

Planning Committee: 06 December 2004
Application No: W 04 / 1442

Part 2 Item Number: 01

Town/Parish Council: Leamington Spa
Case Officer: Joanne Fitzsimons
01926 456534 planning_east@warwickdc.gov.uk

Registration Date: 02/08/2004
Expiry Date: 27/09/2004

1-3 Oxford Street, Leamington Spa, CV32 4SA

Alterations and extensions to create additional flat and construction of 4 dormers to rear elevation. FOR Mr N Singh

SUMMARY OF REPRESENTATIONS

Town Council: Object on grounds that the proposal represents over-development, detrimental to the character and appearance of the buildings and Conservation Area. (Original Plans)

C.A.A.F. : Object as rooms are too small, loss of chimney and dormer windows totally unacceptable. (Original Plans)

1 neighbour objects on grounds that the roofline is to be raised considerably, noise, parking. The properties have suffered from subsidence in the past and there are concerns that this proposal will cause additional problems.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application site relates to two properties out of a terrace of three dwellings within the Conservation Area. Numbers 1 and 3 are a matching pair, whilst number 5 is of a different style with a gable to the road.

The proposal seeks to convert the existing properties to form an additional flat so that the total number will be 5 units. The proposal involves the installation of four dormer windows in the rear elevation following the removal of the chimney stack and increasing the roof height by 1.1metres. Following negotiations, the application has been amended to address the concerns raised by the Council's Conservation Architect in respect of the dormer windows. The amended plans now relate to four small dormers which sit well within the roof slope and below the height of the ridgeline.

As amended ,I consider the application to be acceptable in terms of protecting the Conservation Area. At present , the properties suffer from subsidence and have 'wall ties' to seek to ensure no further 'bowing' , although this matter is one for consideration under the Building Regulations rather than Planning. There is no breach of the Council's

adopted 45° line with regard to neighbouring windows and I am of the opinion that the increased ridge height will not result in harm to the street scene.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 04-102-3 Rev B and 04-102-05 Rev C and specification contained therein, submitted on 22 November 2004 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
 - 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
 - 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
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Planning Committee: 06 December 2004
Application No: W 04 / 1649

Part 2 Item Number: 02

Town/Parish Council: Kenilworth
Case Officer: Sandip Sahota
01926 456522 planning_appeals@warwickdc.gov.uk

Registration Date: 22/09/2004
Expiry Date: 17/11/2004

Unit 10, Bridge Works, Farmer Ward Road, Kenilworth, CV8 2DH
Construction of a 2.4m high fenced enclosure (retrospective application). FOR
Monocode Ltd

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Object, considered to "1. Be unsightly and unneighbourly, 2. Constitute a traffic hazard, particularly given its proximity to Pipers Lane, 3. Encourage the storage of material, including potentially of a hazardous nature, which should otherwise be promptly removed from the site".

Neighbours - 5 letters of objection on grounds of; unsightly; concern about visibility for traffic & pedestrians approaching the junction; potential for road accident; blocking light and view from windows, out of keeping with area; gates always left open - rubbish blows everywhere; encourage vermin;

2 letters of support "In the past the forecourt was a disgrace with skips and commercial rubbish left on a quite narrow frontage, right next to the pavement, accessible to everybody. If it wasn't for the owner's attempt to make QA Windows put their rubbish in a secure compound, I believe the mess will revert back to how it used to be" and "I would strongly support the application for planning permission for the compound which is a huge improvement on the unsightly and dangerous mess we had to tolerate previously".

Highways Authority - No objection

Network Rail - No objection

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Planning permission was granted for the erection of this and adjacent factory units in 1961 (application number 4380). Condition 2 of that permission states "Any land not covered by buildings shall be maintained in a neat and orderly manner - it shall not be used for open storage purposes".

KEY ISSUES

The Site and its Location

The application site relates to Unit 10 of the Bridgeworks Industrial Estate located on the Northern end of Farmer Ward Road. The Unit is situated on a prominent corner position at the junction between Farmer Ward Road and Whitemoor Road. The application site,

although located directly adjacent to a residential area, forms part of an Employment Area as designated in the Local Plan.

Details of the Development

The proposal seeks the retention of a 2.4 metre high timber fenced enclosure on land adjacent to Unit 10 on the corner of Farmer Ward Road and Whitemoor Road. The enclosure measures 6m in width and extends 5.7m in depth from the northern elevation of the factory unit to the back end of the footpath on Whitemoor Road. The enclosure is used to house a skip for the storage of rubbish which is a fundamental necessity for the running of the factory as a window company.

Assessment

There has been a great deal of concern expressed by neighbouring residents and the Town Council with regard to the detrimental impact of the proposal on vehicular and pedestrian safety. Nevertheless, the Highway Authority have raised no objection.

With regard to the nature of the waste, the material stored within the enclosure relates to the business, e.g. window frames, etc, none of which is likely to be either hazardous or organic and therefore very unlikely to pose a danger or attract vermin.

