



Committee and date

Southern Planning Committee

27th June 2023

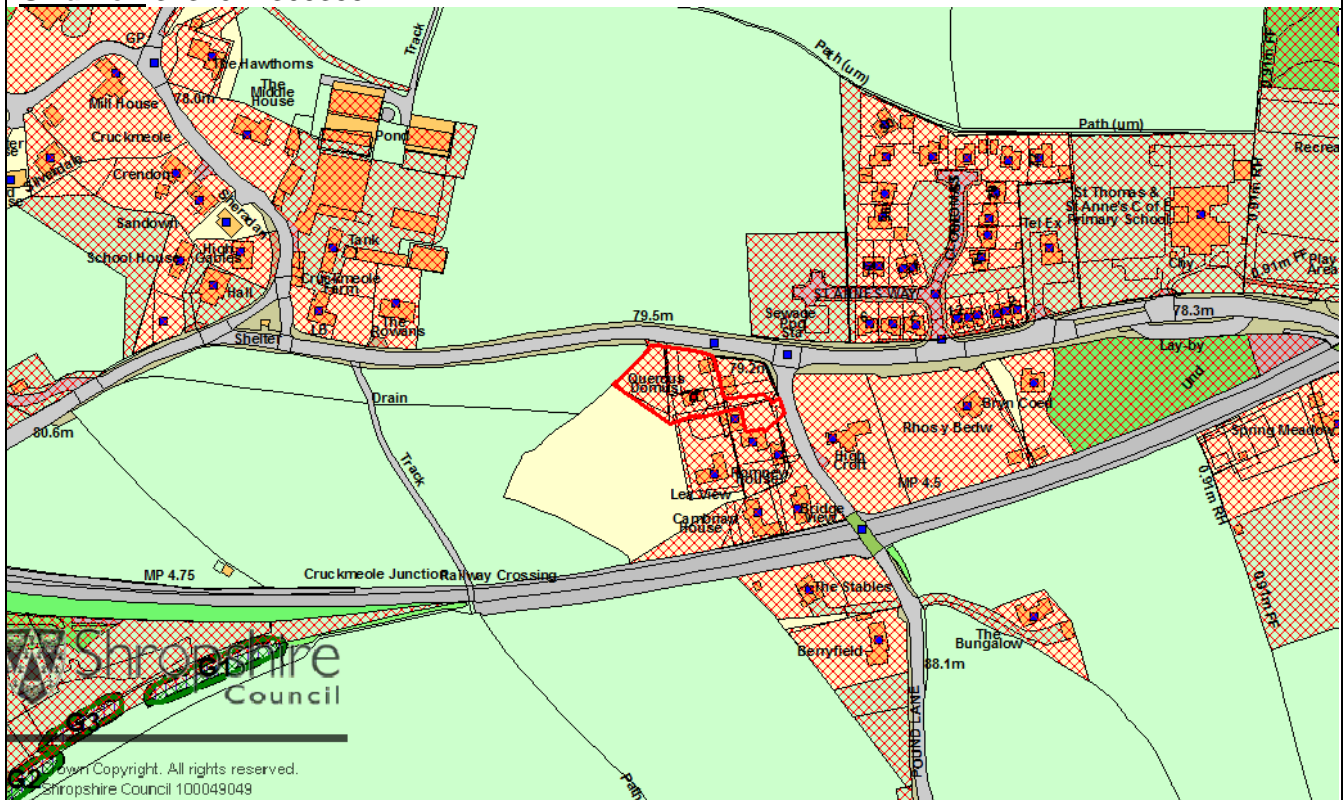
Development Management Report

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

Summary of Application

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|---|-----------------------|--------------------------------------|
| <u>Application Number:</u> 23/01602/FUL | <u>Parish:</u> | Pontesbury |
| <u>Proposal:</u> Erection of two storey extension and alterations | | |
| <u>Site Address:</u> Quercus Domus, Pound Lane, Hanwood, Shrewsbury, SY5 8JR | | |
| <u>Applicant:</u> Mr Jack Goodall | | |
| <u>Case Officer:</u> Jacob Collett | <u>email</u> | : jacob.collett@shropshire.gov.uk |

Grid Ref: 343402- 309355



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Recommendation:- Approve

REPORT

1.0 THE PROPOSAL

The submitted application proposes the erection of a two-storey side extension to the main dwelling on the northeastern elevation.

The applicant is a member of Shropshire Councils Building Control Team and therefore in accordance with the delegated powers within Section 8 of the constitution, the application must be determined at planning committee.

The original two-bedroom dwelling was first approved as a single plot exception site in 2013 (13/01656/FUL). Since this permission, an application was made under 18/04951/VAR to remove condition 8 which limited the internal floorspace to 100sqm. This was refused, and then appealed. The appeal was allowed with the inspector also removing conditions 9 & 10 which dealt with the removal of permitted development rights and use of the garage respectively. The inspector's position was that the section 106 upheld the affordable status of the dwelling, not the restriction in size.

