



Committee and date

Northern Planning Committee

22nd September 2026

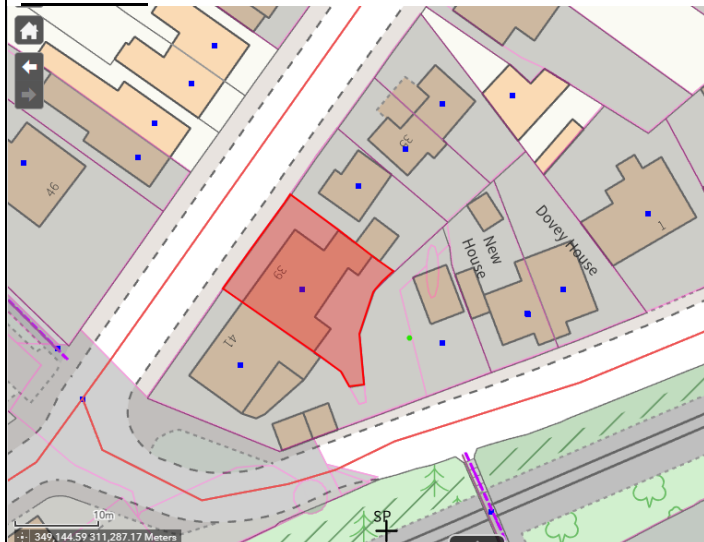
Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director - Place Shaping

Summary of Application

<u>Application Number:</u> 26/02359/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Creation of a terrace above existing conservatory, porch to front and insertion of an additional window at second floor level		
<u>Site Address:</u> 39 Oak Street Shrewsbury Shropshire SY3 7RQ		
<u>Applicant:</u> Mr Rob Wilson		
<u>Case Officer:</u> Didi Kizito	<u>email:</u> didi.kizito@shropshire.gov.uk	

Grid Ref: 349173 - 311255



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

The proposed terrace above the existing conservatory, front porch and additional second floor window are considered acceptable forms of development that would preserve the character

and appearance of the host dwelling and the wider Belle Vue Conservation Area. The Conservation Officer raises no objection to the proposals, subject to appropriate detailing, and considers that the development would preserve the significance and character of the Conservation Area. Furthermore, whilst the terrace would provide additional outdoor amenity space, it is noted that the dwelling already benefits from existing first and second-floor windows that overlook neighbouring gardens. The terrace would therefore not introduce an unusual or materially greater degree of overlooking than already exists. In addition, the adjoining property benefits from a similar terrace arrangement, such that the proposal would not appear out of keeping or incongruous within its context. Given its position, the existing built form, surrounding vegetation and established pattern of development, the proposal would not result in significant harm to the living conditions of neighbouring occupiers. Accordingly, the development is considered to accord with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev Plan, and the relevant provisions of the NPPF.

REPORT

1.0 THE PROPOSAL

- 1.1 The scheme proposes the creation of a terrace above existing conservatory, porch to front and insertion of an additional window at second floor level.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The property is a semi-detached dwelling within the boundaries of the Belle Vue Conservation Area and is subject to an Article 4(2) Direction.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The applicant is a Shropshire Council elected member, and the Scheme of Delegation requires that such applications are considered by Committee.

4.0 Community Representations

Consultee Comment

SC Conservation:

The subject property comprises the north-east half of an attractive substantial pair of traditional semi-detached houses positioned at the original south extent of Oak Street at the corner junction with Drawwell Street. This pair of houses and its neighbouring properties to the north and north-east are within the boundaries of the Belle Vue Conservation Area, and are subject to an Article 4(2) Direction, the aim of which is to better preserve the traditional character and appearance of the area and the street scene.

Referring to historic OS mapping, Numbers 39 and 41 are indicated on the 1881

surveyed detailed Town Plan as a symmetrical pair in plan form, where current Streetview image capture from Oak Street shows their balanced and matching elevational appearance and design details which contribute to the building's character and appearance, where it is a positive built form within the Conservation Area. As these properties have dual frontage on Drawwell Street their rear elevations are particularly visible as are their rear gardens. Streetview image capture shows that there has been modification and extension to these rear ranges but there is still an overall consistency in form and appearance.

There are several components to this proposal. With the reinstatement of the front entrance modest but decorative porch detail, this is supported where the original porch, which matched that on Number 41, appears to have been removed between August 2015 and August 2020 according to Streetview image capture.

A small upper floor window is proposed to be introduced on the rear elevation where this appears to have a proportionate scale and detailing appropriate to the overall fenestration pattern, and this should be a timber sash window in keeping with the Article 4(2) Direction which applies to this elevation facing Drawwell Street. We note that the existing and proposed elevation drawings might be mixed up however relevant to this proposed window.

