



Committee and Date  
Northern Planning Committee  
13<sup>th</sup> October 2020

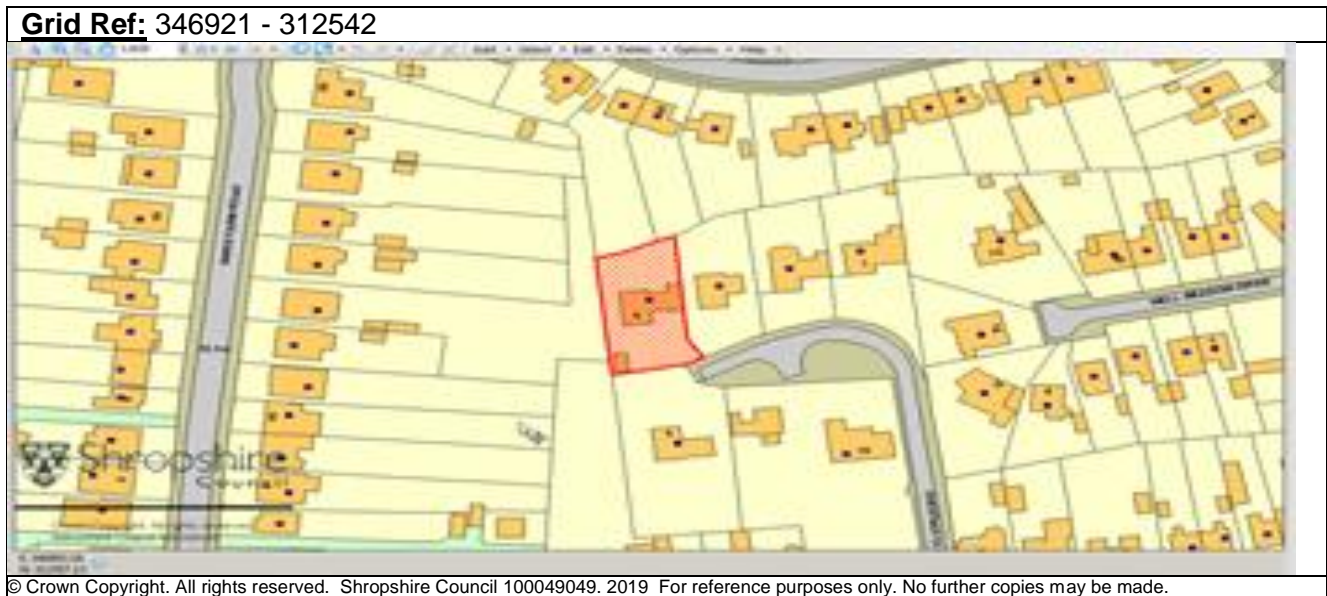
Item  
**5**  
Public

## Development Management Report

Responsible Officer: Tim Rogers  
Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 20/02744/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Erection of single storey and two storey extensions, alterations and improvements to existing dwelling and driveway		
<b><u>Site Address:</u></b> 4 Chestnut Close Shrewsbury SY3 8UJ		
<b><u>Applicant:</u></b> Mr Woodall		
<b><u>Case Officer:</u></b> Gemma Price	<b><u>email :</u></b> planning.northern@shropshire.gov.uk	



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

## Recommended Reason for Approval

**REPORT**

<b>1.0</b>	<b>THE PROPOSAL</b>
1.1	The application seeks planning permission for the erection of a single storey and two storey side extension to include alterations and improvements to the existing dwelling and driveway to the property known as 4 Chestnut Close.
1.2	The single storey extension to the principal elevation will contain a kitchen and day room. The two-storey side extension to the east of the dwelling will replace the existing study, hall and garage on the ground floor and will be replaced with a larger hall, W.C, smaller study and garage to the ground floor and to the first floor will provide a master bedroom with a dressing room and en-suite. Internal amendments to the existing ground and first floor layout will also be carried out.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
2.1	The dwelling subject to the application is located approximately 1.41 miles West from the centre of Shrewsbury and sits within a moderate sized curtilage. The application site is a detached, residential dwelling located at the end of a short cul-de-sac in the Copthorne area of Shrewsbury. The property constructed predominantly from brick, with a part rendered panel and part timber clad panel down the front elevation, and has a tiled, pitched roof. A flat roof double garage is attached to the eastern side elevation which will be replaced by the extension proposed under this application.
2.2	The site is bounded by neighbouring dwellings adjoining all sides of the application site, the closest neighbouring property being 3 Chestnut Close.
<b>3.0</b>	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
3.1	The Town Council object to the proposal contrary to the officer recommendation for approval. Therefore, under the terms of the scheme of delegation to officers, as set out in Part 8 of the Council Constitution, the local ward member shares the Town Council's concerns and thus the Chair and Vice in consultation with the Principal Planner consider Committee presentation of this application appropriate.
<b>4.0</b>	<b>COMMUNITY REPRESENTATIONS</b>
<b>4.1</b>	<b>- Consultee Comments</b>
4.1.1	<b>Shrewsbury Town Council</b> The Town Council notes the revised plans for this property and Members wish to maintain their objection to this planning application and also raise the following concerns:

