



Committee and Date

Northern Planning Committee

13th October 2020

Item

7

Public

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 20/02975/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erection of single storey rear and side extension		
<u>Site Address:</u> St Laurence House 37C Belle Vue Gardens Shrewsbury SY3 7JH		
<u>Applicant:</u> Mr and Mrs Millar		
<u>Case Officer:</u> Gemma Price	<u>email :</u>	planning.northern@shropshire.gov.uk

Grid Ref: 349466 - 311827



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

REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission for the erection of a single storey rear and side extension to the property known as St. Laurence House, 37C Belle Vue Gardens, Shrewsbury. The extension will contain an extended kitchen/ dining area with some internal amendments to make this one open plan room living/ dining room kitchen.
1.2	Previous planning application (20/01203/FUL) for a similar extension was granted planning permission in May 2020, this was granted by a delegated decision.
2.0	SITE LOCATION/DESCRIPTION
2.1	The dwelling subject to the application is located approximately 0.41 miles South from the centre of Shrewsbury. The dwelling is a modern detached property that was built in 2013 and constructed in brick within a modest sized curtilage with parking and a detached double garage to the front of the property with a relatively small front garden. The property is located down a narrow un-adopted road off Belle Vue Gardens between properties 37 & 41 Belle Vue Gardens. The road is access to this property, 37a and 37b only.
2.2	The site is bounded by neighbouring dwellings from all angles of the property as the area is very built up.
2.3	The property is located within the Belle Vue special character area of the wider Shrewsbury conservation area.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
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 has been consulted and is of the view that the application should be determined at Committee. The Chair and Vice note the concerns raised and have concluded in consultation with representatives on behalf of the Head of Service that Committee presentation is reasonable.
4.0	COMMUNITY REPRESENTATIONS
4.1	- Consultee Comments
4.1.1	Shrewsbury Town Council A previous planning application for the erection of a detached dwelling with attached double garage was refused (Ref SA/06/0620/F) on the grounds that the proposed dwelling by reason of its size, position and relationship to adjacent property would result in an overdevelopment of the site and a detrimental impact on the residential amenity of the neighbouring property [No 4 The Limes] and the character of the Belle Vue Conservation Area. Belle Vue conservation area is already densely populated as compared to other wards in Shrewsbury. This extension represents over-development of the site, with detrimental effects on

neighbouring properties.

4.1.2 **SC Trees**

No comments made from Trees at the time of writing this report although comments were made on the previous application (20/01203/FUL) and were as follows:

No objection made. There may be some impact on the minor trees and hedgerow on the south west boundary of the site, however these are not significant in terms of public amenity and any loss of degradation to natural capital could be mitigated through new planting on the site. It is recommended that any planning permission, if granted, be subject to a condition requiring new tree planting on the site.

4.1.3 **SC Conservation (Historic Environment)**

We had previously commented earlier this year on the approved extension scheme under application 20/01203/FUL as follows: this application site is positioned beyond the rear gardens to Nos 31, 33-35 and 37 Belle Vue Gardens and accessed down a narrow lane off the main highway where the site is occupied by a contemporary 2 storey brick dwelling and where Nos 37A and 37B are also positioned to the rear of Belle Vue Gardens houses. These properties are all within the boundaries of the Belle Vue Conservation Area.

This current scheme proposes a new design on the same footprint/extent as approved in the original application, where the extension would now comprise a more contemporary appearance with a flat roof with parapet and more extensive glazing comprising a four panel sliding door and larger window additionally rather than consisting of materials to match the existing dwelling, the extension is proposed to be of render with a low brick plinth and aluminum windows, doors and parapet capping.

In considering this application, it is necessary to have regard to relevant local and national policies and guidance on the historic environment including 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 and the revised National Planning Policy Framework (NPPF). Also relevant to this application legislatively is Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, where consideration is required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area.

