

**Planning Committee:** 31 March 2020

**Item Number: 2**

**Application No:** [W 20 / 0024](#)

**Town/Parish Council:** Leek Wootton  
**Case Officer:** Helena Obremski  
01926 456531 Helena.Obremski@warwickdc.gov.uk

**Registration Date:** 31/01/20

**Expiry Date:** 27/03/20

**12 The Hayes, Warwick Road, Leek Wootton, Warwick, CV35 7QU**

Retrospective application for replacement fire escape roof enclosure to roof. FOR  
Mr & Mrs Durbin

-----

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed in the report.

**DETAILS OF THE DEVELOPMENT**

Retrospective planning permission is sought for the erection of a replacement fire escape roof enclosure to roof of The Hayes.

**THE SITE AND ITS LOCATION**

The application relates the property known as "The Hayes" which consists of apartments on the outskirts of the village of Leek Wootton. The application site is located within the Green Belt and has a gated entrance from Warwick Road, which is shared with the Warwickshire Golf and Country Club.

**PLANNING HISTORY**

There is no relevant planning history relating to this site.

**RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- DS18 - Green Belt
- H14 - Extensions to Dwellings in the Open Countryside
- Neighbourhood Plan
- Leek Wootton and Guy's Cliffe Neighbourhood Plan 2018-2029

## **SUMMARY OF REPRESENTATIONS**

**Leek Wootton Parish Council:** Objection, concern regarding the impact of the development on the historic building and appearance of the structure. The Parish Council objects to the access to the roof being used for any other purpose than a means of escape. There is no requirement for a means of escape onto the roof according to the Fire Inspection Report. Access for social purposes will lead to overlooking into other flats. There is no provision for safety rails. There is no information of the ability of the roof to support regular social use.

### **Public Responses:** 7 Objections:

- the roof cannot sustain the weight of more than 2 people and will be used as a result of the works as a roof terrace;
- escaping to the roof would be unsafe from a fire safety point of view;
- the works have caused damage to adjacent flats
- the works have not been agreed to by the owners of The Hayes;
- the applicants have no right of access to the roof;
- the development is excessive and unnecessary;
- the structure is obtrusive and unsightly, and is out of character with the property;
- if the roof is used as a terrace it would cause a noise nuisance to neighbouring residents and there would be a loss of privacy from people looking down into rooflights;
- the development should be removed and put back to how it was beforehand.

## **ASSESSMENT**

The main issues relevant for consideration of this application are as follows:

- Impact on the character of the area
- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified
- Impact on neighbouring residential amenity
- Ecological Impact
- Other matters

### **Impact on the character of the area**

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development

and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The Leek Wootton and Guy's Cliffe Neighbourhood Development Plan (LWGC Neighbourhood Plan) policy LW3 states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that building(s) height, scale, and form, including the roofline, do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views.

There have been objections from the Parish Council and members of the public that the development has a visually detrimental impact on this historic building and that the appearance of the structure is obtrusive and unsightly, which is out of character with the property. Members of the public state that the development is excessive and unnecessary.

The application site forms part of a gated site. Owing to its size and position the development has a very limited impact on views of the site from public vantage points, including from a public footpath nearby to the site. The structure is narrow, but does protrude up from the main ridgeline of the property and is white in colour, so is distinguishable as an additional feature on the rooftop. However, as the property benefits from a number of tall chimneys, the fire escape is not the only structure on the roof which projects upwards. Therefore it is read within this context, rather than a structure in isolation.

Whilst the fire escape is to some extent readable as a feature on the roof, which in isolation is recognised as being somewhat out of keeping with the existing property, the size of the structure and visible elements from public vantage points are minimal when read against the site context outlined above. The impact of the structure is considered to be very limited in visual terms. It is also noted that the application property is not a listed building, nor located within the Conservation. On balance, taking all of the aforementioned points into consideration, the development is considered to acceptably respond to the site and its surroundings. The development does not detract from the application property or disrupt the visual amenity of the street scene or wider landscape views. Therefore the development is considered to harmonise sufficiently well with its surroundings to conform with Local Plan policy BE1 and LWGC Neighbourhood Plan policy LW3.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

The NPPF states that inappropriate development within the Green Belt is harmful by definition and should not be approved unless under very special circumstances. The NPPF advises that the erection of new buildings should be considered as inappropriate development, but that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, would provide an appropriate form of development.

The development represents the extension of a building. The Local Plan identifies that additions of more than 30% of the original floorspace would represent a disproportionate addition to a building. The installed fire escape is not more than

30% of the original floor space of the building. Owing to the modest size and position of the extension and its overall minor impact on the property, the development is considered to have a negligible impact on the openness of the Green Belt. The visual and spatial impact of the development is extremely limited and it is considered that the extension represents a proportionate addition to the property, thus providing an appropriate form of development within the Green Belt.

Therefore the development is considered to be in accordance with Local Plan policies DS18 and H14.

#### Impact on neighbouring residential amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

LWGC Neighbourhood Plan policy LW3 states that proposals should minimise the impact on general amenity and give careful consideration to noise, odour and light.

The Parish Council and members of the public have raised concerns that the fire escape will be used to access the roof of the site and will lead to overlooking from the occupiers into other flats through existing rooflights, and noise nuisance. Concern is also raised regarding the safety of people using the roof area as a terrace.

The structure under consideration of this application does not impact on neighbouring residential amenity itself. There is no conflict with the Council's 45 degree guidance and there would be no loss of outlook, privacy or light as a result of the physical building.

However, it is noted that the fire escape would facilitate easier access onto the roof, which could be used for recreational purposes. There are rooflights within the roof space which serve other properties and therefore, the development could facilitate overlooking and loss of privacy into other flats, as well as noise disturbance. A condition has therefore been attached which states that the roof area cannot be used as a balcony or social space in order to protect neighbouring residential amenity.

#### Ecological Impact

There are no ecological issues resulting from the development.

#### Other Matters

The Parish Council have also objected to the proposed development on the grounds that:

- there is no requirement for a means of escape onto the roof according to the Fire Inspection Report;

- there is no provision for safety rails; and,
- there is no information of the ability of the roof to support regular social use.

Members of the public raise concern regarding:

- the fact that the roof cannot sustain the weight of more than 2 people and will be used as a result of the works as a roof terrace;
- escaping to the roof would be unsafe from a fire safety point of view;
- the works have caused damage to adjacent flats;
- the works have not been agreed to by the owners of the Hayes;
- the applicants have no right of access to the roof; and,
- the development should be removed and put back to how it was beforehand.

Including the condition which removes the rights of the occupants from using the roof as a social area addresses a number of the concerns raised above.

If the works carried out have caused damage to adjacent flats and have not been agreed by the owners of The Hayes, this would be a private legal matter which cannot be considered as part of this application. Right of access would also be a private legal matter which cannot be assessed as part of the application.

## **Conclusion**

Based on the scale and limited visual impact of the development on the application property and wider area, the extension is not considered to cause such a level of harm which would warrant reason for refusal of the application. Subject to the condition restricting the rights of the occupants from using the roof terrace for social purposes, the development would not cause harm to neighbouring amenity. The application is therefore recommended for approval.

## **CONDITIONS**

- 1 The development hereby permitted shall relate strictly to the details shown on the site location plan and approved drawings "New Access to Roof Over 12 the Haze" submitted on 8th January 2020 and 001C submitted on 10th March 2020, and specification contained therein.  
**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.
- 2 The roof area of the property shall not be used as a balcony, roof garden or similar amenity area. **REASON**: In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

-----