

Development Management Report

Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 20/02355/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erection of first floor extension to northeast (front) elevation; elevational alterations to facilitate the use of integral garage as residential use		
<u>Site Address:</u> 26 Conway Drive Shrewsbury SY2 5UB		
<u>Applicant:</u> Mr Bailey and Miss Dickinson		
<u>Case Officer:</u> Aileen Parry	<u>email:</u>	planning.northern@shropshire.gov.uk

Grid Ref: 351360 - 313432



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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 seeks full planning permission for the erection of a first-floor extension to the north east (front) elevation of the property to provide an additional bedroom and elevational alterations to facilitate the use of the integral garage as residential use.

1.2 In response to the concerns raised by officers and that the proposal as submitted was unacceptable, the agent for the application has subsequently submitted a revised scheme for consideration.

In addition, the agent for the application has also provided the following to accompany the revisions:

“Following lengthy discussions with the applicants we now hope we have come up with a reduced sized scheme which provides them with their much-needed space and also meets with your approval.

- *The new extension floor area is only 5.5m² so a relatively small addition to the house.*
- *The new design shows a dormer to the front and the front roof slope being extended down thereby avoiding the full height side wall.*
- *The dormer structure is set back from the side wall line again lessening the impact of the extension.*
- *The roof slopes down to a lower eaves which is close to being at single storey height.*
- *With the roof sloping down and modest dormer structure the extension fits in well with the dwelling.*
- *The additional bedroom space will provide the applicants with a size of bedroom which is much needed.*
- *The reduced extension proposal is not now considered to over development or a dominant addition to the dwelling.*
- *The extension does not now have a mass which would be overly dominant upon the adjacent neighbours.”*

1.3 This report is therefore written primarily with regards to the revised proposal received 30.07.2020.

2.0 SITE LOCATION/DESCRIPTION

2.1 26 Conway Drive is an existing semi-detached property located within a modest / large curtilage within a residential estate in the Monkmoor area of Shrewsbury.

2.2 It is noted from a site visit and records that the property also benefits from a large dormer structure on the rear elevation providing a loft conversion to provide 3 additional bedrooms. No planning record has been located but a Building Control record stating the work has been completed and dated 19.05.2006 is held against the site record.

The site also benefits from a rear extension in the form of a conservatory.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Shrewsbury Town Council have submitted a view contrary to Officers recommendation for approval based on material planning reasons where these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Principal Planning Officer in consultation with the Chair and Vice Chair of the North Planning Committee consider the Town Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 - Consultee Comments
None.

- 4.2 - Shrewsbury Town Council
18.08.2020

Following a re-consultation, Members considered the revised plans for this application. The Town Council wishes to maintain its objection to this planning application. Members feel that the plans submitted are still out of keeping with the existing street scene.

20.07.2020

The Town Council objects to this application as it considers this extension to be an overdevelopment of the site, being out of scale with its surroundings and impactful on the privacy of the neighbours.

- 4.3 - Cllr Moseley

Please may I confirm that I would like this application considered by the Northern Planning Committee.

- 4.4 - Public Comments

The site has been advertised in accordance with statutory provisions. Two objections have been received. The concerns raised include

- Will impact on the view from the rear of my house/ garden
- The view will just be all the side of 26 Conway Drive, and it could affect my chance of selling my house at a decent price in future
- 26, Conway Drive has been extended quite a lot already
- A householder currently has a pleasant view from their Kitchen, Dining Room and back Bedroom along Conway Drive. If this new proposed extension goes ahead all they will see is a brick wall
- The extension will darken the rear of the house and garden
- Will spoil the look of Conway Drive

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.

6.2 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 CS18 'Sustainable Water Management' requires all developments to integrate sustainable water management measures to reduce flood risk.
- 6.2.4 Concerns have been raised by the Town Council that the revised plans are still out of keeping within the existing street scene.
- 6.2.5 Discussion of the revisions with team colleagues concluded that the reduction in both width and depth of the first-floor addition appearing more as a dormer reduces the visual impact upon the streetscene.
- 6.2.6 Officers also consider that any further reduction in the size of the first-floor element would be unworkable as a habitable room nor cost effective for the owners to build.
- 6.2.7 The siting of the dwelling is also considered to aid in reducing the impact of the proposal which is set back within the site away from the highway and separated by both garden area and garage of the neighbouring properties perpendicular to the site. It is considered that it will be less intrusive both to neighbours and streetscene being hidden more from view when travelling south on Conway Drive and less than noticeable when travelling north.
- 6.2.8 Adding to this the revised sloping roof of the garage element to follow the existing roof slope, the reductions proposed are considered will be less dominant, less intrusive and impact less on the streetscene.

