

Planning Committee: 26 April 2022

Item Number: 8

Application No: [W 21 / 2267](#)

Registration Date: 21/12/21

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall

Expiry Date: 15/02/22

Case Officer: Jonathan Gentry
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Keepers Cottage, Church Road, Honiley, Kenilworth, CV8 1TJ
Demolition of existing dwelling and outbuildings and erection of replacement dwelling with all associated works FOR Honiley Estates Ltd

This application is being presented to Planning Committee as the Parish Council supports the application, five public support comments have been received, and it is recommended for refusal.

RECOMMENDATION

Members are recommended to refuse planning permission for the reason listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This application comprises the proposed demolition of the existing dwelling and outbuildings and the erection of a replacement dwelling house with all associated works.

THE SITE AND ITS LOCATION

The application site relates to a detached two storey property positioned within a rural context approximately 600 metres to the east of Church Road, near the small settlements of Honiley, Haseley Knob and Beausale. The site is accessed via a private farm track, which also provides access to 4no. adjacent properties which lie directly west of the application site and front onto the track. The application property is positioned centrally within its sizable, square plot, although it is set somewhat further rearward than other the adjacent dwellings. In addition, the application property features a comparatively narrow two storey frontage, its mass extending rearward and adjoining a sizable garage/workshop structure to the rear of the site. Adjacent to the garage structure lies a sizable hardstanding courtyard area, which also provides access to a detached outbuilding positioned at the northeast edge of the site area. Excluding its western boundary, the site faces onto open countryside and areas of woodland. The application site is situated outside any village boundary as defined by the WDC Local Plan and is washed over by Green Belt.

PLANNING HISTORY

There is no planning history relating to this site.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- H13 - Replacement Dwellings in the Open Countryside
- FW3 - Water Conservation
- CC1 - Planning for Climate Change Adaptation
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council - Members support the application

WCC Ecological Services - Following submission of additional bat survey information - no objection, subject to conditions.

WDC Arboricultural Consultant - No objection, subject to condition.

Public Response - Five support comments received on the following grounds:

- Existing dwelling is of poor quality and condition
 - Replacement dwelling is of a more attractive design and is more sustainable
- Replacement dwelling will improve local housing stock

KEY ISSUES

Whether the proposal constitutes appropriate development in the Green Belt, and if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

The application site lies within the Green Belt and it is necessary to assess the proposal under Section 13 of the NPPF and Policy DS18 of the Warwick District Local Plan. The NPPF states that new buildings shall be regarded as inappropriate

development which is, by definition, harmful to the Green Belt. Exceptions are set out in paragraph 149 of the Framework.

Paragraph 149 of the NPPF consistent with Policy H13 of Warwick District Local Plan sets out those categories of new buildings which may be regarded as not being inappropriate in the Green Belt, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Neither local nor national policy outlines specific guidance as to what may be considered a 'material' enlargement to an existing dwelling. As such, this is considered on an individual basis dependent on site specific factors. Notwithstanding this, any significant increase in volume or area to a replacement building is likely to be considered material. Based on local appeal decisions, an approximate figure of 5% larger can be permitted under this exception.

Explanatory Text of Policy H13 outlines that where a replacement dwelling is sought, the applicant will be required to demonstrate the reason for replacement with qualified evidence as necessary. A justification for replacement has been submitted to accompany the application, which outlines issues regarding the current condition of the building and a number of age-related internal insulation and ventilation issues. Officers acknowledge and accept the reasoning behind the proposal with specific reference to the issues raised in this instance.

In terms of assessing whether the proposed replacement dwelling is materially larger than the existing, Officers note the following:

The primary brick-built element of the existing dwelling is of comparatively compact proportions, sitting centrally within the plot area. However, the site also features a group of large flat roof outbuilding structures to its rear. While one of these structures directly adjoins the main dwelling, the other, a detached structure, stands some 15 metres away to the far north-eastern extend of the site. The submitted scheme includes calculation details regarding the scale of the proposed replacement dwelling in comparison to the existing site including outbuilding structures, which area all to be replaced under the scheme.

