



Committee and date
 Central Planning Committee
 11 April 2019

Item
10
 Public

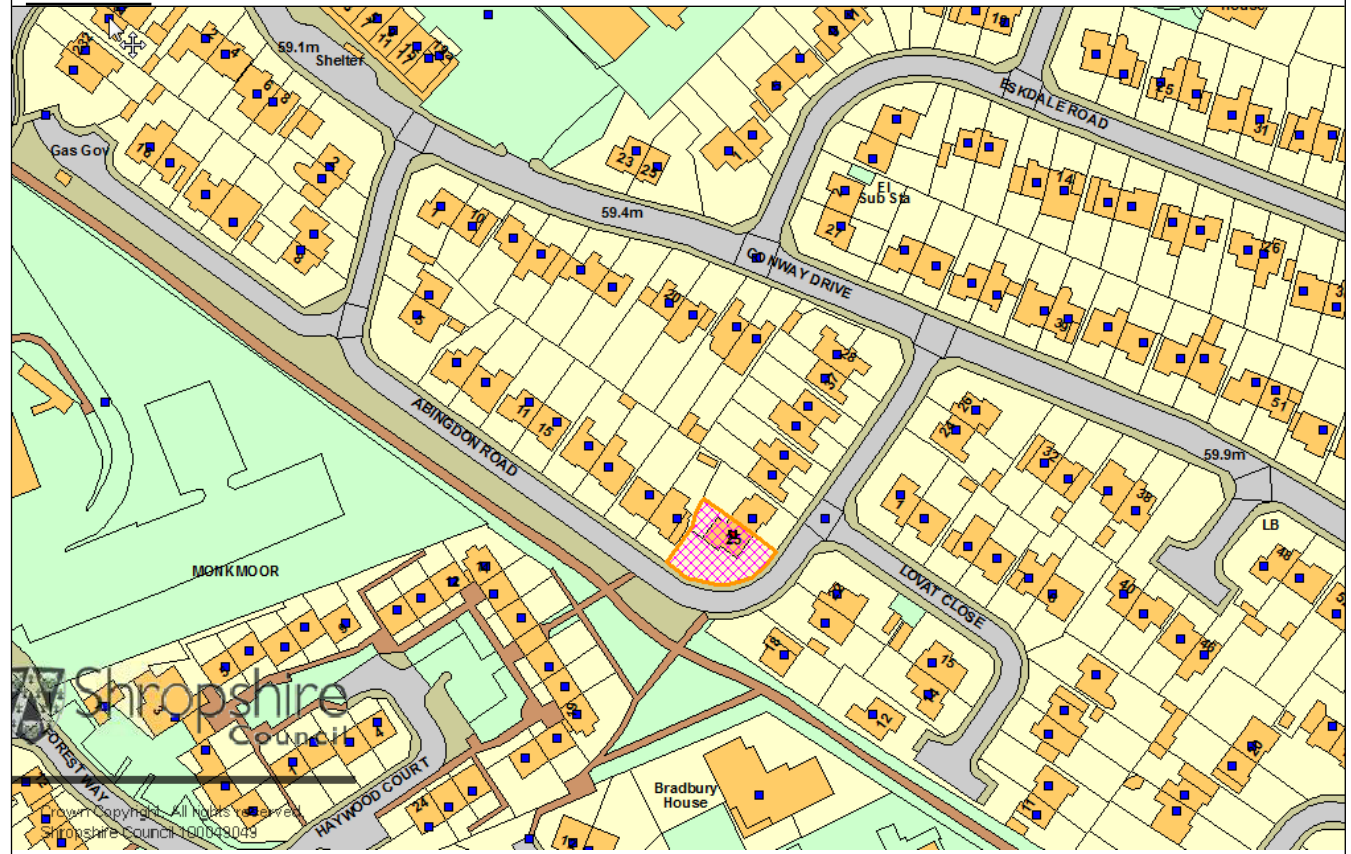
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 19/00595/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of single storey conservatory to side elevation		
Site Address: 25 Abingdon Road Shrewsbury Shropshire SY2 5XF		
Applicant: Mrs J Bailey		
Case Officer: Aileen Parry	email: planningdmc@shropshire.gov.uk	

