

Extended Delegated Decisions Meeting: 02 July 2020

Application No: [W 20 / 0107](#)

Town/Parish Council: Kenilworth
Case Officer: Andrew Tew

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Registration Date: 24/02/20

Expiry Date: 20/04/20

Fairfields, Coventry Road, Ladyes Hills, Kenilworth, CV8 2FU

Demolition of existing bungalow and construction of replacement dwelling FOR
Gerdine Investments

This application is being presented to the Head of Service and Members of the Planning Committee due to an objection from the Town Council having been received.

RECOMMENDATION

Planning Permission is recommended to be GRANTED.

DETAILS OF THE DEVELOPMENT

The original application was for the demolition of the current single storey dwelling and construction of a new, 5 bedroom, 3 storey dwelling. Following discussions with the agent, the bulk and mass of the design has been reduced with the garage being removed from the design and the ridge height reduced by 825mm.

THE SITE AND ITS LOCATION

The application site currently comprises a detached, single storey dwelling and associated gardens of circa 0.12 acres. The dwelling is set back from the road, having a gravelled drive and trees in front of the property. There are dwellings to both sides of the application site, Tainters House to the East and Eaton lodge to the West. The site is in close proximity to the "Water Tower", a locally listed structure. The surrounding character of the area consists of a mix of predominantly 2 storey houses of differing design. The Ivy Cottages and The Old Forge are both GII listed. The site is situated within the Kenilworth Conservation Area.

PLANNING HISTORY

The site has no recent planning history.

RELEVANT POLICIES

- National Planning Policy Framework

- The Current Local Plan
- H1 - Directing New Housing
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE3 - Biodiversity
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Neighbourhood Plan
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP14 - Non-designated Heritage Assets
- KP15 - Environmental Standards of New Buildings

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council – Object. KP13R in Kenilworth Neighbourhood Plan paragraph 5.66 recognises that; The Upper Spring Lane and Tainters Hill Conservation Area forms an integral part of the character of the town of Kenilworth with views from Coventry Road down Tainters Hill to the Water Tower, and should be preserved and retained. This application refers to a three storey house which replaces a bungalow and would interfere with these views. Also state that Neighbourhood Plan Policy KP15 (environmental standards) and Local Plan Policy FW3 (water efficiency) should be addressed if the application is approved.

WCC Ecology – No objection.

WDC Contracts Services – No objection.

Public responses – 3 objections on the following grounds:

- the house is excessively large for the plot and encroaches on the boundaries with neighbours;
- the house will be prominent in views from all aspects due to its size and will obscure views of the water tower;
- conflict with the Neighbourhood Plan;
- harm to the character and appearance of the conservation area;
- the design is not in keeping with the conservation area;
- there is a large basement for which no function has been designated;
- overdevelopment;
- loss of a small bungalow will reduce the availability of small properties; and
- loss of light.

ASSESSMENT

Principle of Development

The site is within the Urban Area of Kenilworth as identified within the Local Plan and the Kenilworth Neighbourhood Plan (2018). Policy H1 of the Local Plan, which relates to the direction of new housing, states under which circumstances housing development will be permitted and bullet point (a) of the policy refers to sites within Urban Areas. The proposed use remains compatible with the surrounding uses and would provide a good quality home in a sustainable location, with access to local shops and services.

On the basis of the above, therefore, the proposal accords with Local Plan Policy H1 and is considered to be acceptable in principle.

The impact on the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Para. 193 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paras. 195 and 196 go on to set out how proposals that cause harm to designated heritage assets should be assessed. This is reflected in Policy HE1 of the Local Plan.

Kenilworth Neighbourhood Plan policy KP13S 5.66 states "*views from the Coventry Road down Tainters Hill to the Water Tower, and should be preserved and maintained*".

Policy KP14 (Non-designated Heritage Assets) of the Kenilworth Neighbourhood Plan states: 'Buildings and structures of local architectural, and/or historic value are recognised as non-designated heritage assets...as key features that contribute to the character of Kenilworth the location and design of development proposals must have regard, where applicable, for the significance of these assets and their setting.'

The objection in relation to protected views of the Water Tower from Kenilworth Town Council has been carefully considered. Views of the Water Tower down Tainters Hill from Coventry Road will not be effected by the proposed development. The biggest impact will be views up the Coventry Road, nearer to New Street. These have been considered by the Conservation Officer and a sketch view of the proposed development has been submitted by the agent on request (ref; 1923.12). This shows the view of the Water Tower as non obscured and still viewed above the apex of Tainters House.

There is also currently a large conifer in front of the application property that significantly blocks views of the current and proposed dwelling. This is indicated as remaining in the proposed development. There is also a conifer box hedge in the garden of Eaton Lodge that limits views of the Water Tower heading North up Coventry Road, however, this is outside the control of the applicant.

As amended, the bulk and mass of the proposed dwelling is comparable with that of other dwellings in the locality and the design is considered to be appropriate.

Furthermore, the proposals are not considered to represent an undue intrusion on views of the water tower.

