



Committee and date
Northern Planning Committee
23rd May 2023

Development Management Report

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

Summary of Application

Application Number: 23/00706/FUL	Parish:	Baschurch
Proposal: Erection of rear and side extension to provide ground and first floor accommodation		
Site Address: 2 Lullas Way Weston Lullingfields Shrewsbury Shropshire SY4 2FL		
Applicant: Mr and Mrs N Bardsley		
Case Officer: Mark Perry	email: mark.perry@shropshire.gov.uk	

Grid Ref: 342575 - 326449

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

REPORT

1.0 THE PROPOSAL

- 1.1 The submitted application is for the erection of a two storey rear extension, a first floor side extension above the existing utility, and the erection of a single storey side extension to link the existing garage which in turn will be partially converted into a home office.
- 1.2 The proposed extension will provide a new larger master bedroom on the first floor and an open plan kitchen/ dining room/ day room on the ground floor.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The subject property is located in Weston Common which is part of a Community Cluster as set out in S16.2(xvi) of the SAMDev plan. Also, in the cluster are the settlements of Weston Lullingfields and Weston Wharf.
- 2.2 The property is a modern four bedroom detached dwelling built in 2017 as part of a four dwelling development, all of which front onto a private cul-de-sac. This property sits in the north western corner of the site with open fields beyond the north western and southwestern boundaries.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The applicant is the elected Shropshire Councillor for the Ruyton and Baschurch division. Therefore, in line with the Scheme of Delegation the application is required to be determined by the Northern Planning Committee.

4.0 Community Representations

4.1 Consultee Comment

Parish Council- Supports this proposal. Despite being a fairly large extension on a relatively new property, this proposal appears to be of little or no detriment to the street scene or neighbouring property. The proposal benefits from a pre-application from which we understand revisions have been made.

Public Comments

No representations received at time of writing report.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping

Impact on Neighbours

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The application is considered in the light of Core Strategy Policies CS6 (Sustainable Design and Development) and SAMDev Policy MD2 (Sustainable Design). CS6 requires development to be designed to a high quality using sustainable design principles. It also seeks to ensure that development is appropriate in scale, density, pattern and design to its local context and has regard to residential and local amenity.
- 6.1.2 Policy MD2 of the Council's adopted SAMDev Plan similarly requires development to contribute to and respect local distinctive or valued character and existing amenity value.
- 6.1.3 On the basis of the above, it is considered by Officers that there is no objection to the principle of the construction of an extension to the dwelling. Other issues relating to scale, design, impact on neighbours are discussed further in this report.

6.2 Siting, scale and design of structure

- 6.2.1 The rear extension would project beyond the existing rear elevation by 4.3m and would have a width of 5.3m; this would introduce a new projecting gable at the rear and consequently bring the property to within 1.3m of the boundary hedge that separates the residential curtilage from the adjacent agricultural land.
- 6.2.2 The first-floor element would provide additional accommodation over the existing utility room positioned to the side of the dwelling. This addition sits below the ridge and roof slope of the original dwelling to ensure it appears subservient. This extension also sits around 2.2m back from the front elevation of the original dwelling helping to give the extension a recessive appearance.
- 6.2.3 It is proposed that the existing single garage would be linked to the new extension by a flat roof, largely glazed structure. The low design of this extension ensures that that is has minimal impact visually.
- 6.2.4 The extensions will be constructed from matching bricks and render with a tiled roof to match the existing dwelling.
- 6.2.5 The proposed scale, design and appearance of the extensions are considered by Officers to respect the existing character of the dwelling and would not result in any visual impact in the locality. There are no public vantage points of the dwelling from the surrounding fields and any visual impact of the extensions from the front of the property or the neighbour's property are considered by Officers to be minimal.
- 6.2.6 The extension would reduce the size of the garden and bring built development closer to the boundary hedge at the rear. Despite this it is considered that the

property would maintain an appropriate level of amenity space for the enlarged dwelling.

6.3 Impact on Neighbours

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The proposed two storey extension would maintain a gap of 5.2m to the shared boundary with a neighbour and these would be a distance of 8.6m between the side wall of the two-storey extension and the rear facing windows of the neighbour, when measured at 45 degrees.

6.3.2 Having regard to the proposed orientation and distance away from neighbouring property it is considered by Officers that the proposed extension will not result in any detrimental impact by causing an overbearing impact or loss of light to the neighbour.

7.0 CONCLUSION

7.1 It is considered by Officers that the proposed extensions are acceptable in terms of their design, scale and their limited impact within the context of the street-scene. The proposed works are not considered to result in any detrimental impact on the amenities of neighbouring occupiers. Therefore, the proposal is considered by Officers to comply with policy CS6 of the Core Strategy and SAMDev Policy MD2 and 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

Core Strategy

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

14/03072/OUT Outline application (all matters reserved) for the erection of 4 no. dwellings
GRANT 14th December 2015

16/05311/REM Approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to permission 14/03072/OUT for the erection of 4 no. dwellings GRANT 17th May 2017

17/04693/FUL Erection of 2No dwellings (plots 3 and 4 - amendments to house designs and layouts on 16/05311/REM) GRANT 12th January 2018

16/05311/REM for the erection of 4 no. dwellings DISAPP 30th October 2017

PREAPP/22/00642 Proposed rear and side extension to provide ground and first floor accommodation PREAIP 6th December 2022

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RQDYNBTD06Z00>

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 Nick Bardsley
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.

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.