

Development Management Report

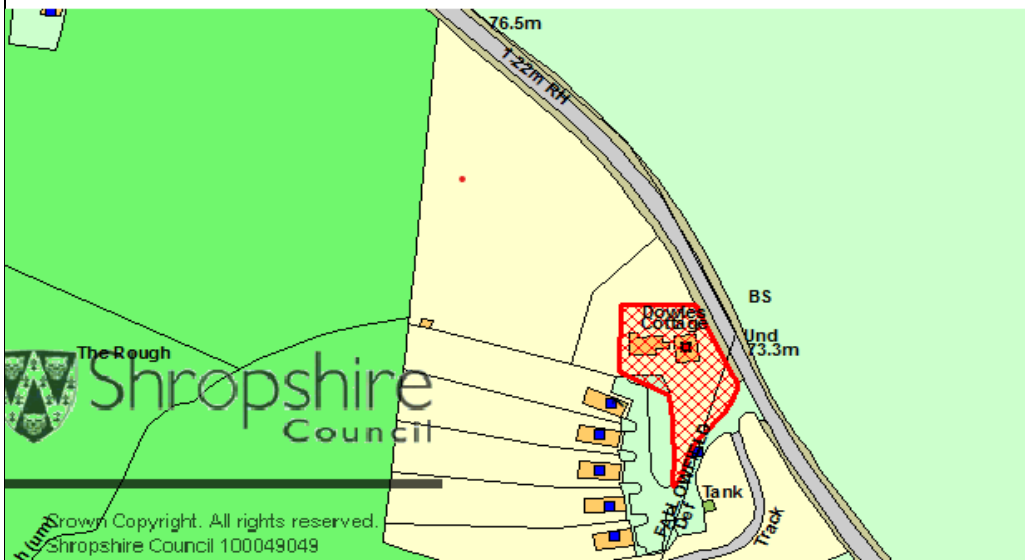
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 21/01171/FUL	Parish:	Kinlet
Proposal: Erection of two storey side extension and single storey rear extension. (Resubmission of 20/00574/FUL)		
Site Address: Dowles Cottage Dowles Road Bewdley DY12 3AB		
Applicant: Mr M Bostan		
Case Officer: Jacob Collett	email : jacob.collette@shropshire.gov.uk	

Grid Ref: 377375 - 276734



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Recommendation:- Permit, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is the resubmission of 20/00574/FUL which was permitted in 2020 and compromised a two-storey side extension. It was noted in the officer report that the proposal was 'considered to be sympathetic to the size, mass, character and appearance of the original dwelling house' and would be in accordance with the relevant policy.
- 1.2 Since this permission, engagement with the applicant has resulted in a resubmission of the same proposal that includes the addition of a rear first floor balcony with two supports, insertion of a new window on the rear elevation and new rooflights. This includes the removal of the previously approved side elevation Juliet balcony. There are no other alterations or additions compared to the previous application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The dwelling is situated adjacent to the B4194 road, just northwest of Bewdley and falls within open countryside. This classified road lies to the east of the dwelling with fields beyond and runs in a northwest to southeast direction, fields also lie to the north and west with the Wyre Forest SSSI and Ancient Woodland beyond. To the south is a residential caravan site which also shares the same access onto the B road as the dwelling.
- 2.2 The site is divided by the Shropshire-Worcestershire border with the majority of the site area including the dwelling being within the administrative area of Shropshire. The property has had a number of extensions and alterations in its history beyond the application in 2020.
- 2.3 The brick-built dwelling was erected under BR/APP/FUL/06/0308 and replaced a previous dwelling with a floor space of 199m² that had fallen into disrepair. From previous planning files, it is noted that the replacement dwelling has a floor area of 201.52m². Some of the original buildings were retained that constitute heritage importance.
- 2.4 In addition, the dwelling has also benefitted from the erection of a glazed line extension and conversion of the outbuilding into ancillary accommodation, which has a floor area of 107.41m² which represents an approximate 53.3% increase. This annex is considered to be a non-designated heritage asset as defined under Annex 2 of the NPPF.
- 2.5 Alongside the previous submission 20/00574/FUL in 2020 another

application for a rear extension, balcony and other works was submitted in 2021 (21/00998/FUL). This application was refused and is now under the appeal process.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the 'Scheme of Delegation' this application was requested by the local councillor within 21 days of electronic notification to be submitted to planning committee for determination if the planning officer was recommending approval, due to concerns about neighbour amenity impacts and the Parish Council view is contrary to the officer recommendation.

4.0 Community Representations

- Consultee Comments

Kinlet Parish Council

The Parish Council unanimously recommend refusal of this application as it is considered that this development would cause lack of privacy to no. 1 Fallowfield which it would now overlook to a considerable extent by looking directly into the main bedroom window There is also concern re the noise which would be created from the balconies and also light pollution in the open countryside. The property has been extended several times and would now be out of keeping with the rural surroundings.

SC Archaeology

No comment

SC Drainage

Provided informative

SC Conservation

The proposal affects Dowles Cottage that is mentioned as part of the Historic Farmsteads Characterisation Project on the Historic Environment Record (HER), where it has early nineteenth century origins. Therefore, the building is considered to be a non-designated heritage asset as defined under Annex 2 of the NPPF. The existing building is faced with brick and stone, roofed with plain clay tiles.

It is noted that this proposal is effectively a resubmission of 20/00574/FUL that was granted permission along with some minor amendments including the insertion of a new window on the rear elevation, new rooflights and the substitution of a casement window to the previously approved Juliet balcony on the north (side) elevation. There are no principle objections to the proposed amendments where the removal of the Juliet balcony is certainly supported.

No objection subject to conditions as previously attached to 20/00574/FUL

with regards to matching external materials and finishes (condition 3).

