

Planning Committee: 21 May 2024

Item Number: 7

Application No: [W 24 / 0101](#)

Town/Parish Council: Radford Semele
Case Officer: James Moulding

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Registration Date: 26/02/24

Expiry Date: 22/04/24

50 Southam Road, Radford Semele, Leamington Spa, CV31 1TA

Demolition of garage element of existing rear outbuildings. Erection of detached garage adjacent to existing rear outbuildings. FOR Mr Scott Andrews

This application is being presented to Committee due to an objection from the Parish Council having been received.

RECOMMENDATION

It is recommended that the application is GRANTED for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

Demolition of garage element of existing rear outbuildings. Erection of detached garage adjacent to existing rear outbuildings.

THE SITE AND ITS LOCATION

The application relates to a dwellinghouse in Radford Semele. There are no geospatial restrictions.

PLANNING HISTORY

W/17/0853 - Replace and rebuild part of garage/outbuilding to create hobby garage for personal use - GTD

W/22/0899 - Replacement of existing outbuilding and erection of new outbuilding - GTD

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- [Guidance Documents](#)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- [Radford Semele Neighbourhood Plan 2019-2019](#)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: Objection:

- Excessive height - 4m,
- Submitted plans do not show height of existing garage,
- Re-siting of garage against neighbouring boundary must be un-neighbourly development.
- Vehicular access past dwellinghouse is restricted.

WCC Ecology: Objection:

- Photos should be provided to determine need for bat survey.

Public Response: No representations.

ASSESSMENT

BE1 Design

The NPPF (2023) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

The proposed outbuilding would be located in the rear garden of the application property and would not be visible from the street scene. It is also noted that the proposed outbuilding would be similar in design to that which was approved under W/22/0899 - albeit 10cm taller, 30cm wider, and 40cm longer - and it is on that basis that there is no objection to the proposed design or materials.

An objection to the design of the outbuilding has been raised by Radford Semele Parish Council in relation to the proposed height of 4 metres being excessive.

As Permitted Development Schedule 2, Part 1, Class E permits the erection of outbuildings with a dual-pitched roof at a height of 4 metres without planning permission, it is therefore considered that the precedent for the proposed height

is well established in the planning legislation and find no reason to deem this excessive.

It is therefore considered that the proposed development complies with Local Plan Policy BE1.

BE3 Neighbouring Amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The proposed development would result in a 4 metre high outbuilding directly adjacent to a shared boundary. Radford Semele Parish Council has also raised objection to the development on the grounds of this constituting un-neighbourly development.

There are several mitigating factors which would reduce the impact of the proposed development on neighbouring amenity to the degree that, on balance, refusal on these grounds would be unreasonable.

Firstly, the development in question would be a total of 10 centimetres taller than the previous approval under W/22/0899. Given that the precedent of 4 metres is given under permitted development, it is not considered that this increase from 3.9m to 4m would tip the proposed development into the realm of unacceptability. It is noted that the width of the proposed development is also increasing by 30 centimetres, however, it is not considered that increases in this dimension are as impactful as height. It should also be noted that due to the angled rear wall, this increase in width would represent a 20 centimetre increase to the face adjoining the neighbouring boundary, from 5.6 metres to 5.8 metres.

Secondly, the proposed development would be at the rear end of the neighbouring garden. This is 47 metres away from the neighbouring dwellinghouse and as such is not considered to represent an impact to any habitable rooms. While the impact on outdoor private amenity space should be considered, this should be taken on balance with the size of the amenity space impacted, the severity of the impact, and again, the fact that previous development permits a 3.9 metre structure.

Thirdly, the design of the proposed outbuilding is such that the dual-pitched roof is sloping away from the neighbouring garden. This results in the ridge of the roof at 4 metres in height being 2.8 meters away from the neighbouring boundary at its closest point. Due to the angled rear wall, the eaves on the neighbouring boundary would be 2.4 metres and 2.75 metres respectively.

Finally, it is noted that no objection comments have been received from neighbouring properties for this proposed development or the previous proposal under W/22/0899.

It is on the consideration of all the above factors that Officers consider the proposed development to be of a minimal increased impact over the previous approval and not substantive enough to warrant a change in assessment.

It is considered that the proposed development would comply with Local Plan Policy BE3 and the Residential Design Guide SPD.

Ecology - NE2

The County Ecologist has objected to the proposal until photos are provided to assist in determining whether or not a bat survey should be required.

In considering this request I am mindful of the fact that the demolition of the existing structure does not require planning permission. After conducting my site visit, it is the case that this part of the structure is no longer present. As such a bat survey is not relevant.

Net Zero DPD - NZC4

It is noted that the proposed structure would be a garage. In this sense, the structure will not be heated, airtight, or habitable. To this degree the considerations under NZC4 are not considered relevant.

Other Matters

Further points of objection raised by the Parish Council were that the existing plans do not show the height of the existing garage and that vehicular access alongside the dwellinghouse is restricted.

It is not considered that the vehicular access alongside the dwellinghouse is a material consideration of the assessment of the outbuilding in question. Nevertheless, access is sufficient for most vehicles.

The existing plans submitted contain a scale bar and as such the height of the existing structure can be measured at 4 metres for the proposed dual-pitched structure and 2.85 metres for the previous element that is being replaced.

Summary

The proposals are considered to have an acceptable impact on the character and quality of the street scene through the proposed layout, building materials and scale of the development. The proposals would also have an acceptable impact on the living conditions of neighbouring dwellings. The proposals are therefore in accordance with Local Plan Policies BE1, BE3, and the Residential Design Guide SPD. It is recommended this application is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2 and 3, and specification contained therein, submitted on 26/02/2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
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