I have taken account of the concerns expressed in relation to the visual aspect of the enclosure. However, notwithstanding the fact that condition two of the 1961 permission states that the site should not be used for open storage purposes, taking into account Government support for the encouragement of small businesses as well as the fact that the site forms part of an Employment Area as designated in the Local Plan, I am inclined to agree with the two neighbours who make the point that this fence and enclosed storage is a vast improvement when compared to the previous situation of open storage in full public view. Neighbours have questioned why the factory does not use the tip nearby. The reason for this is that businesses are not permitted to tip their waste here.

Overall and bearing in mind the previous situation, I consider that the application is acceptable in terms of its design and appearance and does not result in such harm to either the streetscene or the residential amenities of any neighbouring properties sufficient as to warrant refusal. In my opinion, the factory waste is now concealed within the enclosure which has resulted in a significant improvement on the previous situation of open display of rubbish on the site in full public view.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The permission hereby granted shall relate to the details shown on the approved drawings and photographs, and specification contained therein, submitted on 22nd September 2004. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 2 On the discontinuance of the occupancy of the site/premises by QA Windows the fenced enclosure shall be dismantled and all associated materials permanently removed from the site. **REASON**: Since permission for the development would not normally be granted other than in the special circumstances put forward by the

applicant.

- 3 No materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site, other than in the fenced enclosure hereby permitted. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
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Planning Committee: 06 December 2004
Application No: W 04 / 1707

Part 2 Item Number: 03

Town/Parish Council: Leamington Spa
Case Officer: Joanne Fitzsimons
01926 456534 planning_east@warwickdc.gov.uk

Registration Date: 16/09/2004
Expiry Date: 11/11/2004

Victoria Chambers, 132-136 Parade, Leamington Spa, CV32 4AG
Alterations and conversion to provide 13 No. Residential units and office
accommodation. FOR Victoria Chambers (Leamington) Ltd

SUMMARY OF REPRESENTATIONS

Town Council: Object on grounds that the units are too small to provide suitable standards of accommodation, loss of the roof arch and replacement with a flat roof fails to respect the architecture of the building and appropriate measures for sound proofing are required.

WCC Highways: No objection.

CAAF: Concern about the loss of the glazed atrium and rear arch detail, replacement with a flat roof element was considered inappropriate and possible inadequate bin storage.

Environmental Health: Recommend conditions relating to sound test for noise insulation, restriction of hours of office use and a scheme to determine the extent of sound insulation required.

1 neighbour letter (Rio's Nightclub) objecting on grounds of location next to nightclub, dance studio, snooker hall, pubs and restaurants, no parking, location of bin stores.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

DP9 - Pollution Control (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application site relates to a four storey Grade II Listed Building within the Conservation Area and located within the Town Centre, fronting Parade and backing onto Bedford Street. The current use of the premises is offices (Class B1). The proposal seeks to convert the building into 13 apartments together with some office accommodation (towards Bedford Street) on the ground, first and second floors. In terms of local plan policy, I am satisfied that there is no conflict and whilst I note concerns

relating to bin storage, the existing bin area is to be maintained as part of this application.

The Council's Environmental Health Officer has visited the site and met with the applicant and as such is satisfied that a scheme for noise insulation can be achieved through condition and suggests an insulation test is conducted to determine the extent of the sound insulation required. As such, I am of the view that this will overcome concerns relating to potential noise nuisance from the nearby nightclub.

With regards to parking, as the site is in a Town Centre location, and in line with Government Guidance, there is no requirement for the applicant to provide parking facilities. Also there are public car parks such as St. Peter's nearby.

Whilst I note the concerns received from CAAF regarding the loss of the arch detail, this is on the rear elevation of the building and whilst its retention may be desirable, I do not consider this element of the application to justify a refusal. The atrium is an addition within an internal courtyard provided when the buildings were converted to offices and the loss of this feature would similarly not be a justifiable reason for refusal for this scheme.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 1882-04, 1882-05/A and 1882-06/A and specification contained therein, submitted on 16 September 2004 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
- 5 The areas on the plans identified for offices shall be used for offices within Use

Class B1 only and shall be used for this purpose between the hours of 3.00am and 10.00pm only. **REASON:** To control the potential loss of amenity to the office element of the premises from noise of dance music emanating from the adjoining Rio's Nightclub.

- 6 Prior to the commencement of this development hereby permitted, a sound insulation test shall be conducted within the proposed residential accommodation to determine the extent of sound insulation required to protect that accommodation from the noise amplified music arising from the nightclub. The results of this test shall be made available to the District Planning Authority on completion. Following the noise test, a scheme for protecting the development from noise shall be submitted to and approved in writing by the District Planning Authority. The approved scheme shall be fully implemented in accordance with such approved details and shall thereafter be maintained. **REASON:** To protect future occupiers of the development and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 7 There shall be no alterations to the structure, roof, doors, windows or external facades without the prior written approval of the District Planning Authority. **REASON:** To retain control over future alterations in the interests of occupiers of the building and to satisfy the requirement of Policy ENV3 of the Warwick District Local Plan 1995 and DP9 of the emerging Local Plan 1996-2011 (first deposit version).
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Planning Committee: 06 December 2004
Application No: W 04 / 1708 LB

