

Development Management Report

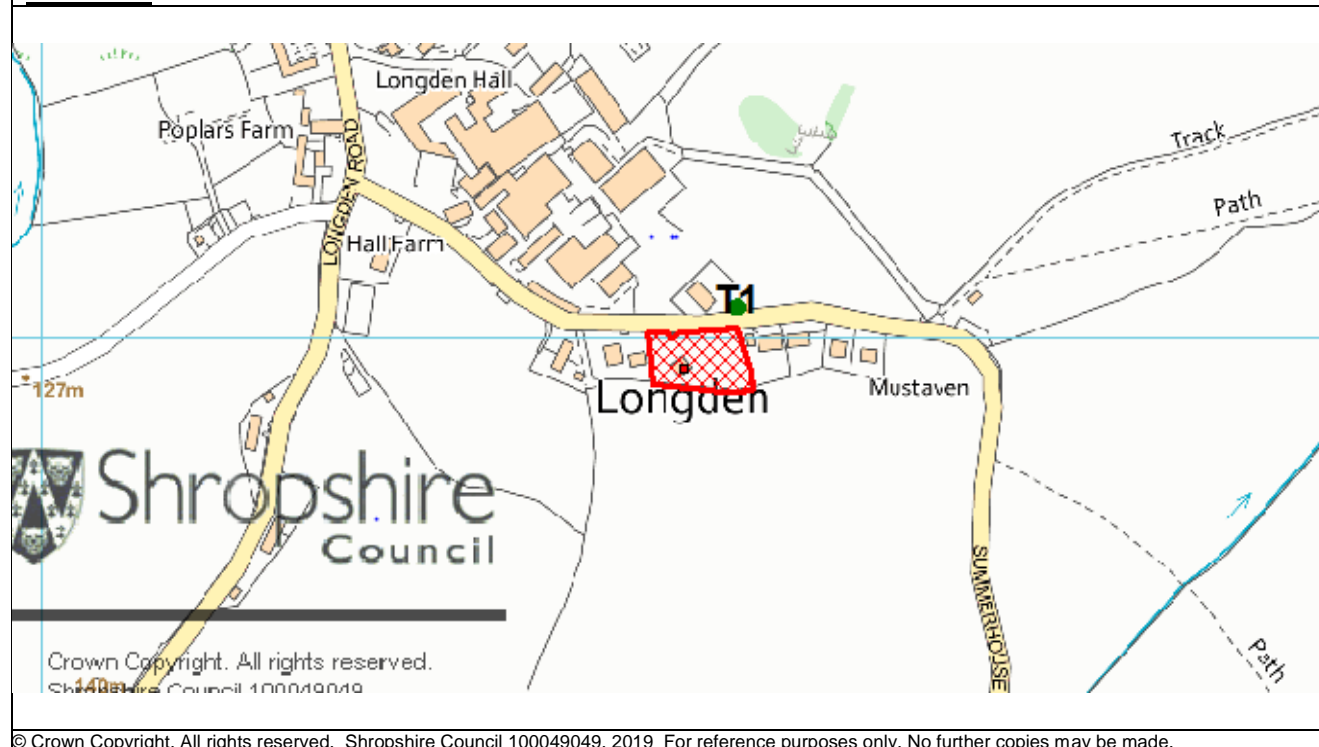
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 20/04317/FUL	<u>Parish:</u>	Longden
<u>Proposal:</u> Erection of a single storey rear extension (following demolition of existing) and two-storey side extensions to include double garage (revised description)		
<u>Site Address:</u> Sunninghill Summerhouse Lane Longden Shrewsbury SY5 8HA		
<u>Applicant:</u> Mr & Mrs Parson Jones		
<u>Case Officer:</u> Alison Tichford	<u>email :</u>	planning.northern@shropshire.gov.uk

Grid Ref: 344439 - 305982



Recommendation:- Grant Permission subject to no further objections being received that raise new material planning considerations during the consultation period (Expires 19/01/2021) matters of the conditions set out in Appendix 1.

