



Committee and date

South Planning Committee

1 December 2015

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 15/03558/FUL	<u>Parish:</u>	Kinlet
<u>Proposal:</u> Erection of a single storey rear extension		
<u>Site Address:</u> Weavers Cottage Buttonoak Kinlet Bewdley Shropshire		
<u>Applicant:</u> Mr Colin Haywood		
<u>Case Officer:</u> Elizabeth Davies	<u>email:</u> planningdmsw@shropshire.gov.uk	

Grid Ref: 375786 - 277804



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Contact: Tim Rogers (01743) 258773

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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission to erect a single storey rear extension on the southwest elevation to provide a lobby, kitchen and additional bedroom, this additional living space is required to enable the applicant and his partner with their new baby, and desire to have another baby next year, to stay in Buttonoak where the applicant has lived for approximately 20 years and support the local school.
- 1.2 The extension is proposed to be constructed from painted render walls, sitting on a reclaimed brick plinth under a clay tiled roof with timber windows and doors.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The dwelling is situated at the eastern end of Button Oak, on the inside of a bend on the B1494 Kinlet to Bewdley Road and shares a vehicular access with the neighbouring property known as Windrush which is approximately 36m to the west of the dwelling.
- 2.2 The dwelling is considered to be a 'non-designated heritage asset', these are structures that normally pre-date 1950; comprise of traditional materials and building methods; are of permanent and substantial construction; are of local significance and add value to the landscape.
- 2.3 The single storey dwelling accommodation comprises of a small stone building and an extension to two sides of the building. The stone element provides double bedroom while the extension contains a shower room, a kitchen and a conservatory. There is a large external decking area which is accessed from the dwelling along with its own parking/ turning area. The dwelling sits within a large residential curtilage.
- 2.4 The application site is located north of the Wyre Forest SSSI and Ancient Woodland and has been subject to 2 previous planning permissions:
- 12/04835/VAR - Removal of Condition No.6 attached to Planning Permission 04/1048 dated 6th January 2005 to remove reference to requirement for cottage to be used solely for holiday use granted August 2013
- BR/APP/FUL/04/1048 - Conversion and extension of building to form a holiday cottage and formation of new vehicular access granted January 2005

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have made a comment that would be contrary to the Officers recommendation.

- 3.2 The Local Members have requested that the application be presented to the Planning Committee for consideration given the objection from the Parish Council and in discussion with the Chair of the Planning Committee it has agreed that the issues raised are material and should be discussed at committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Kinlet Parish Council – Objection

It was a majority decision to recommend refusal of this application as the property has already been extended several times and it was considered that this further proposal was not subservient or in keeping with the original cottage.

4.1.2 Shropshire Council Drainage – Comments

Informative: The applicant should consider employing measures such as the following:

- Surface water soakaways
- Water Butts
- Rainwater harvesting system
- Permeable surfacing on any new driveway, parking area/ paved area
- Attenuation
- Greywater recycling system
- Green roofs

Reason: To ensure that, for the disposal of surface water drainage, the extension is undertaken in a sustainable manner

4.1.3 Natural England - No objection

4.1.4 Shropshire Council Trees – Comments

I have reviewed the information submitted in association with this application and wish to make the following comments as regards arboriculture issues. Had the application been to construct a new dwelling I would have had concerns regarding the proximity to the adjacent mature woodland, in the overbearing presence the trees would have had on the dwelling and future occupants. Doubtless this would have led to pressure for excessive pruning or removal of the trees.

However, since this is an extension to the existing dwelling, I consider the current occupants are aware of the issue and happy to proceed with the proposed development. I therefore have no objection on arboriculture grounds, providing suitable measures are taken as described in the submitted tree report (Old Oak Tree Care, OOTC/PC15/58, 4th August 2015) to protect adjacent trees from damage during implementation of any approved development.

Because the adjacent woodland is designated ancient woodland, the Forestry Commission should be consulted on the proposed development.

I would recommend attaching the following condition to any approval for this application:

Prior to commencement of development, tree protection measures shall be installed to the written satisfaction of the LPA, in accordance with and as specified in, Section 9 and Appendices B (Tree Protection Plan) and D (Fence Specification) of the approved Arboricultural Report (Old Oak Tree Care, OOTC/PC15/58, 4th August 2015). Thereafter the tree protection measures shall be maintained in a satisfactory condition until completion of the development and shall not be moved or removed until all equipment, machinery and surplus materials have been removed from the site. Any area of land fenced off in accordance with this condition shall be treated as a construction exclusion zone, within which there shall be no storage of materials or construction activities of any kind, nor excavations or alterations of soil levels, without the prior written consent of the LPA.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the setting of the development.

4.1.5 Shropshire Council Ecology – Comments

Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

Informative

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

4.1.6 Shropshire Council Conservation – Objection

From a conservation perspective the proposed extension would be considered to be an overdevelopment of the site and would not be in keeping with the scale of the original property. The proposal is not supported from a conservation perspective.

