



Committee and date

South Planning Committee

19 November 2019

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 19/04030/FUL	Parish: Ashford Carbonell
Proposal: Removal of existing garage doors and rotten timber; replace with aggregate blocks; installation of windows	
Site Address: Pool Orchard Donkey Lane Ashford Carbonell SY8 4DA	
Applicant: Mr Mark Povey	
Case Officer: Elizabeth Griffiths	email: planning.southern@shropshire.gov.uk

Grid Ref: 352578 - 270839



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

Contact: Tim Rogers (01743) 258773

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission to convert an existing garage into a habitable room by removing the existing 2 garages doors and replacing with cream coloured “K” rendered block work and 2 windows to the front elevation only.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located within the Ashford Carbonell Conservation area, sitting on the southern side of Donkey Lane a no through road in the heart of the village, the detached dwelling is of brick construction with a tiled pitched roof, a single storey garage with pitched roof adjoins the western elevation. The application site is bounded to the roadside with a low level wall with fence above.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The applicant works within the building regulations department of Shropshire Council. This triggers an automatic referral of the application to planning committee under the Council’s Scheme of Delegation for Planning Services.

4.0 Community Representations

- 4.1 Consultee Comments

- 4.1.2 Ashford Carbonell Parish Council – No objection

- 4.1.3 Shropshire Council Historic Environment Officer – No objection

- 4.1.4 Shropshire Council Archaeology – No comments

- 4.2 Public Comments

- 4.2.1 The application has been advertised by notices at the site and in the press. Three surrounding residential properties have been individually notified and representations have been received in response to this publicity.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and 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 As the application site is within a designated Conservation Area the proposal also needs to meet policy CS17 'Environmental Networks' and MD13: Historic Environment of SAMDev which requires that all development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological or heritage values of these assets, their immediate surroundings. Legally, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.2 SITING, SCALE AND DESIGN OF STRUCTURE

6.2.1 The application is to incorporate the existing garage into a habitable room and will not increase the footprint of the property. The garage will have the up-and-over garage doors replaced with cream "K" rendered block work and 2 new Upvc windows that will be in the same style as the current windows of the dwelling, there will be no alterations to the side or rear elevation. Planning consent is not required for the conversion however as the dwelling is within a conservation area formal consent would be required for the use of render to the front elevation.

6.3 VISUAL IMPACT AND RESIDENTIAL AMENITY

6.3.1 There will be no reduction of amenity space and the proposal constitutes as a relatively minor alteration to the dwelling, and although these alterations would be visible from the street scene it is considered that the proposal shall not be of detrimental visual impact. In addition, there are dwellings located to the west within Donkey Lane (Orchard Lea, Byegarth and Glenhaydan) that have large areas of cream rendered to their front elevations which are visible from the street scene. As the application site lies within the conservation area, Shropshire Council's Historic Officer has been consulted and has no objection to the proposal as it would not cause harm to the surrounding conservation area.

6.3.2 Although additional glazing is proposed to the front elevation, this will be to the ground floor only and therefore there is no additional overlooking potential of neighbouring gardens and properties as there are existing boundary materials in place to ensure privacy in any case.

Overall it is considered that the design and scale of the proposal is acceptable and will be in keeping with the character of the existing dwelling and that of the surrounding conservation area. Therefore, the proposal is in accordance with NPPF, policies CS6 and CS17 of the Shropshire Core Strategy and policies MD2 and MD13 SAMDev.

7.0 CONCLUSION

The proposal is judged to be in scale and character with the original dwelling and would have no significant adverse impact on the visual or residential amenities of the surrounding conservation area. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

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
National Planning Practice Guidance

Shropshire Core Strategy:
CS06 Sustainable Design and Development Principles
CS17 Environmental Networks

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD02 Sustainable Design
MD13 Historic Environment

RELEVANT PLANNING HISTORY:

12/02694/TCA To crown reduce by approx half one Ornamental Cherry and reduce by half to previous pruning one Damson tree within Ashford Carbonell Conservation Area NOOBJC 25th July 2012

SS/1989/140/P/ Erection of an extension to form 'Granny Flat'. PERCON 10th April 1989
SS/1975/293/O/ Erection of two dwellinghouses and formation of vehicular access. PERCON 2nd September 1975

SS/1976/412/R/ Erection of dwellinghouse and formation of vehicular and pedestrian access. PERCON 16th December 1977

SS/1976/412/O/ Erection of two dwellinghouses and formation of vehicular access. (Amendment to 75/293). PERCON 24th September 1976

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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)
Councillor Gwilym Butler

Local Member
Cllr Vivienne Parry

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

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. The external materials shall match 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.
2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy:
CS06 Sustainable Design and Development Principles
CS17 Environmental Networks

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD02 Sustainable Design
MD13 Historic Environment

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