

**Committee and Date**

Area Regulatory Committee -
Central

15th October 2009

Item/Paper

6

Public

Development Management Report

Application Number: 09/01533/FUL

Parish: Pontesbury

Grid 337339 - 307065

Ref:

Proposal: Erection of a replacement garage with storage following removal of existing

Site Address: Laburnum Cottage Asterley Shrewsbury Shropshire SY5 0AW

Applicant: Mr Keith Giles

Case Officer: Ms Kate Whitfield **email:** planningdmc@shropshire.gov.uk

1.0 THE PROPOSAL

- 1.1 The proposal is for the erection of a detached double garage in a garden area to the side of the main dwelling. This building will replace a current garage on the site as identified in paragraph 2.3.
- 1.2 The building will measure 8 metres wide and 7 metres long. It will have a pitched roof measuring 4 metres to the ridge and 2.5 metres to the eaves.
- 1.3 It is proposed to use cream painted render for the facing walls and slates on the roof. There will be two sets of timber doors on the front of the building and two timber windows and one door on the rear elevation. There are no openings proposed for the side elevations.
- 1.4 The current proposal is an amendment to the original proposed scheme. The initial proposal was for a larger 'L' shaped garage measuring 12 metres long, 4 metres wide at the front and 8 metres wide at the rear. The applicant was advised that a structure of this size would not be supported and following this the amended proposal was received.

2.0 SITE LOCATION/DESCRIPTION

2.1 Site visits were made on 22 July 2009 and 31 July 2009.

2.2 The application site is in the village of Asterley and is accessed via a small private driveway which serves 3 properties. The application site dwelling is a semi detached cream rendered property. There is a plot of land to the side which is split roughly equally between Laburnum Cottage and the adjoining semi detached property, Myrtle Cottage. A hedge around 2 metres high divides the two areas of land and both properties use the land for parking and amenity space. It is on this area that the proposed garage will be sited.

2.3 The side area of land belonging to the application site is approximately 30 metres long and 12 metres at the entrance widening to 18 metres at the rear. There is already a garage on the site which is 6 metres wide, 6 metres long and around 2.3 metres high. It is a concrete structure with a corrugated iron roof and it is generally in a bad state of repair.

2.4 The new proposed building will be sited directly behind the current garage, which will be demolished, and will be located 1 metre away from the boundary hedge between the two areas of land.

2.5 The rear gardens of 6 properties back onto the area of land where the garage will be sited. Of these properties the nearest dwellings are 'Meadow Sweet' and 'Gwaith Caled' to the south. The rear elevations of these properties will face the side elevation of the garage. The garage will be around 5 metres away from their rear boundary and the neighbouring dwellings approximately a further 7 metres away from the boundary. The boundary along their rear gardens consists of a 1 metre fence with hedge planting either side reaching 3 to 4 metres high.

3.0 RECOMMENDATIONS

3.1 It is recommended that the application be approved subject to the conditions listed below.

4.0 REASON FOR COMMITTEE

4.1 The proposal does not comply with the delegation to officers as set out in Part 8 on the Shropshire Council Constitution - 6 individual representations have been received in objection to the proposal which relate to material planning reasons.

5.0 RELEVANT PLANNING HISTORY

5.1 No relevant history since 1974.

6.0 CONSULTEE RESPONSES

6.1 Pontesbury Parish Council advised that it had no objection to the original, larger garage proposed. However, it did advise that some local concerns had been raised in relation to the existence of a public footpath running through the site.

6.2 Council Countryside Access Team confirmed that Footpath 48 in Asterley does cross in and out of the Application site boundary, and runs through some other neighbouring properties in the area. The footpath will not be directly affected by the building of the garage under this proposal but, notwithstanding this, work is ongoing to try to divert this footpath to avoid other properties.

7.0 PUBLIC REPRESENTATIONS

7.1 The application has been advertised by notices at the site and the 8 nearest residential properties have been individually notified. 6 representations have been received, all objecting to the proposal in its amended form. The following comments have been made.

7.2 All representations objected to the proposal on the grounds that its size, in particular the height of the structure, will have an overbearing effect on their properties and will be very visually obtrusive. Many of the representations made reference to it appearing more akin to a bungalow rather than a garage.

