

Development Management Report

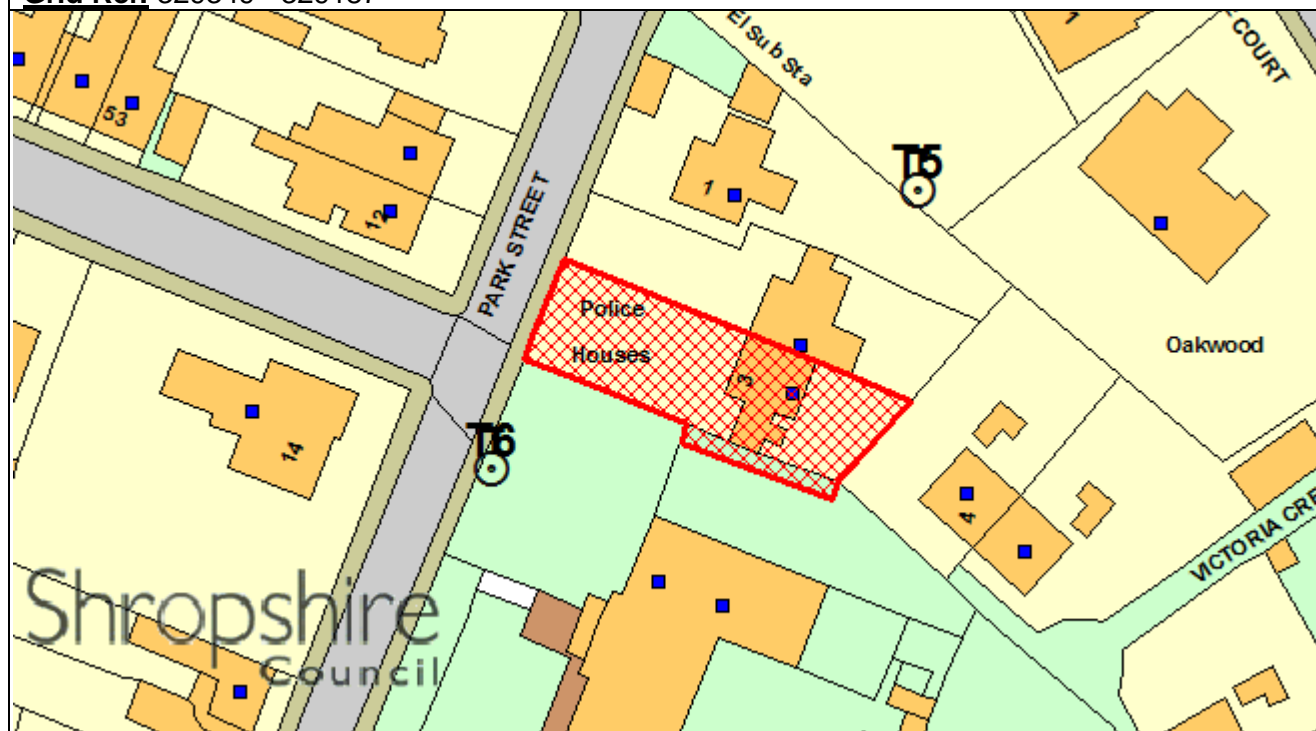
Responsible Officer: Tim Rogers

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Summary of Application

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| <u>Application Number:</u> 20/01426/FUL | <u>Parish:</u> | Oswestry Town |
| <u>Proposal:</u> Erection of a two storey side extension and change of use of strip of land to residential | | |
| <u>Site Address:</u> Police House 3 Park Street Oswestry SY11 2HF | | |
| <u>Applicant:</u> Mr Steve Charmley | | |
| <u>Case Officer:</u> Llinos Pinches | <u>email:</u> planning.northern@shropshire.gov.uk | |

Grid Ref: 329349 - 329187



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

REPORT

1.0 THE PROPOSAL

- 1.1 Erection of two storey side extension and change of use of strip of land to residential

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application property is a semi-detached dwelling located within the market town of Oswestry. The property is constructed of brick and tile and is set back from the road. To the north west and east are residential dwellings with a police station located to the south. A strip of police land is included within the application.

