

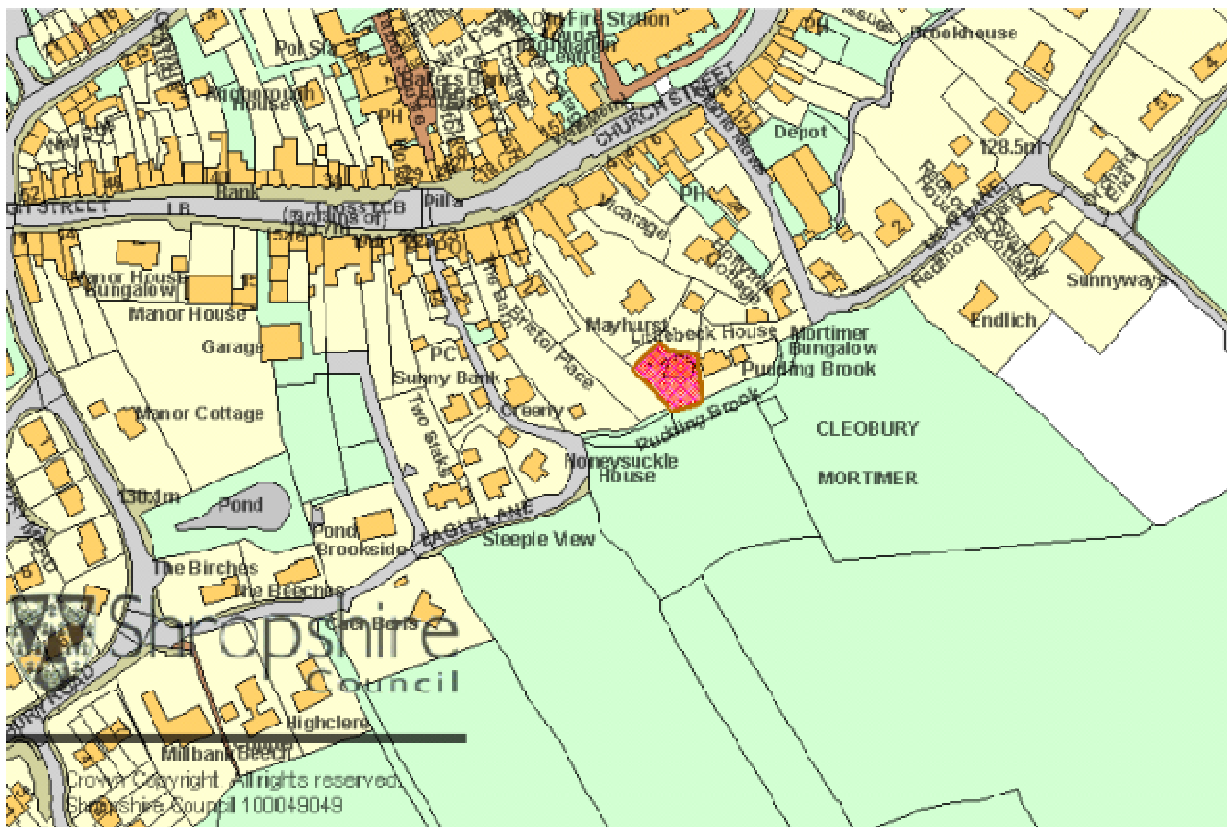
## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 14/03611/FUL	<b>Parish:</b>	Cleobury Mortimer
<b>Proposal:</b> Erection of a new single storey sun room (replacing an existing side utility)		
<b>Site Address:</b> Little Beck House Lion Lane Cleobury Mortimer Kidderminster DY14 8BT		
<b>Applicant:</b> Mr Gwilym Butler		
<b>Case Officer:</b> Helen Tipton	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	
<b>Grid Ref:</b> 367407 – 275657		



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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 The proposal is for the erection of a single storey extension to replace the existing side utility. The extension is proposed to fit, centrally, between the dwelling house and the existing double garage.
- 1.2 The extension is proposed to be a timber clad and glazed construction under a clay tiled roof and would provide additional living accommodation in the form of a sun room, access to the private garden at the rear and a covered link between the garage and the house.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 Little Beck House is located just within a Conservation Area on Lion Lane, a quiet, unclassified road in the leafy suburbs of Cleobury Mortimer. Lion Lane actually leads off the main A4117, on the south side of Cleobury Mortimer but once on this single track road, the surrounding area soon transforms into a serene residential cul de sac.
- 2.2 The detached property is modern yet considerably designed. Sheltered by trees along the rear perimeter, the house looks out onto views of sloping grassland further south and to Pudding Brook with a tranquil residential area just to its north.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 In accordance with the adopted 'Scheme of Delegation' this application is presented for committee determination as the application is made by and relates to the property of an elected member of Shropshire Council.

