

**Planning Committee:** 18 June 2024

**Item Number:** 11

**Application No:** [W 24 / 0430](#)

**Town/Parish Council:** Kenilworth

**Registration Date:** 28/03/24

**Case Officer:** Thomas Senior

**Expiry Date:** 23/05/24

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**230 Warwick Road, Kenilworth, CV8 1FD**

Variation of Condition 2 (approved plans) of planning permission ref: W/23/0975 (Erection of single and two storey rear extension and loft conversion to create store and hobby room) to amend design of proposed rear gable FOR Mr John Moorhouse

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This application is being presented to Planning Committee due to the number of objections received.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

**DETAILS OF DEVELOPMENT**

The applicant seeks to vary Condition 2 (approved plans) of planning permission ref: W/23/0975 (Erection of single and two storey rear extension and loft conversion to create store and hobby room) to amend the design of the proposed rear gable with the introduction of glazing at second floor level.

**SITE AND LOCATION**

The application property relates to a detached dwelling located to the west of Warwick Road, Kenilworth. The immediate streetscene itself is characterised by detached properties which are set back from the highway and comprised of a variety of external finishes.

**RELEVANT PLANNING HISTORY**

W/23/0975 – Erection of a single and two storey rear extension and loft conversion to create store and hobby room - Granted.

**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)
- [Kenilworth Neighbourhood Plan \(2017-2029\)](#)

- KP13 - General Design Principles

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** - Withdrew their initial objection to the scheme on the basis that glazing could be installed under permitted development in the future.

**Public Response** - 5 separate objections have been received from the occupiers of 228 and 232 Warwick Road on grounds of loss of privacy due to overlooking, the alteration being out of character, light pollution and impact on local wildlife.

## **ASSESSMENT**

Design and impact on character and appearance of the streetscene.

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 Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Kenilworth Neighbourhood Plan Policy KP13 requires development proposals to achieve a standard of design that is appropriate to the local area and demonstrate regard for the site characteristics and surrounding built form.

Objection comments have been received from both neighbouring occupiers on grounds that the proposed alteration would be out of character with the surrounding properties. Whilst this comment has been considered, the proposed alteration is entirely to the rear of the property and will therefore have a limited impact upon the character and appearance of the streetscene. In addition, the character of the area is varied. Moreover, the proposed development also benefits from a fallback position whereby the proposed installation of additional glazing could be completed in the future under permitted development, without the need for planning permission. The applicant could implement the previous permission in accordance with the approved plans and then subsequently install the glazing proposed under the current application at a later date without the need for planning permission.

The proposed alteration is considered to be acceptable from a design perspective and in accordance with the aforementioned policies. Significant weight should also be attributed to the realistic fallback position.

#### Impact on neighbouring properties and the current and future occupiers of the development

Warwick District Local Plan Policy BE3 requires that development must have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy.

Both immediate neighbours to the application property, Nos. 228 and 232 Warwick Road, have objected to the proposed alteration on grounds of loss of privacy through potential overlooking into their rear private amenity spaces. Whilst these comments have been considered, Officers are mindful that a degree of mutual overlooking is to be expected between properties in an urban setting such as this. Whilst the proposed alteration will create an additional opening to the rear of the property, it is not considered that this additional opening will result in such level of overlooking over and above what is already possible to the extent that it would justify a reason to refuse planning permission.

Moreover, as aforementioned, it is of considerable importance to highlight that the proposal could be implemented under permitted development in the future.

Therefore, considering the above assessment it is considered that the proposed alteration is in accordance with Local Plan Policy BE3.

#### Ecology

Local Plan Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to the wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

One aspect of the objection comment received by the occupier of 228 Warwick Road relates to the impact that the proposed new window will have on local wildlife, particularly in relation to potential light pollution and the impact this will have on nocturnal wildlife. Whilst this comment has been acknowledged, the County Ecologist has not objected to the proposed alteration and the impact it could have upon protected species. A bat note will be added in the event of an approval.

As such, the proposed development is considered to be in accordance with Local Plan Policy NE2.

#### **SUMMARY AND CONCLUSION**

The proposed alteration and the introduction of an additional glazed opening to the rear of the application property at second-floor level is considered to be of an acceptable design that will have a limited impact upon the character of the

streetscene owing to its siting to the rear of the property and the varied character of properties in the area. Moreover, the proposed glazed opening is not considered to result in harm to amenity. Weight is also attributed to the fallback position. As such, in light of the above assessment this application is recommended for approval.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of planning permission ref: W/23/0975, i.e. 22/09/2023. **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 drawing(s) 23124 - 1004 REV F, and specification contained therein, submitted on 28/03/2024. **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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