- 2.1.2 The application site is located 17 meters outside of the Oswestry Conservation Area and the property is not considered of age or construction to be a non-designated heritage asset under Annex 2 of the National Planning Policy Framework.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The applicant is Deputy Leader and Portfolio Holder for Assets, Economic Growth and Regeneration at Shropshire Council and in line with the Scheme of Delegation the application was discussed at the Draft Agenda Setting Meeting on the 10 of June 2020 by the Chair, Vice Chair and Principle Planning Officer who agreed that the application will be required to be discussed at the Planning Committee.

4.0 Community Representations

- Consultee Comments

Drainage – No objection, recommend informative.

Oswestry Town Council – No comments received at the time of writing the report.

- Public Comments

Neighbour notification letters were produced and sent together with a site notice being erected on site. No comments had been received at the time of writing the report.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Policy CS6 of the Core Strategy seeks for new development to be designed to a high standard using sustainable design principles. Proposals should seek to protect, restore, conserve and enhance the natural, built and historic environment and should be appropriate in scale, density, pattern and design. Taking account of the local character and its setting. Policy MD2 further builds on policy CS6 advising that the new development must contribute to and respond appropriately to the form and layout of the existing development and the way it functions, including mixture of uses, building heights and lines, scale and density, plot sizes and local patterns of movement. Must also reflect local characteristics, architectural design and details such as building materials, form, colour and texture of detailing, taking into account of their scale and proportion.

6.2 Siting, scale and design of structure

- 6.2.1 The proposed two storey side extension is to be constructed following the removal of a small single storey side extension. The proposed extension will span the depth of the dwelling house, with a small single storey pitched extension to the front elevation linked to a new porch. The additional accommodation will provide an enlarged kitchen, separate living room, utility and shower room, with additional bedroom to provide a fourth room as the master bedroom with en-suite and re-located bathroom.

- 6.2.2 The scale of the proposed extension is similar to the original dwelling, but the roof is stepped down to be subservient to existing dwelling. The materials used in the external construction of the extension are to match the existing.

- 6.2.3 Immediately to the south of the site is land from the police station to be incorporated within the planning unit, increasing the plot by a nominal amount in order to gain outside access to the rear garden.

6.3 Visual impact and landscaping

- 6.3.1 The application property, known as The Police House, is situated set back from the road unusually by over 21m providing ample off road parking which would not be affected by the proposed two storey extension.

- 6.3.2 To the front of the plot is a mature tall hedge which provides good screen immediately from outside of the site. To the south the boundary consists of fencing with part open views into the site, with a mature tree located within the police stations ground providing part screening. The neighbouring police station is two storey in scale and set at a lower ground level than the Police House, and provides a good visual screen from outside of the site. From the northern elevation, views of the proposed extension are interrupted again from the attached property and vegetation within the front garden.

6.3.3 In terms of impact of the development on the amenity of neighbours the main dwellings that could be affected include the attached dwelling known as Llewgra (No.2 Park Street) and No.4 Salop Road to the east of the site. Having considered the position of the extension, Llewgra would not be affected by the proposed extension. No.4 Salop Road is located at 17m separation distance with a landing window within the side of the property, the distance of the proposed extension is considered acceptable with limited impact upon the amenity of neighbouring residents.

7.0 **CONCLUSION**

7.1 Overall, the proposed extension is considered to be of an appropriate scale and appearance, the proposal would not result in negative impact upon residential amenity or highway safety. The proposal is considered to comply with policies CS6 and MD2. The application is recommended for approval.

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

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Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

11. Additional Information

[View details online:](#)

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| 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) Councillor Gwilym Butler |
| Local Member Cllr Paul Milner |
| 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. Prior to the above ground works commencing samples and/or details of the roofing materials and the 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.

Informatives

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

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, 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.

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