



Committee and Date
Northern Planning Committee
18th August 2020

Item
9
Public

Development Management Report

Responsible Officer: Tim Rogers
Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 20/02503/HHE	Parish: Bomere Heath
Proposal: Erection of a single storey rear extension to a semi-detached dwelling, dimensions 3.50 metres beyond the rear wall, 2.60 metres maximum height and 2.40 metres high to eaves	
Site Address: Breidden View Yew Tree Bank Bomere Heath Shrewsbury Shropshire	
Applicant: Mr Andrew Oliver	
Case Officer: Gemma Price	email : planning.northern@shropshire.gov.uk

Grid Ref: 347229 - 319651

© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2019 For reference purposes only. No further copies may be made.

Recommendation:- Approval.

The proposed extension falls within the criteria set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 under paragraphs A1 (a) - (k) and A.2 (a) - (c) and is classed as 'permitted development' therefore prior approval is not required.

Subject to the following condition:

(a) The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

In arriving at this decision the 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.

REPORT

1.0	THE PROPOSAL
1.1	This application is seeking a legal determination for the above proposed development with the residential curtilage of the applicant's dwellings to be considered as 'Permitted Development' under the Town and Country Planning (General Permitted Development) Order, 2015, Schedule 2, Part 1.
1.2	The application is for a single storey rear extension to the existing semi-detached property beyond the rear wall by 3.50 metres, 2.60 metres maximum height and 2.40 metres high to eaves.
2.0	SITE LOCATION/DESCRIPTION
2.1	Breidden View is a semi-detached two storey dwelling located on Yew Tree Bank, Bomere Heath which is 4.66 miles North from the centre of Shrewsbury. The dwelling is set back from the Highway approximately 8.29 metres. The dwelling sits within a moderately sized plot.
3.0	REASON FOR DELEGATED DETERMINATION OF APPLICATION
3.1	The applicant is an employee of Shropshire Council within the Place Directorate. Therefore, under the terms of the scheme of delegation to officers, as set out in Part 8 of the Council Constitution, the application should be referred to planning committee for determination.
4.0	Community Representations

<p>4.1 4.1.1</p> <p>4.2 4.2.1</p>	<p>- Consultee Comments Bomere Heath Parish Council At an online meeting of BHPC on 8th July it was agreed to support the application</p> <p>- Public Comments – None received.</p>
<p>5.0</p>	<p>THE MAIN ISSUES</p>
	<ul style="list-style-type: none"> • Principle of development • Impact on amenities
<p>6.0</p>	<p>OFFICER APPRAISAL</p>
<p>6.1</p>	<p>Principle of development</p>
<p>6.1.1</p>	<p>Schedule 2, Part 1 of the GPDO 2015 involves development within the curtilage of a dwellinghouse, as previously mentioned for ‘prior approval’ of a proposed larger home extension, only Class A can be considered when deciding if development is permitted;</p> <p>Class A Permitted Development</p> <p>A. The enlargement, improvement or other alteration of a dwellinghouse.</p> <p>Development not Permitted</p> <p>A.1. Development is not permitted by Class A if –</p> <ul style="list-style-type: none"> (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use); (b) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; (e) The enlarged part of the dwellinghouse would extend beyond a wall which – <ul style="list-style-type: none"> (i) Forms the principal elevation of the original dwellinghouse; or (ii) Fronts a highway and forms a side elevation of the original dwellinghouse; (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and – <ul style="list-style-type: none"> (i) Extend beyond the rear wall of the original dwellinghouse by more than 4 metres of a detached dwellinghouse, or 3 metres in the

	<p>case of any other dwellinghouse, or</p> <ul style="list-style-type: none"> (ii) Exceed 4 metres in height; <p>(g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have single storey and –</p> <ul style="list-style-type: none"> (i) Extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, (ii) Exceed 4 metres in height <p>(h) The enlarged part of the dwellinghouse would have more than a single storey and –</p> <ul style="list-style-type: none"> (i) Extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) Be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse; <p>(i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;</p> <p>(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –</p> <ul style="list-style-type: none"> (i) Exceed 4 metres in height, (ii) Have more than a single storey, or, (iii) Have a width greater than half the width of the original dwellinghouse; or <p>(k) It would consist of or include –</p> <ul style="list-style-type: none"> (i) The construction or provision of a verandah, balcony or raised platform, (ii) The installation, alteration or replacement of a microwave antenna, (iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) An alteration to any part of the roof of the dwellinghouse.
6.1.2	<p>The proposed development is a single storey extension protruding off the rear elevation of the original dwelling and providing additional internal accommodation. The extension will extend beyond the rear elevation by approximately 3.50m, with a maximum height of 2.60m. and 2.40m high to eaves. The extension will be constructed of materials like those used on the original dwelling.</p>
6.2.1	<p>The extension will be sited on the North-West boundary, does not extend beyond the side elevation of the original dwelling and remains lower than the original in both its eaves and ridge height – the original dwelling is two-stories.</p>
6.3	Impact on amenities
6.3.1	<p>It is considered that the proposed development will have a minimal impact on the amenities enjoyed by neighbouring occupants due to both its scale and siting. As the extension is to the rear and is single storey in height, it will remain hidden from the street scene, protecting neighbour's privacy and will pose no harm due to overlooking or overbearingness. The proposal will remain sympathetic to the original dwelling and remain in-keeping within its locality.</p>

6.3.2	Furthermore, no public representations raising concern/objecting to the development from the adjoining neighbours were received. This with the above, results in this application not requiring prior approval in relation to its impact on neighbouring amenities.
7.0	CONCLUSION
	Whilst it is acknowledged that the Council's constitution and the scheme of delegation requires this application to be referred to Planning Committee for consideration, planning permission will not be required for the proposed development as it meets the criteria set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended) and is to be considered as permitted development. The proposal is considered to protect the amenities of those of neighbouring residents and will pose no harm to its surroundings. As a result, it is advised that prior approval is not required.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>
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

	<p>the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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.</p>
9.0	Financial Implications
	<p>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.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

20/02503/HHE Erection of a single storey rear extension to a semi-detached dwelling, dimensions 3.50 metres beyond the rear wall, 2.60 metres maximum height and 2.40 metres high to eaves AEHHE 29th July 2020

SA/82/0716 Alterations to change the use of 2 no. semi-detached houses into accommodation for 4 no. elderly persons, and retain part for private residential use. REFUSE 12th October 1982

Appeal

SA/APP/0274/ENF Breidden View, Yew Tree Bank, Bomere Heath, Shrewsbury, SY4 3PJ
INPROG

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) Councillor Gwilym Butler
Local Member Cllr Lezley Picton
Appendices APPENDIX 1 - Conditions

The proposed extension falls within the criteria set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 under paragraphs A1 (a) - (k) and A.2 (a) - (c) and is classed as 'permitted development' therefore prior approval is not required.

Subject to the following condition:

(a) The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

In arriving at this decision the 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.