

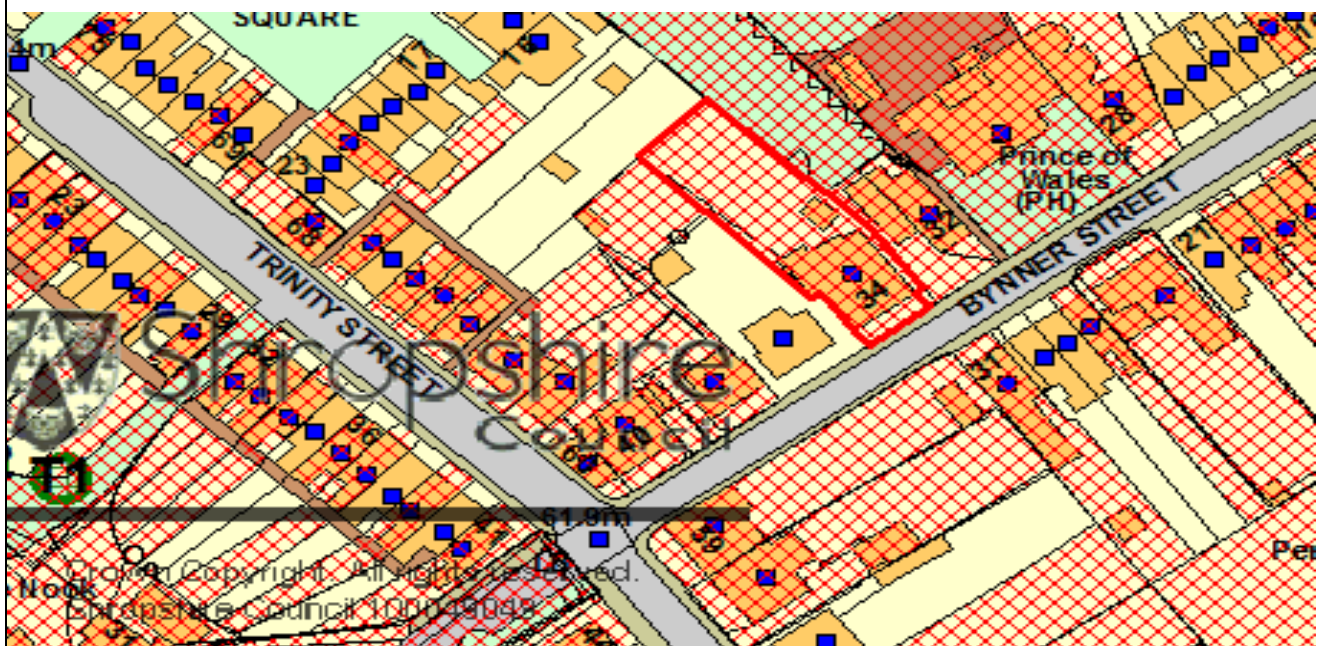
Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/05113/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erection of rear extension and remodelling of existing detached house, to provide fully an accessible house for a disabled applicant (modifications to previously approved 22/02574/FUL)		
<u>Site Address:</u> 34 Bynner Street Shrewsbury Shropshire SY3 7NZ		
<u>Applicant:</u> Mrs Rachael Vasmer		
<u>Case Officer:</u> Didi Kizito		<u>email:</u> didi.kizito@shropshire.gov.uk

Grid Ref: 349783 - 311759



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2022 For reference purposes only. No further copies may be made.

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

REPORT

1.0 THE PROPOSAL

- 1.1 This application is a modification for a previously approved scheme. The proposal seeks planning permission for the erection of rear extension and remodelling of existing detached house to provide a fully 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 relation to a Shropshire Council councillor and therefore this application has to be determined by Committee.

4.0 Community Representations

4.1 Consultee Comment

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

4.3 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 creation of a single storey rear extension, 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 proposals include the rationalisation of the existing single storey extensions and addition of a shallow metal roofed structure wrapping around the existing, of render finish. The proposed fenestration will be aluminium and there is a general contemporary appearance to the proposals, however it is located to the rear and is not considered to have a measurable impact in terms of the wider conservation area. A chimney is proposed to be removed to the rear two storey projection, but this is not widely visible within

the conservation area and both chimneys to the main roof pitch on either gable are to be retained.

As such, and subject to further materials and rooflights details to be confirmed, 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.

4.4 SC Archaeology:

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

4.5 Public Comments

4.6 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 scheme is considered to be of an acceptable scale and design on this dwelling. The scheme proposes internal remodelling that would facilitate the creation of wheelchair friendly accesses around the property. The Conservation team have been consulted and raise no objection on heritage grounds. The scheme would preserve and enhance the character of the Conservation Area. The proposal therefore complies with planning policies CS6, CS17, MD2, MD13
- 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 loss of privacy, loss of light or 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 set out in appendix one attached to the 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:

22/02574/FUL Erection of a rear extension and remodelling of existing detached house, to provide fully an accessible house for a disabled applicant GRANT 22nd August 2022

22/05113/FUL Erection of rear extension and remodelling of existing detached house, to provide fully an accessible house for a disabled applicant (modifications to previously approved 22/02574/FUL) PDE

SA/02/0611/F Erection of a single storey rear & side extension PERCON 27th June 2002

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RL5BMETDKCM00>

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 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, 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 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.

4. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

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. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

CS6 Sustainable Design And Development Principles

CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD2 Sustainable Design

MD13 Historic Environment

-