- 6.2.9 Officers consider that the revised proposal whilst introducing a first-floor forward addition to the front elevation of the dwelling which is felt would provide an appropriate level of domestic extension for this dwelling in the form of an additional bedroom to the dwelling, from a design and scale perspective it is felt on balance to now be acceptable.
- 6.2.10 However, officers are mindful that the current proposal when added to the existing extensions, i.e. rear dormer and conservatory, that it is likely that any further development of the site would be considered as over development and would not be supported by officers.
- 6.2.11 Officers raise no objections to the garage conversion element of this proposal to facilitate the use of the integral garage for residential use.
- 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.
- 6.3.2 Neighbours have raised concerns regarding the visual impacts and loss of light of the originally submitted proposal.
- 6.3.3 In addition, the Town Council have maintained their concerns regarding the proposal being out of keeping with the existing street scene.
- 6.3.4 Natural light or right to light is dealt with differently under Planning Regulations. A "right to light" is an easement that gives landowners the right to receive light through defined apertures in buildings on their land. From a Planning perspective, planners work to Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy under which officers consider the height of an extension and the proximity to other properties/buildings and whether or not an extension would have an unacceptable impact on the local amenities.
- 6.3.5 In addition, a neighbour has expressed concern regarding their loss of view of the streetscene along Conway Drive from the rear of their property. Within planning legislation except where the view from a particular location is also a valued public asset there is no "right to a view" which planning controls can look to safeguarding for the continuing benefit of an existing landowner.
- 6.3.6 A neighbour has also raised the possible adverse impact on property values, however, this is not a relevant material planning consideration and therefore officers have not addressed this in their assessment of the proposal.
- 6.3.7 The siting of the dwelling is considered to be set back, hidden more from view from the streetscene and lies perpendicular to the dwellings on Abingdon Road. The revisions are considered will be less overbearing to neighbouring properties and therefore it is felt that they will impact less on neighbouring amenity.

- 6.3.8 It is felt that the reduction in both width and depth of the first-floor addition to appear more dormer in style and the front roof slope to the existing garage room contribute to reducing both the visual impact upon the streetscene and also upon the impact on neighbour amenity. The reductions proposed are also considered will be less dominant and impact less upon neighbours both to the front and perpendicular south east elevations.
- 6.3.9 Officers consider therefore that on balance, the revised proposal now complies with CS6.
- 6.3.10 However, in order to protect neighbour health and wellbeing during the proposed development, a condition will also be imposed restricting the hours of construction and/or demolition work. And although not strictly a planning matter, an informative referring the applicant to the Party Wall Act and their obligations under that act will also be included.

7.0 CONCLUSION

The revised scheme is considered to be of a scale, design and appearance that will respect the existing character of the host dwelling. Although being a front elevation addition and that the development would be visible from the street scene from some aspects, the host dwelling is set back from the highway, hidden more from view from the streetscene and lies perpendicular to the dwellings on Abingdon Road. It is considered that the revised first floor front elevation extension will respect the existing character of the dwelling and will not result in any adverse visual impact or cause any detrimentally harmful impact upon neighbouring properties or the surrounding area.

It is felt that the reductions to the proposal by the submitted revised scheme will be less dominant and impact less upon neighbours whilst providing an appropriate level of domestic extension for this dwelling in the form of an additional bedroom accommodation to the dwelling and for the occupants. In addition, and on balance, the revised scheme proposed is judged to be in scale with the original building and of no demonstrable harm in terms of visual impact nor is significant harm considered to arise to the character and appearance of the dwelling and streetscene.

With regards to the garage conversion element of this proposal to facilitate the use of the integral garage for residential use officers raise no objections.

The development is therefore, as a whole and on balance, considered to accord with the NPPF and with Shropshire Council policies CS6 and MD2 .

Officers recommendation is 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.
- 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 - NPPF

Core Strategy and SAMDev Policies:
CS6 - Sustainable Design and Development Principles
CS18 - Sustainable Water Management
MD2 - Sustainable Design

Relevant Planning History:

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 Pam Moseley
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 08:00 - 18:00,
Saturday 09:00 - 13:00.

No construction and/or demolition work shall take place on Sundays and bank holidays.

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

4. Construction deliveries to and from the premises shall only be undertaken outside of peak traffic times Monday to Saturday, and at no time on Sundays and Bank holidays.

Reason: In the interest of the amenities in the local area.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

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

5. The external materials shall be as detailed on the submitted application form received on 17th June 2020 and there shall be no variation.

Reason: To ensure that the works harmonise with the existing development.

Informatives

1. The provisions of the Party Wall etc. Act 1996 apply in respect of this development and you are required to notify all neighbours affected by the proposal before any work commences on the site.

2. Nesting birds

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/> .]

If during construction birds gain access to any of the building[s] and begin nesting, work must cease until the young birds have fledged.

3. Bats

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Any chemical treatment of timbers should not take place between the beginning of October and the end of March and no pointing or repairs of any gaps or crevices which cannot be easily seen to be empty should take place between the beginning of October and the first week in April, to minimise the possibility of incarcerating bats.

If timber treatment is being used then the Natural England's Technical Information Note 092: Bats and timber treatment products (2nd edition) should be consulted and a suitable 'bat safe' product should be used (see <http://webarchive.nationalarchives.gov.uk/20160913000001/http://publications.naturalengland.org.uk/publication/31005>).

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

4. General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day

to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

5. 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.

6. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.

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Location: 26 Conway Drive, Shrewsbury, SY2 5UB.