Grid Ref: 351354 - 313383



Recommendation:- Grant Permission 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 hipped roof extension to provide a conservatory. The extension will be attached to the side elevation and will measure approximately 4.3 metres wide, 4.0 metres deep with a ridge height of 3.5 metres and eaves of 2.1 metres.
- 1.2 During the assessment of the proposal and at the request of officers, the depth and height of the extension has been reduced from 4.0 metres to 3.5 metres and 3.5 metres to 3.3 metres respectively.
- 1.3 The proposal under consideration will therefore measure approximately 4.3 metres wide, 3.5 metres deep with a hipped roof ridge height of 3.3 metres and eaves of 2.2 metres.
- 1.4 This report is therefore primarily written with regards the revised proposal received on 07.03.19.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 25 Abingdon Road is an existing semi-detached corner plot property located within a modest curtilage within a residential estate known as Telford Estate in the Monkmoor area of Shrewsbury. The site does not fall within the Shrewsbury conservation area.
- 2.2 It is noted that an anomaly of the site is that the property has no rear elevation, only two side elevations and a front elevation. The elevation the proposed conservatory will lie is on the south-east elevation which for the adjoining neighbour is their front elevation. A similar site not far from the application site has been noted on the corner of Conway Drive and Eskdale Road and other corner plot properties further along Conway Drive towards Dunkeld Drive.
- 2.3 On the site visit undertaken by officers on 21.02.19 it was noted that a 2-metre fence of concrete boards, uprights and wooden fence panels separates the side elevation garden with that of the adjoining neighbours front garden and that a high hedge of a similar height of 2 metres surrounds most of the roadside (east and south) of the proposal site.
- 2.4 There is currently a wooden play house to the front elevation which the applicant has stated in writing will be moved. To note, if it is not then a planning application will be required for its current position forward of the principal elevation. Officers

have made the applicant aware of this.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Shrewsbury Town Council have submitted a neutral response; however they have stated that the Town Council feels that with the proposed size and siting of the conservatory, the loss of light to the neighbouring property will have a detrimental impact on their quality of life. The local Councillor has also requested that the application is heard at full planning committee. Officer's recommendation is for approval; and the Area Manager in consultation with the committee chairman and vice chairman agrees that the application should be determined by committee.

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

4.1 - Consultee Comments

None.

4.2 - Shrewsbury Town Council

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment: The Town Council feels that with the proposed size and siting of the conservatory, the loss of light to the neighbouring property will have a detrimental impact on their quality of life.

Note: No further comment has been received from the Town Council following re-consultation upon the revised proposal at the time of writing this report.

4.3 - Public Comments

The site has been advertised in accordance with statutory provisions for both the originally proposed scheme and the revised scheme.

Five representations objecting to the originally proposal scheme have been received and one in support. The adjacent neighbour has submitted four letters of objection.

Four representations objecting to the revised proposal have been received and two in support.

The objections include:

- ② Height of proposal and close relation to boundary
- ② Loss of light to ground floor window
- ② Tunnel effect claustrophobic
- ② Noise
- ② Conservatory considered to be too large in volume and density for the

property and the adjoining property

The supports include:

- ☐ Proposed brick wall not much higher than existing fence
- ☐ No loss of light from own garage to side of window
- ☐ No noise issues experienced
- ☐ Conservatory will be sited in place of the existing patio – which may reduce any noise that may be experienced
- ☐ Many properties on Telford Estate that now have extensions and conservatories visible from the public roads and this does not have a detrimental impact to the look of the estate
- ☐ The proposal will site the conservatory behind an existing 6ft fence and a wraparound 6ft hedge, therefore it will only be the roof of the conservatory visible to the public highway
- ☐ Does not feel that this construction will be detrimental to the look and feel of the estate and/or immediate surrounding area

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.

6.2 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.

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 CS18 'Sustainable Water Management' requires all developments to integrate sustainable water management measures to reduce flood risk. An informative will be placed on any planning permission that may be granted advising the applicant of suggested methods of meeting sustainable water management.
- 6.2.4 Concerns have been raised by neighbours regarding the height, closeness to boundary and the mass of the proposed conservatory.
- 6.2.5 The development is for the erection of a single storey tiled hipped roof side elevation extension to provide a conservatory.
- 6.2.6 Officers consider that the revised conservatory proposals reduction in both depth and height and with its hipped roof that the impact experienced will be far less than if the conservatory was allowed under permitted development which for a rear extension would be a maximum of 4-metres in height and currently a depth of 6-metres.
- 6.2.7 The mass of the proposal is less than that which would be permitted under permitted development rights if the extension was at the rear of the property. As stated above the property does not have a rear elevation, therefore any additional living accommodation would be to the side or front elevations.
- 6.2.8 Concerns regarding the closeness to the boundary with the adjoining neighbour, both discussions with the applicant and the drawings submitted show that the proposal sits within the proposal site and not on or over the boundary line.
- 6.2.9 In addition, the unusual layout of the proposal site is considered would restrict the erection of a conservatory on the north-west elevation due to the position of the existing garage and the available garden space.
- 6.2.10 Officers consider that on balance and taking into consideration the unique constraints of the proposal site that the proposed scale, design and appearance of the conservatory extension will respect the existing character of the dwelling and will not result in any harmful visual impact in or on the locality. The proposed extension 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. The proposed conservatory extension will not result in the significant loss of garden area and will provide an appropriate level of amenity space for the enlarged dwelling.
- 6.2.11 Officers consider that the proposal meets the relevant criteria within CS6 and MD2 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.

