely affect the visual, ecological geological, heritage or recreational values and function of these assets. MD12: The Natural Environment of the Site Allocations and Management of Development (SAMDev) plan further encourages development which appropriately conserves and enhances natural assets and contributes positively to the special characteristics and local distinctiveness of an area particularly within the Shropshire Hills AONB.

6.2 Siting, scale and design of structure, Visual impact and Shropshire Hills AONB

6.2.1 In support of Core Strategy policy CS6 and SAMDev Plan policy MD2, the SPD - Type and Affordability of Housing from paragraph 2.23 seeks to control the size of extensions to dwelling in the countryside in particular to ensure the retention of a mixed housing stock. The SPD requires that in considering applications for extensions to dwellings regard will be given to the following:

- The visual impact of the existing dwelling plus extension on the surroundings and the need to respect the local character of the area, taking account of bulk, scale, height and external appearance of the resultant dwelling.
- A requirement to be sympathetic to the size, mass, character and appearance of the original building.
- The existing balance of housing types and tenures in the local area, and the need to maintain a supply of smaller and less expensive properties in the local area that are suitable for the needs of many newly-forming households.

- 6.2.2 The proposal in this case seeks to add a first-floor extension to the side of the dwelling sitting upon the existing double garage extension. For around the first 4metres the extension follows the existing ridge line, albeit stepped down, the orientation of the roof then turns by 90degrees so that the ridge of the roof would run north to south creating the proposed gabled front and rear elevations.
- 6.2.3 The dwellings within this row are in a linear formation and of a modest design. It is noted that the adjoining dwelling to the west has a 2-storey side extension comprised of a single garage with room over, however this extension is stepped back from the front elevation and the ridgeline follows the line of the roof over the main section of the dwelling. The introduction of the gabled features to the front and rear of the adjoining dwelling as a result of the roof orientation, combined with the projecting balcony would introduce features which are at odds with the character of the existing dwelling, its adjoining neighbour and the row of the dwellings as a whole. Further the resulting bulk and mass of the extension proposed would not result in a subsidiary addition the size and gabled design competing with the original property which is of a much simpler form.
- 6.2.4 This site is within a prominent location within the Shropshire Hills AONB being visible from public view points along the highway when approaching the site from the south and from the public right of way. The extension would be a prominent addition to the dwelling visible from public view points within the surrounding area. As a result of its bulk and design which would be at odds with the neighbouring properties it is therefore considered that the proposal would detract from character and natural beauty of this part of the Shropshire Hills AONB.
- 6.2.5 Officers have approached the applicants with the concerns and requested amendments to reduce the size of the extension and alter the design, however the applicants in this case have chosen not to amend the proposals.
- 6.3 Residential amenity
- 6.3.1 No new windows are proposed in the side elevation facing 3 North Sutton, however a balcony is proposed for the front elevation which would span the width of the newly created gable and there would be a degree of overlooking towards the neighbouring property on the east. However this land is the parking area for this property and fronts the shared access track which is also a public right of way. Views into the dwelling itself and the private amenity space to the rear would not be forthcoming from this balcony. As such it is judged that whilst there would be a degree of overlooking it is not of sufficient level to result in an unacceptable loss of residential amenity.

7.0 CONCLUSION

7.1 The design of the extension by reason of the introduction of gable end features to the front and rear elevations as result of orientation of the roof and the large balcony on the front elevation would detract from the character of the original dwelling, its adjoining neighbour and the row of dwellings as a whole. Its overall bulk due to the width and gabled design would be overbearing, failing to be subordinate to the original dwelling. The extension as such would fail to converse or enhance the landscape and scenic beauty of this part of the Shropshire Hills AONB. The extension is therefore not considered to meet the criteria of the parts 12 and 15 of the NPPF and Shropshire Council development plan in particular, Core Strategy Policies CS5, CS6, CS17, SAMDev Policies MD2, MD12 and SPD Type and Affordability of Housing and refusal is recommended.

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:
National Planning Policy Framework

Core Strategy Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks

Site Allocations and Management of Development (SAMDev) Plan
MD2 - Sustainable Design
MD12 - Natural Environment

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

SS/1/05/17591/F Erection of a single storey extension to provide garaging accommodation.
PERCON 21st November 2005

11. Additional Information

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PL2VIMTDIZI00>

List of Background Papers

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Cecilia Motley

Appendices

None.

Informatives

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.