

Extended Delegated Decisions Meeting: 20 August 2020

Application No: [W 20 / 0807](#)

Town/Parish Council: Kenilworth
Case Officer: Emma Booker

01926 456521 Emma.Booker@warwickdc.gov.uk

Registration Date: 03/06/20

Expiry Date: 29/07/20

62 John O'Gaunt Road, Kenilworth, CV8 1DZ

Erection of a single storey front extension, single storey side extension, single and two storey rear extension and a rear dormer roof extension to facilitate a loft conversion. FOR Mr & Mrs Kelly

This application is being presented at the Extended Delegated Decision Meeting due to an objection from the Town Council having been received.

RECOMMENDATION

It is recommended that planning permission is GRANTED subject to conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Proposed erection of a front, side and rear wrap around extension at single storey level and an extension to the rear of the dwelling at first floor level. A dormer window is also proposed to be erected to the rear to facilitate a loft conversion.

3 rooflights are proposed to be fitted within the front facing roofslope. This element of the scheme is considered to meet the limitations of Schedule 2, Part 1, Class C of the GPDO and does therefore not required planning permission. These rights have not been removed by condition for the subject dwelling.

The scheme has been amended since the submission of the application;

- Due to concerns raised over design and the impact to the character of the streetscene, the initially proposed two storey front extension has been omitted from the plans and replaced with a single storey front extension.
- The first floor rear gable extension is now proposed to be faced with render rather than matching brickwork
- The proposed application of render to the side elevation of the original dwellinghouse has also been omitted

At the time of the Officer's site visit, works had already started at the site and the ground floor front and side extensions were partially complete. A time condition is not required and has therefore not been recommended.

THE SITE AND ITS LOCATION

The application site relates to a two storey semi-detached dwelling located on the east site of John O'Gaunt Road in Kenilworth. The streetscene comprises dwellings

of two types; two storey semi-detached and detached all dating from the same period. A number of properties within close proximity to the site benefit from extensions of varied design and scale.

PLANNING HISTORY

The property benefits from a rear conservatory extension which is proposed to be demolished as part of the proposed scheme.

Application ref: W/19/0613 was approved in 2019 and granted permission for a scheme significantly larger in scale. The approval comprised a single front extension, a part single and two storey side extension, a two storey rear extension attached to a single storey rear extension, and a rear dormer roof extension. The applicant has chosen not to implement this permission as instead apply for permission to build the proposed scheme submitted under this application.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE3 - Amenity
- BE1 - Layout and Design
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Neighbourhood Plan (2017-2019)
- Parking Standards
- General Design Principles
- Environmental Standards of New Buildings

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Object on the basis that the proposal would have an adverse impact on the character of the streetscene by virtue of inappropriate massing and scale. Concern raised over the design of the dormer. Attention is drawn to policy SCO of the Local Plan and policy KP15 of the Kenilworth Neighbourhood Plan.

WCC Ecological Services - Recommend advisory notes relating to bats and nesting birds.

Public response - Objection from 64 John O'Gaunt Road with concerns raises in relation to;

- Privacy impacts
- Loss of light
- Noise

ASSESSMENT

Design of the proposed extension

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design.

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.

The single storey front and side elements of the amended scheme are considered to appear in keeping with the character of the subject dwelling and the streetscene. A precedent exists for extensions at single storey level which protrude forward of the original building line, it is therefore considered that the single storey front extension will not appear overly dominant nor negatively impact on the character of the streetscene. It is important to acknowledge that this element of the proposed scheme is similar in appearance to what has already been approved under application ref: W/19/0613.

Planning permission has already been granted for the proposed rear dormer (via application ref: W/19/0613) and, although its flat-roof design does not comply with the Residential Design Guide (SPD), this element of the proposal is considered acceptable on the basis that an extension of the same design and scale could be built by the applicant prior to the implementation of this planning permission through the use of the dwelling's permitted development rights. It is therefore considered that it would be unreasonable to refuse permission for the proposal on the basis of non-compliance with the SPD. Nevertheless, at this site the dormer is considered to have an acceptable impact on the character of the dwelling given its modern appearance and architectural style. Due to the narrow gaps between the dwellings and its position at the rear of the property, the dormer will not be readily visible from public vantage points so will have a limited impact on the character of the streetscene. Officers also acknowledge that flat roof dormers already contribute to the character of the area and can be found at sites on the west side of Lunn Avenue and the east side of John O'Gaunt Road.