Part 2 Item Number: 04

Town/Parish Council: Leamington Spa
Case Officer: Joanne Fitzsimons
01926 456534 planning_east@warwickdc.gov.uk

Registration Date: 16/09/2004
Expiry Date: 11/11/2004

Victoria Chambers, 132-136 Parade, Leamington Spa, CV32 4AG
Alterations and conversion to provide 13 No. Residential units and office accommodation. FOR Victoria Chambers (Leamington) Ltd

SUMMARY OF REPRESENTATIONS

Town Council: Object on grounds that the units are too small to provide suitable standards of accommodation, loss of the roof arch and replacement with a flat roof fails to respect the architecture of the building and appropriate measures for sound proofing are required.

WCC Highways: No objection.

CAAF: Concern about the loss of the glazed atrium, replacement with a flat roof element was considered inappropriate and possible inadequate bin storage.

Environmental Health: Recommend conditions relating to sound test for noise insulation, restriction of hours of office use and a scheme to determine the extent of sound insulation required.

1 neighbour letter (Rio's Nightclub) objecting on grounds of location next to nightclub, dance studio, snooker hall, pubs and restaurants, no parking, location of bin stores.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

DP9 - Pollution Control (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application site relates to a four storey Grade II Listed Building within the Conservation Area and located within the Town Centre, fronting Parade and backing onto Bedford Street. The current use of the premises is offices (Class B1). The proposal seeks to convert the building into 13 apartments together with some office accommodation on the ground, first and second floors. In terms of local plan policy I am satisfied that there is no conflict and whilst I note concerns relating to bin storage, the existing bin area is to be maintained as part of this application.

The Council's Environmental Health Officer has visited the site and met with the applicant and as such is satisfied that a scheme for noise insulation can be achieved through condition and suggests a insulation test is conducted to determine the extent of the sound insulation required. As such, I am of the view that this will overcome concerns relating noise.

With regards to parking, as the site is in a Town Centre location, in line with Government Guidance, there is no requirement for the applicant to provide parking facilities. Also there are public car parks such as St. Peter's nearby.

Whilst I note the concerns received from CAAF regarding the loss of the arch detail, this is on the rear elevation of the building and whilst its retention may be desirable, I do not consider this element of the application to justify a refusal. The atrium is an addition within an internal courtyard provided when the buildings were converted to offices and the loss of this feature would similarly not be a justifiable reason for refusal for this scheme.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 1882-04, 1882-05/A and 1882-06/A and specification contained therein, submitted on 16 September 2004, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
- 5 The areas on the plans identified for offices shall be used for offices only (within Use Class B1) and shall be used for this purpose between the hours of 3.00am and 10.00pm only. **REASON**: To control the potential loss of amenity to the office element of the premises from noise of dance music emanating from the adjoining

Rio's Nightclub.

- 6 Prior to the commencement of this development hereby permitted, a sound insulation test shall be conducted within the proposed residential accommodation to determine the extent of sound insulation required to protect that accommodation from the noise amplified music arising from the nightclub. The results of this test shall be made available to the District Planning Authority on completion. Following the noise test, a scheme for protecting the development from noise shall be submitted to and approved in writing by the District Planning Authority. The approved scheme shall be fully implemented in accordance with such approved details and shall thereafter be maintained. **REASON:** To protect future occupiers of the development and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 7 There shall be no alterations to the structure, roof, doors, windows or external facades without the prior written approval of the District Planning Authority. **REASON:** To retain control over future alterations in the interests of occupiers of the building and to satisfy the requirement of Policy ENV3 of the Warwick District Local Plan 1995 and DP9 of the emerging Local Plan 1996-2011 (first deposit version).
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Planning Committee: 06 December 2004
Application No: W 04 / 1792

Part 2 Item Number: 05

Town/Parish Council: Baginton
Case Officer: Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

Registration Date: 15/10/2004
Expiry Date: 10/12/2004

**Middlemarch Business Park, Coventry Trading Estate, Siskin Drive, Coventry,
CV3 4FJ**

Erection of two 'Gatehouse' Security Cabins FOR Farnell -In One

SUMMARY OF REPRESENTATIONS

Baginton Parish Council : No objections

Bubbenhall Parish Council : *The architecture appears to consist of temporary modular buildings of no architectural merit, and not in keeping with the surrounding area. We consider that a higher standard would be more appropriate consistent with that of a prestigious business/ distribution park. Light pollution is a significant issue from the airport area in general. Sky glow is visible over a large area. New additional lighting needs to be carefully designed to avoid further adverse impact. We would suggest using full cut off lanterns to avoid spilt light.*

Neighbours: No objections

Coventry Airport: No comments have been received at the time of writing the report.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application relates to a large metal clad industrial unit which is located on the west side of Siskin Parkway East on the Middle March Industrial Estate.