There is also an external terrace with metal upright balustrading proposed over an existing flat roof projection off the rear elevation (where there appears to have been a large lantern light previously looking at earlier Streetview image capture), to be accessed by a new spiral staircase. Taking into account the relatively low position of this flat roof projection and concealment provided by the adjacent projecting outrigger at Number 41 and the vegetative screening in the garden, this introduction is unlikely to comprise harm subject to conditions to agree some finer detailing where necessary.

With these elements proposed we do not raise a heritage objection and recommend that conditions to agree finer detailing of the staircase and balustrading is imposed, as well as a condition to agree the new timber sash window detail similar to standard condition JJ20, and a condition to agree the finer detailing of the new porch.

With these comments we would reference the following local and national policies and guidance in terms of historic environment matters where consideration has been taken: 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, the National Planning Policy Framework (NPPF) as revised, and relevant Historic England guidance including GPA3 The Setting of Heritage Assets. As the application site is within the Conservation Area, legislatively special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended would be required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area, and meet the aims of the Article 4(2) Direction.

SC Archaeology:

We have no comments on this application in regard to archaeological matters.

Public Comments

At the time of writing this report no public comments had been received.

5.0 THE MAIN ISSUES

Impact on the Conservation Area
Amenity

6.0 OFFICER APPRAISAL

6.1 Impact on the Conservation Area

- 6.1.1 The proposed works, comprising the reinstatement of a traditional front porch, the insertion of a modest upper-floor rear window, and the formation of a roof terrace with associated spiral staircase, have been carefully assessed having regard to the significance of the host dwelling, its positive contribution to the character and appearance of the Belle Vue Conservation Area, and the requirements of the Article 4(2) Direction. The reinstatement of the front porch would restore a traditional architectural feature that historically formed part of the original symmetrical design of the pair of semi-detached dwellings, thereby enhancing the property's historic character. The proposed rear window is appropriately proportioned and, subject to the use of a traditional timber sash design secured by condition, would respect the established fenestration pattern and architectural detailing of the building. The roof terrace and staircase are modest interventions which, owing to their limited visibility, screening provided by existing built form and vegetation, and subordinate appearance, would not result in harm to the significance of the Conservation Area.
- 6.1.2 Taken as a whole, the development would preserve and, in part, enhance the character and appearance of the Belle Vue Conservation Area, satisfying the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal accords with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev Plan, and the heritage objectives of the National Planning Policy Framework 2026, which seek to conserve and enhance the historic environment, support development that preserves elements making a positive contribution to conservation areas, and encourage proposals that enhance or better reveal their significance. Accordingly, the proposal is considered acceptable, and planning permission is granted, subject to conditions securing the detailed design and materials of the porch, staircase,

balustrading and replacement timber sash window.

6.2 Amenity

6.2.1 Whilst the terrace would provide additional outdoor amenity space, it is noted that the dwelling already benefits from existing first and second floor windows that overlook neighbouring gardens. The terrace would therefore not introduce an unusual or materially greater degree of overlooking than already exists. In addition, the adjoining property benefits from a similar terrace arrangement, such that the proposal would not appear out of keeping or incongruous within its context. Given its position, the existing built form, surrounding vegetation and established pattern of development, the proposal would not result in significant harm to the living conditions of neighbouring occupiers.

7.0 CONCLUSION

The proposal is considered to be sympathetically designed and appropriately scaled, such that it would preserve the character and appearance of the host dwelling and make a positive contribution to the Belle Vue Conservation Area. Furthermore, the development would not give rise to any unacceptable impact on the amenities of neighbouring residents and would maintain the established character and appearance of the surrounding street scene. As such, the proposal accords with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev Plan, and the heritage objectives of the NPPF 2026.

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: _

18/03669/FUL Installation of replacement windows at rear ground floor; renewal of roof covering and installation of balustrade to flat roof to create roof terrace; install external spiral staircase APPRET

26/02359/FUL Creation of a terrace above existing conservatory, porch to front and insertion of an additional window at second floor level PCO

SA/86/1039 Use of basement and one ground floor room of existing private dwelling house as commercial recording studio and formation of vehicular access and off street car parking facility. REFUSE 18th December 1986

SA/90/0236 Change of use of lower floors into nursery and upper floors to private dwelling. REFUSE 25th April 1990

SA/98/0875 Erection of a car port to side of house. PERCON 21st October 1998

SA/08/1407 Replace flat roof with glazed pitched roof and doors and windows with double glazing on existing single storey extension WDN 25th November 2008

SA/08/1218 Erection of a conservatory to rear following removal of existing flat roof extension WDN 29th October 2008

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=TH3JJITDJE600>

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 David Walker

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.

3. Prior to the relevant works commencing details of the spinal staircase, balustrading and detailing of the porch 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 external appearance of the development is satisfactory.

4. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

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