	<ul style="list-style-type: none"> <li>- Members feel that this extension is a significant over development of the site.</li> <li>- The extension appears to go to the boundary and Members feel that this will have a detrimental effect on neighbouring properties.</li> <li>- Members feel that there is no precedent for two storey extensions to the boundary within this area of Shrewsbury.</li> </ul>
4.1.2	<p><b>Local Councillor (Peter Nutting)</b> The two-storey extension appears to go to the boundary and will have a detrimental effect on the neighbouring property by way of its size and height. This is not a small property and the planned extension will have a massing effect that will impact on the neighbouring property which has a window in the elevation overlooking this extension. Looking at other properties nearby no other house has a similar extension along its boundary. This should go to committee for consideration.</p>
4.1.3	<p><b>SC Trees</b> No objection to the proposed development providing all tree protection measures identified on the block plan are maintained throughout the construction phase of the development.</p>
4.1.4	<p><b>SC Highways</b> No Objection – subject to the development being constructed in accordance with the approved details, and the following conditions &amp; informatives. Given the constraints of the surrounding highways it is considered that a Construction Method Statement will be required for this development and deliveries to the site should be made outside of peak traffic times.</p> <p><b>Conditions:</b> <b>On-site Construction</b> No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>- the parking of vehicles of site operatives and visitors</li> <li>- loading and unloading of plant and materials</li> <li>- storage of plant and materials used in constructing the development</li> <li>- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>- wheel washing facilities</li> <li>- measures to control the emission of dust and dirt during construction</li> <li>- a scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>- a Construction Traffic Management Plan</li> </ul> <p>Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.</p> <p><b>Informative Notes:</b> <b>Works on, within or abutting the public highway</b> This planning permission does not authorise the applicant to:</p> <ul style="list-style-type: none"> <li>- construct any means of access over the publicly maintained highway (footway or verge) or</li> </ul>

	<ul style="list-style-type: none"> <li>- carry out any works within the publicly maintained highway, or</li> <li>- authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or</li> <li>- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway</li> </ul> <p>The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details <a href="https://www.shropshire.gov.uk/roads-and-highways/road-network-management/#">https://www.shropshire.gov.uk/roads-and-highways/road-network-management/#</a></p> <p>Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required. No drainage to discharge to highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.</p>
<b>4.2</b>	<b>- Public Comments</b>
4.2.1	This application was advertised via notice at the site and the residents of seven neighbouring properties were individually notified by way of publication.
4.2.2	At the time of writing this report, a total of two representations had been received. One of the commenter's objects to the application with one supporting.
4.2.3	<p>The reasons for objection to the scheme are summarised below:</p> <ul style="list-style-type: none"> <li>• Significant overdevelopment of site</li> <li>• Extension amounts to in excess of 50% of the original built area together with the previous garage extension</li> <li>• Existing garage has already been built to the boundary of the property and therefore the proposals will create a terracing affect</li> <li>• Loss of amenity to 3 Chestnut Close, specifically the first-floor extension</li> <li>• Impact the light into the kitchen and bathroom to 3 Chestnut Close</li> <li>• Breaches neighbouring right to light</li> </ul>
4.2.4	<p>The reasons cited for supporting the scheme are summarised below:</p> <ul style="list-style-type: none"> <li>• No concerns raised with the proposed works but wanted to make the Council aware that the said 'T1' Tree named and shown in the block plan is a very mature English Oak Tree.</li> </ul>
<b>5.0</b>	<b>THE MAIN ISSUES</b>
5.1	<ul style="list-style-type: none"> <li>• <b>Principle of development</b></li> <li>• <b>Siting, scale and design of structure</b></li> <li>• <b>Impact on amenities</b></li> </ul>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>