Wyre Forest District Council
No objection

- Public Comments

A site notice was displayed at the Site on the 1st April 2021 with an expiration date of the 22nd April 2021.

1 Objection has been received which summarised below:

- Detrimental to our privacy of our driveway and importantly to our front bedroom.
- It's not in keeping with the close surroundings or the area generally.
- It will spoil the general appearance of this beautiful retirement area.
- It is not compliant with SAM DEV local plan. 17 December 2015.
- We feel new development should respect the existing pattern of close development; we feel this doesn't.
- This proposed plan does not respect the surrounding countryside, or our neighbours or our quality of life. We quote, Article 8 human rights act, we feel it may apply here.
- During the last twelve months, this plot has undergone extensive redevelopment and massive expansions and is still ongoing.
- We have suffered dust and noise and digging machinery most of last summer and at times prevented us using our own garden during lockdown.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual Impact and Setting
Heritage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Shropshire Councils Core Strategy CS5 and CS6 along with MD2,MD07b and MD12 of SAMDev allows for extensions to dwellings, providing that the development should conserve and enhance the built and natural environment and be appropriate in its scale and design taking account of local character and context. However, the extension or alteration of a dwelling which results in disproportionate additions over and above the size of the original dwelling is considered to adversely impact on the openness, permanence and visual amenity of the land to be preserved. It is further stated that development should safeguard residential and local amenity. Core Strategy Policy CS17 is also 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 and built

environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets. In principle the development proposed accords with these policies.

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

6.2.1 The proposal involves the addition of a two-storey extension to an existing detached dwelling to create a sitting room at first floor and two additional bedrooms on the ground floor and would create an additional footprint to the dwelling of circa 62 sq/m.

6.2.2 The current proposal would set back from the front elevation, the roof would be pitch albeit at a lower ridge height both of which would ensure the proposal was subservient in nature and allow clear definition between the old and new, in addition it would be constructed from brick to match the existing dwelling. Windows would grace all elevations, with a door to the ground floor side elevation and a balcony to the first-floor rear elevation.

6.2.3 Overall, the proposed extension is considered to be sympathetic to the size, mass, character and appearance of the original dwelling house and would be in accordance with Shropshire Core Strategy Policies CS5, CS6, CS17 and SAMDev MD2 and MD12. It is also concluded that the addition of the larger balcony, rooflights and other alterations do not detract from the development to warrant a refusal where they are minor in scale and of a design that is cohesive with the existing. The removal of the side elevation Juliet balcony from the previous approved also improves the overall design of the proposal.

6.3 **Residential Amenity and Landscape Impact**

6.3.1 Located to the southwest lies 6 caravans that share the same access from the B road. The existing dwelling would offer some protection from overlooking and the addition of fenestrations on the rear (west) elevation would be no more detrimental to resident amenity than the existing fenestrations. It is also not concluded the development has any significantly harmful impact on the wider landscape.

6.3.2 With the alterations to the original permission there is no concern with the majority of changes. The biggest impact is the addition of the first-floor balcony. On assessment it is determined that due to the balcony's distance from the adjacent domestic curtilage which is also across existing buildings there would not be a significant increase in overlooking compared to the previously approved Juliet balcony on the rear elevation, which was not judged to unduly harm neighbour amenity.

6.4 **Heritage**

6.4.1 The dwelling was given permission to be replaced in 2006 where the main heritage element of the Site was removed. The outbuilding however was retained leaving some heritage importance at the Site. As the proposal does not directly impact any of the original heritage assets and outlines small alterations to the previously permitted side extension it is determined in

agreement with the conservation officer there is no significant harm caused to any building of heritage value under this proposal.

7.0 CONCLUSION

The proposed development is the resubmission of a previously approved application with a number of small alterations and the addition of a balcony. It is determined that the proposed works would accord with the primary determining policy where the extension is subservient, cohesive with the existing and of good design. Furthermore, the proposal on balance is not determined to result in any detriment to neighbour amenity or impact on the wider landscape. Consequently this application is recommended for approval.

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

Shropshire Core Strategy and SAMDev Plan Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
MD2 - Sustainable Design
MD7b - General Management of Development in the Countryside
MD12 - Natural Environment
MD13 – Historic Environment

RELEVANT PLANNING HISTORY:

10/01788/FUL Erection of a glazed link extension and conversion of outbuilding into ancillary living accommodation GRANT 28th June 2010
11/01677/AMP Application for non-material amendment to Planning Permission 10/01788/FUL approved 28/6/10 to substitute window with full height glazed window on south elevation - Erection of a glazed link extension and conversion of outbuilding into ancillary living accommodation GRAMP 13th May 2011
20/01658/FUL Erection of stable block consisting of 2 stables and a tack/mower store and change of use of land for the keeping of horses GRANT 18th June 2020
21/00722/AMP Non-material amendment to planning application number 20/00574/FUL for changes to rear balcony, French Doors to window on Side elevation. REAMP 5th March 2021
21/00998/FUL Reduce height of roof to outbuilding, installation of dormer window, glazed gable and balcony and erection of single storey extension REFUSE 7th May 2021
21/01171/FUL Erection of two storey side extension and single storey rear extension. (Resubmission of 20/00574/FUL) PCO
21/02308/AGR Erection of a new forestry building PRQ 4th June 2021
BR/APP/LDCE/02/0059 Use of land for the stationing of five residential caravans and erection of chalet for permanent residential use PDDEV 16th April 2002
BR/APP/FUL/06/0308 Erection of a replacement dwelling and construction of vehicular access GRANT 19th June 2006

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QPKA9ETDLB000>

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 Ed Potter
Local Member Cllr Gwilym Butler Cllr Simon Harris
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.

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.

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