



Committee and date  
**Northern Planning Committee**  
18<sup>th</sup> February 2025

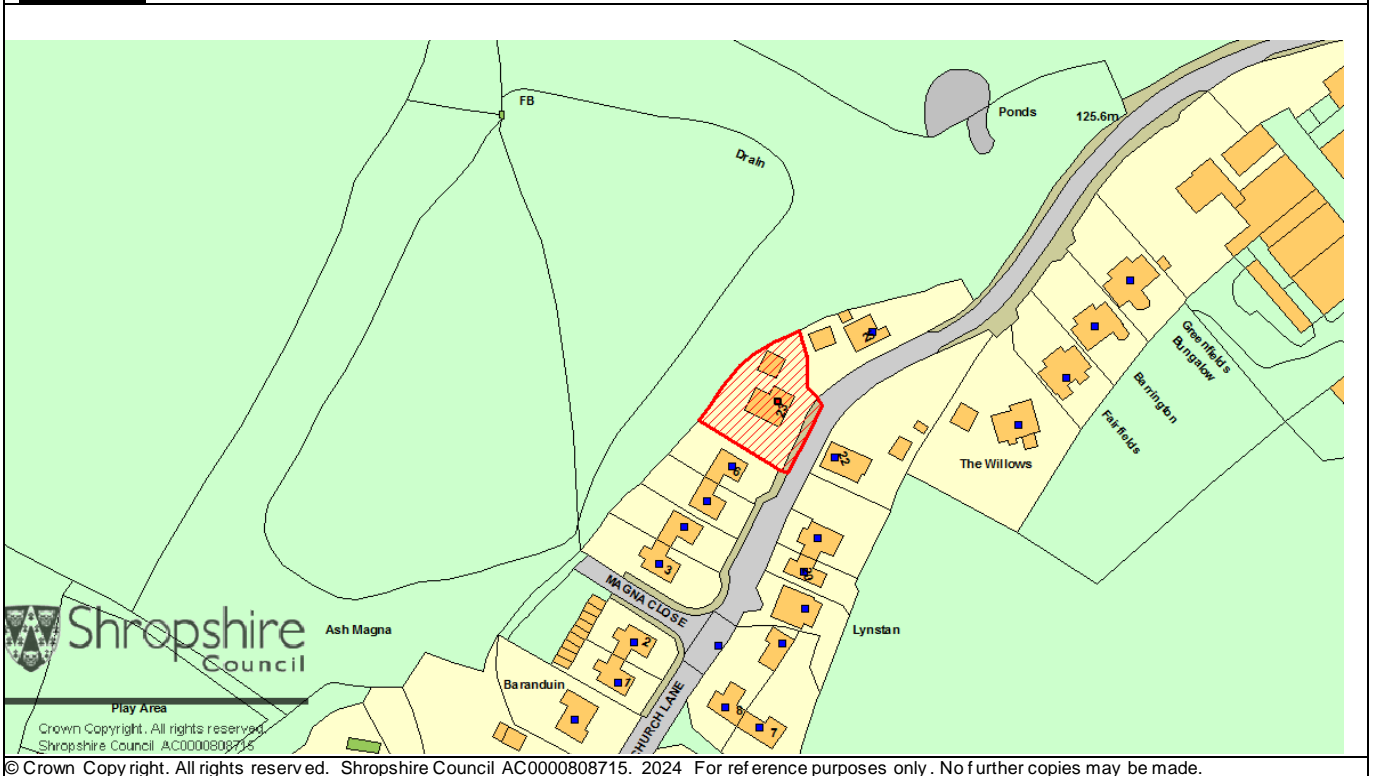
## Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

### Summary of Application

<b>Application Number:</b> 24/04696/FUL	<b>Parish:</b>	Whitchurch Rural
<b>Proposal:</b> Erection of two storey side extension		
<b>Site Address:</b> Laurel Cottage 23 Church Lane Ash Magna Whitchurch Shropshire		
<b>Applicant:</b> Mr And Mrs James and Alison Lloyd		
<b>Case Officer:</b> Emma Green	<b>email:</b> <a href="mailto:planning.northern@shropshire.gov.uk">planning.northern@shropshire.gov.uk</a>	