The proposal seeks permission to erect 2 "portakabin" gate houses for security purposes. These would each be 3mx6m and sited at the front and rear entrances of the premises.

I consider these modest structures would not have an unduly prominent siting and would therefore not have an adverse impact on the street scene, neighbouring amenities or character of the area. Whilst I note the concerns of the Bubbenhall Parish Council, I consider that as two schemes for similar gate houses within the Middle March Industrial Estate have been granted permission this year (W04/2001) and (W04/0223), it would be difficult to sustain a refusal.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.

 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (Ref Drawing Nos EST01015-1-11-01A, 10436/S/20, and 10436/S/20), and specification contained therein, submitted on 15th October 2004) unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
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Planning Committee: 06 December 2004
Application No: W 04 / 1794

Part 2 Item Number: 06

Town/Parish Council: Leamington Spa
Case Officer: Joanne Fitzsimons
01926 456534 planning_east@warwickdc.gov.uk

Registration Date: 05/10/2004
Expiry Date: 30/11/2004

41a Rugby Road, Leamington Spa, CV32 6DE

Change of use from residential to nursery. Hours from 8.00am to 18.00pm, Monday to Friday. FOR Mr & Mrs A Bartlett

SUMMARY OF REPRESENTATIONS

Town Council: Comment - the proximity of a junction with a busy highway mitigates against the use of the premises for a day care nursery.

3 letters of objection on grounds that this use will cause significant increase in traffic and parking problems, will affect the residential character of the area, no safe drop-off for the children.

WCC: Highways: (Following negotiations/site meetings) No objection subject to the submission of a travel plan.

Cllr Gifford has requested that this application be presented to members of the planning committee for determination.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application site relates to a two storey house on the corner of Strathearn Road and Rugby Road which is located within a Conservation Area. The proposal seeks to change the use from residential to a day nursery for up to 35 children, between the hours of 8.00am and 6.00pm Monday to Friday. It is anticipated that there would be nine full time members of staff and one part time.

The applicant has liaised with the Highway Authority and have submitted a travel plan in support of their application. This travel plan has been accepted by the Highway Authority as a programme of promoting the use of modes of transport other than the car. There are several bus stops along Rugby Road which serve the application site making it a sustainable location and therefore it is anticipated that the nursery will have local custom. The applicant confirms that there will be copies of the staff travel pack displayed within the premises to promote green travel by staff and a lift share initiative for parents dropping off children will also be promoted together with the loan of infant car seats. This should help to encourage shared trips to the nursery and its location relatively close to Milverton School is also likely to facilitate shared trips.

The application does not contain any external alterations and whilst situated in the Conservation Area, I do not consider this use would cause harm to its character or appearance. Therefore I consider the main issue to relate to highway matters, which have now been satisfied.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.

Planning Committee: 06 December 2004
Application No: W 04 / 1826

Part 2 Item Number: 07

Town/Parish Council: Warwick
Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

Registration Date: 12/10/2004
Expiry Date: 07/12/2004

236 Myton Road, Warwick, CV34 6PT

Amendment to W20040742 - insertion of a blank dormer on western elevation, extension to approved rear dormer and extension to approved rear living room. FOR Mr W Salvin

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objections.

One neighbour letter received from the adjacent recently extended dwelling (no. 238). This neighbour disputes the boundary line as shown on the plans and the boundary line that the existing extensions are built to. To approve this further rear extension would lead to further encroachment onto their property, for which they are seeking legal advice. The previously approved plans, and also those retrospectively approved, do not comply with basic planning guidelines, and have resulted in their property being no longer fully detached.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

Planning permission was granted in 2002 (W20020868) for first floor side and single storey rear extensions, and side and rear dormer windows. Minor amendments approved include a side dormer window and roof alterations. An amended scheme was then submitted retrospectively in 2004 (W20040742). The originally approved plans showed a gap of 0.8m at first floor level between the side wall of the extension and the side boundary. The works as built were then approved with a gap of 0.64m to the side boundary, which due to the wide overhanging eaves of the roof, meant the eaves of the two properties virtually touch. The single storey rear extension was reduced in length in order to comply with a 45 degree guideline from the nearest rear window of the adjacent neighbour.

The amendments now proposed include an extension to the width of an approved rear dormer, which would still appear in scale with the roof. A part of the original roof will be removed in order to provide the room for this new dormer, but I do not consider that there would be a serious detrimental impact on the visual amenity of the area as this elevation is not a part of any street scene and is well screened. A small new windowless dormer is proposed on the western side elevation which will face a side dormer on the other neighbouring house, but would be conditioned so that no windows can be inserted at a later date.