### **4.0 Community Representations**

#### **4.1 - Consultee Comments**

- 4.1.1 Cleobury Mortimer Parish Council – no response received;
- 4.1.2 Historic Environment (Archaeology) – have no comments to make on this application with respect to archaeological matters.
- 4.1.3 Historic Environment (Conservation and Design) - Little Beck House sits to the south of and within the Cleobury Mortimer Conservation Area. The proposals are not seen to have a detrimental impact on the character or appearance of the Conservation Area.

4.2 - Public Comments

4.2.1 None received

5.0 **THE MAIN ISSUES**

Principle of development  
Siting, scale and design of structure  
Visual impact, landscaping & conservation area  
Residential / neighbour amenity

6.0 **OFFICER APPRAISAL**

6.1 Principle of development

6.1.1 There is a general presumption in favour, within the development plan policy, for extensions to dwellings, provided that the scale, siting and design do not overwhelm or dominate the appearance of the original dwelling or that the extension does not have any detrimental impact on the level of residential amenities the occupiers of any neighbouring properties should expect.

6.2 Siting, scale and design of structure

6.2.1 The proposed structure will replace a small, existing utility room on the west side of the dwelling house which, currently, does not suitably utilise the space available. The proposal, however, makes clever use of the space by taking advantage of this area between the double garage and the main house. The gable walls of the garage and house are set at angles to one another and so will disguise the proposed addition from the residential area at the front and sides of the property. The sun room will be slightly more prominent at the rear elevation but only when viewed from the immediate area around the rear garden. Otherwise and despite its proposed central location, it will remain a discreet addition to the premises, mimicking the roof geometry of both the house and garage and blend appropriately with the existing structures.

6.3 Visual impact, landscaping & conservation area

6.3.1 The site sits just within a Conservation Area, a small number of trees, at the south side, offer a canopy and natural screen to provide further seclusion and visually separate the plot from open countryside. These trees sit at the edge of the property but will not be affected by the proposals offered forward. Equally, the gradient of the field behind the house allows the garden to remain concealed from panoramic view.

6.3.2 The sun room is considered a subtle and inconspicuous addition to the main house, offering an attractive alternative to the existing utility room. It will have no more prominence within the landscape, despite being slightly larger than the existing utility room and will remain unobtrusive from public view points.

6.3.3 The extension as such would have a minimal visual impact on its surroundings and would not detract from the character and appearance of the Conservation Area.

6.4 Residential / neighbour amenity

6.4.1 The small number of dwellings in the immediate location are slightly staggered and set apart from one another. This allows both the house and grounds to remain a private space. As a result of this, no overlooking occurs from houses at either the west or east side which ensures there is little negative impact upon the amenity enjoyed by neighbouring properties.

6.4.2 Due to the location of the proposed extension between the existing development, the dwelling is brought no closer to neighbouring properties and there would be no loss of light or creation of overbearing impact as a result of the scheme.

7.0 **CONCLUSION**

7.1 The proposed sun room is not considered to harm the visual amenity of the area and would not unduly affect neighbours enjoyment of the residential area. The proposal would be in scale and character with the existing dwelling and would not detract from the character and appearance of the conservation area. The proposal complies with the relevant development plan policy and therefore it is recommended that planning permission be granted.

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 three months 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:  
National Planning Policy Framework

Core Strategy and Saved Policies:  
CS6 - Sustainable Design and Development Principles  
CS17 - Environmental Networks

SPD Type and Affordability of Housing

### RELEVANT PLANNING HISTORY:

None

**List of Background Papers:** 14/03611/FUL

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member(s)**

Cllr Gwilym Butler

Cllr Madge Shineton

**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 roof tiles shall match in colour, form and texture the roof tiles of the existing building and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: In the interest of visual amenity and to protect the character and appearance of the Conservation Area, in accordance with Shropshire Council Core Strategy CS6 and CS17.

4. The weatherboard cladding hereby approved shall be fixed with a minimum exposed width of 150mm and remain unstained unless details of the colour and finish are submitted for approval in writing with the local planning authority.

Reason: In the interest of visual amenity and to protect the character and appearance of the Conservation Area, in accordance with Shropshire Council Core Strategy CS6 and CS17.

### **Informatives**

1. In arriving at this decision the 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 187