REPORT

1.0	THE PROPOSAL
1.1	<p>This proposed development is for the erection of two storey side extensions to include a double garage to an existing dwelling as well as the demolition of an existing single storey rear projection and its replacement with a slightly wider single storey flat roof rear extension.</p> <p>The development will enable enlarged living areas and a double garage at ground floor level and additional bathing facilities and a home office at first floor level.</p>
1.2	Revised plans requiring a revised project description were received during the course of the application, and further revisions reduced the height of the extensions and removed a second dormer window to the front elevations.
2.0	SITE LOCATION/DESCRIPTION
2.1	The existing mid C20 dwelling occupies a pleasantly mature 0.6 acre plot to the south of Summerhouse Lane in the rural village of Longden. There is an existing small garage/workshop of similar age to the dwelling.
2.2	The existing house has brick walls and a hipped tiled roof with chimney and is set back appx. 18m from the road with access on a tarmac driveway.
2.3	There are C21 detached dwellings to the west and on the other side of the road to the north east, and a C20 bungalow to the west. There are open agricultural fields to the rear/south.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The applicant is a staff member of Shropshire Council who reports indirectly to the Home and Communities AD, formerly within Infrastructure and Communities, and the application therefore requires consideration by Planning Committee as set out SC Scheme of Delegation and Part 8 of the Shropshire Council Constitution.
4.0	COMMUNITY REPRESENTATIONS
4.1	Consultee Response
4.1.1	Longden Parish Council made initial neutral comments but reserved the right to revise their opinion in the light of any new information available at a later date. The Parish Council were re-consulted with regard to revised plans received and this consultation period expires on 19 th January 2021.
4.1.2	SC Ecology do not object to the application but recommend conditions and informative advice to ensure the protection of wildlife and to provide ecological enhancements.

4.1.3	SC Trees were consulted with regard to this application. No comments have been made with regard to the planning application, but consultees have provided further advice with regard to public comment.
4.2	Public Response
4.2.1	<p>A site notice was posted as required and 3 neighbouring properties were individually advised as regards the original proposal. 3 comments were received as a result of this publicity:</p> <ul style="list-style-type: none"> • one objection with regard to a first floor window in the gable end of the proposed new garage (removed in the revised plans). • A neutral comment encouraged the retention of existing trees and shrubs in front of the proposed garage to maintain local character and form a natural screen. This commentator also sought inspection of a mature birch tree within the grounds of the property. • A further commentator was concerned about overlooking to neighbouring Meadowsweet to the west but anticipated revised plans and indicated they would make further comment then. <p>Following the receipt of revised plans, the 3 neighbouring properties were again individually notified and this consultation period expires on 19th January 2021. The commentator who had concerns with regard to overlooking to Meadowsweet finds the revised plans acceptable as their concerns have been addressed.</p>
5.0	THE MAIN ISSUES
5.1	Principle of development Design and Scale Residential Amenity Ecology
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	The site falls within the area included within the Longden Development site published by the Parish Council and Longden is part of a Community Cluster where residential development is anticipated. There is also a general presumption within the development plan policy in favour of domestic extensions and alterations, subject to further considerations as detailed below.
6.2	Design, Scale and Character
6.2.1	<p>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.</p> <p>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</p>