Therefore it has been concluded that the proposals would preserve the character and appearance of the conservation area. As such, the proposal is viewed to accord with Local Plan Policy HE2 and Neighbourhood Plan Policies KP13 and KP14.

Layout and Design

The current dwelling is a bungalow, set back from the road, with space to the front of the property and a rear garden. There is an outbuilding to the front of the property that would be demolished as part of the application. The levels within the application site are undulating, sloping downwards from front to rear.

The original submitted plans for the replacement dwelling were for a 2 storey dwelling with basement. With the ridge heights comparable to the two the two properties on either side. However, the increase in bulk and mass, and the effect it would have on views of the Water Tower, was deemed unacceptable and a revised design was submitted.

The revised design reduced the ridge height by 825mm and removed the internal garage from the design, thus retaining views of the Water Tower when heading North East along Coventry Road. The new design will be read as a two storey property from the principal elevation.

Objections have been raised that the proposal also constitutes over-development and the proposed development is too large. Whilst it is acknowledged that the proposal is significantly larger than the dwelling in situ, the layout and design makes use of the changes in levels of the site and is in keeping in terms of size as other properties in the streetscene.

As such, the proposal accords with Local Plan Policy BE1 and Neighbourhood Plan Policy KP13.

Impact on Local Amenity

The properties impacted the most by the development will be Tainters House to the North and Eaton Lodge to the South, the application property's immediate neighbours.

An objection to the effect on Tainters House annex, in relation to rights of light and sunshine into annex courtyard, is noted. The footprint of the proposed building does not exceed the footprint of the current building in relation to proximity to Tainters House and in places moves the proposed building further away than the current footprint, albeit with an increased height. Furthermore, whilst the occupiers of Tainters House are particularly concerned about the impact on the courtyard garden to the annex, it is notable that this is not a separate dwelling and that the property as a whole benefits from a large garden that would be largely unaffected by the proposals. On review of the plans for the annex extension to Tainters House, it shows that the room most effected is a galley style kitchen, rather than a

habitable room. The refined design has also removed the integrated garage closest to Tainters House from the application, thus reducing the height of the proposal. The development complies with the 45-degree line and therefore it has been concluded that the proposal would not cause unacceptable loss of light or loss of outlook for Tainters House.

It is noted that an objection to the development coming within 1m of the boundary with Eaton Lodge has been made. This element of the development is for a stairwell leading to the basement. All habitable rooms and wall structures are in excess of 1m from the boundary, in line with the Residential Design Guide. The proposed dwelling would be situated some distance away from the dwelling at Eaton Lodge and therefore it has been concluded that the proposals would not cause any issues in relation to loss of light or loss of outlook for that property. A condition is recommended to require a first floor window in the side elevation facing Eaton Lodge to be obscure glazed and non-opening.

As such, the proposal accords with Local Plan Policy BE3.

Access

WCC Highways have been consulted and have no objections.

It is noted that the increased size of the property will lead to higher trip generation, however, this is unlikely to have an adverse impact on the safety or capacity of the road network.

The creation of a new access point is onto a private road over which the Highway Authority has no jurisdiction.

There is sufficient provision for 3 parking spaces, with an EV charging point provided, therefore the proposal meets the Council's minimum car parking requirements in accordance with the Vehicle Parking Standards SPD.

As such, the proposal accords with Policies TR1 and TR3.

Ecology

An ecology report was submitted after an initial objection which has been considered by the County Council Ecologist. Having reviewed the report, the Ecologist has recommended a that a number of notes are attached to any forthcoming permission.

As such, the proposal accords with Policy NE2.

Landscaping

The proposed plans seek to retain all of the established existing landscaping to the front and rear of the site.

Other Matters

In relation to comments from Kenilworth Town Council, water optimisation will be achieved via condition. Unfortunately, we are unable to condition a net zero carbon build on domestic dwellings.

SUMMARY/CONCLUSION

The proposed replacement dwelling is considered to be an appropriate form of development within the site and will not result in harm to the character of the conservation area or the living conditions of neighbouring dwellings. The loss of the existing dwelling will not have a negative impact on the streetscene as it is not considered to be of particular architectural merit. Additionally, I do not consider there would be any significant visual harm arising from the proposal. There are no impacts on highway safety. For these reasons I recommend that planning permission be GRANTED.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1923-05_REVA, 1923-06_REVD, 1923-07_REVD, 1923-08_REVV, 1923-09_, 1923-10_REVD and 1923-11_, and specification contained therein, submitted on 17 April 2020 and 1923.12A, and specification contained therein, submitted on 15 May 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.
- 3 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 No development shall be carried out above slab level unless and until large scale details of doors, gates, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

- 5 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 6 No development shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.
- 7 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029
- 8 Prior to the occupation of the dwelling hereby permitted, one 16amp (minimum) electric vehicle recharging point shall be installed in accordance with details first submitted to and approved in writing by

the Local Planning Authority (LPA). Once the electric vehicle recharging point has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point; (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

- 9 Prior to the occupation of the development hereby permitted, the first floor window in the south-west 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 window 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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