The approved single storey rear extension would extend a further 2.6m from the rear of the dwelling as extended. The objector's house has been substantially extended since the applicants first application was submitted, and now has a single storey rear

extension which extends 1.9m further than the applicants existing extension. The current proposal would not therefore represent a breach of the District Council's adopted 45 Degree Guideline if applied from the objectors extended house. The Guideline states that the rule should be applied from the original house, but in this case, where there would be no substantial impact on the amount of light or amenity currently enjoyed by the objector's extension, I do not consider that this would constitute a reasonable issue for refusal. Boundary disputes are not a planning issue.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) dated 12/10/04, and specification contained therein, submitted on 12 October 2004 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
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Planning Committee: 06 December 2004
Application No: W 04 / 1850

Part 2 Item Number: 08

Town/Parish Council: Kenilworth
Case Officer: Debbie Prince
01926 456555 planning_west@warwickdc.gov.uk

Registration Date: 14/10/2004
Expiry Date: 09/12/2004

Rear of 12, Amherst Road, Kenilworth, CV8 1HA
Erection of a detached dwelling FOR Applestone Homes Ltd

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: recommend refusal on the grounds that the size and bulk of the building is inappropriate in relation to the area of land available for development. It is inappropriate in the street scene by virtue of being larger than the other dwellings in the street scene and there is inadequate parking provision.

The Town Council reiterate their objections in relation to the amended plans

Councillor Blacklock: requests that the application should be referred to planning committee for decision on the grounds that there had been confusion regarding the site boundary and the actual measurements of the site. There is considerable disquiet among neighbours regarding the size and scale of the proposed house. The application needs careful consideration.

W.C.C. (Highways): No objection subject to access and visibility conditions.

Neighbours: Twelve letters have been received objecting to the proposal on the grounds of over development of the site, the size and scale of the dwelling is out of character, inadequate parking provisions, impact on drainage, loss of privacy and adverse impact on road safety.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application site consists of part of the large rear garden of 12 Amherst Road (a corner property). The site measures 18m wide by 24m in length.

The proposal is to erect a single five bedroom, two storey, house fronting Amherst Road. The property would have integral garaging and a forecourt parking/manoeuvring area.

Although the property is large, I do not consider that it is significantly larger than the neighbouring properties, especially those in the older part of Amherst Road which are of individual designs. Furthermore, the proposal includes the retention of many of the existing trees and a 2m high fence with brick pillars along the front boundary so that the impact on the street scene would be kept to a minimum. The proposed amenity space

provided for the new property is considered satisfactory for a property of this size and No 12 would also be left with an adequate rear garden. Taking into account the current advice given in PPG3 for new residential development, I am satisfied that the proposal would not harm the character of the area or that it would represent inappropriate overdevelopment of the site.

The proposal also meets the Council's own distance separation requirements and 45 degree guideline and there would be no significant loss of privacy or other adverse effect on neighbouring properties.

Government Guidance also advises that car parking standards that result on average in more than 1.5 off street parking spaces per dwelling are unlikely to reflect the Government's emphasis on securing sustainable residential environments. The proposed application provides up to 3 off street parking places and meets the highway authority's requirements as regards visibility splays (details are shown on the applicant's plans). Therefore there are insufficient grounds to raise an objection on lack of parking or on highway safety grounds.

The drainage problems referred to by neighbours regarding the culverted stream are the responsibility of the Water Authority and do not constitute a reason to refuse planning permission.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved amended drawing 10092 received 2nd November 2004 and drawings 10071,10069,10068 received 13th October 2004, drawing 10112 received 18th November 2004 and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together

with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 4 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
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Planning Committee: 06 December 2004
Application No: W 04 / 1855

Part 2 Item Number: 09

Town/Parish Council: Cubbington
Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

Registration Date: 15/10/2004
Expiry Date: 10/12/2004

Land rear of 1 Kenilworth Road, Cubbington, Leamington Spa, CV32 7TN
Demolition of existing garage and erection of a two bedrooed detached dwelling with external parking space FOR Mr D Riman

SUMMARY OF REPRESENTATIONS

Parish Council - raises objection on the following grounds:

"It is considered that the revised plan is no better than the original. Concerns remain over the amount of parking available, increased traffic, and the narrowness of the access road. The area in front of the proposed property is privately owned and so there would be no access from the front elevation, and therefore no parking space would be available. The adjoining Lindop Close is privately owned also, and would not provide any parking area. This road could be obstructed and would be the route used for access by emergency vehicles."

NB The Parish Council explicitly had no objection to the previous application, expressing comments similar to those above.

Highway Authority: No objection.

WCC (Archaeology): No objection, subject to condition on archaeological investigation.

WDC (Environmental Health): No objection.

Neighbours: The residents of 3 Kenilworth Road maintain objections on the grounds that the amended proposals do not satisfy previous concerns and would remain unacceptable by reason of loss of amenity from increased noise/disturbance generated by the intensified residential use/occupation of the site/unfettered movement of vehicles, over-dominant/overbearing impact and loss of light from the height, scale, mass and proximity of the development adjacent to the existing dwelling adjoining the rear boundary of their garden, which would effectively "wall us in."

