

## 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>Application Number:</b> 19/01594/FUL	<b>Parish:</b> Shrewsbury Town Council
<b>Proposal:</b> Erection of a two-storey rear extension and alterations to single storey roof at front of house	
<b>Site Address:</b> 37 Regents Drive Shrewsbury Shropshire SY1 2TN	
<b>Applicant:</b> Mrs Jane Mackenzie	
<b>Case Officer:</b> Aileen Parry	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 350344 - 313668



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is seeking full planning permission for the erection of a two-storey rear extension and alterations to the single storey roof at the front of the house.
- 1.2 The D&A statement accompanying the planning application advises that this planning application contains revised proposals to the property which relate to planning permission 15/00842/FUL granted 21.05.15 which was for the erection of a first floor and single storey extension to rear elevation including a Juliet balcony; insertion of porch, conversion of garage to provide a residential annexe. This in turn was a modification to the previously approved planning application 14/05496/FUL granted 27.01.15 which was for a first-floor rear extension to a residential dwelling to extend an existing bedroom and to provide an en-suite bathroom.
- 1.3 The key changes noted from the D&A statement are as follows:
- ② Widening of the sun room by about 1m so it goes past the kitchen door.
  - ② Alteration to the doors on the sun room to glass bi-folds or sliders with a meeting corner.
  - ② Extension of the sunroom roof outwards at the eaves and the verge in order to get a support post clear of where the glass doors meet.
  - ② Creation of a small balcony as a result of extending the roof outwards. This replaces the currently approved Juliet balcony.
  - ② Alteration to the glazing to the 1st floor extension as the ceiling will be to the underside of the new roof
  - ② Change in the glazing to the new WC to avoid looking in from the porch.
  - ② General changes to materials including zinc roof to the first-floor extension and small areas of timber cladding.
- 1.4 External materials proposed include:
- Walls - Clay brick to match and horizontal cedar rain screen cladding
  - Roof - Marley Eternit Ludlow Major tiles
  - Windows - RAL 7016 (Anthracite Grey) aluminium
  - Doors - RAL 7016 (Anthracite Grey) aluminium
  - Lighting - New bulkhead or wall lights under the porch and under the overhanging roof at the rear

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 37 regents Drive is an existing semi-detached 3-bedroom property located within a modest curtilage and situated at the head of a residential cul-de-sac within a

residential estate in the Castlefields area of Shrewsbury. The site falls just outside of the Shrewsbury Conservation Area.

- 2.2 The adjoining property lies to the north west of the application site. To the south is a further semi-detached dwelling lying approximately 8 metres away. The rear boundary of the site borders the Underdale Road Special Character Area which is a part of the Shrewsbury Conservation Area.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the applicant is an elected member of the Council and therefore the application must be determined by Planning Committee.

### **4.0 COMMUNITY REPRESENTATIONS**

- 4.1 - Consultee Comments  
Conservation (Historic Environment)  
No objection.

Drainage

No objection. Informative recommended.

- 4.2 -Shrewsbury Town Council  
The Town Council raises no objections to this application.

- 4.3 - Public Comments  
The site has been advertised in accordance with statutory provisions. No public representations have been received at the time of writing this report.

### **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.

6.1.2 Due regard has also been made to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 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 CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.

6.2.4 In addition, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.2.5 Policy CS18 'Sustainable Water Management' requires all developments to integrate sustainable water management measures to reduce flood risk.

6.2.6 The proposal has been assessed by the Councils Conservation Officer who has stated that the extension and alterations proposed affect the easterly half of a relatively modern semi-detached residential building, with the easterly boundary line forming the north-westerly boundary of the Underdale Road Special Character Area, a part of the larger Shrewsbury Conservation Area.

6.2.7 Having regard to the legislative requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Councils Conservation Officer does not consider the proposal will have an unacceptable impact on the character or appearance of the Conservation Area, and they raise no objections to the proposal.

6.2.8 Officers consider that the proposed scale, design and appearance of the

development will respect the existing character of the dwelling and will not result in any visual impact in the locality. The proposed development 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 development will also not result in the significant loss of garden area and will provide an appropriate level of amenity space for the enlarged dwelling.

6.2.9 Officers consider that the proposal meets the relevant criteria within the NPPF, CS6, CS17, MD2 and MD13 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. Having regard to the proposed orientation and distance away from neighbouring properties it is considered that the proposed windows and balcony 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 development in relation to the boundary will also not result in any detrimental overbearing impact or result in any noise disturbance.

6.3.2 Officers also note that there have been no concerns raised by neighbours during or after the public consultation period and that the Town Council raises no objection to proposal.

6.3.3 However, to further protect neighbour health and wellbeing during the development, a condition will also be imposed restricting the hours of construction and/or demolition work.

## 7.0 **CONCLUSION**

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

**Officers therefore recommend that planning permission is granted.**

## 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.

- ⑦ 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  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD2 - Sustainable Design  
MD13 - Historic Environment

### Relevant Planning History:

14/05496/FUL Erection of a first-floor extension to the rear; including insertion of a Juliet balcony GRANT 27th January 2015

15/00842/FUL Erection of a first floor and single storey extension to rear elevation including a Juliet balcony; insertion of porch, conversion of garage to provide a residential annexe - modification to previously approved application 14/05496/FUL (Amended description) GRANT 21st May 2015

19/01594/FUL Erection of a two-storey rear extension and alterations to single storey roof at front of house PDE

SA/74/0492 To erect extension to provide rear entrance porch. PERCON 15th October 1974

SA/85/0853 Alterations and additions at the rear to provide a flat roof utility room and sun lounge with balcony over for domestic use. PERCON 14th November 1985

SA/79/0833 Erection of a 2-storey flat roofed extension to provide enlarged lounge, kitchen, entrance hall, and dining area with additional bedrooms above. REFUSE 9th October 1979

SA/80/0408 Erection of an extension to existing kitchen. PERCON 29th April 1980

## 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 Alan Mosley
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.

3. No construction and/or demolition work shall commence outside of the following hours:

Monday to Friday 07:30 - 18:00,

Saturday 08:00 - 13:00.

No works shall take place on Sundays and bank holidays.

Reason: To protect the health and wellbeing of residents in the area.

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

4. The external materials and their colour shall be provided strictly in accordance with the details indicated in the submitted application form and on the approved plans.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the area.

### Informatives

1. Sustainable drainage scheme

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the Councils website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new

surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

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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