



Committee and date
Northern Planning Committee
16th August 2022

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 22/02574/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of a rear extension and remodelling of existing detached house, to provide fully an accessible house for a disabled applicant		
Site Address: 34 Bynner Street Shrewsbury Shropshire SY3 7NZ		
Applicant: Mrs Rachael Vasmer		
Case Officer: Didi Kizito	email: didi.kizito@shropshire.gov.uk	

Grid Ref: 349783 - 311759

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Recommendation: - Approval subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a rear extension and remodelling of existing detached house, to provide fully an accessible house for a disabled applicant.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 34 Bynner Street is a detached property dating to the 19th century within the Belle Vue conservation area, and subject to an article 4 direction removing permitted development rights for works pertaining to its frontage. The property benefits from a large rear garden.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This applicant is in related to a Shropshire Council councillor and therefore this application should be determined by committee.

4.0 Community Representations

Consultee Comment

- 4.1 Shrewsbury Town Council:
The Town Council raise no objections to this application.
- 4.2 SC Conservation:

In considering this planning application, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, and the revised National Planning Policy Framework (NPPF). Special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area.

The proposed works relate to the extension and rationalisation of the various rear elements to create a more contemporary appearance, where the proposal does not include any works to the frontage of the property, which is subject to an article 4 direction removing permitted development rights in respect of works to the frontage including windows, doors, walls etc.

The main changes to the rear elements relate to the addition of a first floor extension to the south western boundary, along with a rationalisation and extension at ground floor level wrapping around the rear with a shallow pitched metal roof. These two elements are the most visible within the conservation area, albeit will be incidental views to the rear through the gaps viewed from the street and not prominent additions. The two storey element projects out beyond the building line to the south west side, though this is already the case at ground floor level. Given it will be set back from the primary building envelope and will be well below the height of the main ridge, it is not considered that this would be unduly prominent or create a 'terracing' effect.

As such, and subject to details of materials and roof details, it is not considered that the proposed development would be detrimental to the character and appearance of the conservation area, and no objections are raised where taking account of the above policies and legislation.

Conditions: CC01

Roof details:

Before the relevant parts of the work are commenced, details of roofing materials and of ridge and eaves construction shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory preservation of the Heritage Asset.

4.3

SC Archaeology:

We have no comments to make on this application with respect to archaeological matters.

Public Comments

4.4

No comments have been received at the time of writing this report.

5.0

THE MAIN ISSUES

- Principle of development
- Scale, design and impact on conservation area
- Residential amenity

6.0

OFFICER APPRAISAL

6.1

Principle of development

6.1.1

Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed

development that conflicts should be refused, unless other material considerations indicate otherwise.

- 6.1.2 Shropshire Core Strategy policy CS6 requires all development to protect, restore, conserve and enhance the natural, built and historic environment and to be appropriate in scale, density, pattern and design taking into account the local context and character, and those features that contribute to local character. Policy CS17 which deals with environmental networks and is concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment.
- 6.1.3 Policy MD2: Sustainable design of the adopted Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.
- 6.1.4 SAMDev Plan Policy MD13 deals with the historic environment. This requires that all of the County's historic assets should be conserved, sympathetically enhanced and restored by considering their significance in terms of a heritage asset.
- 6.2 Scale, design and impact on conservation area
 - 6.2.1 The property is on a prime location and highly visible from the highway. With none of the works proposed to the principle elevation of the dwelling, the extensions will be limited to the rear of the dwelling albeit there will be incidental views of the extensions through the gaps viewed from the street. In addition to erection of extensions, the scheme proposes internal remodelling that would facilitate the creation of wheelchair friendly accesses around the property.
 - 6.2.2 The comments made and conditions recommended by Shropshire Council's Conservation team are accepted. The careful use of materials will complement the dwelling within its surroundings, where enhancement to the dwelling, a non-designated heritage asset will be achieved through the works being sympathetic to the historic and architectural importance of the building. It is considered the scheme would preserve and enhance the character of this part of the Conservation Area. The development is therefore considered to accord with Shropshire Council policies CS6, CS17, MD2 and MD13. Regard has been given to the preservation and enhancement of the character and appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 6.3 Residential amenity
 - 6.3.1 SAMDev Policy MD02 and Core Strategy Policy CS06 encourage development that is thoughtfully designed, for the benefit of both the site to which it would be built and its wider surroundings. In designing development, consideration should be given to

the impacts of that proposal upon neighbours and/or the local area more generally (including any specific benefit arising from that scheme).

- 6.3.2 The proposal is within close proximity to neighbouring dwellings; however, the scheme has been designed sympathetically in that it would not have a detrimental impact on neighbouring residents whilst also maximising the usability of the dwelling for wheelchair access. The development would not lead to any significant loss of privacy over and above the existing situation, nor would it lead to any significant degree of overbearance in relation to neighbouring occupiers. No letters of representation have been received at the time of writing this report.

7.0 CONCLUSION

Based on the information submitted against the above considerations, the proposal is considered to be acceptable and accords with the principal determining criteria of the relevant development plan policies. Approval is therefore recommended subject to conditions as outlined in the appendix attached to this report.

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

CS17 - Environmental Networks

MD2 - Sustainable Design

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

22/02574/FUL Erection of a rear extension and remodelling of existing detached house, to provide fully an accessible house for a disabled applicant PCO
SA/02/0611/F Erection of a single storey rear & side extension PERCON 27th June 2002

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)
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Cabinet Member (Portfolio Holder) Councillor Ed Potter

Local Member Cllr Kate Halliday

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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

3. Before the relevant parts of the work are commenced, details of roofing materials and of ridge and eaves construction shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory preservation of the Heritage Asset.

4. Prior to the above ground works commencing samples of materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the works harmonise with the existing development and to preserve the character and appearance of the dwelling within the Conservation Area.

