

Development Management Report

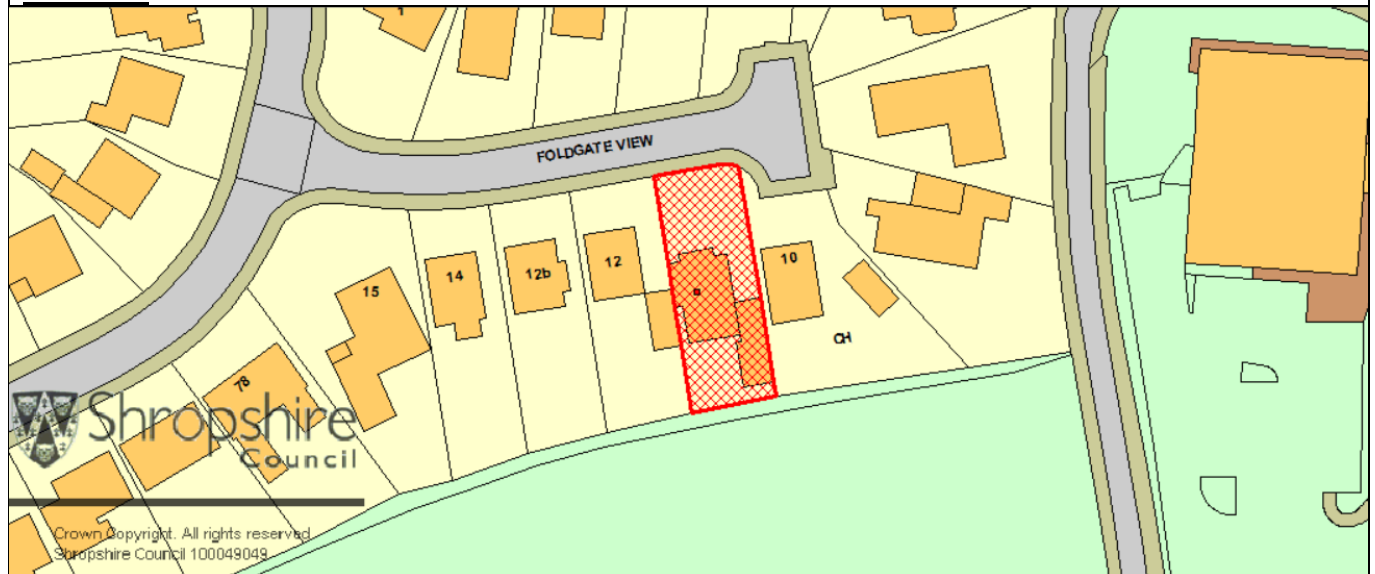
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Summary of Application

Application Number: 21/01539/FUL	Parish:	Ludlow Town Council
Proposal: Erection of a single storey rear extension following demolition of existing		
Site Address: 11 Foldgate View Ludlow SY8 1NB		
Applicant: Ms J Price		
Case Officer: Helen Tipton	email : helen.tipton@shropshire.gov.uk	

Grid Ref: 352621 - 274197



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

REPORT

1.0 THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a single storey rear extension following demolition of an existing conservatory.
- 1.2 The proposed building would be intended for use as a garden room and would measure 3.0 metres x 3.57 metres, with a height to the roof pitch of 2.998 metres. It would be positioned over the footprint of the existing conservatory.
- 1.3 A roof lantern would be seated, centrally above a shallow hipped roof, with the roof tiles matching those of the existing property, whilst the external walls would be constructed of brick, which would also match.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Number 11 is a detached, dormer bungalow, constructed of brick beneath a tiled roof. The window casements and doors are constructed of white uPVC and the dwelling lies to the north of Foldgate View, a cul-de-sac on the south eastern fringe of Ludlow Town, which slopes upwards, to the east.

Approach to the site is made via 'Green Acres', an unclassified, circular route, which leads from Sheet Road. The house sits at right angles to the road, in a similar formation to the neighbouring properties, although it is set further into the grounds, with its front elevation running virtually parallel with the property directly to the east.

The dwelling settles wholly outside of the town's conservation area. It has rear views over a field, to the north of Foldgate Lane.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Local Member has provided views contrary to delegated officers and has requested, within 21 days of being validated, that the application should be decided by the Planning Regulatory Committee. This would involve automatic referral for a committee decision.

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 Shropshire Council Drainage - comment.