Concern was raised in response to the initially proposed application of render to the side elevation of the original dwelling at first floor level. Whilst it is acknowledged that render currently contributes to the character of John O'Gaunt Road, it is not to the extent that was initially proposed here. Instead, render is typically applied to a small area above the front door of the dwellings at first floor level. Officers consider that the application of render to the side elevation of the original property would draw the eye towards the dwelling, causing it to visually stand out against the back-drop of the predominantly red/brown brick

properties on the eastern side of the highway. Through the latest amendment, the proposed plans show that render will now only be applied to the rear and north-facing elevations of the rear first floor extension, and thus will not be visible from public vantage points. Given the relatively narrow gap between the side elevations of the adjacent dwellings the rear extension is considered to make a limited contribution to the character of the streetscene, it is therefore considered that the use of render at the proposed scale is acceptable. In order to protect the character of the streetscene, permitted development rights will be removed for the application of render so that the extent of this material cannot be increased following the implementation of this permission without first obtaining planning consent.

The proposed single storey element of the proposal to the rear is considered acceptable in terms of design and scale.

Overall, the proposals are considered to appear sufficiently subservient to the original dwelling and in-keeping with its character. The proposals will not appear at odds with the prevailing character of John O'Gaunt Road due to the fact that the extensions will not protrude forward of the established building line and will harmonise with the layout of the surrounding built form.

Kenilworth Town Council have objected to the latest amendment of the scheme on the basis the proposal is inappropriate in terms of scale and massing, unacceptably changing the character of the established streetscene. They considered that the design does not harmonise with or enhance the existing neighbourhood and appears out of proportion with its surroundings. Despite acknowledging advice provided by Officers regarding the permitted development fall-back position related to the proposed rear dormer, the Town Council object to this element of the scheme on the basis that it would appear overly dominant and its design is in contravention of the Residential Design Guide (SPD). For reasons discussed above Officers do not agree with the concerns of the Town Council. Furthermore, it is considered that consideration must be given to the similar scheme that was approved under ref: W/19/0613 which carries significant weight when assessing the acceptability of this latest proposal.

Overall, as amended the proposed development is considered acceptable and in accordance with Local Plan Policy BE1 and the design criteria for extensions stipulated under Kenilworth Neighbourhood Plan Policy KP13. In coming to this decision, Officers have given appropriate weight to approval ref: W/19/0613. Due to the fact that works have already commenced at the site, the applicant has the option to implement this approved scheme which is considered to have a greater impact on the character of the streetscene by virtue of being greater in scale than the proposed development.

Impact on neighbouring properties

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the

nearest habitable room of a neighbouring property. This serves to protect against loss of light and outlook. Kenilworth Neighbourhood Plan Policy KP13 supports this policy by requiring development proposals to give regard to the impact on the residential amenity of the existing and future residents.

An objection has been received from 64 John O'Gaunt Road on the basis that the proposal would generate increased opportunities for overlooking into their rear garden and may impact on light. Concern is also raised in relation to noise that may be generated and travel through the party wall.

The proposed single storey element of the scheme will breach the 45 degree line from the mid-point of the patio doors on the rear elevation of 64 John O'Gaunt Road. However this impact is considered acceptable on the basis that the existing conservatory extension is equal in depth to the proposed extension. On the other side of the subject dwelling, the single storey side/rear element will breach the 45 degree line from the ground floor window within the rear elevation of 60 John O'Gaunt Road. It is unclear whether this window serves the same room as the window to the left of it or whether the window serves a habitable room. Nevertheless, given that the depth of the single storey rear extension is no greater than 3.0 metres, it is considered that the impact to the living conditions within the neighbour's property is acceptable. This assessment is made on the basis that the applicant could build an extension that extends along the side elevation of the original dwelling and protrudes past the original rear elevation to a depth of 3.0 metres through the use of the Permitted Development Rights.