Case law has established that 'building' should not be read as excluding more than one building, providing as a matter of planning judgment they can sensibly be considered together in comparison with what is proposed to replace them. The agent has submitted a Planning Statement Addendum and additional supporting information to suggest that the detached outbuilding should be considered as part of the overall building mass when assessing scale etc. However, Officers do not view that it is appropriate to include the area/volume contributed by the detached outbuilding in any calculation of scale for the replacement dwelling, given its significant distance and degree of separation from the main building. This results in a view that the detached outbuilding structure should not be reasonably considered together with the other mass of built form on site.

In addition to the considerations outlined above, Officers note that despite being removed as part of the outlined development proposal, a replacement detached outbuilding of considerable scale could subsequently be erected within the site area under the provisions of Permitted Development. Such development if implemented would thus result in additional harm to the Green Belt above that of

the replacement dwelling's additional volume. Officers view it is unreasonable to apply a condition which would remove permitted development rights in this instance given relevant guidance outlines that such approach should only be applied in exceptional circumstances. In any case this would only take effect once the development has commenced, which means that new outbuildings could be built in the interim.

When this outbuilding structure is excluded from the area/volume calculations of the existing site, figures of approximately 220sq m floor area & 635 m³ volume are estimated. The proposed replacement dwelling structure would feature a floor area of approximately 280sq m and a volume of 912 m³. Given that this results in a calculated increase in floor area of approximately 27% and volume of approximately of 43% larger, Officers consider that the replacement structure is materially larger.

Policy H13 also outlines that replacement dwellings must have no greater impact on the character and openness of the rural area, with explanatory text noting that in terms of scale, architectural form and materials, any replacement must not be more dominant than the existing dwelling within the landscape.

The replacement structure features a considerably larger two storey area that spans a much greater width across the site, resulting in visual harm to openness of the setting. Officers acknowledge that this impact is mitigated to some degree by a much-reduced sprawl of development across the site area achieved through removal of existing hardstanding and outbuilding structures and consolidation of form. However, given its significant increase in two storey mass, the development is considered to result in a form more dominant than the existing dwelling within the landscape.

These considerations have directed a view that the proposed replacement dwelling would comprise a material enlargement when assessed against that existing, and as such constitutes inappropriate development within the Green Belt.

Mindful to a potential assessment in line with that set out above, the agent has proposed a number of site-specific factors in support of the scheme with attempt to make a case for very special circumstances. These comprise the removal of existing unattractive buildings, enhanced energy efficiency, lack of amenity impact to the neighbouring site and more desirable garden layout. While Officers agree that these factors do act as considerations in support of the scheme, they are not viewed either separately or in combination to amount to very special circumstances that clearly outweigh the identified harm to openness identified as directed by the NPPF. These could be easily repeated across the Green Belt and are therefore not considered to be very special.

Officers therefore consider that the proposed development fails to accord with Local Policies H13, DS18 and the NPPF.

Impact on design and character

Warwick District Council's Local Plan 2011 - 2029 Policy BE1 outlines that development will be supported where constructed using appropriate materials and

seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The existing dwelling on site is set somewhat further rearwards within the plot than those that neighbour it to the west, and features a comparatively compact frontage area, with the bulk of its volume extending rearwards. The dwelling is not of any notable architectural or historic value, and no objection is raised to its demolition in principle.

The proposed replacement dwelling is of a considerably larger frontage area, which is considered to increase its dominance within the setting. However, in terms of design the dwelling has been appropriately laid out and would generally harmonise with other adjacent sites along the access road. Facing brick and plain tiles are proposed as facing materials, which would accord with surrounding development appropriately. Similarly, fenestration and detailing are considered appropriate. Owing to revisions to ground level and modestly reduced ridge height, the replacement dwelling would sit slightly lower within the plot than the existing dwelling, mitigating its increased frontage area.

Officers consider that the proposed scheme lies broadly in keeping with the surrounding area in architectural terms and would not cause harm to the character of the area. As such, it is considered to accord with Policy BE1 of the Local Plan.

Impact on residential amenity

Policy BE3 of the Warwick District Local Plan seeks to ensure that the amenities of the occupiers of nearby residential properties are not harmed by the proposed development.

