

## Development Management Report

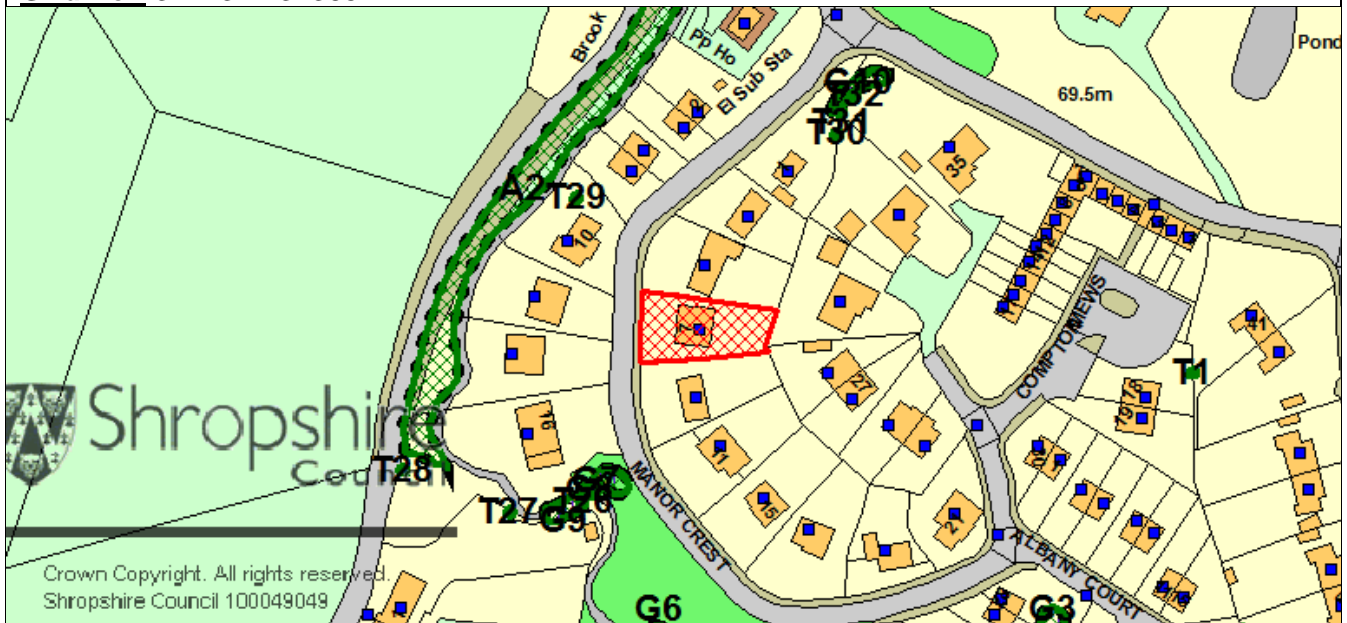
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 20/03129/FUL	<b>Parish:</b>	Ford
<b>Proposal:</b> Erection of single storey extensions and covered areas to side and rear (following demolition of existing outbuildings and conservatory); construction of single storey inglenook fireplace with flue to side elevation; conversion of garage to habitable room to include elevational amendments; and re-modelling of driveway. (amended description)		
<b>Site Address:</b> 7 Manor Crest Ford Shrewsbury SY5 9NZ		
<b>Applicant:</b> Mr Alastair Dunning		
<b>Case Officer:</b> Alison Tichford	<b>email :</b> planning.southern@shropshire.gov.uk	

**Grid Ref:** 341234 - 313652



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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 relates to:

- the demolition of an existing single storey conservatory extension and its replacement with a new sun room
- the construction of a single storey inglenook fireplace with flue to the side elevation
- the removal of two small outbuildings to the north elevation and their replacement with a lean to roofed area supported by oak timber posts.
- the conversion of the garage to a habitable room
- alterations to driveway

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The existing detached dwelling is sited on a late C20 residential estate road in Ford Conservation Area. There are similar detached dwellings to the north and south and opposite on the other side of the estate road to the west. The rear garden adjoins the rear gardens of a semi-detached dwelling and a further detached dwelling of similar age to the east.

