

TWC/2017/0953

Land adjacent Falcon House, New Works Lane, Little Wenlock, Telford, Shropshire
Minor amendment application to planning permission to TWC/2016/1143 to allow relocation and enlargement of garage

APPLICANT

Neil Hickman

RECEIVED

29/11/2017

PARISH

Little Wenlock

WARD

Wrockwardine

OFFICER Katy Craddock

CLLR JACQUELINE SEYMOUR HAS REQUESTED THAT THIS PLANNING APPLICATION IS DETERMINED BY MEMBERS.

1. PROPOSAL

- 1.1 This is a minor amendment application to planning permission TWC/2016/1143 to allow the relocation and enlargement of a garage.
- 1.2 The previous planning consent granted permission for a detached dwelling and a double garage with games room above. The applicant now wishes to extend the garage into a triple garage also with a games room above plus rotate the garage further away from the house. The application is partially retrospective as construction of the triple garage has already begun.
- 1.3 The ground floor of the property has a floor area of 161m² and will provide a lounge, dining area, garden room, family room, study, kitchen/breakfast area. At first floor the area is 130m² containing five bedrooms one family bathroom and three en-suites.
- 1.4 The original double garage consisted of the following approximate dimensions: 8.102m (L) x 6.065m (L) x 5.94m (H – apex) and 3.31m (H – eaves). On the basis of these dimensions the floor area would total 49.1sqm.
- 1.5 The proposed triple garage would consist of the following approximate dimensions: 10.353m (L) x 7.065m (W) x 6.19m (H – apex) and 2.93m (H – eaves). On the basis of these dimensions the floor area would total 73.1sqm.
- 1.6 The proposed garage would therefore measure approximately an extra 2.251m in length, an extra 1m in depth and an extra 0.25m in height to the apex.
- 1.7 The garage would also move approximately 2.98m further away from the house as well as rotating away from it slightly to allow safer vehicular access into the garage. The nature of this relocation is clearly demonstrated on the proposed block plan.

- 1.8 The proposed site of the garage would reduce the width of a footpath that runs along the western boundary of the application. Therefore the applicant is proposing to re-route the footpath down the eastern side of the application site within their own land.

2. SITE AND SURROUNDINGS

- 2.1 The site is located in a rural area west of Lawley and to the west of the hamlet at New Works. The northern edge of the application site is located within around 20m of the southern boundary of the Shropshire Hills AONB, some 100m from a Local Wildlife Site and around 1.9km from The Wrekin and The Ercall SSSI.
- 2.2 The application site was a cleared area of land located between Falcon House and a string of rural houses and a farmstead, upon which construction of the detached dwelling and garage have started. Land levels fall gently to the north and away from the road (referred in the coal mining report as Huntington Lane). There is extensive tree coverage at the western boundary edge and there appears to be a public right of way running along the western boundaries of the site.
- 2.3 The applicant owns the field on the other side of the western boundary, which is accessed via a field access that shares its route with the public right of way.

3. RELEVANT HISTORY

- 3.1 TWC/2016/1143 – Erection of 1 no. detached dwelling and detached double bay garage – Full Granted – 11/05/2017
- 3.2 TWC/2014/1050: Outline application for the erection of a single dwelling and detached garage: Outline Granted, 07/01/2015

4. RELEVANT POLICIES

- 4.1 National Planning Policy Framework (NPPF)
- Core planning principles
 - Section 7: Requiring good design
 - Section 11: Conserving and enhancing the natural environment
- 4.2 Core Strategy:
- CS7: Rural Area
 - CS12: Natural Environment
 - CS15: Urban Design
- 4.3 Wrekin Local Plan:
- UD2: Design Criteria
 - OL11: Woodland and trees
- 4.4 Telford & Wrekin Local Plan (Submission Version):
- SP3: Rural area

- SP4: Presumption in favour of sustainable development
- NE1: Biodiversity and geodiversity
- BE1: Design criteria
- C5: Design of parking

5. SUMMARY OF CONSULTATION RESPONSES

5.1 Ward Member / Parish Council

- 5.1.1 Ward Member Cllr Seymour: At para 6.16 of the approval report on Planning Application TWC/2016/1143, the Council's Rights of Way Officer gave assurances that the proposed built development would not interfere with the definitive right of way that goes through this site.
- 5.1.2 Little Wenlock Parish Council: Comments that the proposed new site for the garage should not affect the Public Right of Way (PROW) that appears to go across the site. The Parish Council would like the Rights of Way Team to look at the line of the PROW and confirm it is not affected.

5.2 Standard Consultee Responses

- 5.2.1 Environmental Services (Highways): No objection subject to conditions relating to parking and turning areas being properly laid out and surfaced, the provision of visibility splays and access drive being bound in a suitable material.
- 5.2.2 Rights of Way Officer: The right of way should not be reduced below the current width. It would appear from the plans that the path will be reduced to an unacceptable width for users.
- 5.2.3 Coal Authority: No objections subject to Condition 8 of planning permission TWC/2016/1143 being duplicated on any permission given.
- 5.2.4 The Ramblers: Object because it reduces the width of the public footpath to 1m. In general the minimum for any footpath is 1.5m and this may be even wider depending on circumstances.
- 5.2.5 Wellington Walkers Are Welcome: The proposed change of location of the garage would result in a significant reduction in the width of the Public Right of Way (footpath #26) which should be a minimum of 1.5m. The proposed 1m footpath appears from the new plans to run between existing buildings within the grounds of Falcon and the back wall of the re-sited garage. As it reaches the road, the path is bounded on the west by trees and a hedge on the east side which, unless regularly cut, are likely to grow out and further reduce the width of the footpath. The original planning application stated that the full width of the field access path would be retained. Such a narrow exit would in itself be potentially very dangerous for path users as they would not be able to see whether vehicles were approaching before stepping out into the lane. Similarly, vehicle drivers would not see the walkers until they suddenly appeared in the lane in front of them. Retaining the wider footpath and/or

providing a lane-side safety area would improve visibility for walkers and drivers alike.

