

Planning Committee: 11 October 2005

Item Number: 02

Application No: W 05 / 1199

Registration Date: 14/07/05

Town/Parish Council: Kenilworth

Expiry Date: 08/09/05

Case Officer: Penny Butler

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Land off, Fieldgate Lane, Kenilworth, CV8 1BT
Erection of a two bedroom bungalow FOR Mr Hampson

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

This application was deferred at Planning Committee on the 21st September 2005, for an updated report with revised recommendation in line with the Managing Housing Supply SPD.

SUMMARY OF REPRESENTATIONS

Town Council: "The Committee considered this proposal to be similar to many the town was experiencing at present and OBJECTED on the grounds that

It is a further degradation affecting the Conservation Area, which by definition covers areas with mature properties, large gardens and open spaces.

It is inappropriate backland development and detrimental to the Conservation Area and will do nothing to preserve or enhance the area.

The access is on to a A Class Road at a bend with poor visibility.

It is unneighbourly to the adjoining properties, including those in Fernhill Close, and Members would ask the planning officers to look closely at all the separation distances.

Members agreed that the proposal had some suggestions of being shoe horned into the plot, leaving potential for further development.

That having regard to the emerging Supplementary Planning Document, the provision of this further housing is both unnecessary and inappropriate."

Neighbours: 29 letters have been received from 23 addresses, and one letter of objection from a planning consultant on behalf of 6 of these, objecting on the following grounds: Overdevelopment; Cumulative impact with similar applications on Fieldgate Lane; Unneighbourly; Precedent; Harm to character and appearance of the Conservation Area; Loss of privacy; Damage or removal of existing trees; Harm to wildlife; Inadequate distance separation,

drainage, parking and access; No right of way over access; Dwelling sited too close to northern site boundary.

Contrary to Policies ENV6 and DAP10, and proposed housing oversupply policy.

Permitted Development rights to insert roof lights should be removed as the excessive roof height could facilitate a future loft conversion,

One letter of no objection has been received from no. 47 Fieldgate Lane: The proposal represents more efficient use of the land and an aesthetic improvement; Minimal impact on neighbours and the environment; Proposal would improve security for neighbours; number of vehicles visiting the site may be reduced as the garages are currently let.

CAAF: "It was pointed out that only part of this site is within a Conservation Area. It was felt that this was unsuitable backland development which would not enhance the Conservation Area. The design of the bungalow was felt to be uninspiring".

WCC Highways: No objection subject to conditions for a minimum access width to enable vehicles to pass on entering/leaving the access.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
Distance Separation (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

PLANNING HISTORY

The application site forms part of the garden of Byways, a detached previously extended dwelling. An application was made in 2003 (W03 / 1357) for the erection of a new dwelling and detached garage following demolition of the existing but this was withdrawn.

KEY ISSUES

The Site and its Location

The site is currently occupied by two flat roofed detached garages, located in the north-west corner of the garden of Byways, a large detached dwelling that was previously converted from farm buildings. The access to the site runs between 45 and 47a Fieldgate Lane to the garages, and then turns ninety degrees to continue to Byways. The access and the most northerly garage are inside the Conservation Area. There are several mature trees on the site.

Details of the Development

It is proposed to demolish the two garages and build a two bedroom bungalow with integral garage with parking area in front. Byways would retain a 37 metre long garden, and the new bungalow would have a private garden measuring approximately 10 metres by 20 metres. Major trees are shown to be retained, and the existing vehicular access to Byways is not encroached upon.

Assessment

The main issues to consider are highway safety, including parking and access, impact on the character and amenity of the surrounding area, and impact on neighbouring amenity.

Highway Safety

In the absence of an objection from the Highway Authority there are no grounds for refusal on highway safety grounds. To achieve the minimum access width required by the Highway Authority it would be necessary to pass over third party land belonging to 47a Fieldgate Lane. The applicants have confirmed that they have a right of access over this land and are therefore able to comply with the condition.

Neighbouring Amenity

Whilst noting the views of the surrounding residents with regard to impact on their private amenity, the proposal meets all required Distance Separation Standards apart from to one neighbouring bungalow, no.4 Fernhill Close. There is 14 metres between the facing windows of the proposed bungalow and no.4, which is 3 metres less than the relevant Standard, however, given the good boundary screening direct views from property to property would be largely obscured and any loss of privacy minimised. Several surrounding neighbours would have views of the tall pitched roof of the bungalow, but I am of the view that this would cause little serious harm to private amenity and would not have such an impact as would warrant refusal.

Character and Amenity of Conservation Area

Proposals in the Conservation Area should preserve or enhance the character of the area. The area surrounding the site is characterised by larger dwellings on Fieldgate Lane set within substantial grounds, and more modern dwellings

to the west on Berkeley Road and Fernhill Close, set within much smaller plots. The proximity to the Conservation Area is important, but the new dwelling and plot would be comparable in size to the those to the west, and the dwelling would have more than adequate amenity space. The two garages on the site at present do little to enhance the Conservation Area, while the bungalow has been sensitively designed. In my opinion, the proposal would not appear seriously out of character given that Byways itself appears to have become an 'infill' plot by virtue of being surrounded by later development to the west.

Conclusion

Despite the proposal being considered to comply with the policies listed above, it would conflict with the Managing Housing Supply Supplementary Planning Document.

RECOMMENDATION

REFUSE for the following reasons :

- 1 The application is for a windfall housing development that does not meet one of the criteria set out within the Council's supplementary planning document: "Managing Housing Supply". This policy seeks to limit the over-provision of new homes in the District in accordance with policies CF3 and CF6 in the Regional Spatial Strategy, policy H.1 in the Warwickshire Structure Plan and policies UAP1 and SC8a in the Warwick District Local Plan (Revised Deposit Version). To permit the development would, therefore be contrary to the aforementioned policies.
