Committee and date
South Planning Committee
8 May 2019

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 19/00758/FUL	**Parish:**	Worthen With Shelve
Proposal: Erection of 2 storey extension to rear of building; detached 3-bay part open fronted garage block		
Site Address: Hillside Rowley Shrewsbury Shropshire SY5 9RY		
Applicant: Sean Caddick Architectural		
Case Officer: Mark Perry	**email:** planningdmnw@shropshire.gov.uk	

Grid Ref: 330259 - 306465

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 to erect a part single storey, part one and a half extension to the rear and towards the side of the existing dwelling; replacing an existing single storey lean-to extension at the rear of the property. The dwelling will continue to be a three bedroom property but with one of the two ground floor bedrooms moved to the first floor. The extension will create a larger living space and a new open plan kitchen and dining area.

1.2 Also proposed as part of the planning application is a three bay detached garage block.

2.0 SITE LOCATION/DESCRIPTION

2.1 The dwelling sits in an isolated rural location on the slopes of Rowley Hill affording long distance views to the south. The dwelling is located in an area of open countryside.

2.2 The existing dwelling is a wide gabled bungalow which already has a small amount of accommodation provided within the roof void. The dwelling is positioned well above the level of the passing rural lane, set back behind a roadside boundary hedge. There is also extensive tree planting to the site and to the rear of the property.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The applicant must be considered by the planning committee as the concerns a property that is in the ownership of an employee of the Council.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

Parish Council- This Parish Council supports the extension to the property.

This parish council objects to the garage. There are concerns about the height and size of the garage block in relation to this rural setting and its relationship to the house.

4.2 Public comments

4.2.1 No representations received at time of writing report.

5.0 THE MAIN ISSUES

- Principle of development

- Scale, design and impact on historic environment/landscape
- Impact on residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS6 of the Core Strategy advises that all new development must respect the local distinctiveness, must protect, restore and enhance the natural, built and historic environment as well as be appropriate in scale, density, pattern and design taking into account the local context and character including features which contribute to local character. Policy MD2 of the SAMDev Plan further builds on CS6, advising that new development must contribute to the form and layout of existing development and the way it functions, including streetscapes, building heights and lines, scale, density, plot sizes and local patters of movement. The amenity of neighbouring residents needs to also be maintained.

6.2 Scale, design and appearance

6.2.1 The SPD's key requirement is for extensions to be sympathetic to the size, mass, character and appearance of the original dwelling and to the local context. The proposed extension is set towards the rear of the site. This will allow the original dwelling to be the most prominent feature of the site and for the extension to be subservient to it. It is considered that the design and scale of the extension is in keeping with original property and appropriate for the site and its context.

6.2.1 The applicant is proposing a 3 bay garage which would be to the side of the property with its rear elevation backing onto the site's side boundary. Since the application was originally submitted the height of the garage roof has been reduced by adding a shallower pitch. This now creates a garage that is more in keeping with relatively low ridge height of the dwelling. It is considered that the changes made do go some way to addressing the comments of the Parish Council and it is Officers opinion that the revised design is acceptable.

6.3 Impact on residential amenity

6.3.1 It is considered by officers that there would be no detrimental impact upon the amenities of neighbouring occupiers given the distance from other residential properties.

7.0 CONCLUSION

7.1 The development relates to the property's established residential use and is therefore acceptable in principle. The proposed garage has been reduced in height and it is considered that neither the extension or the garage would have any detrimental impact on the site or its surroundings. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 **Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

8.2.3 This legislation has been taken into account in arriving at the above decision.

8.3 **Equalities**

8.3.1 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

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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

Shropshire Core Strategy and SAMDev Plan Policies:

CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
MD2 – Sustainable Design

11. Additional Information

View details online:

https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PMXP2OTDJYR00

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 Mrs Heather Kidd
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 match in colour, form and texture those of the existing building.

   Reason: To ensure that the works harmonise with the existing 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 38.