



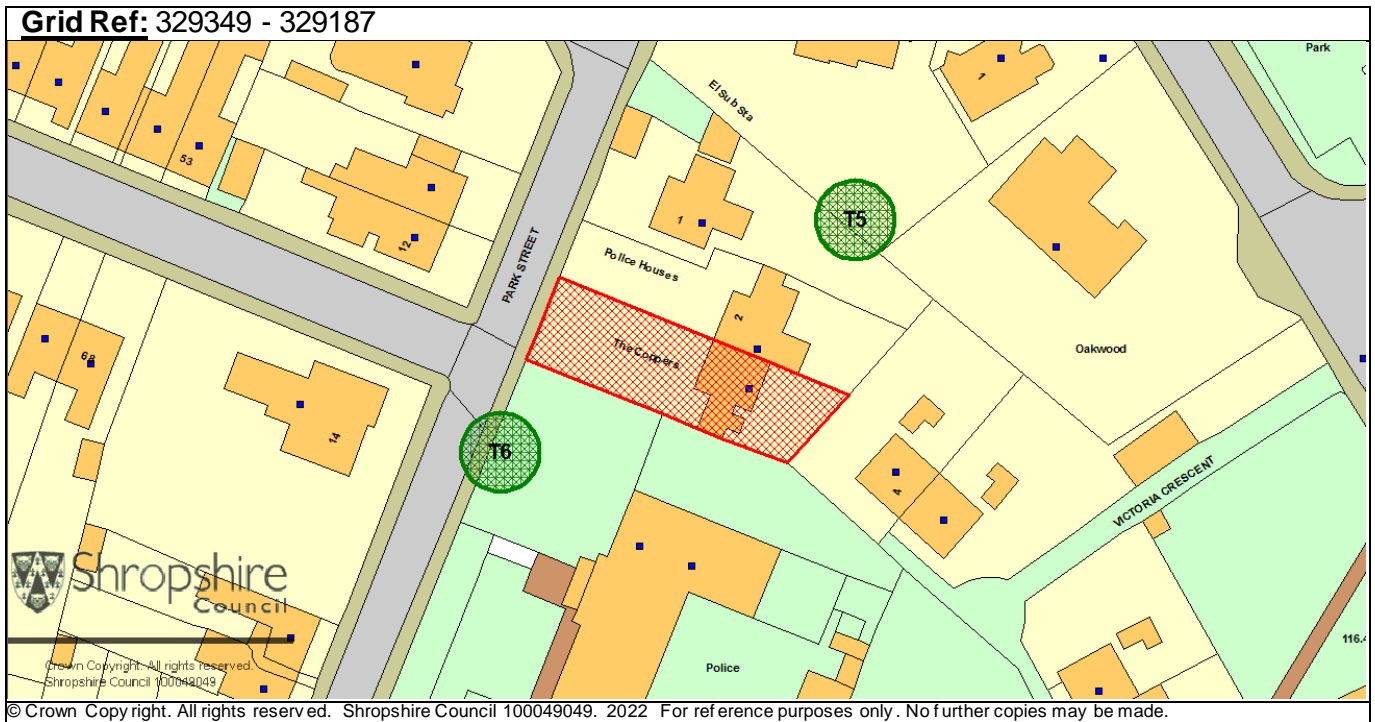
Committee and date
Northern Planning Committee
4th April 2023

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

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| Application Number: 23/00122/FUL | Parish: | Oswestry Town |
| Proposal: Erection of a single detached garage | | |
| Site Address: The Coppers Park Street Oswestry Shropshire SY11 2HF | | |
| Applicant: Mr Stephen Charmley | | |
| Case Officer: Melanie Williams | email: melanie.williams@shropshire.gov.uk | |



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

REPORT

1.0 THE PROPOSAL

1.1 Erection of a single detached garage.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application property is a semi-detached dwelling located within the market town of Oswestry. The property is constructed of red/brown facing brick with a grey tile roof and is set back from the road.

2.2 The site of the garage is located on land to the front of the main dwelling within the domestic curtilage. Currently the site is occupied by 2 industrial units. There are neighbouring properties to the north and opposite on Park Street.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The applicant is the elected Shropshire Councillor for the village of Whittington. Therefore in line with the Scheme of Delegation the application is required to be determined by the Northern Planning Committee.

