

Planning Committee: 21 May 2024

Item Number: 8

Application No: [W 24 / 0375](#)

Town/Parish Council: Budbrooke
Case Officer: Thomas Senior
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Registration Date: 18/03/24
Expiry Date: 13/05/24

13 Damson Road, Hampton Magna, Budbrooke, Warwick, CV35 8TH
Erection of first floor rear extension (retrospective application) FOR Mr B Field

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission was granted in September 2021 for the erection of a single storey rear extension and new front bay window with canopy roof, but a two-storey extension has been built. Retrospective planning permission was sought for the erection of a first-floor rear extension over the previously approved single storey extension last year, but was refused by Planning Committee, contrary to Officer's recommendation. This is a repeat of that proposal.

THE SITE AND ITS LOCATION

The application property is comprised of a two-storey detached dwelling located on the north side of Damson Road in Hampton Magna, Warwick. The streetscene is characterised by a mix of detached and semi-detached properties, which are primarily comprised of brick finishes, however rendered finishes are also present, with one of these being the application property.

PLANNING HISTORY

W/20/2173 – Erection of a single storey rear extension and new front bay window with canopy roof - Granted.

W/23/0651 – Erection of a first-floor rear extension (retrospective application) - Refused by Planning Committee, for the following reason:

"Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes minimum separation distance

standards which aim to prevent any unreasonable effect on the neighbouring properties by reason of loss of privacy.

The proposal does not comply with the Council's Residential Design Guide SPD in terms of the required minimum 22m separation distance and would therefore result in unacceptable overlooking and inadequate privacy that would impact the occupiers of properties to the immediate rear of the application site.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policies".

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)
- Net Zero Carbon Development Plan Document
- NZC4 - Existing Buildings
- Budbrooke Neighbourhood Plan (2018-2029)
- BNDP7 - Design of Development in Budbrooke Parish

SUMMARY OF REPRESENTATIONS

Budbrooke Parish Council - No response received.

WCC Ecology - No objection, recommended condition attached.

Public Response -

6 objections have been received from the occupiers of Nos. 4, 5 and 6 Hayward Close and 36 Cherry Lane on grounds of overlooking and loss of privacy, loss of light and the development being out of character in this locality.

3 support comments have also been received.

ASSESSMENT

Design and impact on character and appearance of the streetscene

The NPPF (2023) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states that planning decisions should ensure that developments are visually

attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness.

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

Budbrooke Neighbourhood Plan Policy BNDP7 states that new development within the area will be supported where it makes a positive contribution to local character and be of good design and quality. In seeking to protect and enhance the unique identity of the area, where relevant all development will be expected to contribute to local identity, and sense of place. This includes being suitable in terms of the overall design and appearance of the proposed development.

The first-floor rear extension subject of this application sits over the footprint of the approved single storey rear extension, with the western side of the extension stepped back by a metre from this projection. The extension has limited impact on the streetscene due to the siting to the rear of the property. An objection has been received from one of the occupiers of 5 Hayward Close, who raised concerns in relation to no white render being present at the rear of any of the houses along Damson Road. However, the application of white render to the entire exterior of the application property was approved under the previous application (ref: W/20/2173) and as such, the addition of white render to the proposed first-floor extension is considered to represent an appropriate material finish which ensures harmonious integration with the main dwelling. A couple of the objections received have also highlighted concerns relating to the bi-fold doors across large proportions of the rear of the house. The presence of these bi-fold doors were assessed under the previous application and were granted permission.

The development is considered to respect the original dwellinghouse and does not result in a harmful impact upon the character and appearance of the area. The proposed development is therefore considered to be in accordance with Local Plan Policy BE1, the Residential Design Guide SPD and Policy BNDP7 of the Budbrooke Neighbourhood Plan.

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

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

outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states how extensions should not breach a 45-degree line taken from the nearest habitable room of the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses. Policy BE3 also requires that all development should ensure that acceptable standards of amenity space are provided for existing and future occupiers of the development site.

