



Committee and date

South Planning Committee

3 November 2015

Development Management Report

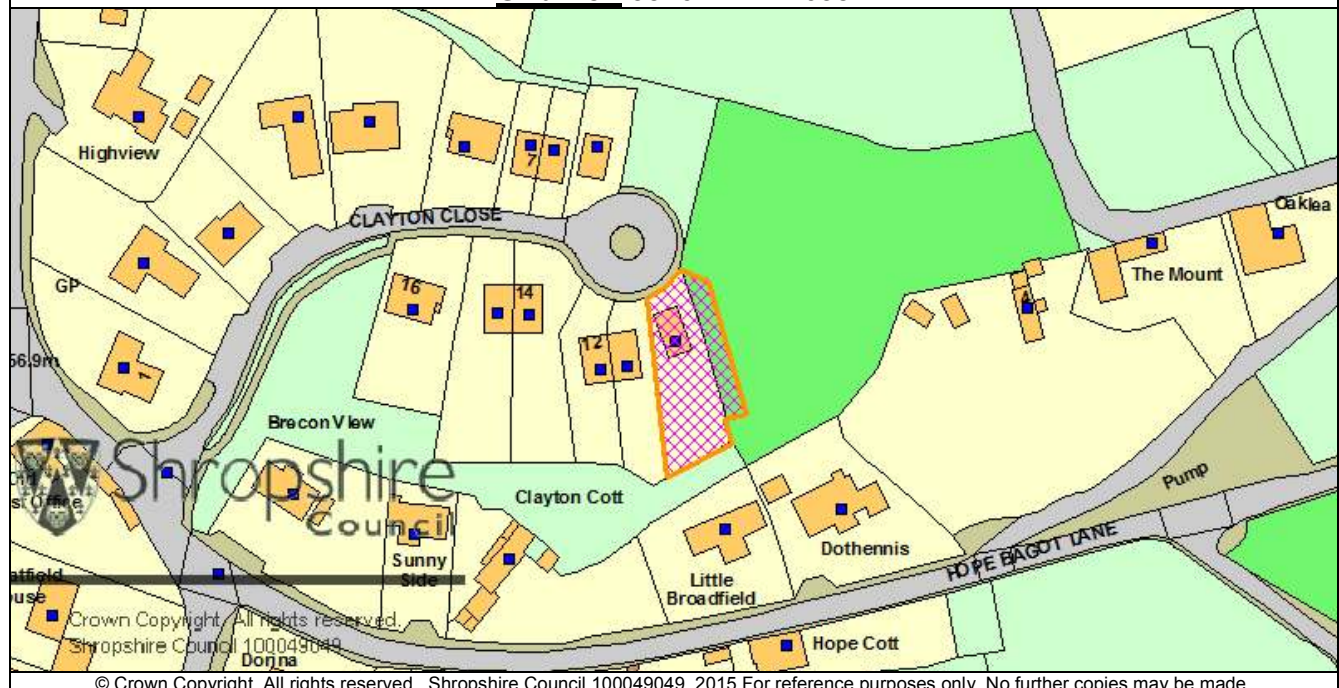
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 15/01171/FUL	Parish: Caynham
Proposal: Erection of extension to dwelling, and change of use of adjoining land to additional domestic curtilage	
Site Address: 10 Clayton Close Knowbury Ludlow Shropshire SY8 3JA	
Applicant: Mrs M Jordan	
Case Officer: Trystan Williams	email: planningdmsw@shropshire.gov.uk

Grid Ref: 357672 - 274638



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission to erect a 1½-storey extension comprising a double garage and en-suite attic bedroom to the east side of the above dwelling house. A dormered French window would connect the bedroom to a small balcony recessed into the rear roof slope. The application also includes the incorporation of a strip of grassland into the property's domestic curtilage, ostensibly to accommodate the extension.

2.0 SITE LOCATION/DESCRIPTION

2.1 The property is situated at the end of a modern cul-de-sac development within Knowbury village, just inside the Shropshire Hills Area of Outstanding Natural Beauty (AONB). It is a detached two-storey house with a narrow gabled frontage faced in render under an unusually steep clay tiled roof. Like its more conventional semi-detached neighbours to the west it is part-owned and managed by the Shropshire Housing Group, a registered provider of 'affordable' homes to meet specific local needs. On lower ground to the rear (south) are a pair of bungalows fronting Hope Bagot Lane, whilst to the east is the undeveloped area of grassland.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council's objection is contrary to the officer's recommendation of approval, and Shropshire Council's local member and planning committee chair feel that the application raises significant material considerations. Accordingly, in line with the Council's adopted Scheme of Delegation, the application is referred to the committee for determination.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Shropshire Council Affordable Housing – comment:

This shared ownership property was intended to provide an affordable option for home ownership. The housing association will need to be consulted in order to ensure the property remains affordable.