2.2 The dwelling is set back appx.8.5m from the road at a higher ground level, and has a spacious and attractive appearance to the front with a generous driveway and lawn area.

2.3. The existing conservatory to the rear (for part demolition under this application) was permitted in 1994, and rooflights to a loft space conversion were permitted on appeal in 2009.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The applicant is a member of staff reporting to the Planning Services Manager the Scheme of Delegation, as set out in Part 8 of the Shropshire Council Constitution, requires consideration by Planning Committee.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 Consultee Response

4.1.1 **Ford Parish Council** – No comments received.

4.1.2 **SC Drainage** consultees have provided comments indicating that they have no objections to the scheme

4.1.3 **SC Archaeology** were consulted but had no comments to make in regard to this application.

4.1.4 **SC Conservation** consultees have provided comments indicating that they have no concerns on heritage grounds provided that all external materials are a good

match to the existing particularly to the front elevation. They do not require a pre commencement condition but are satisfied with a standard condition requiring materials to match. They note that a tall flue is proposed and require this to have a recessive matte black finish, but otherwise do not consider that it should be unduly visually dominant.

## **4.2 Public Response**

**4.2.1** A site notice has been displayed as required, and an advertisement placed in “The Shropshire Star” and no responses have been received as a result of this publicity.

**4.2.2** 7 neighbouring properties have been notified as regards this application and no comments have been received.

## **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 householder development 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.

The proposed site is situated within the Shrewsbury Conservation Area. The proposal therefore has to be considered against Shropshire Council policies CS6 and CS17, SAMDev Policies MD2 and 13, and with national policies and guidance including chapter 16 of the National Planning Policy Framework (NPPF)(revised 2018). Special regard has to be given to preserving or enhancing the character or appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **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 ensure sustainable design and construction principles are incorporated within the new development. 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.

Policy CS17 and SAMDev Policy MD13 require that all development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not affect the visual and heritage value and functions of these assets and their immediate surroundings.

- 6.2.2** The existing conservatory dates from the 1990s and is at the end of its life. The new sunroom will be of brick construction with a plain clay tile roof to match the existing dwelling and will be an improvement to the existing. The new sunroom will extend past the side wall of the dwelling but will be set behind the new flue to this elevation and will not be prominent.
- 6.2.3** The inglenook fireplace with flue will require a small brick projection across a small section of the north elevation, which will be visible from the front elevation, but not prominent behind an existing 1.8m wooden fence which separates the front from rear garden.
- 6.2.4** The removal of two small outbuildings to the north elevation and their replacement with a lean-to plain clay tile roof supported by oak posts will make a positive contribution to the appearance of the property. The roof will be visible above the existing 1.8m fence but is set well back from the road and will have no significant impact on the visual appearance of the property.
- 6.2.5** The conversion of the garage will entail a new upvc window to the front elevation which will match the existing windows in style with brickwork infill below to match the existing dwelling.
- 6.2.6** The access to the property remains unaltered, but the driveway is to be extended a little across a currently lawn area. Sufficient grass lawn will remain to the north and the front elevation to provide an attractive and appropriate frontage within the street scene. The top of the driveway is to be lowered by 70cm to enable a flatter surface for safer access to the property. A 0.65m gabion wall will be installed in proximity to the dwelling to support access paths to the front door. The tarmac surface will be replaced with a permeable stone gravel and new pathways and steps will also have a stone effect finish. which will make a positive contribution to the Conservation Area.
- 6.2.7** Overall, the proposed scale, design and appearance of the extensions and alterations will respect the existing character of the dwelling and will not result in any detrimental visual impact in the local streetscene or Conservation Area.
- 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** No objections to the proposed works have been received from neighbouring properties.
- 6.3.3** The proposed sunroom extension is shallower in depth than the existing

extension and offers reduced glazing. While the north wall is a little closer to no. 5 it remains appx. 1m from the boundary, is single storey with a low eaves height and pitched roof away from the boundary and will not have any significant impact in terms of shadowing, light or outlook for no.5, which itself has a conservatory immediately adjacent the boundary, already screened by existing boundary treatments.