An informative comment is provided which gives advice on the need for a sustainable surface water drainage system designed in accordance with the Council's 'Surface Water Management: Interim Guidance for Developers' document. The provisions of the Government's Planning Practice Guidance should also be followed, particularly Section 21 which aims to reduce the causes and impacts of flooding. Preference should be given to measures which allow rainwater

to soak away naturally, with connection to existing drains or sewers being a last resort.

4.1.2 Ludlow Town Council - no objection.

4.2 Public Comments

4.2.1 The application was advertised by way of notice at the site and four neighbours were notified separately, by letter.

4.2.2 One neighbour objection has been received, which is summarised as follows; the full text of which is available to view on the public register:

- Large extensions here already overlook my property and an existing conservatory is close to my boundary.
- The proposal is wider, taller and longer, bringing it nearer. Due to the gradient of the site, it would be overbearing.
- The large side window would overlook my garden and further affect my privacy.
- Demolition of the existing conservatory is unjustified and should be retained.
- This is a modest bungalow and the extension, together with previous alterations and additions would be over-development, further reducing the already limited green space at the property.
- Drainage concerns.

4.2.3 Local Member – objection.

The neighbour feels that the property has had several extensions and because of this small piece of land, it has been overdeveloped. These plots were only meant for the small two bedroomed bungalows that were built on the plots originally and it can make the extensions overbearing and cut out the light to other properties on the site next door.

5.0 **THE MAIN ISSUES**

Principle of development
Siting, scale, design and visual impact
Residential amenity
Drainage

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 Alterations and extensions to residential properties are generally acceptable in principle, particularly to dwellings within the development boundary of settlements. The proposed extension would replace an existing conservatory in association with a residential dwelling and so the principle of development is satisfied.

6.2 **Siting, scale, design and visual impact**

6.2.1 The SPD requires additions to be in scale and character with the original dwelling and its surroundings, whilst Core Strategy Policy CS6 also states that development should be appropriate in scale, density, pattern and design, taking into account the local context and character.

6.2.2 Whilst it is acknowledged that extensive work has been carried out to the property since its first construction, the proposed extension would be of a single-storey and would replace a conservatory to the rear of the property, albeit increasing its footprint. The proposed extension would have the same use as the existing structure and given its rear position and low stature, it would not be a dominant addition to the dwelling or be visible from any main public viewpoints.

6.2.3 The form and materials would also be sympathetic and unobtrusive, further limiting its visual impact on the surrounding character of the area.

6.3 Residential amenity

6.3.1 Due to the gradient, the property sits at a raised level to that of its neighbour to the west. However, the house is set back within its curtilage and the area proposed for development is bound, on the western side, by domestic fencing and a neighbouring hedge, which screen the site and prevent direct overlooking to the neighbouring garden. The single-storey status of the proposed building, coupled with the boundary planting / fencing and position of the building would also ensure there is no loss of light or overbearing impacts to the adjacent dwelling.

6.3.2 The existing conservatory also has a doorway leading to the west, whilst the proposed extension would have only windows to this side, thereby reducing any perceptible privacy concerns.

6.3.3 The eastern side of the extension is, additionally concealed by a wall of an outbuilding, ensuring the living conditions of neighbours to the east are also not unduly impacted upon.

6.4 Drainage

6.4.1 Despite the topography of the site, the Council's Drainage consultants have raised no overriding concerns in this respect and are satisfied with the proposals. Informative comments merely advise on the use of sustainable surface water drainage systems.

7.0 CONCLUSION

The development is acceptable in principle and its modest scale, subordinate design and discreet siting would avoid it harming the character of the locality or unduly affect residential amenity. There are also no drainage concerns associated with the development and approval of the scheme is recommended.

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:
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS18 - Sustainable Water Management
MD2 - Sustainable Design
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

SS/1/09/21607/F Erection of an extension to dwelling PERCON 30th April 2009
SS/1982/401/P/ Alterations and additions to existing dwelling. PERCON 8th October 1982
SS/1974/884/P/ Erection of private garage. PERCON 24th September 1974

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QQJGVXTDLSD00>

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Vivienne Parry
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 order to control/attenuate surface water at source and avoid increasing the risk of flooding at the site or elsewhere, the incorporation of sustainable drainage systems (SuDS) such as soakaways designed in accordance with BRE Digest 365, water butts, rainwater harvesting, permeable paving, attenuation and grey water recycling should be considered.
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.