7.3 The representations from the owners of the properties at Meadowsweet and Gwaith Caled, which are south of the application site and will back onto the side elevation of the garage, also highlighted that their properties are at a lower level, which therefore exacerbates the problem as the roof line will appear even higher and more overbearing. A flat roof is suggested as one possible measure to overcome this.

7.4 The owners of 'Meadowsweet' requested some additional screening along the boundary. The Applicants do not wish to undertake further landscaping on the basis that there are already a number of plants along this boundary that will eventually provide adequate screening.

7.5 Four of the representations also raised concerns over the future use of the garage, suggesting that the size could lead it to being used for residential purposes in the future. Assurances were also requested that the building would not be used for business purposes or that no flammable or dangerous substances would be kept within it.

8.0 PLANNING POLICY

8.1 Shrewsbury & Atcham Borough Local Plan (June 2001) Policies :
GP1 : General Requirements for Development

9.0 THE MAIN PLANNING ISSUES

Impact of the design and scale of the building on the property and surrounding area.

Impact on neighbouring properties

10.0 OFFICER APPRAISAL

10.1 Design, Scale and Character

10.1.1 The proposed garage building is a large structure, although is on a large plot of land which is easily capable of accommodating the proposal. Discussions have been held with the applicant regarding a possible reduction in the height or size of the building. The applicant has, however, advised that a building of this size is required for their purposes – one garage is required for the parking of a classic car, one for their ordinary car and the additional space for general gardening equipment, bicycles etc.

10.1.2 The current garage on this land is in a worn out state and the new building represents an improvement on this and will enhance the area and the attractive group of houses that surround it. The proposed facing materials for the garage – roof slates, cream painted render and timber joinery will match the surrounding dwellings, including the main dwelling on the application site and will blend in with the area. A condition will be attached to the permission to ensure that the materials will match the existing dwelling.

10.1.3 The main dwelling retains ample amenity space as in addition to the plot of land at the side where the garage will be situated there is also a good sized garden area behind the dwelling.

10.1.4 The garage will be single storey with no ancillary accommodation indicated in the roof space. It can be accessed from the current access lane and therefore there will be no additional highway concerns.

10.2 Impact on neighbours/residential amenity

10.2.1 The representations of the neighbouring properties backing onto the site have been taken into consideration and a site visit has been made to view the application site from the property at Meadow Sweet, the dwelling closest to the proposed garage.

10.2.2 The roof height will be around 1.7 metres higher than the existing flat roof and, as it is larger than the current garage, it will appear as a more imposing structure when viewed from neighbouring properties. However, notwithstanding this, it is considered that it is sufficiently far away not to lead to any

overshadowing or loss of light. At its closest point the side elevation of the garage will be approximately 5 metres away from the southern side boundary (with Meadow Sweet and Gwaith Caled) and 17 metres away from the rear boundary. The area of land the garage will be located on is also well screened by boundary hedging and trees, which will obscure the visual impact.

- 10.2.3 Conditions will be added to the permission to ensure that the garage is not used for any business activity or used as separate living accommodation. A condition will also be added to state that none of the current planting along the southern site boundary is removed without prior approval of the Local Planning Authority. These conditions should address some of the local residents concerns and ensure that the amenity of the area is preserved in the future.

11.0 CONCLUSION

- 11.1 By its siting, size and design this application will not be detrimental to the surrounding neighbourhood nor have such an impact on the amenity value of the neighbouring properties to result in demonstrable harm. Approval is therefore recommended.

LIST OF BACKGROUND PAPERS:

HUMAN RIGHTS

Article 8 give 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 of development upon nationally important features and the impact on residents.

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

Environmental Appraisal

Included in the Report

Risk Management Appraisal

Not Applicable

Community / Consultations Appraisal

Not Applicable

Member Champion

Cllr Martin Taylor-Smith

Local Member

T Bebb

Appendices

None

Reason for Approval

1. The development would respect the context of the site and would not be harmful to the street scene.
2. The development would not be harmful to the residential amenities of nearby dwellings.
3. Policies material to the determination of the Application.

In determining, the Local Planning Authority gave consideration to the following policies.

Shrewsbury & Atcham Borough Local Plan (June 2001) Policies :
GP1 : General Requirements for Development

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 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. The external materials shall match those of the existing building and there shall be no variation without the prior consent in writing of the Local Planning Authority.