The previously approved single storey rear extension did not result in a breach of the 45-degree line from either of the neighbouring properties and was therefore considered to be in accordance with the Residential Design Guide SPD. Similarly, the scale and siting of the first-floor rear extension does not result in a breach of the 45-degree line from any of the existing windows that serve neighbouring habitable rooms on both the ground and first floor. Consequently, the development does not result in an unacceptable loss of light or outlook to the occupiers of the neighbouring properties within Damson Road.

Multiple objection comments have been received by occupiers of the properties which lie to the immediate north of the site along Hayward Close, with objection comments received from three of these properties as well as one property along Cherry Lane on grounds of loss of privacy through increased levels of overlooking both into their rear private amenity spaces and properties. The Residential Design Guide SPD stipulates that the separation distance between a two-storey dwelling, and a bungalow or two-storey dwellinghouse should be 22.0m. The first floor rear extension results in separation distance of approximately 19m, however, Officers consider that there are a number of site specific reasons which justify a small departure from this.

Firstly, there are already existing properties present to the west of the application site, (Nos. 7 and 9 Damson Road), which sit approximately 13m and 16m respectively from the rear of their opposing dwellings. The direct neighbour of the application property at No.11 received planning permission for a first-floor rear extension with a separation distance of 19m in 2001. The distance separation guidance having been ratified and in place since 1996. The main factor which indicates why a small deviation from this adopted separation distances standards is considered acceptable relates to the angled relationship between the rear of the properties concerned. The potential risk of direct overlooking into neighbouring properties is reduced as a result of the angles of the plots with there being no direct, straight line of sight into neighbouring properties.

Within a few of the objections, concerns were also raised in relation to the footprint of the extension and the impact it will have on the amenity space available to future occupiers. The first-floor extension will result in the addition of two extra bedrooms, bringing the overall number of bedrooms up from two to four. Consequently, in order to be in accordance with the Residential Design Guide SPD, the property should benefit from a minimum of 60sqm worth of private amenity space. The resultant private amenity space still satisfies these standards, with there being approximately 73sqm of private amenity space following the erection

of the proposed extensions. As such, the application site will benefit from an area of private amenity space which is comfortably in accordance with the requirements set out within the Residential Design Guide SPD.

Overall, therefore, the proposed development is considered to comply with Local Plan Policy BE3 and justify the slight deviation away from the Residential Design Guide SPD due to the aforementioned site-specific circumstances.

Ecology

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

The County Ecologist has noted how this application is retrospective and has subsequently requested that a bat box condition be implemented on any forthcoming approval.

Subject to the compliance with this specific condition, the proposal is considered to be in accordance with Local Plan Policy NE2.

Parking

Local Plan Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards SPD.

The development as built increases the number of bedrooms from two to four. This increase results in an increase in the number of allocated spaces required by the SPD from two to three spaces.

It is noted from the plans provided that there is sufficient space within the curtilage of the dwellinghouse for three vehicles and is thus considered acceptable as it is in accordance with the Parking Standards SPD and Local Plan Policy TR3.

Planning for Climate Change Adaptation

As required by the Council's Net Zero Carbon Development Plan Document (DPD) Policy NZC4, an Energy Statement will need to be submitted which demonstrates a consideration to sustainable construction and design, in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation, as well as alternatives to fossil fuel boilers being explored.

This Energy Statement has been requested and shall be submitted prior to the Planning Committee date.

CONCLUSION

The proposal is considered to constitute good quality design in respect of providing an extension that will enhance the existing dwellinghouse which adopts an

appropriate material finish that harmonises with the main dwelling. The development is considered to have an acceptable impact on neighbouring amenity, owing to the fact that the property lies within a locality that is comprised of angled plots which justifies a small departure from the distance separation guidance set out within the Residential Design Guide SPD. The development is also considered to be in accordance with Local Plan Policy NE2, subject to the condition and there is sufficient capacity for parking.

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) BF 20-5, and specification contained therein, submitted on 18/03/2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 2 Within 1 month of the date of this permission, a scheme for the provision of two bat boxes to be erected on buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location, and timing of works. Within 1 month of approval of the submitted scheme the boxes shall be installed and maintained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