Additional Comments Received 12.11.15

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes the erection of a single storey rear extension to this property known as Weavers Cottage, Buttonoak. The property is not listed or within the conservation area however it is considered to be a non designated heritage asset which was a reason for its initial conversion to residential accommodation in order to preserve the asset for the future. The building sits close to the road and is relatively visible in the area. The interest of this building as a heritage asset lies in its original form and materials and as a small vernacular building type. The single storey dwelling accommodation comprises of a small stone building and an extension to two sides of the building. The original stone portion of the building is of a small scale which is part of its character and heritage interest, the existing conversion and extensions have enabled the use of the building as a small residential unit and were therefore considered acceptable. However the current proposal will extend the building further almost doubling the existing accommodation which is considered to be an overdevelopment of the original structure and it is considered the additional extensions will detract from the character of the original building and are not necessary for its residential use. The conversion of traditional buildings to preserve them for the future can be appropriate but must respect the character and form of the original building and not require substantial rebuilding or extension. From a conservation perspective the proposal is not considered to preserve the character of this non designated heritage asset and in my view would not be in accordance with policies, guidance and legislation as outlined above.

4.1.7 Forestry Commission – No Comments received.

4.2 Public Comments

4.2.1 No public comments have been received.

5.0 THE MAIN ISSUES

- . Principle of development
- . Siting, scale and design of structure
- . Visual impact and neighbouring amenity.

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Shropshire Council Core Strategy CS6, seeks to ensure any development protects, restores, conserves or enhances the existing environment, whether that is the natural, built or historic environment. Policy CS6 of the Strategy also puts forward

a presumption in favour of extensions to dwellings, provided that the scale, siting and design do not overwhelm or dominate the appearance of the original dwelling and does not have any detrimental impact on the level of residential amenity or harm visual amenity.

6.1.2 Policy CS5: Countryside and Green Belt of the Shropshire Core require that the openness, permanence and visual amenity of the land within its boundaries are preserved and that the extension or alteration of a building does not result in disproportionate additions over and above the size of the original dwelling.

6.1.3 Section 7 of the National Planning Policy Framework also requires development to display favourable design attributes which contribute positively to making better for people, and which reinforces local distinctiveness

6.2 Siting, scale and design of structure

6.2.1 Paragraph 135 of the NPPF states that the Local Planning Authority has a duty to consider the effect of an application on the significance of a non-designated heritage asset and should ensure that a balanced judgement will be required regarding the scale of any harm or loss.

6.2.2 Kinlet Parish Council and Shropshire Council Conservation Officer have raised concerns over the issue that the property has already been extended and that the proposal is not in keeping or subservient with the scale of the original cottage. Previous planning history shows that the dwelling was subject to a previous planning permission BR/APP/FUL/04/1048 in January 2005 for the conversion and extension to a holiday dwelling (and this is the current footprint of the dwelling) along with planning permission 12/04835/VAR granted in August 2013 for removal of condition 6 restricting the use to a holiday let only. Some pre-application advice was sought by the applicant on the possibility of extending this dwelling. The initial submission contained no drawings and the advice given by the Officer was that it was doubtful whether a further extension could be designed which would retain the character and appearance of the original building. However in May 2015 drawings were submitted for an extension to provide a kitchen and second bedroom in the form that is proposed in this application. The informal Officer opinion given was that this configuration was of a scale and design which could be supported.

6.2.3 The proposed extension would join the existing dwelling on the southwest elevation where it will meet with the existing gable end of the current conservatory. It would be rectangular in shape and measure approximately 7.3m in width, 4m in depth with an eaves height of 2.5m and a ridge height of 4.4m and be set some 1.2m below the existing dwelling. It would be constructed from rendered walls which will complement the existing stone walls and the soft weatherboarding on the northwest elevation of the existing dwelling. It would have a clay tiled roof with timber windows to match the existing dwelling. A new timber door on the south west elevation would lead out onto the garden while new steps leading down to the garden would be created each side of the southwest elevation thus creating a balanced effect. The proposed development, taking into account the proposed scale of the extension and that it would be at a lower level (approx. 1.2m) to the original dwelling it therefore would not conceal the scale and character of the original building and would ensure that the character of the original building is

preserved for the future.

- 6.2.4 The proposal would appear subservient and in keeping with the scale, mass, character and appearance of the original dwelling house due to the positioning of the proposal at a slightly lower ground level compared to the original dwelling. All materials will be reinforced by condition on any approval issued to ensure that the materials used will complement those of the existing dwelling.