4.1.2 Shropshire Housing Group:

2/4/15 – objection:

Contrary to the claim within the submitted Design and Access Statement, the proposal has not been discussed with the South Shropshire Housing Association (SSHA). The Association has not and will not agree to any addition beyond the provision of a garage.

4.1.3 8/6/15 – no objection:

Having considered further background information, SSHA now wishes to withdraw its objection.

4.1.4 Shropshire Council Flood and Water Management – comment:

Public objections regarding flooding appear to relate to an existing land drainage issue. The proposed extension would not increase the risk of surface water flooding provided the roof water is connected to the existing storm water drainage system.

4.1.5 There should be no dumping of waste or storage of domestic paraphernalia alongside the sump installed on the adjacent land, which was reserved for flood alleviation.

4.1.6 Caynham Parish Council – objection:

This property was approved as part of an affordable housing scheme. The size of the proposed extension is not in keeping with the existing affordable dwellings and would make the property larger than the prescribed size for affordable buildings. There is no proven local need for this increase in size. There are also concerns about the impact of drainage systems on adjoining houses, problems having been experienced when the affordable houses were originally constructed.

4.2 **Public comments**

4.2.1 Three local residents object on the following grounds:

- The submitted plans are inaccurate in that they do not show a previous addition made in 2014. This, combined with the proposed extension, would increase the floor space beyond 100m², which is the maximum permitted size for affordable dwellings. This would remove the property from the realms of affordability in the future.
- The scale and proportions of the extension would be out of character with the neighbouring properties.
- Because of its height this property is already intrusive to the properties along Hope Bagot Lane. The proposed extension, and in particular the balcony, would worsen overlooking.
- When the Clayton Close estate was built in 2007 the developer removed the grass and topsoil to leave clay. There had been a long spell of very hot weather followed by heavy rain, which resulted in water pouring off the field and flooding gardens and dwellings along Hope Bagot Lane. The housing association subsequently drained the field, installed a sump and agreed to leave this area undeveloped. However, the proposed development would encroach onto this land and could cause further flooding. Already the applicant has gained access and dumped soil, bins and other domestic items on the edge of the sump.

5.0 **THE MAIN ISSUES**

- Principle of development/affordability
- Design
- Impact on landscape
- Impact on residential amenity
- Drainage and flood risk

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development/affordability**

6.1.1 In general, the principle of enlarging existing dwellings is accepted under the Supplementary Planning Document (SPD) which supports Core Strategy Policy CS11. Whilst this does also impose a 100m² limit on the floor space of owner-occupied affordable dwellings built on 'single plot' rural exception sites, no such restriction applies in the case of other tenures.

- 6.1.2 In this instance, as noted above, the property is part-owned and managed by the SSHA, the intention being to provide an affordable option for home ownership. Under the terms of the Section 106 agreement to which the original planning permission is subject the housing association will retain partial control, and thus there is no danger of the property losing its affordable status and being offered to people not in local housing need. Even if the current occupiers did effectively make the house unaffordable they would find themselves unable to sell their share in the marketplace since the housing association would not buy it back.
- 6.1.3 It should also be noted that the applicant's agent has now provided details of the 'need' for an additional bedroom with en-suite facilities on medical grounds (following which the SSHA has withdrawn its initial objection), and that this alone would not increase the gross internal floor space beyond 100m². Although the garage cannot be justified in the same way and would count towards the 100m² restriction in the case of a single plot exception site dwelling, again it would not affect this particular property's affordable status given its shared ownership. Furthermore the agent points out that since there would be no internal access to the garage it could not be used as additional habitable accommodation (this could be reinforced by condition if members consider it necessary), and that it would be impracticable to provide a detached garage given the plot's narrow width.
- 6.1.4 The Parish Council's and Local Member's fears regarding the property's future affordability are perhaps exacerbated by the Government's proposal to extend its Right to Buy scheme. Be that as it may, for the reasons explained above officers consider that there are no planning policy grounds on which to resist the proposed development as a matter of principle.
- 6.2 **Design**
- 6.2.1 A key requirement of the SPD is for extensions to be in scale and character with the original dwelling and its surroundings for aesthetic reasons. In this case it is appreciated that the existing house is rather idiosyncratic, but if anything the wider extension set at right angles would help to balance the design and better reflect the form and massing of the semi-detached properties along Clayton Close. Its recessed frontage and lower roofline would also ensure a subservient appearance. Thus, subject to a condition requiring matching materials, the design is considered acceptable.
- 6.3 **Impact on landscape**
- 6.3.1 The reasonably modest enlargement of this existing house within a village setting would not harm the generally open character or natural beauty of the wider landscape. Similarly the slight enlargement of the domestic curtilage would not encroach beyond the established built-up area, whilst details of new boundary treatments can be secured by condition.
- 6.4 **Impact on residential amenity**
- 6.4.1 Although the existing house is elevated above and visible from the dwellings to the south (along Hope Bagot Lane), the distances of at least 32 metres in-between are more than sufficient to achieve a reasonable degree of privacy (by way of

