

Planning Committee: 07 October 2020

Item Number: 5

Application No: [W 20 / 0486](#)

Town/Parish Council: Warwick

Registration Date: 26/05/20

Case Officer:

George Whitehouse

Expiry Date: 21/07/20

01926 456553 george.whitehouse@warwickdc.gov.uk

49 St Michaels Road, Saltisford, Warwick, CV34 5RS

Demolition of an outbuilding and erection of single storey rear extension FOR
Janine Letts

This application is being presented to Planning Committee because the application property is owned by Warwick District Council.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks permission for the erection of a single storey rear extension following demolition of the existing garage.

THE SITE AND ITS LOCATION

The application site relates to an end of terrace, two storey dwellinghouse, located on St Michaels Road, Warwick. The property is set back from the road behind a front garden and at the rear, the property benefits from a decent sized garden with timber fence on both sides. The property is in Flood Zone 3 and therefore appropriate Flood Risk Assessment has been carried out accordingly.

PLANNING HISTORY

There is no relevant planning history for the site.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- [Guidance Documents](#)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

WCC Highways: No objection. The proposal will increase the property from three to four bedrooms, therefore one additional parking space would be required. There is parking to the rear of the property and it is considered that there is sufficient capacity on street to accommodate the additional requirement without affecting the safety or capacity of the Highway Network.

WCC Ecology: Recommended photos to be sent to determine whether initial bat survey is required.

WCC Local Lead Flood Authority: No objection.

Public Response: One objection has been received from No.47 - *"My property is next to the proposed demolition of outhouse, the wall of which is also my boundary wall. There is no reference to this and I want reassurance that my wall will be replaced with a new wall of equal height. The door of the proposed extension is less than 500mm from my property and therefore does not conform to current building regulations As the residents of 49 St Michaels Road all smoke and stand at their current back door to smoke I believe that they would then stand there and I would have the smell of smoke drifting over my property something that I object to very strongly especially if my grandson is in the garden. I have no objection to the plans being reversed so the doorway faces away from my property and the boundary wall is replaced with another brick wall of equal height or the extension is moved slightly to back up to the boundary and the doorway faces up St Michaels Road"*.

ASSESSMENT

The demolition of the detached garage does not require planning permission and therefore this aspect of the proposal will not be assessed in this application.

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

- Design and the impact on the character and appearance of the area;
- The impact on the living conditions of neighbouring dwellings;
- Development in areas at risk of flooding;
- Parking
- Biodiversity

Design

Section 7 of the National Planning Policy Framework (NPPF) places significant weight on requiring good design which is a key aspect in achieving sustainable development. New development should positively contribute towards making places better for people.

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

The proposed rear extension is of a modest size and design which will not be visible from the streetscene and it is therefore considered that the proposed extension would be acceptable in design terms and would comply with Policy BE1.

Amenity

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

The proposed rear extension would breach a 45-degree sightline taken from the nearest window in the rear elevation of No.47 St Michael's Road. However, the existing garage along that boundary already breaches the 45-degree line. The point at which the proposed extension projects further to the rear is some distance from the affected window. Furthermore, there would only be a limited increase in the eaves height compared with the existing structure. Therefore, it is considered that the proposal would not result in a material loss of light or loss of outlook compared with the existing situation.

There is no conflict with the 45-degree line in relation to the other neighbour at No.51 St Michael's Road.

Members in the EDDM meeting requested that the applicant commits to replacing the boundary wall in the location of the garage to be removed, it is considered necessary to impose this replacement boundary treatment as a condition of the approval in order to ensure the development has an acceptable impact on the privacy of the neighbours which can be ensured through properly securing the boundaries.

Based on this it is considered that the proposal will not have an unacceptable impact on the neighbouring properties in terms of loss of light or outlook and having regard to Policy BE3.

Flooding

Local Plan Policy FW1 requires any new development that lies in an area of flood risk to be designed to be flood resilient.

The Flood Risk Assessment which accompanied the application sets out that the proposed development will be designed to be flood resilient. This can be secured by condition. Furthermore, the Local Lead Flood Authority are satisfied with the information provided and have no objection. It is therefore considered that the development is in accordance with Local Plan Policy FW1.

Parking

As the development creates an additional bedroom (from 3 to 4), the Council's Parking Standards SPD would require 3 off street parking spaces, one more than the current requirement.

Having carried out the site visit, it is considered that there is sufficient capacity in the street to accommodate the additional requirement. Furthermore, it is also noted that no objections have been received on grounds of parking. Therefore the proposals are in accordance with Local Plan Policy TR3. WCC Highways has been consulted following the Extended Delegated Decision meeting. The highways authority do not object to the proposals and consider that there is sufficient capacity on street to accommodate the additional requirement without affecting the safety or capacity of the Highway Network.

Ecology

With regard to the comments of WCC Ecology, it is not considered that a bat survey would be appropriate. This is because the site is situated within an urban area and the existing building has a flat roof which is not ideal for bat roost and the building could be demolished without the need for planning permission. Of course, bats are protected by other legislation and the decision not to require a bat survey does not take away the applicant's legal requirement to notify Natural England in the event that bats are found during the course of development. The proposed development is considered to comply with Local Plan Policy NE2.

SUMMARY / CONCLUSION

For the above reasons it is recommended that planning permission is 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) 20107-002, 20107-003 & 20107-004, and specification contained therein, submitted on 27 Mar 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 The development hereby permitted shall not be occupied unless and until a boundary wall or fence has been constructed in the position of the existing garage in accordance with details that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the

locality and to protect the privacy of adjacent residents, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

4 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 BE1 of the Warwick District Local Plan 2011-2029.

5 The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) dated April 2020 and in particular the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than existing floor level of the dwelling.
- Flood resilient measures such as raised socket points, sealed ducts and solid floor finishes.
- Resident flood plan

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

REASON : To protect the development from the risk of flooding, in accordance with Policy FW1 of the Warwick District Local Plan.
