

**Planning Committee:** 14 December 2005

**Item Number:** 10

**Application No:** W 05 / 1729

**Registration Date:** 20/10/05

**Town/Parish Council:** Whitnash

**Expiry Date:** 15/12/05

**Case Officer:**

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**1 Priam Circus, Heathcote, Warwick, CV34 6GF**

Erection of rear conservatory (retrospective application). FOR Mr M Pressy

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This application is being presented to Members requesting that enforcement action be authorised.

**SUMMARY OF REPRESENTATIONS**

**Town Council:** Object as the plans do not conform to the 45 degree line.

**RELEVANT POLICIES**

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

**PLANNING HISTORY**

In 2000 (reference W20000070) as part of the Heathcote Home Farm development Site I was approved which included the application property. This is an end of terrace house type and no other planning applications have been submitted on this property. As part of the 2000 application Condition 22 states that:

*'no development shall be carried out which comes within Part 1 (Classes A & B) of Schedule*

Members will recall at their meeting on 23 November 2005 a similar, retrospective application for a conservatory at 45 Banquo Approach was granted permission.

**KEY ISSUES**

**The Site and its Location**

The site relates to an end of terrace property within the relatively new Warwick Gates development and is accessed off Banquo Approach. The garden boundary comprises of a 2 metre high fence between this property and the adjoining one at number 3 Priam Circus and there are some trees and shrubs along the boundary. The terrace comprises of 8 properties (1-17) and is on the West side of Priam Circus.

**Details of the Development**

The application seeks to retain the rear conservatory which measures 3 metres in length (along the boundary); 4 metres in width and approximately 3.7 metres at its highest point (including the finial). The roof is such that it slopes upwards from the

boundary to a point, with a hipped section at the end. Planning permission is required only since permitted development rights have been removed on this terrace of properties, primarily due to the restricted size of the plots.

### **Assessment**

Due to the proximity of number 3 Priam Circus to the application site, the conservatory breaches the Council's adopted Supplementary Planning Guidance on the 45 Degree Guideline by approximately 1 metre. The conservatory consequently has an unacceptable overbearing effect on the principal lounge window of number 3 Priam Circus which is situated close to the boundary of the two properties. Furthermore, the proposed conservatory has significantly reduced the daylight entering the lounge window and unacceptably harms the outlook enjoyed by the occupants of number 3 Priam Circus and future occupiers of this property. The retention of this conservatory would therefore be unneighbourly and contrary to the aforementioned policies.

### **RECOMMENDATION**

REFUSE due to the reasons listed below and AUTHORISE enforcement action to secure its removal with a compliance period of three months.

### **REFUSAL REASONS**

- 1 Policy (DW) ENV3 of the Warwick District Local Plan requires all development proposals to achieve a high standard of design which harmonises with its surroundings. This is reflected by Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version) which states development will only be permitted which positively contributes to the character and quality of its environment and does not have an adverse effect on neighbours' amenities. The District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The application site relates to a 2-storey end-of-terrace property located within the Warwick Gates development. Due to the proximity of number 3 Priam Circus to the application site, this proposed development significantly breaches the Council's adopted Supplementary Planning Guidance on the 45 Degree Guideline. The conservatory consequently has an unacceptable overbearing effect on the principal lounge window of number 3 Priam Circus which is situated close to the boundary of the two properties. Furthermore, the proposed conservatory has significantly reduced the daylight entering the lounge window and unacceptably harmed the outlook presently enjoyed by the occupants of number 3 Priam Circus. The retention of this conservatory would therefore be unneighbourly and contrary to the aforementioned policies.

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