All other elements of the scheme will not breach the 45 degree line from windows serving habitable rooms of the neighbouring properties. Therefore the proposals will have an acceptable impact on the neighbours' light and outlook.

With regard to privacy, as existing the dwelling benefits from first floor side facing windows which are obscure glazed and serve the landing and bathroom. These windows are proposed to be retained and a new window is proposed at second floor level to serve the landing. In order to protect the amenity of the neighbours at no.60 and to reduce the impression of overlooking, it is considered reasonable to secure via condition the use of obscure glazing within all three units as the type of glazing has not been stated on the proposed plans.

The proposed extensions at the rear of the dwelling, which have caused the neighbours at no.64 concern, are not considered to generate increased opportunities for overlooking. All windows proposed to serve bedrooms are rear facing and would not provide views over the neighbours gardens which do not already exist. Due to the proximity of the dwellings, as a pair semi, it is considered that mutual overlooking exists and is part and parcel of living with an area laid out in such a way. For this reason it is considered that it would be unreasonable to refuse the application on this basis.

With regard to the concerns raised over noise, this is a matter dealt with via an application for Building Regulations approval rather than at the planning application stage.

Officers are satisfied that all habitable rooms within the subject dwelling will benefit from adequate light and outlook.

The proposal is acceptable and in accordance with Local Plan Policy BE3 and Kenilworth Neighbourhood Plan Policy KP13.

Parking

Local Plan Policy TR3 states that development will only be permitted that makes provision for parking which does not result in on-street car parking detrimental to highway safety. Development will be expected to comply with the parking standards set out in the most recent Parking SPD.

Kenilworth Neighbourhood Plan Policy KP12 states that development proposals should incorporate parking and cycle spaces at or above the numerical and design expectations set out in the Parking Standards.

Kenilworth Town Council object to the proposal on the basis that the car parking provision is inadequate.

The proposed development will increase the number of bedrooms in the dwelling from 3 to 5. The Council's adopted Parking Standards SPD stipulates that provision for 3 parking spaces should be provided within the residential curtilage in order to reduce the pressure imposed on parking within the highway. When out on site, the size of the driveway was considered large enough to accommodate 3 parked cars without overhanging onto the pedestrian footpath. Despite the concerns of the Town Council, Officers also acknowledge that planning permission has already been granted for similar proposals via the approval of application ref: W/19/0613, it would therefore be unreasonable to come to a different decision on the matter this time given that no objections have been received from neighbours regarding parking stress and the characteristics of the site have not changed. The proposed development is therefore considered to meet the criteria for policies TR3 and KP12.

Ecology

Local Plan Policy NE2 seeks to protect species of national and local importance for biodiversity and geodiversity. The policy stipulates that development will not be permitted that will destroy or adversely affect protected species.

Ecological Services have recommended notes relating to bats and nesting birds which Officers consider acceptable for the scale of the development. The proposal is considered to comply with policy NE2.

Other matters

As part of their objection, Kenilworth Town Council refer to KP15 of their adopted neighbourhood development plan. Kenilworth Town Council "requests that the applicants address matters relating to the environmental impact of the development with the aim of the resulting property, in its entirety, having an improved energy efficiency and water efficiency, where affected, compared to the existing property." KP15 encourages applicants to adopt higher environmental standards of building design and energy performance. Given that the policy seeks to *encourage* rather than requiring additional sustainability measures, this is not something that can be insisted upon. I also acknowledge that the scale of the

development is small and therefore consider that it would be unreasonable to insist on the provision of such information from the applicant.

Summary/Conclusion

The application is acceptable and considered to comply with Local Plan Policies BE1, BE3, TR3 and NE2 and Neighbourhood Plan Policies KP13 and KP12. The application is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 4435/d-sh1, and specification contained therein, submitted on 31st July 2020. **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 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no part of the dwellinghouse shall be rendered other than as shown on the approved drawings. **REASON:** To secure a satisfactory form of development in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
 - 3 Prior to the occupation of the development hereby permitted, the first and second floor windows in the south facing elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
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