The only immediately adjacent neighbouring dwelling is Wakefield House, positioned to the west of Keepers Cottage. By virtue of its scale and position, the proposed replacement dwelling is not considered to result in material harm by reason of loss of light or outlook. The scheme would not result in any breach of the WDC 45-degree line guideline.

In addition, while the existing dwelling features two side facing windows directing views towards this neighbour at first floor level, the proposed replacement limits fenestration to ground floor level to its western elevation. As a result, no harm by way of loss of privacy or overlooking of neighbouring dwellings is considered to result from the development.

As all other nearby residential buildings are positioned beyond Wakefield House to the west and are not considered to be materially impacted by the proposal in terms of amenity.

In considering the amenity afforded to future occupiers of the proposed replacement dwelling, Officers note that all habitable rooms would benefit from appropriate levels of light and outlook. In addition, the site area as proposed would retain outdoor private amenity space well in excess of the 60sq metres prescribed within the WDC Residential Design Guide SPD.

With mind to the above assessment the scheme is considered to appropriately accord with Local Plan Policy BE3.

Impact on ecology and biodiversity

Policy NE3 and NE4 of the Warwick Local Plan states that development proposals will be expected to protect, enhance and/ or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The proposed development would result in demolition of existing buildings on site. A Bat Survey Report prepared by Paxford Ecology was submitted to support the application. This report highlighted a number of active bat roosts within existing structures and recommended a range of mitigation measures. As part of these measures, two large bat loft areas has been proposed within the replacement dwelling structure.

The County Ecologist commented on the proposed development, requesting a number of clarifications regarding the submitted information, to which responses were subsequently issued by Paxford Ecology. Following the provision of the requested additional information, the consultee Ecologist issued a further response outlining that their questions had been suitably addressed. In light of the overall findings, three planning conditions relating to the completion of further bat surveys, implementation of mitigation measures and installation of 6 bird boxes is recommended.

Officers consider that imposition of the noted conditions will secure the range of measures required to avoid harm to the identified protected species present on site, and thus ensure adherence with relevant local and national policy. As such, the proposed conditions are viewed reasonable and necessary. Additional advisory notes in relation to nesting birds and hedgehogs were recommended, measures deemed appropriate by Officers.

With mind to the above the application is viewed in accordance with Policies NE3 and NE4.

Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 and the Parking Standards SPD seek to ensure that sufficient off-street parking is provided. Details submitted to support the application illustrate that there would be no change to the existing access arrangement into the application site, a long farm track that extends from Church Road some 600m to the west. As such, no highways safety implications are viewed to result from the development.

A revised landscaping layout to the forward site area contains a sizable driveway/parking area that would comfortably accommodate the 3 vehicle parking spaces required in order to accord with specification of the Parking Standards SPD for a dwelling of four bedrooms.

As such, the application is considered to accord with Policies TR1 and TR3.

Low Emissions

As the scheme proposes the erection of a four-bed property, there is potential for a modest increase in transport usage in comparison to the existing three bed property. While a minor implication, the proposed scheme has illustrated the installation of an EV charge point within the adjoining garage area. The development is therefore viewed to accord with the Council's adopted Air Quality SPD and Policy NE5 in this regard through proposing an appropriate form of mitigation. A condition requiring the installation and details of the charging point may be applied to secure the necessary installation.

Water Efficiency

In order to achieve appropriate standards of water efficiency in line with Local Plan Policy FW3 a condition to ensure compliance could be applied.

Waste

Appropriate waste and recycling storage layout has been illustrated on the proposed replacement dwelling layout plan. The proposal is therefore considered acceptable in this regard.

Sustainability

In the event that the proposal was to be deemed acceptable, a condition requiring compliance with Policy CC1 could be applied.

SUMMARY / CONCLUSION

Officers consider that the proposed development constitutes inappropriate development in the Green Belt by virtue of being materially larger, which is harmful by definition and by reason of harm to openness. No very special circumstances which outweigh the harm identified are considered to exist and it is therefore recommend that planning permission be refused.

REFUSAL REASONS

- 1 In the opinion of the Local Planning Authority, the proposed dwelling is materially larger than the existing dwelling and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Policy Framework and to Policy DS18, H13 of the Warwick District Local Plan 2011-2029.
