

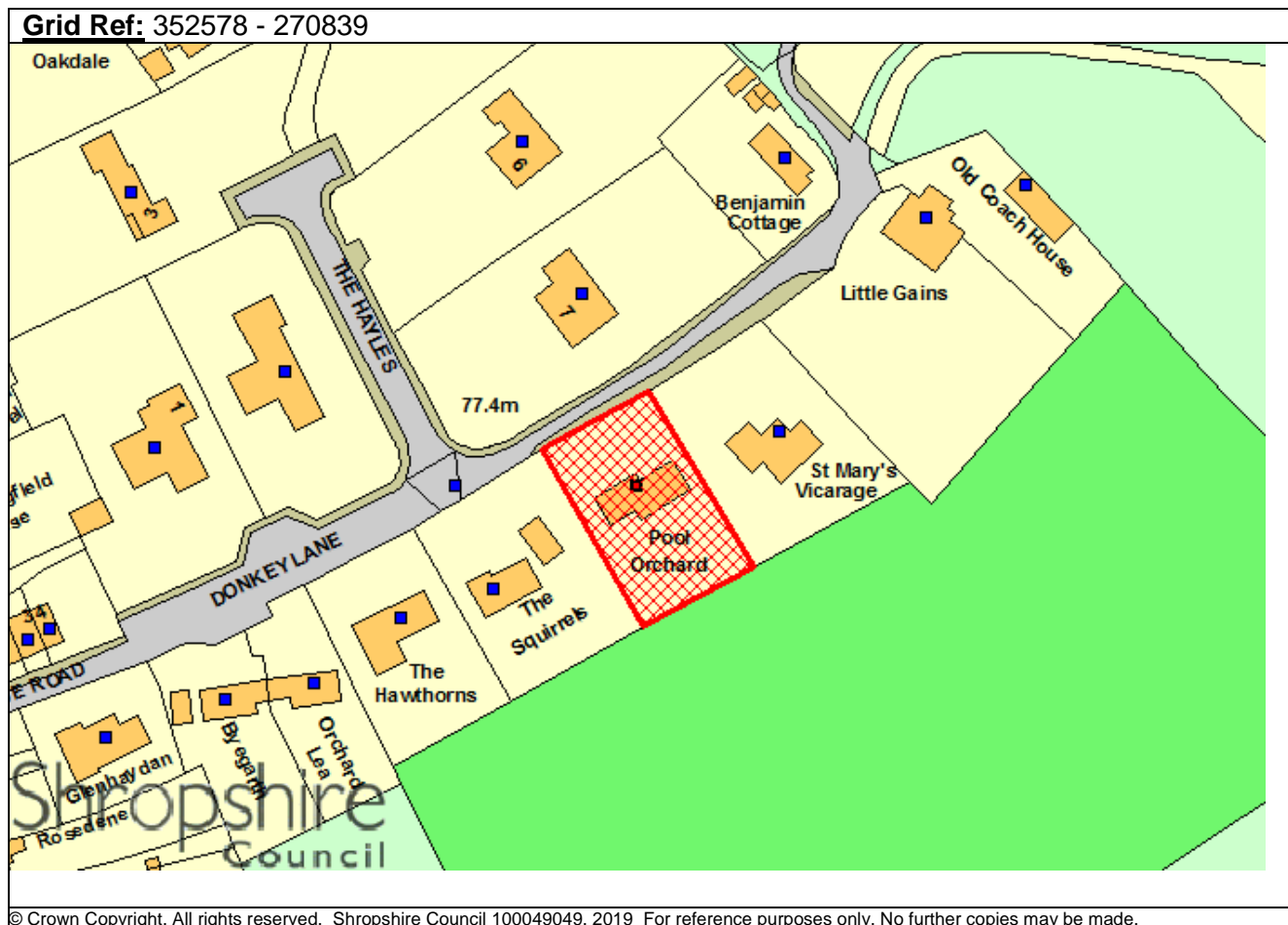
Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 20/01782/FUL	Parish:	Ashford Carbonell
Proposal: Erection of single storey rear extension with lantern roof light, replacement of existing entrance door with window, installation of new entrance door and porch canopy and associated works		
Site Address: Pool Orchard Donkey Lane Ashford Carbonell SY8 4DA		
Applicant: Mr Mark Povey		
Case Officer: Elizabeth Griffiths	email: planning.southern@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

1.1 The application seeks full planning permission for:

- The erection of a single storey rear extension with lantern roof light
- The erection of a new canopy porch
- Replacement of existing entrance door with window and installation of a new entrance door – this would be permitted development and will not be discussed further.

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 an area of cream render to the front elevation with a tiled pitched roof. The application site is bounded to the roadside with a low level wall with fence above and mature trees/hedges to the rear.

3.0 REASON FOR COMMITTEE 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.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Ashford Carbonell Parish Council – No comments received at the time of writing this report

4.1.2 Shropshire Council Historic Environment – Comments

Given the minor nature of the works to this modern dwelling, and the use of timber for the front door and canopy porch no objections are raised in conservation terms where taking account of the character and appearance of the conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and applicable local and national policies.

4.1.3 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 no 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 proposed rear extension is indicated to measure 4m deep x 4.35m wide with

cedar timber vertical cladding for the walls and a height of 3.2m with a lantern roof. Doors would be added to the rear and southwest (side) elevations only to allow the extension to look over the rear garden.

6.2.2 The porch would be open sided and of timber construction, projecting 1.2m from the front elevation. The roof would be pitched and of tiles to match the existing dwelling.

6.2.3 It is considered that that proposal is sympathetic to the size, mass, character and appearance of the original dwelling house and would be in accordance with Shropshire Core Strategy Policy CS6 and SAMDev MD2. All the proposed materials will be reinforced by condition to ensure that the materials used will complement those of the existing dwelling.

6.3 **Visual impact and residential amenity**

6.3.1 Although the porch would be visible from the street scene it is considered to be small scale and so would not dominate against the aesthetics of the existing dwelling. The rear extension would be hidden from the street scene it is considered that it would not be of detrimental visual impact due to it being single storey and subservient in nature. In addition the existing boundary materials will ensure minimal impact on the neighbouring dwelling and it is not considered that the levels of activity associated with a minor increase in living accommodation will give rise to levels of disturbance sufficient to cause undue harm to neighbouring residents.

6.3.2 As such it is considered that the proposed extensions would not detract from the visual amenity of the site or surrounding area and would accord with policy CS6 and CS17 of the Shropshire Core Strategy, MD2 and MD13 of SAMDev and Section 12 of the National Planning Policy Framework, in that the proposals will not be detrimental to the appearance of the dwelling or its setting within the Conservation Area and will not unacceptably impact on the amenity rightfully expected to be enjoyed by occupiers of neighbouring properties.

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 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

Core Strategy and Saved Policies:
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD13 - Historic Environment
SPD Type and Affordability of Housing

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

19/04030/FUL Removal of existing garage doors and rotten timber; replace with aggregate blocks; installation of windows GRANT 18th December 2019

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/applicationDetails.do?activeTab=details&keyVal=Q9VE4RTDMEU00>

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 Vivienne Parry

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. The external surfaces shall be in accordance with the specification set out in the application documents.

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

SPD Type and Affordability of Housing

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan

MD02 Sustainable Design

MD13 Historic Environment

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