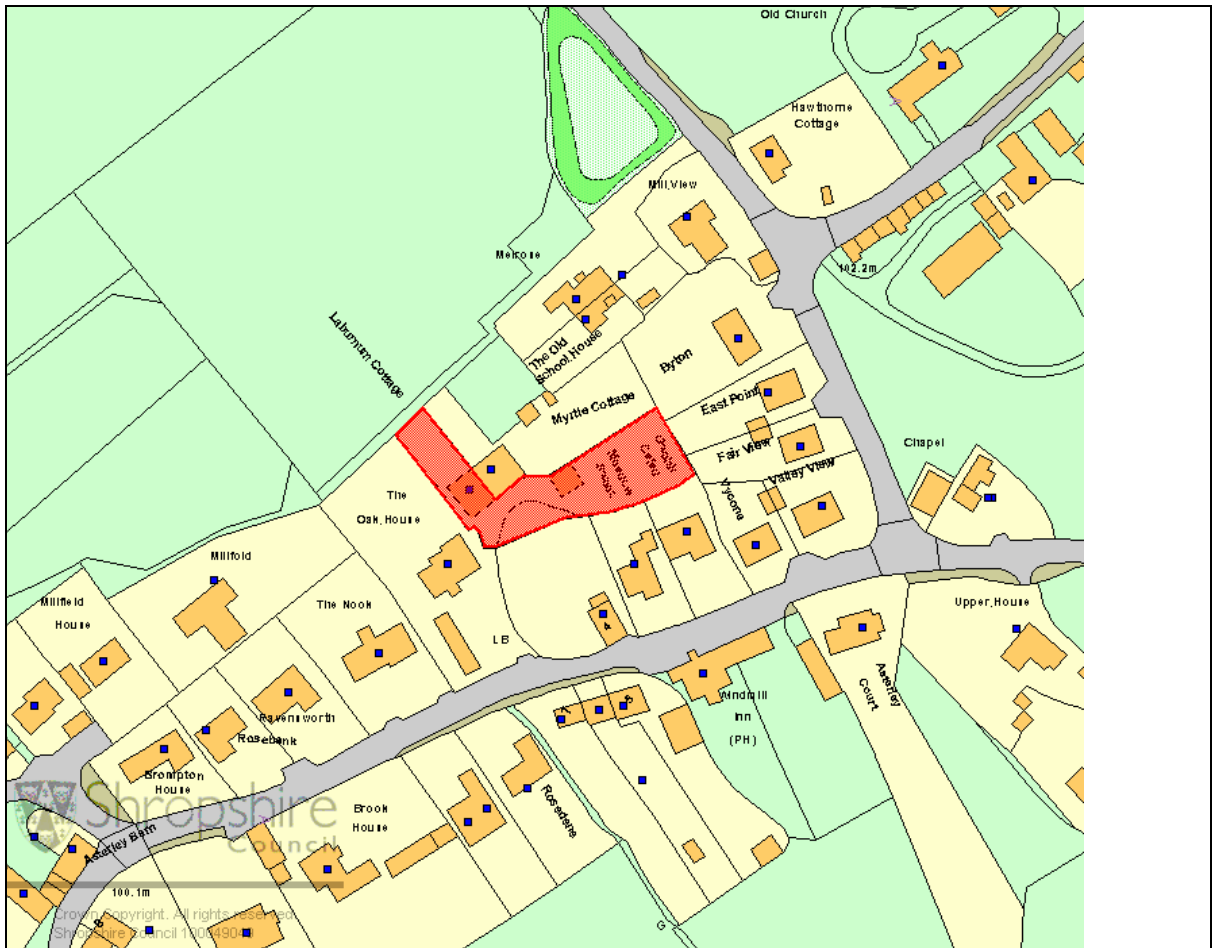
Reason: To ensure that the works harmonise with the existing development.

- The development hereby approved shall not be used for any purpose other than those incidental to the enjoyment of Laburnum Cottage, Asterley, Shrewsbury, including any business or commercial use, and shall not at any time be converted to use as residential accommodation.

Reason: To safeguard the residential character of the neighbourhood.

- All existing trees, shrubs and hedgerows along the southern boundary of the site shall be permanently retained and maintained. No planting shall be removed from this boundary without the prior written agreement of the Local Planning Authority.

Reasons: To preserve the amenity and privacy of adjoining properties.



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