The resident of 11 Lindop Close express concerns regarding the use of Lindop Close and, in particular, the access road from Kenilworth Road for construction traffic and thereafter car parking by residents/visitors to the proposed dwelling as it is required to be kept clear to ensure unobstructed access for emergency vehicles.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The site comprises an existing detached garage and forecourt driveway serving and situated at the rear of the host property, 1 Kenilworth Road. Access to the garage is via a private driveway from Kenilworth Road that runs in-between numbers 1 and 1A. The driveway also provided access to the former Stereomatics factory which has now been redeveloped for housing comprising properties in Lindop Close. Collapsible bollards prevent access being taken to Lindop Close via this driveway other than for emergency vehicles.

The site is adjoined by a dormer bungalow on the north-west boundary that stands at the rear of 3 Kenilworth Road . The gable elevation of a terrace of dwellings at Lindop Close stands to the south-east on the opposite side of the access road whilst the remaining properties in Lindop Close stand adjacent to the site to the south and south-west. Access to Lindop Close is from Rugby Road.

Planning permission for the erection of a two-storey dwelling on the site was refused by this 'Committee at the meeting on 13th September 2004 on the grounds that: the height, size, design, proximity and overall mass of the development in conjunction with the neighbouring dormer bungalow would create an uncomfortably oppressive and overbearing effect on both the rear garden and rear facing habitable room windows of 3 Kenilworth Road, and; the size of the plot would not permit development of a standard compatible with existing development in the area, or allow the provision of adequate amenity space (WDC Reference: W04/1103).

The proposals have been amended in light of this refusal and the following statement has been submitted in support of the revised application:

"The proposed house has been reduced in overall scale and mass by totally omitting the two-storey gabled extension at the rear of the proposed dwelling. The roof line has been considerably lowered to be in line with the adjoining semi-bungalow, as suggested in the letter of objection from the owners of no. 3 Kenilworth Road." (*" Given the fact that the new house would be so close to our rear boundary, we would argue that it should be no higher than the property already directly behind our house."*)"The cutting back of the extended rear wing also moves the property further away from no. 3 Kenilworth Road in both distance and of course height. All first floor windows to the rear of the proposed house have also been omitted to prevent the possibility of any overlooking of any properties to the rear of the site, both actual and perceived.

The reduction in scale, mass and footprint of the building enables a larger area of garden to be provided, together with a parking space adjoining the property. The applicant and owner of no. 1 Kenilworth Road currently has vehicular and pedestrian access to his existing garage and extending over the roadway to the end of his site. The proposed dwelling uses that right of access and provides for turning facilities which are acceptable to W.C.C. Highways.

Any proposed building access would not be over the adjoining site as suggested by some of the surrounding neighbours, but over the current access which the applicant enjoys right of way. Clearly the existing house no. 1 Kenilworth Road has adequate parking on the Kenilworth Road frontage and therefore this amenity would not be compromised by the construction of a new dwelling to the rear of the site.

The amenity of all neighbours is further protected by the provision of a tree and shrub planting scheme providing further screening.

It is felt that the proposed dwelling, although very small, provides a much needed scale of property in the current market and would also provide for a considerable improvement to the general street scene which is currently spoiled by the existing unsightly garage."

As amended, I consider the proposal is acceptable in terms of its siting, size, scale, mass, design and appearance in relation to the neighbouring dwellings on Kenilworth Road and in Lindop Close. With regard to the concerns of the Parish Council and neighbouring residents regarding car parking and access, I am satisfied that suitable provision for car parking has been made and note that the Highway Authority has raised no objection. I also consider it would be appropriate to apply a condition to any permission that may be granted to ensure the access road is kept clear of construction traffic and contractors vehicles.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 1106.04a, 01b and 02c, and specification contained therein, submitted on 15th October 2004 unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy (DW) ENV3 of the Warwick District Local Plan and Policy DP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version).
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.
REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan and Policy DP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version).
- 4 No development shall be carried out on the site which is the subject of this permission, until details of the proposed boundary railings and screen walls have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : Insufficient details were submitted for these matters to be fully and properly considered in respect of the approval hereby granted.
- 5 The area indicated on the plans hereby approved for vehicle parking and manoeuvring space shall at all times be kept free of obstruction and be available for those purposes at all times.
REASON : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan and Policy DP1 of the Warwick District Local Plan 1996-2011 (First Deposit Version).

6 No access to the site for construction traffic shall be gained other than via the existing driveway from Kenilworth Road, which shall be kept unobstructed from vehicles, materials and equipment during the construction period.

REASON : To ensure access for emergency vehicles.

7 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority.

REASON : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy (DW) ENV22 of the Warwick District Local Plan 1995 and Policy DP4 of the Warwick District Local Plan 1996-2011 (First Deposit Version).

Planning Committee: 06 December 2004
Application No: W 04 / 1857

Part 2 Item Number: 10

Town/Parish Council: Radford Semele
Case Officer: Sarah Laythorpe
01926 456554 planning_east@warwickdc.gov.uk

Registration Date: 15/10/2004
Expiry Date: 10/12/2004

Walnut Tree Cottage, The Valley, Radford Semele, Leamington Spa, CV31 1UZ
Erection of a two storey extension. FOR Ms H Green

SUMMARY OF REPRESENTATIONS

Parish Council objects on the grounds that it is an overbearing development in this very cramped location.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

Planning permission for a rear ground and first floor extension at this property was refused under delegated powers on 9th September, 2004 as the ground floor part of the extension contravened the 45 Degree Code from the neighbouring property, which the District Planning Authority concluded would have an unacceptable effect on this property by reason of loss of light and creating an unneighbourly and overbearing effect.