<b>6.1</b>	<b>Principle of development</b>
6.1.1	Alterations and development to properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extensions and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area.
6.1.2	Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.
6.1.3	Section 12 of the National Planning Policy Framework; Achieving well-designed places, reinforces these goals at a national level, by requiring design policies to reflect local aspirations ensuring developments are sympathetic to local character, visually attractive and establish a strong sense of place.
<b>6.2</b>	<b>Siting, scale and design of structure</b>
6.2.1	The application seeks planning permission for the erection of a single storey and two storey side extension to include alterations and improvements to the existing dwelling and driveway to the property known as 4 Chestnut Close. The single storey extension to the principal elevation will contain a kitchen and day room. The two-storey side extension to the east of the dwelling will replace the existing study, hall and garage on the ground floor and will be replaced with a larger hall, W.C, smaller study and garage to the ground floor and to the first floor will provide a master bedroom with a dressing room and en-suite. Internal amendments to the existing ground and first floor layout will also be carried out.
6.2.2	The property is situated in the corner of Chestnut Close and is not visible from the street scene until approaching the property. Therefore, the siting of the proposals will have little impact on the street scene entering Chestnut Close until you approach the property. The dwelling is currently well screened by trees, although the two-storey side extension will be visible before approaching the property due to its two-storey element. The proposed single-storey extension to the front of the dwelling will be sited approximately 12.8 metres from the Highway and due to the position of the dwelling being in the corner of Chestnut Close, no concerns are raised over the siting or scale now amendments have been made to the original plans submitted. The scale of the proposal has been scaled down from the original plans submitted and therefore maintains a better proportion and balance to the existing detached dwelling. The revised proposed extension is less overwhelming to the existing property and therefore the case officer is satisfied with the amendments made and feels that there are now no concerns over the siting and scale of the proposals.
6.2.3	The existing single-storey section to the boundary of the property approximately measures at 2.64 metres in height, 7.66 metres in length, with a width of 6.92 metres. Comparatively the proposed two-storey extension to the side of the dwelling measures at approximately 7.18 metres in height, 7.54 metres in length, with a width of 6.33 metres. The proposed single-storey extension to the front of the dwelling measures at 3.71 metres in height, 6.22 metres in length, with a width of 4.28 metres.
6.2.4	The design of the extension is of a typical domestic style and no concerns are

	raised over its profile or features. The materials proposed will match that of the existing dwelling.
6.2.5	The proposed extension will be visible from all public viewpoints as the proposals affect the front, side and rear of the property. Now the proposed plans have been scaled down, no concerns are raised in terms of the visual impact.
<b>6.3</b>	<b>Impact on amenities</b>
6.3.1	<p>One neighbour representation has been received in relation to concerns over loss of light and loss of amenity, it appears that these concerns are only in relation to the proposed two-storey side extension which will go up to the shared boundary with 3 Chestnut Close. Both 3 &amp; 4 Chestnut Close have windows to the side elevation of the existing two-storey section of the dwellings. This window is believed to be a landing window (as shown on the existing floorplans and east elevation. The proposed two-storey extension goes to the boundary of 3 &amp; 4 Chestnut Close but there is approximately 3.6 metres from the boundary to the neighbouring property (3 Chestnut Close).</p> <p>The case officer feels that as the window to the side of the neighbouring property is deemed to be a non habitable room, and thus not a principal room, habitable accommodation will not be significantly affected and the two-storey side extension is not excessive and although concerns have been raised over loss of light the two-storey element still allows a gap of at least 3 metres between the extension and the neighbouring property.</p>
6.3.2	The proposed extension is visible from the street scene, but no concerns are raised over this due to the visibility of the dwelling from the street scene. The row of four houses within this cul-de-sac all appear to be positioned so that their side elevations (east) with the garage run to the boundary of each property and all have a distance to the west of approximately at least 3 metres.
<b>7.0</b>	<b>CONCLUSION</b>
7.1	The works are judged on balance to be in scale and character with the original building and of no demonstrable harm in terms of visual impact. No significant harm is considered to arise to the neighbouring resident's amenity and the application therefore accords with the principal determining criteria of the relevant development plan policies including CS6 and MD2 and approval is recommended with the conditions advised by Highways.
<b>8.0</b>	<b>Risk Assessment and Opportunities Appraisal</b>
<b>8.1</b>	<b>Risk Management</b>
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The decision may be challenged by way of a Judicial Review by a third party.</li> </ul>

	<p>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 decide 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.</p> <p>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.</p>
<b>8.2</b>	<b>Human Rights</b>
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
<b>8.3</b>	<b>Equalities</b>
	<p>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.</p>
<b>9.0</b>	<b>Financial Implications</b>
	<p>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.</p>

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

National Planning Policy Framework

CS17 - Environmental Networks

RELEVANT PLANNING HISTORY:

20/02744/FUL Erection of single storey and two storey extensions, alterations and improvements to existing dwelling and driveway PDE

SA/78/0543 Erection of a car port. PERCON 20th June 1978

## 11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Peter Nutting
Appendices APPENDIX 1 - Conditions



**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

1. a. 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.

**CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Construction Traffic Management Plan

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

4. The works hereby permitted shall not be carried out before 07:00am Monday - Fridays and 09:00am on Saturdays nor after 19:00pm on weekdays and 13:00pm on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

5. No deliveries connected to the development shall arrive or be dispatched from the site between the following times:

- a) 8am and 10am & 4pm and 6pm on Monday- Friday;
- b) Before 7am and after 4pm on Saturdays;

c) not at anytime on Sundays, Bank or Public Holidays.

Reason: To minimise impact on local amenity and the surrounding highway network.

### **Informatives**

1. This planning permission does not authorise the applicant to:
  - construct any means of access over the publicly maintained highway (footway or verge) or
  - carry out any works within the publicly maintained highway, or
  - authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
  - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details <https://www.shropshire.gov.uk/roads-and-highways/road-network-management/#>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required. No drainage to discharge to highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

3. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

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