**Grid Ref:** 357384 - 339894



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 For the erection of a two-storey side extension to the existing detached dwellinghouse. The extension is 4m in width, 6.065m in depth and has a lowered roof height than the main dwellinghouse. The proposed materials are to match the existing brick and tile finish already on the main dwellinghouse.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 23 Church Lane is a detached two storey, cream rendered property, located within the rural village of Ash Magna, 2 miles from the market town of Whitchurch. Ash Magna is identified as a community cluster within the SAMDev Plan and 23 Church Lane falls within the development boundary for the cluster. The detached property benefits from a private access, driveway, a detached garage and lawned garden areas to the front, side and rear of the dwelling house. The site is accessed off Church Lane.
- 2.2 The property forms part of liner development along this lane and is bounded at the rear (northwest) by agricultural land. In all other directions two and single storey dwellings surround the property. No. 6 Magna Close adjoins the southern property boundary closest to the proposed extension, and is a single storey bungalow, with a glazed secondary entrance door and high level obscure glazed bathroom window in the site elevation facing the application site.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The applicant is an employee of Shropshire Council for which Committee consideration is mandatory under the Council's Scheme of Delegation

### 4.0 Community Representations

#### 4.1 Public Comments

- 4.1.1 Whitchurch Rural Parish Council: No objections to the proposal.

### 5.0 THE MAIN ISSUES

Principle of Development  
Design, Scale and Character  
Impact on Residential Amenity

### 6.0 OFFICER APPRAISAL

## 6.1 Principle of development

6.1.1 The erection of two storey side extension to the dwelling to provide additional living accommodation for the existing dwelling is acceptable in principle, subject to considerations of siting, scale and design and impact on character of area and residential amenities.

## 6.2 Siting, scale and design of structure

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.

6.2.2 The proposed scale, design and appearance of the works respect the existing character of the dwelling, are subservient in nature and have replicated local vernacular in the design to achieve this and positively responds to the character and appearance of the area. The siting, scale and design of the proposed is therefore acceptable and accords with policies CS6 and MD2.

## 6.3 Impact on Residential Amenity

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.

6.3.2 The dwellinghouse benefits from a large side garden of approx. 10m in width. The side extension will reduce this space; however, the overall open character will remain, and the bungalows, secondary or non-habitable room side facing windows will continue to benefit from a 9.5m separation from the proposed development and are therefore not considered to be detrimentally impacted in terms of loss of light or any overbearing impact.

6.3.3 The proposed elevation includes only one feature window at first floor level which looks over the front garden of the neighbouring property and does not adversely impact on the occupiers amenities in terms of overlooking or loss of privacy.

6.3.4 Officers are satisfied that no harm such as the loss of light, overlooking, the loss of privacy and no overbearing impact will be caused to the neighbouring amenity because of this development.

## 7.0 CONCLUSION

7.1 Considering the siting, scale and design of the proposed extensions officers are satisfied that the development respects the properties existing character and that of the local vernacular, whilst ensuring no additional harm is caused to the site's

amenity and the amenity of occupiers of neighbouring properties, accordingly the development complies with the local development plan, along with the aims and objectives of the NPPF.

## **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 must 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 considered 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: CS06 and MD2

### RELEVANT PLANNING HISTORY:

NS/79/00802/FUL Erection of private double garage. GRANT 16th October 1979

NS/88/00577/FUL Proposed single storey rear extensions to existing dwelling. GRANT 25th July 1988

PREAPP/20/00501 Proposed first floor extensions PDDEV 28th July 2020

20/04765/FUL Erection of part single storey, part first storey rear extensions, and alterations to existing porch roof GRANT 13th January 2021

24/04696/FUL Erection of two storey side extension PCO

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SOBT2JTD07U00>

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 Chris Schofield
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Local Member
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Cllr Gerald Dakin

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.
3. The external materials shall match in colour, form and texture those of the existing building and as detailed within the supporting information. Reason: To ensure that the works harmonise with the existing development.