Therefore, the ground floor part of the extension has been completely removed from the application so that the development complies with the 45 Degree Code.

The re-submitted application proposes a 2-storey rear extension 2.4mx2.4m which would be situated 3.5 metres from the boundary of Cherry Tree Cottage, and although the proposed extension would be located to the south-east of the adjacent neighbouring property, I am satisfied that the impact on this neighbour's amenity would not be so substantial to warrant a refusal. Whilst noting the objection received, in my opinion, this site has adequate capacity to accommodate this proposed rear extension without creating an unacceptable overbearing effect to neighbours' amenities.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1** The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2** The development hereby permitted shall be carried out strictly in accordance with

the details shown on the approved drawing (RR/04/11/01 Revision B), and specification contained therein, submitted on 15th October, 2004 unless first agreed otherwise in writing by the District Planning Authority.

REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.

REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

Planning Committee: 06 December 2004
Application No: W 04 / 1877

Part 2 Item Number: 11

Town/Parish Council: Leamington Spa
Case Officer: Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

Registration Date: 20/10/2004
Expiry Date: 15/12/2004

104 Telford Avenue, Lillington, Leamington Spa, CV32 7HG
Erection of rear ground floor and first floor extension FOR Mr & Mrs Doxey

This application has been requested to be presented to Committee by Councillor Eithne Goode.

SUMMARY OF REPRESENTATIONS

Town Council: No objections

Neighbours: Four objections have been received on the following grounds: The neighbours at No.106 Telford Avenue have raised objections on the grounds that the proposal would '*still look out of context with the street scene of bungalows, (due to the rise in ground levels), the house will look much taller from our perspective*'; Loss of privacy and sense of privacy from the proposed rooflights in the west side of the roof, together with loss of daylight from the easterly side of their property. The extension is '*considered unfriendly and un-neighbourly*'. No. 70 Leicester Lane raised objections on the grounds that the proposed rooflights in the west elevation would '*create an even greater intrusion into the privacy of my property*'. Two further objections were received on the grounds that the proposal was out of keeping with the character of the area and would result in the loss of privacy from the rooflights as the neighbouring properties are predominantly bungalows.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The premises comprise a bungalow which is located on the north side of Telford Avenue. The property is accessed from the public highway and has gardens to front and rear of the building. It is located within a well established residential area, where the street scene is predominantly defined by similar styled bungalows.

The proposal relates to a previously withdrawn application (W04/1497) for the conversion of the bungalow to a 2 storey house. This revised application now seeks permission to raise the ridge height by 1.5 metres, so that when completed, the dwelling house will read as a one and half storey building, utilising the roof space. The scheme also involves an extension at the rear to increase the footprint of the property. In comparison to the withdrawn scheme, the proposal has been reduced in height, bulk and mass, together with the introduction of a hipped roof over the existing garage. The windows to both the side and rear elevations have been replaced by roof lights, and the two front dormer windows have been subsequently further amended to a single front facing dormer window.

In terms of design, I consider the extension and alterations would be acceptable, using materials appropriate to the building and the locality. I consider that the development would accord with the general development principles of the Local Plan 1995. The proposal would not contravene the Council's adopted SPG 45°. Whilst I note the neighbours' concerns regarding the potential for overlooking and loss of privacy from the roof lights, I am of the view that the height and angle of the roof lights would prevent any overlooking and subsequently loss of privacy. Furthermore, I am of the opinion that the proposed scheme which would read as a one and half storey building would not have such a detrimental impact on the street scene or the character of the residential area as to warrant a refusal.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (Ref No 0440/02, and specification contained therein, submitted on 20th October 2004) unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
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Planning Committee: 06 December 2004
Application No: W 04 / 1905

Part 2 Item Number: 12

Town/Parish Council: Sherbourne
Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

Registration Date: 25/10/2004
Expiry Date: 20/12/2004

6 Moat Green, Sherbourne, CV35 8AJ

Erection of two-storey side extension, rear dormers, and detached garage/store FOR Mr & Mrs Leggett

SUMMARY OF REPRESENTATIONS

Barford (Joint) Parish Council object as being unneighbourly, impinging on privacy, disproportionate, violates 40% rule, in conflict with character of area, and access close to neighbours.

Neighbours: Objections have been received from 6 local households on grounds of being excessive, out of keeping, unneighbourly, loss of privacy and outlook, heavy traffic, dormer windows, affect on Conservation Area, and loss of light.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application site lies at the head of a cul-de-sac of detached houses of varying designs and consists of a two-storey house with a high roof and a rear dormer. It has a gabled south end, with a hipped north end continuing the roof of a front, gabled, projection. There is also a flat roofed link to a steeply pitched roof attached garage on this end.