While flat roof extensions in a contemporary design are often considered within Conservation Areas as relatively modest features, in this case the materials and extensive glazing proposed may result in the extension being more visually dominant within its immediate setting than the originally approved design which in the materials and modest style proposed would likely have sit relatively quietly within the property and would potentially have appeared as a more natural evolution of the building than the current proposal.

With this current application it is not felt that sufficient evidence has been provided to indicate that this extension would have at least a neutral impact on the character and appearance of the Conservation Area, as was the conclusion reached with the previous application, where the application needs to fully address the legislative requirements of Section 72 of the Act as noted above.

	Following on from these comments conservation has confirmed that they are unable to sustain an outright objection on heritage grounds or in conservation terms given the relatively modest nature of the extension on a modern building in a cluster of other modern buildings situated off the highway.
4.2	- Public Comments
4.2.1	This application was advertised via notice at the site and the residents of nine neighbouring properties were individually notified by way of publication.
4.2.2	At the time of writing this report, two representations had been received in response to this publicity which objects to this application and these are summarised below: <ul style="list-style-type: none"> • Exterior and appearance do not match the original dwelling • Not in keeping with surrounding area character and appearance • Detrimental impact on amenities • Character of the Belle Vue Conservation area • Increased surface water flood risks to neighbouring properties • Protection of Trees which currently provides screening to neighbouring properties • Privacy
5.0	THE MAIN ISSUES
5.1	<ul style="list-style-type: none"> • Principle of development • Siting, scale and design of structure • Impact on amenities • Other matters
6.0	OFFICER APPRAISAL
6.1	Principle of development
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.
6.1.4	Shropshire Core Strategy Policy CS17: Environmental Networks is concerned with design in relation to its environment but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.
6.1.5	Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990,

	where consideration is required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area.
6.2	Siting, scale and design of structure
6.2.1	The proposed extension will contain an extended kitchen/ dining area with some internal amendments to make this one open plan room living/ dining room kitchen.
6.2.2	The proposed extension will measure at approximately 7.10 metres in length, 3.24 metres in height with a width of 5.35 metres. Comparatively, previous granted application 20/01203/FUL measured at approximately 7.54 metres in length, 3.98 metres in height with a width of 5.87 metres.
6.1.3	The property in question is a modern looking relatively new build detached property built in 2012. The design of the extension is a flat parapet roof, with sliding patio doors to the rear and a large window to the side elevation. The walls will be rendered and there will be one roof light to the side elevation. Although the materials proposed would not necessarily match the existing dwelling, the case officer considers that as the proposal is for the rear and side of the dwelling and well screened from neighbouring properties with a 6ft feather-edged fence along all boundaries.
6.2.4	Previous concerns have been raised in relation to the size of this property and this site being overdeveloped but all applicants are entitled to seek planning permission for alterations to their dwellings. In this case whilst Officers understand the neighbour's and Local Councillor's perspective with regards to incremental increases and sizes of dwellings, any applicant can increase a detached property in a conservation area out from the rear wall of the property by 4 metres and no higher than 4 metres in height under Permitted Development, which would not require approval. A planning application has only solely been required for this application due to the proposal of the extension being to the side of the principal elevation and therefore the case officer feels that the applicant's requirements are less prominent that what they could do under Permitted Development.
6.3	Impact on amenities
6.3.1	Due to the proposed extension being in proportion with the existing dwelling and to the rear of the property, the proposal will have no impact on the street scene. It will not reduce the amount of usable garden space as the curtilage is large enough to accommodate an extension of the proposed length.
6.3.2	The property is detached dwelling situated between neighbours to the North, East, South and West as the property is situated in a heavily built up conservation area but the position of the dwelling is in a relatively isolated position and generally not visible from public view. This is due to the property being situated down an unadopted road that only accesses the dwelling and two other properties.
6.3.3	The proposed works will have minimal impact on the neighbours to the South West of the principal elevation 31, 33, 35, 37 Belle Vue Gardens as there is enough distance between these properties and the curtilage of the proposed dwelling (approximately 23.4 metres) for these works to not affect the amenities of these neighbours. However, they will see the proposed rear extension from their garden and first floor windows, but no concerns are raised in terms of this. The case officer feels that this proposed single storey extension is no more intrusive than the previously granted application 20/01203/FUL, in fact is smaller in size but does propose more glazing and a flat roof which will lower privacy concerns from first