In 2021 another application was submitted under 21/03707/VAR for the variation of condition 2 to allow amendment to the detached garage. This was refused at planning committee and subsequently appealed. The appeal was allowed.

For context it is noted that a second application (23/02219/FUL) is currently under consideration at this site which proposes to utilise an existing agricultural access off the A488 for the dwelling with associated land use change from agricultural to residential. This is because the current access to Quercus Domus is via another dwelling's driveway and down the eastern elevation of the house. If the extension proposed is approved this will make the access route more difficult to navigate, although there will still be sufficient space for a vehicle, and it will not prevent access or be unsafe. Consideration of the new access does not form part of the assessment of this application however, where full consideration will be given when it is also determined at a future planning committee.

2.0 SITE LOCATION/DESCRIPTION

The application relates to a two storey (affordable) dwelling set to the west of a property called Romney House close to the junction of Pound Lane and the A488 in the western part of Hanwood to the South-West of Shrewsbury. The property shares an access with Romney House which is off Pound Lane and there are no other immediate neighbours.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 In accordance with the 'Scheme of Delegation' as the applicant indirectly reports to the Assistant Director of Place the application must be determined by planning committee.

4.0 Community Representations

A Site notice was displayed at the Site on the 20th April 2023

Pontesbury Parish Council

Well-designed extension with matching materials and the architectural details are in keeping with the existing house. However, the Parish Council notes the detailing over the sitting room French windows are out of character with the rest of the house. Pontesbury Parish Council are disappointed to note that there are concerns with having no landscaping plan or boundary treatment. The Parish Council recommend the boundary is post and rail with native hedging, as per the original plan to be more in character with surroundings, more than the existing unapproved close boarded fencing.

There has been local disquiet over the way that this development has proceeded which, whilst approved by planning appeals, nevertheless does not accord with the intention of affordable housing.

Officer Comments – The window and boundary treatment are not considered sufficient reasons in themselves to refuse the application.

5.0 THE MAIN ISSUES

Principle of development
Siting, Scale and Design
Other Issues

6.0 OFFICER APPRAISAL

Principle of Development

Given the history at the site there are no longer any planning conditions that limit the size of the dwelling, with the affordable status secured by the Section106. This agreement will not change because of this application. Therefore, the proposal can only be assessed against the adopted policy which outlines a support for householder development provided it is appropriate in scale and of good design. Therefore, the development proposed is acceptable in principle.

Siting, Scale and Design

The development proposes a two-storey side extension which will be circa 4.6 metres in width with a gable end design to the principal elevation. The apex will be less than a metre lower than the existing highest roofline of the dwelling and will be discernible as an extension. It is recognised that the proposal will include some parts of the roof being raised and a resultantly grander appearing dwelling, however as a whole the design will be more coherent which is supported. The

extension is subservient with the site not being cramped or appearing overdeveloped.

As the property benefits from permitted development rights a side extension of the same width and up to 4 metres in height could potentially be achieved without planning permission. Consequently, the main consideration is the second storey component which is on balance considered acceptable.

Other considerations

The extension would not have any significant visual impact on the wider landscape.

The extension would not cause any significant harm to the amenity of the adjacent dwellings.

7.0 CONCLUSION

Householder development is supported in principle where the proposed extension is acceptable in its siting scale and design. It is recommended that the application is approved subject to standard conditions including compliance with the approved plans, and materials.

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:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

MD2 – Sustainable Development

MD7B - General Management of Development in the Countryside

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

13/01656/FUL Erection of a 2-bed affordable dwelling and detached double garage
GRANT 18th June 2014

13/01656/FUL for the erection of a 2-bed affordable dwelling and detached double garage
DISCHARGE APPROVED 25th November 2014

18/04951/VAR Removal of Condition No.8 (gross internal floor area) attached to planning
permission 13/01656/FUL - Erection of a 2-bed affordable dwelling and detached double
garage REFUSE 20th December 2018

23/02219/FUL Change of use of agricultural land to residential and reinstatement of
existing access PCO

Appeal

19/02711/REF Removal of Condition No.8 (gross internal floor area) attached to planning
permission 13/01656/FUL - Erection of a 2-bed affordable dwelling and detached double
garage ALLOW 6th June 2019

Appeal

22/03015/REF Variation of condition 2. to allow for amendments to the existing garage.
ALLOW 30th March 2023

1. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RT0LE2TDG7400>

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| List of Background Papers |
| Cabinet Member (Portfolio Holder) - Councillor Richard Marshall |
| Local Member |
| Cllr Roger Evans |
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