

## Development Management Report

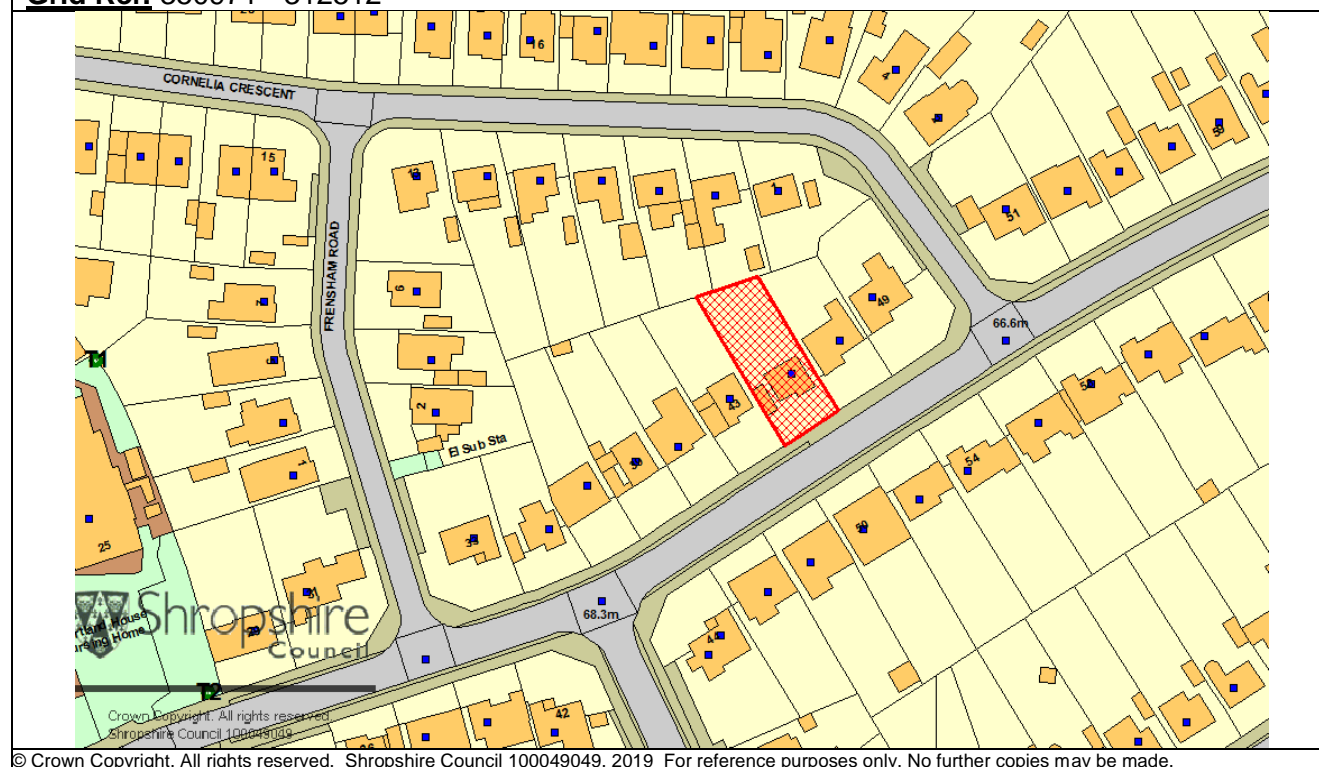
Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 20/02543/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Erection of single storey garage extension		
<b><u>Site Address:</u></b> 45 Belvidere Road Shrewsbury SY2 5LX		
<b><u>Applicant:</u></b> Mr and Mrs Furlong		
<b><u>Case Officer:</u></b> Gemma Price	<b><u>email :</u></b> planning.northern@shropshire.gov.uk	