5.2.6 Shropshire Fire Service: No objection subject to an informative being added to the decision notice relating to fire safety guidance.

5.3 Neighbour consultation responses

No responses have been received.

6. PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policies and other material planning considerations, including comments received during the consultation process, the planning application raises the following main issues:

- The principle of development;
- Visual appearance;
- Residential amenity;
- Highway safety;
- Impact upon adjacent footpath;
- Other matters.

6.2 The principle of development

6.2.1 The principle of development has been established through the approval of the outline consent TWC/2014/1050 and full planning permission TWC/2016/1143. This application seeks a minor amendment to the garage approved under TWC/2016/1143.

6.3 Visual appearance

6.3.1 The proposed garage would consist of a traditional brick and tile construction with a pitched roof. This is in keeping with the character and appearance of the detached dwelling which it serves and draws heavily on the design of the previously approved garage. The increase in dimensions are visually acceptable and the resulting scale and appearance are considered to positively integrate with the setting, complying with Policy BE1 of the Local Plan.

6.4 Residential amenity

6.4.1 The rear of the garage would look towards Falcon House, which is the only residential property in proximity to the application site. Any changes in residential amenity must be considered against the context of the double garage that was previously approved on site. It is considered that the proposed triple garage does not represent an unacceptable loss of privacy or increase in overlooking to the occupiers of Falcon House.

6.4.2 On this basis the proposal is considered to comply with Policy BE1 in terms of its impact upon residential amenity.

6.5 Highway safety

6.5.1 The driveway access into the site would not change as a result of this proposal. The adjustment in the position of the proposed garage would allow improved turning and access within the site. The Highways Officer has no objections to the proposal subject to the conditions referred to in section 5.2.2.

6.5.2 Therefore the proposal is considered to comply with Policy C5 of the Local Plan.

6.6 Impact on adjacent footpath

6.6.1 Policy BE1 of the Local Plan states that the Council will support development which promotes good links through the site and to the surrounding area for all users.

6.6.2 The Rights of Way Officer advises that Footpath No.26 runs along the western boundary of the application site, all within the applicant's land. Moving the proposed garage away from the house would cause the footpath to be reduced to a width of 1m. It should be noted that there is no guidance or legislation available that specifies what the width of a footpath should be or what would be an appropriate minimum width.

6.6.3 As the width of the footpath is not recorded on the Definitive Map of 1958, committee are advised that where a path crosses land that is not defined by closed boundaries, for example hedges as in this case, the test is often what is a "strip of reasonable width" (Secretary of State for Defence v Percy 1998). In determining what a reasonable width should be the Rights of Way Officer has sought guidance from the Highways Act 1980 (Schedule 12A) which states that the minimum width of a public footpath where there is a boundary is 1.5m. Taking this as a guide the relocation of the garage would cause the footpath to be reduced to a width of 1m, which is not deemed acceptable in this instance.

6.6.4 The applicants have offered to re-route the footpath along the eastern boundary of their property over their own land at a width of 1.5m and at their own expense, provide a suitable means of enclosure and be responsible for maintenance. The proposed route of the foot path would emerge on New Works Lane approximately 30m to the east of where the route of Footpath No.26 emerges at present. The Rights of Way Officer considers this an acceptable solution.

6.6.5 Committee are advised that notwithstanding the applicant's willingness to provide a new footpath, the creation of a new route would be subject to a separate diversion process.

6.6.6 On the basis of these comments the proposal is considered to accord with Policy BE1 of the Local Plan.

6.7 Other matters

6.7.1 The Coal Authority has raised no objection to the proposal provided that a condition is attached to any grant of planning permission requiring development to be undertaken in accordance with the Coal Mining Risk Assessment (October 2014) which accompanied the previous planning application.

6.7.2 The Telford and Wrekin Local Plan (T&WLP) will be presented to Full Council on the 11th January 2018, after the drafting and publication of this report. As such at the time of writing, the development plan consists of saved policies of the Wrekin Local Plan and the Core Strategy although only limited weight can be given to these policies with significant weight given to policies in the T&WLP. Should Members at Full Council resolve to adopt the T&WLP this will supersede its predecessors and form the Development Plan against which this application should be determined.

7. **Conclusions**

7.1 The principle of the development is been considered acceptable and the proposal does not represent a harmful change to visual amenity, residential amenity of highway safety. The re-routing of Footpath No.26 will ensure that access is available through the site and the amenity of walkers and ramblers will not be unduly compromised. Consequently the application is considered to be compliant with local and national planning policy.

8. **RECOMMENDATION**

8.1 Based on the conclusions above, it is recommended that DELEGATED AUTHORITY be granted to the Delivery Management Service Delivery Manager to GRANT PLANNING PERMISSION subject to;

- a) The following conditions and informatives (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager;

Time Limit – Full

Development in accordance with deposited plans

Details of fencing and enclosure

Landscaping

Parking Loading Unloading Turning

Visibility Splays

Access Drive – Bound Material

Coal Mining Risk assessment

Informatives

Conditions

Rights of Way – re-routing