

Planning Committee: 16 July 2019

Item Number: 12

Application No: [W 19 / 0649](#)

Town/Parish Council: Kenilworth

Registration Date: 04/06/19

Case Officer: Jonathan Gentry

Expiry Date: 30/07/19

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17 Birches Lane, Kenilworth, CV8 2AB

Erection of two storey rear extension FOR Mr Glen Gowing

This application is being presented to Committee as the applicant is closely related to a member of staff within Development Services.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of a two storey rear extension to replace an existing single storey flat roofed structure. The proposal covers a similar footprint to the existing, with its depth modestly increasing by approximately 300mm. The additional first floor area raises the height of the extensions over existing to approximately 5.5 metres.

THE SITE AND ITS LOCATION

The application site relates to a two storey, two bed detached dwelling located on the north side of Birches Lane, Kenilworth, within a predominately residential area. The property is set between two storey properties, and although appears from both the front and rear as a bungalow, features habitable upper floor rooms within its roof space. The property benefits from a generous off-street parking area to its frontage.

PLANNING HISTORY

9904 – Ground floor extensions to kitchen, dining room, and lounge – Granted, 20/11/1973.

9795 – Demolition of existing garage and sun lounge, and proposed double garage, sun lounge, kitchen and bedrooms – Refused, 12/02/1974.

W/74/226 – Erection of single storey bedroom extension and garage – Granted, 23/07/1974.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Members raised no objection but were concerned to ensure the proposal complies with the WDC Residential Design Guide SPD.

WCC Ecological Services - Recommend pre-determinative bat survey

Public Response - One letter of objection submitted on behalf of residents of the neighbouring bungalow has been received on grounds of harmful visual impact, loss of privacy and noise disturbance.

ASSESSMENT

Impact on the amenity of neighbouring properties

Kenilworth Neighbourhood Plan (KNP) Policy KP13 states that the impact on the residential amenity of existing residents must be assessed and addressed. 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. Furthermore, 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 or by creating an unneighbourly and overbearing effect.

The first floor element of the proposal will breach the Council's adopted 45-degree guideline from closest window to a habitable room on the first floor of the neighbouring property at 15 Birches Lane. While consideration is given to the increased height of the newly built structure, the breach occurs at approximately 11.5 metre distance separation, exceeding the distance of 8 metres stipulated in the Council's Residential Design Guide SPD as being sufficient to mitigate harm. As a result, it is considered that the proposal would not result in material harm to the neighbour's living considered such as to justify a refusal of planning permission.

The neighbour objection received cites visual intrusion and loss of privacy alongside noise disturbance as a result of the proposal. It is noted that the additional first floor element of the design will be visible from neighbouring properties, particularly from the rear of properties which back onto the application site. However, as the proposal lies at approximately 12 metres from the rear elevation of the nearest bungalow on this street, it meets the Council's relevant distance separation guideline as set out in the Residential Design Guide SPD, whereby an acceptable outlook is deemed to be maintained.

The proposal does not feature side facing windows to its upper floor, and glazing is directed to the rear of the property on this level, preventing opportunity of any material loss of privacy or overlooking.

Finally, the objection comment received also refers to the generation of additional noise resulting from the increased open area to the rear of the property. It is not considered that this will result in a level of noise which would result in material harm to the living conditions of the occupiers of neighbouring properties.

For these reasons it is considered that the proposal complies with the aforementioned policies.

Design and impact on the street scene

KNP Policy KP13 states that development should have a positive response to the site characteristics and surroundings in terms of layout, scale, height, proportions, architectural details and materials. Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted Residential Design Guide SPD also sets out design principles which development proposals are expected to comply with.

Kenilworth Town Council state that the proposal should remain in compliance with the WDC Residential Design Guide SPD. While this document states that two storey flat roof extensions should will not normally be acceptable, it is considered that the character of the existing property is a material consideration to justify departing from the standard guidance. In this particular case it is considered that the unusual design of the application property and the position of the new element above an existing flat roof element results in a design whereby the proposal sits comfortably within the design context of the existing property. In addition, the proposal remains sufficiently subordinate to the original dwelling house, as is also directed by the Residential Design Guide.

The proposed works will not be visible within the street scene as the additional upper floor element is positioned directly to the rear of the property. The extension remains at a height lower than the ridge of the existing property, and stands at approximately 5.3 metres tall. Overall, it is considered that the proposal will modernise and rework its rear elevation, incorporating the use of materials that will add contrast and visual interest to its existing somewhat tired appearance. The imposition of a sample external facing materials condition is considered reasonable to ensure that the proposed cedar boarding to the second storey element is of suitable appearance and quality.

Parking

The development proposes the creation of two additional bedrooms, increasing the total for the household to four. The Warwick District Parking Standards SPD outlines that any property with four or more bedrooms should include provision for three off-street spaces, an increase of one space over that currently required at the site. It is considered that the generous off-street parking area to the front of the property is more than capable of accommodating this requirement. Therefore the proposal is considered to comply with Local Plan Policy TR3, KNDP Policy KP12.

Ecology

The Ecologist at Warwickshire County Council has recommended that a pre-determinative bat survey is carried out. When out on site the condition of the dwelling's roof was reviewed and was found to be in good general condition, with no notable gaps or potential access points for bats observed. In addition, the roof of the property is well sealed as this currently forms habitable space including a bedroom. It is therefore considered that the imposition of an explanatory note in relation to the applicants responsibility with regard to protection of the noted species is proportionate and appropriate in this case.

Conclusion

The scheme is considered acceptable, having regard to the character of the street scene, the existing built form, and the impact on the amenity of neighbouring properties. Officers are also satisfied that the scheme would not result in harm to protected species.

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 received on the 17th April 2019, and approved drawings '8716-02' received 22nd May 2019, '8716-03', received 21st May 2019, '8716-05' received 04th June 2019, and the specification contained therein. **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 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