**Grid Ref:** 350971 - 312512



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

**REPORT**

<b>1.0</b>	<b>THE PROPOSAL</b>
1.1	The application seeks planning permission for the erection of a single storey garage extension to the dwelling known as 45 Belvidere Road. The extension will contain a hobby room.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
2.1	The dwelling subject to the application is located approximately 1.08 miles East from the centre of Shrewsbury. The dwelling is a detached property constructed in red facing brick and brown tiles with a drive, small garden and garage to the front of the property. The garage currently runs down the side elevation of the property and approximately measures at 6.07 metres in length, 2.87 metres in height with a width of 3.95.
2.2	The site is bounded by neighbouring dwellings either side of the property and to the rear.
<b>3.0</b>	<b>REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION</b>
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.
<b>4.0</b>	<b>COMMUNITY REPRESENTATIONS</b>
<b>4.1</b>	<b>- Consultee Comments</b>
4.1.1	<b>Shrewsbury Town Council</b> The Town Council raises no objections to the development proposed.
<b>4.2</b>	<b>- Public Comments</b>
4.2.1	This application was advertised via notice at the site and the residents of five neighbouring properties were individually notified by way of publication. At the time of writing this report, no representations had been received in response to this publicity.
<b>5.0</b>	<b>THE MAIN ISSUES</b>
5.1	<ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Siting, scale and design of structure</li> <li>• Impact on amenities</li> <li>• Other matters</li> </ul>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>

<b>6.1</b>	<b>Principle of development</b>
6.1.1	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 extensions and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area.
6.1.2	Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.
6.1.3	Section 12 of the National Planning Policy Framework; Achieving well-designed places, reinforces these goals at a national level, by requiring design policies to reflect local aspirations ensuring developments are sympathetic to local character, visually attractive and establish a strong sense of place.
6.1.4	Shropshire Core Strategy Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.
<b>6.2</b>	<b>Siting, scale and design of structure</b>
6.2.1	The extension to the existing garage will contain a hobby room. The existing garage measures at approximately 6.07 metres in length, 2.87 metres in height with a width of 3.95. Once extended as proposed, it will comparatively measure at approximately 11.06 metres in length, 2.94 metres in height with a width of 3.54 metres.
6.2.2	The proposed materials for the extension will match existing in brick and the flat roof will be grey or black in colour with white UPVC windows. No concerns are raised in relation to the design of the proposals.
6.2.3	The siting and scale of the proposal is acceptable. The scale is not excessive, and the extension will have very little impact as this will fall in line with the existing garage.
<b>6.3</b>	<b>Impact of amenities</b>
6.3.1	Due to the proposed extension being to the rear of the property this will not impact the street scene. The property sits within a large curtilage and therefore the proposals will still allow adequate garden space.
6.3.2	No concerns are raised in relation to the impact on the neighbours to the side of the property and to the rear. The proposed garage extension will fall in line once extended with both the properties to the side elevations. The boundary to the rear is approximately 19.9 metres which is adequate distance for the proposals to not cause concern to the neighbours' amenities.

<b>6.4</b>	<b>Other matters</b> In order to safeguard the residential character of the area the case officer feels a condition should be added to the garage / annexe confirming that it shall not be used for any purpose other than those incidental to the enjoyment of the existing residential dwelling.
<b>7.0</b>	<b>CONCLUSION</b>
7.1	The works are judged to be in scale and character with the original building and of no demonstrable harm in terms of visual impact. No significant harm is considered to arise to the neighbouring resident's amenity and the application therefore accords with the principal determining criteria of the relevant development plan policies including CS6 and MD2 and approval is recommended with the condition discussed in other matters.
<b>8.0</b>	<b>Risk Assessment and Opportunities Appraisal</b>
<b>8.1</b>	<b>Risk Management</b>
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> <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>
<b>8.2</b>	<b>Human Rights</b>
	Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions.

	<p>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.</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>
<b>8.3</b>	<b>Equalities</b>
	<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>
<b>9.0</b>	<b>Financial Implications</b>
	<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:  
National Planning Policy Framework

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles  
MD2 - Sustainable Design  
CS17 - Environmental Networks

### RELEVANT PLANNING HISTORY:

20/02543/FUL Erection of single storey garage extension PDE

## 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)
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
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Local Member Cllr. Hannah Fraser
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Appendices APPENDIX 1 - Conditions
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## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

1. (a) 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).

(b) 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.

2. The garage / hobby room hereby approved shall not be used for any purpose other than those incidental to the enjoyment of the existing residential dwelling and must not be sold as a separate dwelling.

Reason: To safeguard the residential character of the area.

### **Informatives**

1. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

2. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.