

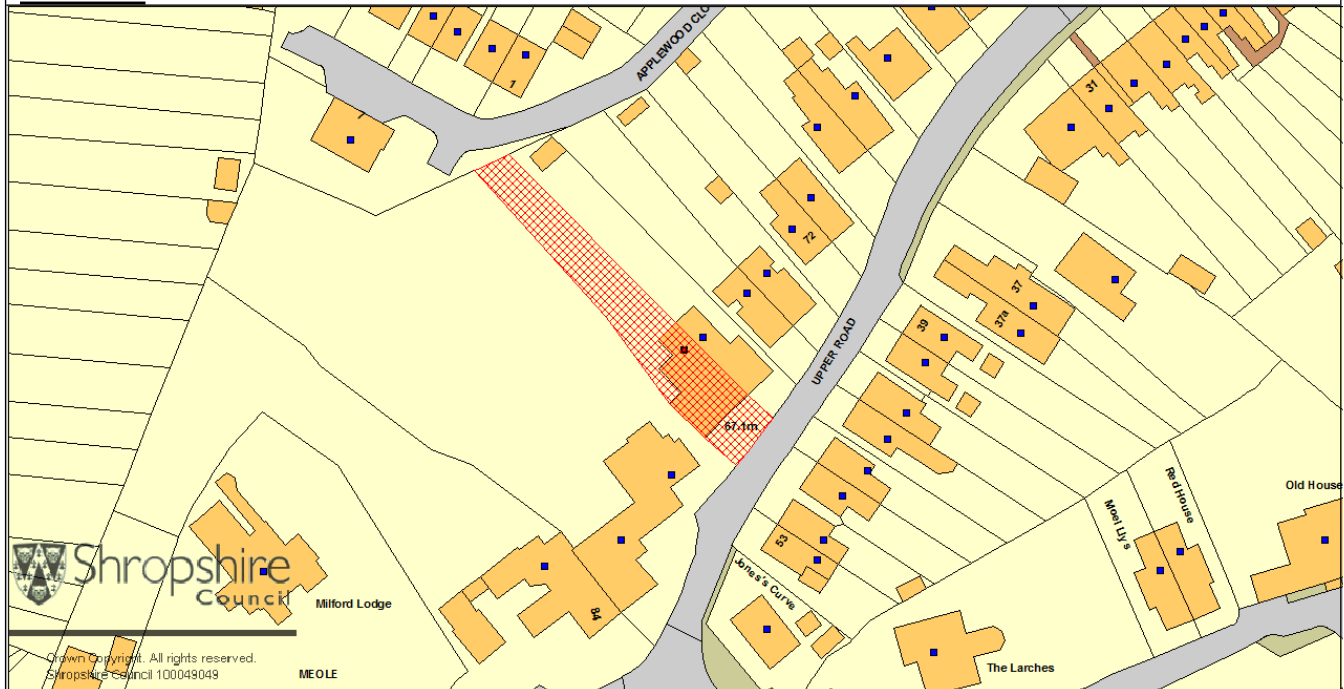
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 19/00660/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Erection of first floor extension to side over existing garage, alterations to window material to side and rear elevations, addition of dormer window to rear elevation		
<b><u>Site Address:</u></b> 80 Upper Road Shrewsbury Shropshire SY3 9JP		
<b><u>Applicant:</u></b> Mr Richard Boak		
<b><u>Case Officer:</u></b> Sonia Kizito	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 348769 - 310768



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.****REPORT****1.0 THE PROPOSAL**

1.1 This application seeks planning permission for the erection of first floor extension to side over existing garage, alterations to window material to side and rear elevations, addition of dormer window to rear elevation.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 The application site subject of this proposal is occupied by the south-westerly half of a very early 20th Century semi-detached dwelling of a distinctive stone construction which sits relatively prominently in the Upper Road street scene. The properties along Upper Road are located within the Meole Brace Conservation Area, and it should be further noted that the properties to the immediate south-west of No 80 are the large brick Grade II listed pair of houses (Melville House and Wheatlea House).

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Town Council comments are at variance with officers' view. The Local Member raises no objection. The Planning Services Manager in consultation with the Chair of the Central Planning Committee considers that material planning considerations have been raised which warrant consideration by the Central Planning Committee.

**4.0 Community Representations****Consultee Comments**

- SC Archaeology: No comment to make with respect to archaeological matters.
- The Town Council objects to the proposal and considers that it provides a design that it is out-of-keeping with the existing property, the neighbourhood and neither preserves nor enhances the conservation area. The extension will be partly visible from the road which will have a detrimental effect on the street scene. They also consider the choice of materials to be unsympathetic with the existing stonework of the main property.
- SC Conservation: The application site subject of this proposal is occupied by the south-westerly half of a very early 20th Century semi-detached dwelling of a distinctive stone construction which sits relatively prominently in the Upper Road street scene. The properties along Upper Road are located within the Meole Brace Conservation Area, and it should be further noted that the properties to the immediate south-west of No 80 are the large brick Grade II listed pair of houses (Melville House and Wheatlea House) dating from about 1830 which contribute strongly to the area. Along with having due regard to CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, Chapter 16 of the National Planning Policy Framework (NPPF) (revised 2018), and Planning Practice Guidance and Historic England Guidance including The Setting of Heritage Assets, special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would be required in terms of the extent to