The proposed extensions are to satisfy the family needs of the applicant and would continue the main roof across and replace the single storey parts with an equivalent two-storey extension, with rear dormers, and a flat roofed, single storey, rear extension which would be used as a roof terrace with a screen end wall. The resulting dwelling would have the existing front gable centrally positioned, and its overall width as extended would be 0.5 m narrower than the existing dwelling with its garage. In terms of gross floor area, the extensions would represent a 53% increase (if the rear conservatory is excluded and the use of the roof space) and, therefore, is in accordance with the present policy size in the 1995 Local Plan. (The policies in the Review Local Plan 1996-2011 can only be given limited weight at this stage, and the property is in the middle of a residential area outside the Conservation Area and the Green Belt.)

In terms of its affect on the character of the area, the cul-de-sac contains a wide variety of designs of dwellings, with the adjoining property at No. 5 being of similar character having a large central gable to the front with a long ridge line. The width of the north half of this roof is similar to that of the existing south half of the application site. It is considered, therefore, that there is no special reason to require the ridge line of the extension to be lowered in this case.

The proposed extension, and the dormer windows, also satisfy the adopted distance separation standards in that, for the dormer windows, they would be at least 35 metres from the nearest house at the back, whereas the standard for a three-storey house is 27 metres. The adjoining dwellings in Moat Green should also not be further overlooked to any material degree due to their positioning and the erection of a screen wall at the end of the proposed balcony.

The proposed detached garage is to be sited where it would be partly hidden by a conifer screen and where the gable end of the adjoining house (6A) is blank. The driveway extension to this part of the garden does not need planning permission.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The roof terrace shall not be used until the end screen wall has been completed in accordance with the approved plan and the screen wall shall then not be altered or removed. **REASON**: To protect the amenities of adjoining dwellings in accordance with Policy (DW) ENV3: Development Principles of the Warwick District Local Plan 1995.

Planning Committee: 06 December 2004
Application No: W 04 / 1933

Part 2 Item Number: 13

Town/Parish Council: Kenilworth
Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

Registration Date: 01/11/2004
Expiry Date: 27/12/2004

6 Southfield Drive, Kenilworth, CV8 2FR

Erection of a single storey side garage extension. FOR Mr & Mrs Collier

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Recommend refusal as the application represents overdevelopment, and is unneighbourly as the extension beyond the rear of the building will result in a loss of light to the neighbouring property. In addition concern is expressed regarding a possible breach of the 45 degree rule, and Members comment that existing drainage problems on site would be exacerbated; this issue should be addressed before the application progresses.

Neighbours: Both adjacent neighbours object to the proposal. The design of the hipped roof would be uncharacteristic of the area. Existing drainage problems would be exacerbated. The proposal represents uncharacteristic over development and infill in this area, and reduces currently high levels of light and amenity. One letter refers to a recent appeal decision for refusal of a new dwelling in the same road, and also that Party Wall Legislation has not been complied with. One neighbour also complains about a rear dormer currently being erected under Permitted Development. Ward Councillor Alison Tyler: Objects to overdevelopment, out of keeping in style and design, and unneighbourly impact on light and visual amenity. The application should be brought before Planning Committee. One further Southfield Drive resident supports the neighbours objections.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The property consists of a detached L shaped dwelling with open front garden, located within a quiet cul-de-sac of detached dwellings, all of which are individually designed. It is proposed to erect a side extension up to the side boundary of the property, which will extend 3m to the rear and 0.9m forwards of this part of the house. The existing integral garage will then be converted into living accommodation. The affected neighbour on this side has two small obscure glazed side facing toilet windows, which are located 1.2m away. They also have a wide rear facing lounge window close to this side boundary. The proposal extends a further 3m to the rear than the neighbours rear elevation.

A hipped roof is shown above the new garage, which slopes down to the side boundary, thereby reducing the impact on the affected neighbour in terms of loss of light and amenity. I do not consider that the introduction of a hipped roof to this dwelling would appear wholly out of character or that it would have a harmful impact on the character of the area, as the surrounding detached properties are all different in design. The extension is also set well behind a 45 degree guideline drawn from the neighbours

nearest rear window and, therefore, complies with this adopted guidance. The neighbours concerns are noted, however, I do not consider that the extension would have so serious an impact on neighbouring amenity as to warrant refusal, as the extension clearly complies with the District Council's 45 Degree Guideline. I also consider that the extension will not have a serious adverse impact on the street scene or on the mixed character of the area, as this is a relatively small scale extension to a detached house, which does not over dominate the dwelling or exceed the capacity of the site.

The dormer window under construction and garage conversion are being completed under Permitted Development rights, and do not form part of this application. This application would result in the creation of additional garaging, not in the creation of extra bedrooms or bathrooms, therefore, the works forming part of this application would not result in a material increase in the amount of sewage created.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.

 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) plan no. 452-04 Rev.A, and specification contained therein, submitted on 1 November 2004 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
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