- 6.3.2 Concerns have been raised by both the Town Council and neighbours regarding the loss of light to the adjoining neighbours ground floor front elevation window and the possible claustrophobic effect this may have on the occupant.
- 6.3.3 Natural light or right to light is dealt with differently under Planning Regulations. A "right to light" is an easement that gives landowners the right to receive light through defined apertures in buildings on their land. From a Planning perspective, planners work to Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy under which officers consider the height of an extension and the proximity to other properties/buildings and if an extension would have an unacceptable impact on the local amenities.
- 6.3.4 The proposal is for a conservatory to the side elevation of the existing dwelling. The height to the eaves of the proposed conservatory is approximately 2.2 metres which is 20cm or 7.8 inches above the height of the boundary fence. The ridge height is approximately 3.3 metres which is 130cm or 51 inches above the boundary fence and is for a depth of approximately 135cm or 53 inches prior to the roof sloping into a hip.
- 6.3.5 The front elevation of the adjoining neighbour and the side elevation of the proposal site are on the east which would benefit from morning light, but this will diminish as the sun moves from east to west during the day.
- 6.3.6 Officers acknowledge that a reduction in light will be experienced by the adjoining neighbour, however it is considered that this is likely to be limited to the afternoon and evening particularly in the winter months when the sun is low in the sky.
- 6.3.7 As noted on officers site visit, the adjoining neighbours garden has mature planting of shrubs, some of which are as high as the 2-metre boundary fence, and a young tree which is more than 2-metres in height. These are considered will also re-strict the light to the ground floor front elevation window of the neighbour's property, particularly during the summer months when all planting will be green and result in a closed in feel to the front of the property.
- 6.3.8 Officers acknowledge and are sympathetic to the concerns raised by the adjoining neighbour and other neighbours on their behalf, however, officers do not consider that the proposal will have a significantly adverse impact upon levels of light.
- 6.3.9 Concerns have been raised by neighbours regarding noise citing noise experienced by the applicant's family when using the existing patio area and garden and within the property.
- 6.3.10 The proposed conservatory extension will be sited on the patio. The windows will be facing east and south with the patio doors facing south. The north side of the

conservatory extension will be of brick or similar material.

- 6.3.11 It is also noted that the main amenity area for the dwelling is to the east, south east and south of the property providing an area for both adult and children enjoyment.
- 6.3.12 Officers consider that the enclosing of this amenity space will aid the reduction in domestic noise.
- 6.3.13 Officers are also aware that other residents within Telford Estate have experienced internal noise issues due to the thinness of the walls and have incorporated additional sound proofing within their properties to alleviate this issue.
- 6.3.14 Officers note that the demographics of the area is a mix of young and older families and individuals. Therefore, what is an unacceptable level of noise to some whether young or older, may be acceptable to others.
- 6.3.15 Officers advice is that if neighbours are experiencing an unacceptable level of noise from the application site or other properties within the area, then the issue should be reported to the Councils Regulatory Services team who will investigate the issue. (Email publicprotection@Shropshire.gov.uk .)
- 6.3.16 Officers consider that on balance and taking in to account the uniqueness of the proposal site that the proposal complies with CS6 and is therefore acceptable in principle.
- 6.3.17 In addition, and 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 conservatory extension in relation to the boundary will also not result in any detrimental overbearing impact or result in any additional harmful noise disturbance.

7.0 CONCLUSION

Officers consider that the proposed scale, design and appearance of the conservatory extension will respect the existing character of the dwelling and will not result in a harmful visual impact or cause any harmful or detrimental impact on neighbouring properties.

Officers recommendation is that planning permission be granted.

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:
NPPF

Core Strategy and SAMDev Policies:
CS6 - Sustainable Design and Development Principles
MD2 - Sustainable Design

Relevant Planning History:

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 Pam Moseley
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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The external materials shall be as specified on the submitted application form and there shall be no variation.

Reason: To ensure that the works harmonise with the existing development.

Informatives

1. 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

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

2. 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 38.

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

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