4.0 Community Representations

- Consultee Comments
None received

- Public Comments
Oswestry Town Council:
Neutral

Councillors offered no observation on the application as submitted but noted the withdrawn application which sought retrospective approval for the existing storage facilities. It was resolved to request that as a condition of planning that the current containers, for which there is no approval, are removed within 3 months of permission being granted. If permission is not granted Shropshire Council are asked to continue with action in relation to the existing storage facilities.

In addition to the above, 2 letters of **objection** have been received outlining a number of concerns including the following:

- location of garage
- use of the garage

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Impact on neighbouring amenity
- Current arrangement on site

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The application is considered in the light of Core Strategy Policies CS6 (Sustainable Design and Development) and SAMDev Policy MD2 (Sustainable Design).
- 6.1.2 CS6 requires development to be designed to a high quality using sustainable design principles. It also seeks to ensure that development is appropriate in scale, density, pattern and design to its local context and has regard to residential and local amenity.
- 6.1.3 Policy MD2 of the Council's adopted SAMDev Plan similarly requires development to contribute to and respect local distinctive or valued character and existing amenity value.
- 6.1.4 On the basis of the above, it is considered by Officers that there is no objection to the principle of the construction of extensions/alterations/outbuildings to and at the property. Other issues relating to scale, design, impact on neighbours etc will be discussed further in this report.

6.2 Siting, scale and visual impact

- 6.2.1 The proposal is for the erection of a single storey garage to the front of the main property with double doorway facing the main property and single side entrance adjacent to the access. The building will be constructed with facing brick and concrete tile to match the existing dwelling.
- 6.2.2 Overall it is considered that the proposed building is appropriate in its design and scale for its intended use. Therefore the development is in accordance with policy CS6 of the adopted Core Strategy and policy MD2 of the adopted SAMDev plan.

6.3 Impact on neighbouring amenity

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 The garage is to be constructed at the frontage of the property and will be visible from the surrounding street scene however it will be single storey and has a relatively small footprint. In addition there is a mature hedgerow boundary along the frontage which would help screen the proposal. It is also noted that a neighbouring property has a garage to the frontage of very similar design and size.
- 6.3.3 Therefore having regard to the orientation, street scene and distance away from neighbouring properties it is felt that the development will not result in any significant detrimental impact from causing an overbearing impact, loss of light or result in any noise disturbance.

6.4 Current arrangement on site

- 6.4.1 Currently the site of the proposed garage is occupied by 2 storage containers, one of which is a large blue shipping container and both are quite industrial in

appearance which is not in keeping with the residential locality. A previous application was submitted for these units but was withdrawn following advice that they would be unacceptable sited at the property and should be moved to a more industrial setting. As such it is considered appropriate for a condition to be attached to any decision notice requesting removal of these units within 3 months of the granting of this planning approval, should members be mindful to support.

7.0 CONCLUSION

On balance the garage is considered to be acceptable within the context of the overall street-scene and the works are not considered to result in any significant implications for the residential amenity of existing properties. Therefore the scheme is deemed to comply with the relevant development plan policy framework laid down within CS6 of the Core Strategy and SAMDev Policy MD2 and is recommended for approval.

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:

20/01426/FUL Erection of a two storey side extension and change of use of strip of land to residential GRANT 25th June 2020

20/02544/DIS Discharge of Condition 3 (Materials) of planning permission 20/01426/FUL DISAPP 13th July 2020

22/04482/FUL Application under section 73A of Town and Country Planning Act 1990 for the siting of 2No. storage units WDN 22nd December 2022

23/00122/FUL Erection of a single detached garage PCO

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ROBPZFTD0BN00>

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| 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 Richard Marshall |
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| Local Member |
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| Cllr Duncan Kerr |
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| Appendices |
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| APPENDIX 1 - Conditions |
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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.

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

3. The external materials shall match in colour, form and texture those of the existing dwelling.

Reason: To ensure that the works harmonise with the existing development.

4. The 2x storage containers currently occupying the site shall be removed off the site within 3 months following the date of this planning approval.

Reason: To safeguard residential and / or visual amenities.

