



Committee and date
Northern Planning Committee
6th December 2022

Development Management Report

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

Summary of Application

Application Number: 22/04420/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of two storey extension and 1000 mm high brick wall to form new boundary (amended description)		
Site Address: 12 Oak Street Shrewsbury Shropshire SY3 7RH		
Applicant: Mr Chris Edwards		
Case Officer: Didi Kizito	email: didi.kizito@shropshire.gov.uk	

Grid Ref: 349235 - 311401



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 two storey extension and 1000 mm high brick piers with low level brick infill and timber fence between to form new boundary.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 12 Oak Street is a detached dwelling located within a corner plot alongside Oak Street and Longden Avenue, residential streets within a Conservation Area of Shrewsbury.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council, and local member requested Committee consideration within 21 days, based on material reasons to which the Chair and Vice in discussion with the Area Manager agree material reasons have been raised.

4.0 Community Representations

4.1 Consultee Comment

4.2 Shrewsbury Town Council:

Shrewsbury Town Council objects to this planning application on the following grounds:

- Members feel that the proposals constitute an overdevelopment of the site in relation to other, more modest, dwellings in the vicinity.
- These proposals will also have an impact on the right to privacy of neighbouring properties.
- Members expressed concerns that these proposals include the removal of an established tree to facilitate the proposed extension.
- Members feel that this planning application does not protect or enhance the character of the Belle Vue Conservation Area.
- Members respectfully request that amended and reduced plans are submitted which reflect the existing street scene.

4.3 Public Comments

- 4.4 Representations have been received objecting to the scheme. Full details of comments raised can be viewed online. Concerns raised include the following:

- scale of the extension
- over development of the site
- loss of light
- scale of boundary wall
- impact on highway
- overlooking

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application site lies within Shrewsbury Settlement Limit. The principle of development for the construction of extensions to dwellings is acceptable, provided all other material considerations are also acceptable. The site is within the Belle Vue Conservation Area and therefore the following policies apply Core Strategy Policies CS6 and CS17 and SAMDev Policies MD2 and MD13.

6.2 Siting, scale and design of structure

6.2.1 Concerns were originally raised by the Conservation Officer on the basis that the proposal was considered to be of a substantial scale. It had not been demonstrated that the proposal would not adversely impact on the original dwelling and its setting within the Conservation Area.

6.2.2 Following receipt of these comments, the proposal was re-designed to better address initial concerns raised. The scheme has been reduced in scale whereby the ridge height has been set down and the extension to the north has been set back from the elevation fronting Oak Street. Additionally, the boundary wall has been amended to a more acceptable height of 1m high and to maintain a degree of soft landscaping, the existing hedge will be retained and or replanted.

6.2.3 The revised design and layout is considered to be acceptable and would not result in adverse impacts on the Conservation Area or visual amenities of the area, complying with Core Strategy Policies CS6 and CS17 and SAMDev Policies MD2 and MD13.

6.3 Residential amenity

6.3.1 Core Strategy Policy CS6 seeks (amongst other criteria) to ensure that residential amenity is safeguarded for present and future occupiers. Representations have been received objecting to the proposal. Whilst the comments have been acknowledged,

it is not considered that the scheme will give rise to a substantial neighbour amenity harm sufficient to warrant refusal.

- 6.3.2 At its narrowest point, there is a gap of approximately 5.2m between the proposed extension to the north and the bay window of no 10. In addition, it is noted the boundary treatment between the dwellings consists of hedging and trees that part of are outside the control of the applicant, thereby providing screening and separation of the two properties.
- 6.3.3 The neighbour has objected raising concerns of loss of light to their bay window. They have also disagreed to the conclusions of the right of light assessment submitted by the applicant. It is fair to acknowledge the applicant's assessment line is above the mid point of the bay window and the counter argument presented by the neighbour is noted. Nevertheless, it is also noted the midpoint to which the neighbour asserts the line should be angled at is already shaded to some extent by the existing hedge. Also, the side of the extension's roof would only breach this line very slightly. Basing on the assessment provided, the neighbours bay window is already impeded on by the existing dwelling as well as the trees and hedging thus with the proposed northerly extension being stepped back and set down together with the 5.2m gap and natural sun path, on balance it is not considered the proposal would significantly exacerbate the existing situation to warrant a refusal of the scheme over loss of light. Furthermore, while it is recognised that the scheme would be closer to the two storey extension on the property known as Regis, the scale and design of the proposed extension on the south west elevation would have a detrimental impact on the neighbouring dwelling. There would be a gap of approximately 5m retained between the dwelling and the extension.
- 6.3.4 Distances between the dwelling and its proposed extensions and the nearest neighbouring dwellings are considered to be acceptable and would not result in overbearing impacts overly significant to warrant a refusal of the scheme.
- 6.3.4 The proposal would not result in direct overlooking impacts into the neighbouring dwelling no's 10 Oak Street and Regis that is along Longden Avenue. The first floor plans indicate the proposed windows on the north elevation would be serving a landing, and bathrooms. The window serving the landing would be a source of light and the bathroom windows would be of obscure glazing. There are no overlooking concerns raised as a result of the proposed first floor window on the south west elevation.
- 6.3 Highways
The scheme has been amended where previously a 1.8m high boundary wall with timber fence was proposed, this has now been amended to 1 metre high boundary wall. Considering that permitted development rights give provision for up to 1m fence fronting the highway, there are no concerns raised on this element of the scheme.

7.0 CONCLUSION

On balance, it is considered the proposal complies with Core Strategy Policies CS6 and CS17 as well as SAMDev Policies MD2 and MD13. Impacts in relation to the Conservation Area are considered acceptable. Residential amenity and privacy matters also considered acceptable along with scale and design. The recommendation is therefore one of approval subject to the conditions as set out in appendix 1 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:

RELEVANT PLANNING HISTORY:

22/04420/FUL Erection of two storey extension and 1000 mm high brick wall to form new boundary (amended description) PCO

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RIXM53TDJAV00>

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 Richard Marshall

Local Member

Cllr Kate Halliday

Appendices
APPENDIX

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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, drawings and documents as listed in Schedule 1 below.

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. Prior to the above ground works commencing samples and/or details of the roofing materials and the 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.

4. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed 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.

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