6.3 Visual impact and neighbouring amenity

- 6.3.1 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. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.
- 6.3.2 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the high quality and local character of Shropshire built and historic environmental and that it should not adversely affect the visual or heritage values and functions of these assets. This is reiterated in policy 12 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework which supports the desirability of sustaining and enhancing the significance of heritage assets and putting them to a viable uses consistent with their conservation.
- 6.3.3 The dwelling is not in a conservation area but is a non designated heritage asset as the dwelling is an old building and not listed or in a conservation area but still has local historical importance, the proposal does not intend to alter or demolish the current stone walls of the dwelling and proposes to simply enlarge to create additional living space. These new walls would be rendered with a reclaimed brick plinth below and will complement the existing stone walls and weatherboarding on the northwest elevation.
- 6.3.4 When viewed from the highway the proposal will be set some 1.2m below the existing and therefore will mainly be shielded from view by the existing dwelling and by the land falling steeply to the south. It is intended not to alter the dwelling on the roadside elevation thus ensuring minimal impact on this aspect.
- 6.3.5 The submitted designs are considered to have made attempts to mitigate against the potential of the proposed extension adding excessively to the overall bulk and massing of the dwelling; in light of this it is not considered that the proposal is of a harmful nature to the visual amenity and openness of the land, and thus supports Shropshire Core Strategy Policy CS5.
- 6.3.6 The nearest neighbouring properties (Oak Tree Cottage and Windrush) are located approximately 18m to the north and 33m to the west, in view of this and that the

land falls steeply to the south it is considered that the proposal would not create an over bearing impact or result in loss of light or privacy sufficiently to unduly harm the residential amenity of the occupiers of these neighbouring properties, in light of this and with regard to CS6 of the Shropshire Core Strategy and Section 7 of the National Planning Policy Framework, it is not considered that the proposal is of a harmful nature and will not unacceptably impact on the amenity rightfully expected to be enjoyed by the occupiers of the neighbouring properties.

6.3.7 As the site is within close proximity to a Site of Special Scientific Interest, Wyre Forest SSSI and suitable measures have been submitted tree report (Old Oak Tree Care, OOTC/PC15/58, 4th August 2015) to protect adjacent trees from damage during implementation of any approved development.

6.3.8 The proposed scale, design and appearance of the proposal would respect the existing character of the dwelling and would not result in any adverse visual impact in the locality, and as such it is considered that the proposal would not detract from the visual amenity of the site and surrounding area and would accord with policy CS6 and CS17 of the Shropshire Core Strategy Framework and Section 7 of the National Planning Policy Framework.

7.0 CONCLUSION

The proposal would result in a modest single storey dwelling with two bedrooms, kitchen, living area, lobby, utility and bathroom, in a settlement which is part of a Community Cluster in the soon to be adopted SAMDev Plan. The proposed extension is judged by Planning Officers to be in scale and character with the original dwelling and its setting, and would result in of no demonstrable harm in terms of residential amenity, and would have no adverse impact on ecological interests. The application is considered to accord with the principle determining criteria of the relevant development plan policies and approval is recommended.

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

National Planning Practice Guidance

Shropshire Core Strategy:

Contact: Tim Rogers (01743) 258773

CS06 Sustainable Design and Development Principles
CS05 Open Countryside and Greenbelt
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

12/04835/VAR Removal of Condition No.6 attached to Planning Permission 04/1048 dated 6th January 2005 to remove reference to requirement for cottage to be used solely for holiday use
GRANT 20th August 2013

BR/APP/FUL/04/1048 Conversion and extension of building to form a holiday cottage and formation of new vehicular access GRANT 6th January 2005

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

List of Background Papers 15/03558/FUL: Application documents can be viewed on the Shropshire Council Planning Website.
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member 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. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Prior to commencement of development, tree protection measures shall be installed to the written satisfaction of the LPA, in accordance with and as specified in, Section 9 and Appendices B (Tree Protection Plan) and D (Fence Specification) of the approved Arboricultural Report (Old Oak Tree Care, OOTC/PC15/58, 4th August 2015). Thereafter the tree protection measures shall be maintained in a satisfactory condition until completion of the development and shall not be moved or removed until all equipment, machinery and surplus materials have been removed from the site. Any area of land fenced off in accordance with this condition shall be treated as a construction exclusion zone, within which there shall be no storage of materials or construction activities of any kind, nor excavations or alterations of soil levels, without the prior written consent of the LPA.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the setting of the development.

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.

2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy:
CS06 Sustainable Design and Development Principles
CS05 Open Countryside and Greenbelt
SPD Type and Affordability of Housing

3. Informative: The applicant should consider employing measures such as the following:

- o Surface water soakaways
- o Water Butts
- o Rainwater harvesting system
- o Permeable surfacing on any new driveway, parking area/ paved area
- o Attenuation
- o Greywater recycling system
- o Green roofs

Reason: To ensure that, for the disposal of surface water drainage, the extension is undertaken in a sustainable manner

4. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

5. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.