	not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
6.2.2	The development as originally proposed was not acceptable in design terms, requiring significant alterations to the existing hipped roof and introducing a flat roof box dormer to the enlarged roof.
6.2.3	The applicants introduced revised drawings which removed these alterations to the existing roof. The revised drawings propose a 2 storey side extension in two parts – a link section to the existing house, with a further angled projection from this. The extension will key into the east elevation hipped roof at a lower ridge line, and the new end elevation will match the hip to the original roof. There will be a single small dormer to the front elevation of the extension. A new rooflight is proposed to the front elevation of the existing dwelling house as well as one small rooflight to the front elevation of the extension.
6.2.4	The proposed single storey rear extension is slightly wider than the existing, of similar depth, and replaces the pitched roof with a flat roof.
6.2.5	The brick finish to the dwelling will be replaced with a render finish with some cedar cladding. Chimneys are to be retained. The altered materials will tend towards a more coherent appearance to the dwelling and its new extension and will contribute to a more modern appearance for the new residents without significantly altering the character of the dwelling or making a significant difference to the streetscene given the dwelling's set back location.
6.2.6	The proposed works will not result in a significant loss of garden area and an appropriate level of amenity space for the enlarged dwelling will remain.
6.2.7	While the proposed works are appropriate within the residential space available, they do make a significant enlargement to the existing dwelling with a small impact on the existing character, and it will be appropriate to restrict permitted development rights to further alterations in order to ensure that the scale of development remains appropriate to the plot and the local character and does not impact on neighbour amenity. The development introduces a new double garage while the existing garage will be retained for garden storage purposes so restrictions would seem appropriate with regard to alterations to the roof and additional outbuildings.
6.2.8	The proposed development will involve significant works on site. The existing landscaping will contribute to softening the impact of the proposed extensions and alterations and it seems appropriate to require that a simple landscaping plan for the project should be approved by condition.
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	The west wall to the new extension will be between 5.75 and 7.5m from the boundary with amenity areas to Whistlers to the west. The hipped roof falls away from the boundary. The new development should not be experienced as overbearing by residents of Whistlers while using their rear amenity areas and will not make a significant impact on outlook from glazing to the rear.
6.3.3	The proposed alterations and extensions will not lead to any significant loss of outlook, loss of light, or increase in shadowing to any neighbouring properties and no increase in noise disturbance is anticipated.
6.3.4	There is a new rooflight and dormer to the front elevation. The dormer will have a restricted angle view to the north and will be appx. 50m from new dwellings to the north of Summerhouse Lane. A high level window to the east elevation will be removed and there is no further glazing to this elevation. Full length patio doors are introduced across most of the ground floor to the existing dwelling. There are three small first floor windows and two moderate ground floor windows to the new extension, all with views over the field to the rear and with no impact on the privacy of neighbouring properties.
6.3.5	First floor windows to the rear of the existing house will be altered to full length with Juliette balconies. The alteration to full length glazing could potentially enable access to and use of the flat roof rear extension. While this extension is set appx. 39m from the east boundary with Meadowsweet, officers consider this is sufficiently close for the amenity of residents of Meadowsweet to be significantly impacted in terms of overlooking and noise and for the use of this area to lead to the development being experienced as overbearing. It will be appropriate to include a condition prohibiting any use of this flat roof area as balcony/terrace.
6.3.4	Having regard to the proposed orientation and distance away from neighbouring properties the proposed windows will not result in any detrimental impact from overlooking or loss of privacy. Alterations and additional glazing to them within the roofspace may have potential impact on the privacy of neighbouring properties and it will be appropriate to require local planning authority approval of any such alterations.
6.4	Ecology
	SC Policy CS17, consolidated by MD12, requires that all development protect and enhance the diversity of Shropshire's natural environment. The applicant submitted a preliminary ecology appraisal with their application and ecology consultees have requested a condition with regard to implementation of the recommendations of that report with regard to great crested newts and other wildlife, and it will be appropriate to include this condition in order to safeguard the natural environment in accordance with CS17.
6.5	Other Matters

	One commentator raised concerns about a birch to the front garden which is leaning. Trees consultees have not made any comments with regard to the application. The tree is not at risk as a result of the development and its health does not fall within the consideration of this planning application. The customer has been advised with regard to further action, in consultation with the trees team as necessary.
7.0	CONCLUSION
7.1	<p>The proposed scale, design and appearance of the proposed works will adequately respect the existing character of the dwelling and will not result in visual impact or cause any significant detrimental impact on neighbouring properties. The natural environment on site can be protected by means of condition. The proposed development is therefore considered to accord with the requirements of the adopted Core Strategy Policies CS6 and 17 and SAMDev Policies MD02 and 12.</p> <p>Recommend permission is granted with conditions as discussed above, subject to any further material considerations being raised prior to the end of the re-consultation period and requiring additional assessment.</p>
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 three months 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 of application for which costs can also be awarded.</p>
8.2	Human Rights

	<p>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.</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 – in so far 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

