



Committee and Date  
Northern Planning Committee  
12<sup>th</sup> January 2021

Item  
**9**  
Public

## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 20/04765/FUL	<b>Parish:</b> Whitchurch Rural
<b>Proposal:</b> Erection of part single storey, part first storey rear extensions, and alterations to existing porch roof	
<b>Site Address:</b> 23 Church Lane Ash Magna Whitchurch Shropshire SY13 4EA	
<b>Applicant:</b> Mr and Mrs J Lloyd	
<b>Case Officer:</b> Philip Mullineux	<b>email :</b> <a href="mailto:planning.northern@shropshire.gov.uk">planning.northern@shropshire.gov.uk</a>

**Grid Ref:** 357384 - 339894



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

**REPORT****1.0 THE PROPOSAL**

1.1 This application seeks planning approval for the erection of part single storey, and part first storey rear extensions, along with alterations to existing porch roof.

- The first-floor extensions will sit over existing single storey elements, creating a bedroom and dressing room.
- The ground floor extension will create an open plan kitchen / dining room.
- The porch roof will only enhance the visual appearance of the property, no floor space will be gained as a result of the roof changing from a sloping roof to a pitched roof.

**1.2 Planning History:**

NS/79/00802/FUL - Erection of private double garage – Approved 16.10.1979

NS/88/00577/FUL - Proposed single storey rear extensions to existing dwelling – Approved 23.06.1988

**2.0 SITE LOCATION/DESCRIPTION**

2.1 23 Church Lane is a detached two storey, cream rendered property, located within the rural village of Ash Magna, 2 miles from the market town of Whitchurch. Ash Magna is identified as a community cluster within the SAMDev Plan and 23 Church Lane falls within the development boundary for the cluster. The detached property benefits from a private access, driveway, a detached garage and lawned garden areas to the front, side and rear of the dwelling house.

2.2 The site is access from the passing highway to the east known as Church Lane.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The applicant is an employee of Shropshire Council's Planning Services, therefore in-line with the authorities scheme of delegation policy, this application must be presented to planning committee for a decision.

**4.0 Community Representations****4.1 Consultee Comments****4.1.1 SC Drainage**

No objections - Informative advised

**4.2 Public Comments**

4.2.1 Whitchurch Rural Parish Council - no comments received at the time of writing this report

4.2.2 A site notice was displayed on site for 21 days from the 26.11.2020. Neighbouring properties were consulted on the application, no representations have been received at the time of writing this report.

**5.0 THE MAIN ISSUES**

- Principle of development
- Siting, scale and design of structure

- Impact to Neighbouring Amenity

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 The principle of extensions to dwelling houses are looked upon favourably subject to the proposed siting, scale and design of development, ensuring no harm is caused to the site's setting, character and the surrounding amenities.

Policy CS6 requires all development to be appropriate in scale and design, taking into account the local context and character.

SAMDev Plan policy MD2 builds on CS6, further requiring development to contribute to and respect character by responding appropriately to the form of existing development including scale, building heights and streetscape and taking account of scale and proportion.

## **6.2 Siting, scale and design of structure**

- 6.2.1 The proposal seeks planning approval for the erection of a ground floor and first floor extensions to the property's rear elevation, along with alterations to the porch roof. As mentioned previously the ground floor extension will create an open plan kitchen / dining room and the first-floor extensions will create a bedroom and dressing room.

The alterations to the property's porch will see the existing sloping roof changed to an apex pitched roof, no alterations are proposed to the external walls or footprint of the porch. The change it is considered will visually enhance the character of the principle elevation, reflecting similar designed front porches along Church Lane. The existing roof tiles will be re-used where possible and any new materials will reflect those of the existing dwelling.

Whilst the porch is located on the front elevation, the proposed extensions are to the rear of the property and will not extend beyond either side elevation. The extensions will not exceed the existing eaves height and will sit considerably lower to the main ridge height, therefore will not be visible from the principle elevation or the public highway to the east.

- 6.2.2 The first-floor additions will be finished in a cream render to match the existing materials, and the ground floor will be constructed of a multi facing red brick to reflect those of the neighbouring properties. The windows and doors will be of an anthracite grey finish and the roof tiles to all elements will also match the existing. Existing roof tiles will be re-used where possible.

Details of the materials have been provided with this application and will be controlled by condition.

- 6.2.3 The first-floor additions will not extend past the existing ground floor elements and the ground floor extension will sit over an existing patio area, therefore will not impact on the site's generous size surrounding amenity. Furthermore, the driveway, parking and access areas to the side and front of the dwelling remain unaffected by the proposed works.

6.2.4 The proposed extensions and alterations remain subservient to the main property and have been designed to reflect and enhance the dwelling's existing character, ensuring no overbearing or domineering impact is caused. Therefore, officers are satisfied that the siting, scale and design of the proposed works comply with the relevant planning policies as detailed within section 6.1, CS06, MD02, along with the aims of NPPF.

### **6.3 Impact to Neighbouring Amenity**

6.3.1 The site is located within the rural area of Ash Magna and looks out to countryside land to the rear (north / east & north /west). The property is detached in nature and benefits from a large surrounding amenity. The site has neighbouring properties to the eastern and western boundaries, countryside land sits to the north and the highway Church Lane passes along the southern boundary. The neighbouring properties consist of a detached bungalow to the west and a detached two storey dwelling to the east, the neighbouring properties are separated by gardens / driveways and their associated surrounding amenity land.

6.3.2 As mentioned above the alterations to the porch will reconfigure the roof pitch, no new openings are proposed and the porch will remain of the existing footprint, therefore no impact of additional harm will be caused to the neighbouring amenity across the highway to the south / east, with the proposed works overall enhancing the street scene.

The extensions are to the rear elevation (north facing), and no first-floor window openings are proposed to the side elevations. As the extensions do not extend beyond the side elevations or the existing ridgeline, they will not be visible from or impact on the principle elevation.

The first-floor rear openings will lookout to the site's garden area and agricultural land to the rear. The proposed development will not result in any harm to the neighbouring amenity with regards to the loss of light, loss of privacy and no overbearing impact will be caused as a result.

The first-floor additions will not extend past the existing ground floor footprint and the ground floor extension will sit over an existing patio area, therefore will not impact on the site's generous size surrounding residential amenity.

The driveway, parking and access areas to the side and front of the dwelling remain unaffected by the proposed works.

6.3.3 Officers are satisfied that no harm such as the loss of light, overlooking, the loss of privacy and no overbearing impact will be caused to the neighbouring amenity as a result of this development.

## **7.0 CONCLUSION**

7.1 Taking into account the siting, scale and design of the proposed extensions officers are satisfied that the development respects the properties existing character and that of the local vernacular, whilst ensuring no additional harm is caused to the site's amenity and the neighbouring surrounding amenity, therefore complies with

planning policies CS06 of the Shropshire Core Strategy and MD02 of the SAMDev Plan, along with the aims and objectives of the NPPF.

- 7.2 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.

## **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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

National Planning Policy Framework

### RELEVANT PLANNING HISTORY:

NS/79/00802/FUL Erection of private double garage. GRANT 16th October 1979

NS/88/00577/FUL Proposed single storey rear extensions to existing dwelling. GRANT 25th July 1988

PREAPP/20/00501 Proposed first floor extensions PDDEV 28th July 2020

## 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 Gerald Dakin
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### **Conditions**

#### **STANDARD CONDITIONS**

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 and as detailed within the supporting information.

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

### **Informatives**

1. Surface Water Drainage Informative:

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

2. 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.