comparison a gap of 21 metres between *principal* elevations across a street is usual). The dormer window and small balcony set into the roof of the extension would be even further away, and thus their impact in planning terms would not be significant.

6.5 **Drainage and flood risk**

6.5.1 As summarised above the Council's Drainage Engineer is satisfied that the extension would not increase the risk of surface water flooding provided it is connected to the existing storm water drainage system installed following the 2007 floods. This would be subject to Building Regulations approval in the usual way, and thus there is no reason to suppose the development would damage the system.

7.0 **CONCLUSION**

7.1 Although the property is designated affordable to meet local housing needs, because it is part-owned by a housing association there is currently no risk of the proposed extension making it unavailable to other qualifying people. The design is satisfactory, and there are no undue concerns regarding landscape character, residential amenity, drainage or flood risk. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

8.2.3 This legislation has been taken into account in arriving at the above decision.

8.3 **Equalities**

8.3.1 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 1970.

9.0 **FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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.

10.0 **BACKGROUND**

Relevant Planning Policies:

National Planning Policy Framework:

Part 6: Delivering a wide choice of high quality homes

Part 7: Requiring good design

Part 10: Meeting the challenge of climate change, flooding and coastal change

Part 11: Conserving and enhancing the natural environment

Shropshire Local Development Framework:

Core Strategy Policies:

CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing

CS17: Environmental Networks

CS18: Sustainable Water Management

Supplementary Planning Documents:

Type and Affordability of Housing

Relevant Planning History:

SS/1/06/18819/F – Erection of affordable dwelling (Plot 5) (permitted December 2006)

11.0 ADDITIONAL INFORMATION

VIEW DETAILS ONLINE:

[HTTPS://PA.SHROPSHIRE.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DETAILS&KEYVAL=NL5LCP TD0HG00](https://pa.shropshire.gov.uk/online-applications/applicationdetails.do?activetab=details&keyval=NL5LCP TD0HG00)

List of Background Papers: Application documents available on Council website
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Richard Huffer
Appendices: Appendix 1 – Conditions and Informatives

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

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 in strict accordance with the approved plans and drawings listed below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall commence until details of the treatment of the new/realigned site boundaries have been submitted to and approved in writing by the local planning authority. These shall include precise details of the type, materials, height and alignment of any fences, walls or other means of enclosure, and timetables for implementation. The development shall be completed in accordance with the approved details, and shall be maintained thereafter in the absence of any further specific permission in writing from the local planning authority.

Reason: To ensure that the external appearance of the development is satisfactory and maintain a reasonable standard of privacy in neighbouring properties, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed in order to ensure a sustainable development.

CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

4. Except where indicated otherwise on the approved plans and drawings, the external materials of the extension hereby permitted shall match in colour, form and texture those of the existing dwelling on the site.

Reason: To ensure the development is in scale and character with the existing dwelling and its surroundings, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

INFORMATIVES

1. Your attention is drawn specifically to the condition above which requires the Local Planning Authority's prior approval of further details. In accordance with Article 21 of the Town and Country Planning (Development Management Procedure) Order 2015 a fee (currently £28) is payable to the Local Planning Authority for each request to

discharge pre-start conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission. Any commencement of works may be unlawful and the Local Planning Authority may consequently take enforcement action.

2. This consent does not affect the terms of the legal agreement under Section 106 of the Town and Country Planning Act 1990 which refers specifically to the existing property.
3. 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.