Shropshire Core Strategy and SAMDev Plan Policies:
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

13/00600/FUL Erection of a detached dwelling with detached double garage GRANT 26th February 2015

15/03729/VAR Variation of condition no.2 (approved drawings) attached to 13/00600/FUL to allow for redesign and orientation of dwelling GRANT 4th December 2015

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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No works shall commence until an appropriately qualified and experienced Ecological Clerk of Works (ECW) has been appointed and provided brief notification to the Local Planning Authority of any pre-commencement checks and measures to ensure there are no significant changes in the habitat/condition within the development footprint since the provision of the Pearce Environmental Preliminary Ecological Appraisal and that the mitigation/avoidance measures recommended within the Great Crested Newt Reasonable Avoidance Measures Method Statement provided are still considered appropriate to be carried out.

Reason: To ensure the protection of Great Crested Newts which are European and UK protected species and other wildlife.

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

4. Prior to commencement of the relevant part of work, the finish and colour of the render, the cedar cladding, and the roofing tiles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained for the lifetime of the development.

Reason: In the interest of certainty and in order to ensure the appropriate appearance of the dwelling within the local streetscene.

5. Works will be carried out strictly in accordance with the Great Crested Newt Reasonable Avoidance Measures Method Statement (RAMMS). The ECW, appointed under separate condition, will ensure that the Statement is implemented as set out in Section 5.4.23 - 5.4.34 and Appendix 6 as well as the implementation of other ecological mitigation and enhancement measures as set out in Section 5 of the Preliminary Ecological Appraisal (PEA), Phase 2 Bat Survey & Great Crested Newt eDNA report (Pearce Environmental Ltd, 2020) and will provide a detailed statement in this regard to the local planning authority prior to any occupation of the extended accommodation.

Reason: To demonstrate compliance with the GCN RAMMS to ensure the protection of great crested newts, which are European Protected Species

6. Prior to the first occupation of the extensions to the dwelling full details of both hard and soft landscape works (including timetable for implementation) shall be submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved details and timescales. Any trees or plants that are removed, die or become seriously damaged or defective within 5 years shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

7. Prior to first occupation / use of the extensions, the makes, models and locations of bat and bird boxes shall be installed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- o A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
- o A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), swifts, sparrows and small crevice dwellings birds (swift bricks or boxes also suitable for this range of species) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

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

8. Demolition, construction works and associated deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

9. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between March and August inclusive, unless an appropriately qualified and experienced ecologist has undertaken a careful, detailed check of vegetation / the building for active birds' nests immediately before the vegetation is cleared / works to the building commence and provided written confirmation to the Local Planning Authority that no nesting birds will be harmed and/or that there are appropriate measures in place to protect structures used by nesting birds on site.

Reason: To ensure the protection of nesting birds, which are protected under the 1981 Wildlife and Countryside Act (as amended).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- o Extensions;
- o Additions or alterations to the roof, including dormer windows;
- o Free standing buildings within the curtilage;

Reason: To maintain the scale, appearance and character of the development and to comply with SC Core Strategy 6 and Policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

11. The flat roof to the single storey rear extension shall at no times be used as an amenity area.

Reason: To protect the amenity of neighbouring residents.

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. 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 / No clearance works can take place with 5m of an active nest.]

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 the building and begin nesting, work must cease until the young birds have fledged.

3. All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 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.

During all building renovation, demolition and extension works there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc.

If a bat should be discovered on site then development works must halt and a licensed ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed. 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. The latest Bat Conservation Trust guidance on bats and lighting is currently available at http://www.bats.org.uk/pages/bats_and_lighting.html. Useful information for householders can be found in Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (Bat Conservation Trust, 2014).

5. Great crested newts are protected under the 1992 Habitats Directive, the 2017 Conservation of Habitats and Species Regulations and the 1981 Wildlife and Countryside Act (as amended). It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences. 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.

6. 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.

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 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).

7. 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: www.shropshire.gov.uk/environmental-maintenance-and-enforcement/drainage-andflooding/flood-risk-management-and-the-planning-process.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. 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.

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