which this proposal would preserve or enhance the character or appearance of the Conservation Area. Also relevant to this application would be Section 66 of the Act in considering the impact of this extension proposal on the character, significance, historic fabric and setting of the listed building adjacent. While in principle a modest extension to No 80 could likely address these requirements, the proposed first floor extension in its present form in the position proposed directly over the lean-to garage with a minimal set back from the main elevation has the potential to be overly visually dominant within the street scene, particularly when considered adjacent to the Grade II listed building to the south. This rather prominent extension will also upset the overall balanced design of the semi-detached building comprising Nos 78-80 where the attached adjacent unit, as noted in the D and A Statement, is identical in appearance (bar the small lean-to garage to No 80). To address these issues the proposed extension will need to be set back significantly further from the face of the garage and where a redesign of the layout of the extension would be required a very large dressing room is proposed some of which could be accommodated to the rear of the property and therefore more concealed from views. As designed however the proposed extension is considered to have a measurable visual impact on the character and appearance of the Conservation Area and on the setting of the listed dwellings adjacent, and revisions to the scheme are recommended.

- Following amendments to the plans the Conservation Officer submitted comments suggesting that if a window is to be added to the front elevation it needs to be scaled down so it does not reflect the size of the main windows to the main elevation. This could be secured with a joinery detail (like JJ20) and external finishes conditioned for colour

#### Public Comments

- A site notice was displayed and residents of neighbouring properties were notified of the development. No representations have been received.

#### Local Member

- The Local Member has no objection.

## 5.0 THE MAIN ISSUES

### Principle of development

### Siting, scale and design of structure

### Visual impact and impact on conservation area

### Residential Amenity

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 This following policies are relevant to this application: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and Historic England Guidance, and as the proposal is within the boundaries of the Shrewsbury Conservation Area, special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act

1990 is also required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area. The proposed development lies adjacent to a listed building and under Section 66 of the above Act special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

6.2 Siting, scale and design of structure

6.2.1 The scheme introduces a first floor extension sited atop the existing garage, alteration to materials of the windows and introduction of a dormer window to the rear. The proposed would be set back from the principle elevation and appears subservient against the existing dwelling. The Town Council objects to the design and materials. However, it is noted that the existing garage extension is of render which is different from the host dwelling which was constructed of stone. In addition, the replacement windows would have a style similar to the existing design. It is considered that the design, scale and siting are considered acceptable.

6.3 Visual impact and impact on conservation area

6.3.1 The application site property is a semi-detached dwelling within a Conservation Area. Any additions to dwellings therefore have to be carefully designed to ensure they are in keeping with the character and appearance of the main dwelling and the surrounding area.

6.3.1 The Town Council has objected to the proposal stating that the proposal would have a detrimental effect on the street scene and neither preserves nor enhances the conservation area. The objection has been noted however, the existing garage extension that has different materials from the host dwelling can be viewed from the street scene. Having regard to the existing side garage extension and as the first floor extension will be set back from this, together they will be viewed as a subservient and later addition to the main house. Therefore it is considered that it would respect the character of the existing dwelling.

6.3.2 The comments of the Council's Conservation Officer are noted. One of the initial concerns was that the extension would have minimal set back from the main elevation and would therefore have the potential to be overly visually dominant, particularly in relation to the adjacent listed building. Revised plans now propose a greater set back and this would provide a more sympathetic and less dominating design. The Council's Conservation Officer also recommended that the window to the front elevation was omitted, but that if one was to be provided then it would need to be scaled down so it does not reflect the size of the main front windows to the house. The revised plans propose a smaller window and it is considered that this is now in proportion to the scale of the first floor extension. As recommended by the Conservation Officer conditions can be imposed to require submission of joinery detail and external finishes for approval.

6.3.3 Consideration has been given to the requirements set out in Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. In addition the proposal has been assessed in relation to policies CS6, CS17, MD2 and MD13 which require that proposals conserve the historic environment including heritage assets. With the presence of the existing side garage, the proposal being set back from the front elevation, and the scaled-down size of the front window it is

considered that the proposal would preserve the overall character and appearance of the Conservation Area, and would not adversely affect the setting of the adjacent listed building.

#### 6.4 Residential amenity

6.4.1 The proposal is of a domestic scale that is considered proportionate to the existing dwelling. It is not considered that there will be an adverse impact on neighbouring amenity as a result of overlooking or over bearing impact to neighbour amenity.

#### 7.0 CONCLUSION

It is considered that the proposal as amended would be of an appropriate scale and design and would preserve the character and appearance of the Conservation Area and not adversely affect the setting of the nearby listed buildings. Due regard has been given to the requirements of Sections 66 and 72 of the above mentioned Act, and the proposal meets the criteria of Core Strategy Policies CS6 and CS17 and the SAMDev Policies MD2 and MD13. It is considered appropriate in scale, pattern and design to the main dwelling and will not adversely affect the neighbour amenities or the visual character and appearance of the Conservation Area. Approval is therefore 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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD13 - Historic Environment

National Planning Policy Framework

### RELEVANT PLANNING HISTORY:

19/00660/FUL Erection of first floor extension to side over existing garage, alterations to window material to side and rear elevations, addition of dormer window to rear elevation PDE SA/00/0601 Erection of single storey extensions to provide attached garage and conservatory. PERCON 6th July 2000

## 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)
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Cabinet Member (Portfolio Holder) Cllr G. Butler
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Local Member Cllr Nic Laurens
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Appendices APPENDIX 1 - Conditions
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## **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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

3. Prior to the relevant works commencing samples and/or details of the roofing materials, colour and 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.

4. Prior to the commencement of the relevant work details of all external windows and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All windows shall be carried out in complete accordance with the agreed details

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

### **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.

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