6.3.4	<p>floor windows.</p> <p>The property to the north east 4 The Limes, is approximately 9.92 metres away from where the proposed work will be carried out to the curtilage of where these properties meet and therefore the officer believes that the proposal will have no impact on this property, privacy will remain the same as it currently stands and the extension will only be visible from the first floor windows and the garden and is single storey only. While the case officer appreciates the concerns that have been raised in terms of privacy and impact on amenities, most densely populated residential areas will have view of neighbouring properties from their first-floor windows to some degree and this proposal will create less privacy than say a garden patio area to where the proposal will be positioned.</p>
6.3.5	<p>The property to the east of the dwelling (37a Belle Vue Gardens) have view of the principal elevation only and therefore will remain unaffected by these works as the street scene remains unchanged.</p>
6.4	Other Matters
6.4.1	<p>A previous planning application (SA/06/0620/F) was refused in 2006, due to the scale of the property proposed being too big for the size of the plot on the full size of the building being proposed and not an extension of an existing building. A planning application was granted in 2012 reference 12/02216/FUL to enable St. Laurence House to be built, it is important to note that the granted application was on a much smaller scale than that proposed in 2006 and the case officer can only consider what is existing.</p>
6.4.2	<p>Objections have been raised in relation to the character of the Belle Vue conservation area but the case officer notes that 37b is a fully rendered dwelling (permission granted under planning application 11/00375/FUL in which Shropshire Council's conservation team have advised on this particular case that the works would most likely have a neutral impact on the character and appearance of the Conservation Area. The materials proposed for the single storey rear extension is therefore not deemed to cause the case officer any concern, as this will mainly impact the rear visual impact. The property is relatively isolated from public view as previously mentioned it is accessed down a single traffic road which is access for only 3 properties.</p>
6.4.3	<p>The case officer has discussed the comments of concern made with the agent and was asked if amended plans would be received, at that stage the applicant was not willing to amend plans in line with comments made and wanted to proceed with this application with the original submitted plans.</p>
7.0	CONCLUSION
7.1	<p>The works are judged 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. It is considered that external construction materials can be conditioned in order to ensure a suitable render colour is used in relation to the proposed development. The application therefore on balance accords with the principal determining criteria of the relevant development plan policies including CS6 and MD2 and approval is recommended. To prevent over development of this site in the future, Permitted Development rights have been removed and conditioned to this application to prevent over development of the site.</p>

8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • 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 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>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>
8.2	Human Rights
	<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>
8.3	Equalities
	<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>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of</p>

<p>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>
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10. Background

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:

15/01170/TCA To fell two Walnut trees lying within the Belle Vue Conservation Area NOOBJC
11th June 2015

20/01203/FUL Erection of single storey rear and side extension GRANT 29th May 2020

20/02975/FUL Erection of single storey rear and side extension PDE

11. Additional Information

View details online:

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p>

<p>Cabinet Member (Portfolio Holder)</p>
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Councillor Gwilym Butler

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 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A; shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

4. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; the minor trees and hedgerow to the south west boundary be replaced should they need to be removed to accommodate the proposed extension.

If any retained tree or hedgerow is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: To reduce the visual impact of the proposal and ensure there is no loss of amenity to the sites southern boundary.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. Prior to any development on site details will be submitted to the Local Planning Authority and agreed in writing with regards to external construction materials and their external colour finish. The development shall thereafter be undertaken in accordance with these approved details.

Reason: In order to ensure the proposed extension has no detrimental impact on the visual amenity of the surrounding area.

Informatives

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

2. 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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