**6.3.4** There is no additional glazing to the north elevation, the new window to the front west elevation faces onto the road and then garaging to the dwelling opposite, and there is no increased potential for overlooking of any neighbouring properties or public areas. Any activity arising from the new potting area will replace existing use of the sheds in this location and will not have a significant impact on the amenity of no.5 to the north which has no glazing to its south wall. The properties are separated by an existing 1.8m fence and there remains an appx. 0.8m to 1.2m gap to the boundary from the new roofed area.

**6.3.5** The new fireplace and flue will be used for normal residential purposes and there will be no significant impact on the amenity of neighbouring properties.

**6.3.6** The reduced incline to the driveway may provide a safer access and parking area, and with boundary areas to the north and south remaining at existing levels, will otherwise have no impact on the amenity of neighbouring properties.

## **7.0 CONCLUSION**

**7.1** The proposed scale, design and appearance of the extensions are appropriate within the residential space available, will respect the existing character of the dwelling and will appropriately preserve the character and appearance of the Conservation Area. Neither will there be any detrimental impact on neighbouring properties. The proposed development is considered to accord with the requirements of the adopted Core Strategy Policies 6 & 17, and SAMDev Policies MD2 and 13.

Recommend permission is granted with standard conditions as to materials and a specific condition relating to the external appearance of the proposed flue.

## **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 three months 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 of 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 – in so far 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

## Shropshire Core Strategy and SAMDev Plan Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

20/03129/FUL Erection of single storey extensions and covered areas to side and rear (following demolition of existing outbuildings and conservatory); construction of single storey inglenook fireplace with flue to side elevation; conversion of garage to habitable room to include elevational amendments; and re-modelling of driveway. (amended description) PDE

SA/86/0418 Erection of 23 no. detached dwelling houses 7 No. detached bungalows with integral garages, 22 No. semi-detached houses and 6 no. semi-detached bungalows with separate garages and the formation of new vehicular and pedestrian accesses. (Ref. Outline application No. S84/722/580/77 dated 21/3/85) REFUSE 9th May 1986

SA/84/0722 Residential development with the formation of new vehicular and pedestrian accesses (7.40 acres) (Renewal of Outline S81/332/580/77 dated 28/7/81). PERCON 21st March 1985

SA/81/0332 Residential development with the formation of new vehicular and pedestrian accesses (7.40 acres) (Renewal of Outline 77/990/580/77 dated 20/6/78). PERCON 28th July 1981

SA/77/0990 Erection of dwellings and formation of vehicular and pedestrian accesses. PERCON 20th June 1978

SA/87/0716 Layout and landscaping of estate, construction of roads and sewers and erection of dwelling houses on Plots 3 and 4. (Ref. Outline application No. S84/722/580/77 dated 21st March 1985). PERCON 18th February 1988

SA/89/0422 Residential development comprising of 10 no. 2 bed cottages, 8 no. 3 bed cottages with associated garages. PERCON 14th March 1990

SA/94/1282 Erection of a conservatory. PERCON 6th January 1995

SA/91/0662 Erection of 2 no detached cottages with garages and construction of new vehicular and pedestrian accesses. PERCON 31st July 1991

SA/09/0193/F Installation of 3 rooflights to rear elevation and 2 rooflights to front elevation in association with conversion of loft space to an additional bedroom (retrospective) REFUSE 15th April 2009

Appeal

86/00831/REF Erection of 23 no. detached dwelling houses 7 No. detached bungalows with integral garages, 22 No. semi-detached houses and 6 no. semi-detached bungalows with separate garages and the formation of new vehicular and pedestrian accesses. (Ref. Outline application No. S84/722/580/77 dated 21/3/85) DISMIS 9th March 1987

Appeal

09/01047/REF Installation of 3 rooflights to rear elevation and 2 rooflights to front elevation in association with conversion of loft space to an additional bedroom (retrospective) ALLOW 25th January 2010

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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 Roger Evans
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 materials shall match in colour, form and texture those of the existing building.

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

4. The flue approved by this permission shall be fitted as indicated on the approved plans



and will be matt black in colour

Reason: To ensure it is appropriate to the local character and streetscene and has no visual dominance within the Conservation Area.

### **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. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:<https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.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.