

Planning Committee: 03 August 2005

Item Number: 20

Application No: W 05 / 0960

Registration Date: 15/06/05

Town/Parish Council: Kenilworth

Expiry Date: 10/08/05

Case Officer: Penny Butler

01926 456544 planning_west@warwickdc.gov.uk

63 Common Lane, Kenilworth, CV8 2EQ

Demolition of a garage and erection of a two storey house (amended scheme)
FOR Warwick Place Ltd

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

SUMMARY OF REPRESENTATIONS

Town Council: "Members reiterated their earlier OBJECTION to a similar proposal on the site which had been dismissed at appeal. They still consider the application to be unneighbourly overdevelopment through the overuse of infill."

Neighbours: One letter received from no. 65 objecting on the following grounds: The planning committee have refused the application twice previously, and it has also been refused at appeal. The development is too large and necessitates the bricking up of an entire facade of no.63, which would not be possible if this were owned by a third party. Reference should be made to the proposed development on the corner of Dalehouse lane and Common Lane, which is welcomed by local people but refused by planning Committee. They do not agree with all the comments made by the Inspector at appeal, as their garden area is not currently overlooked, but would be completely by this proposal.

WCC Ecology: Bat survey and bird note recommended. Trees/hedgerows should be preserved if possible with adequate buffer zone.

WCC Highways: No objection subject to a condition for a turning area so vehicles can leave and re-enter the highway in a forward gear.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Three previous planning applications have been made on no. 63 Common Lane for various extensions. Two previous applications (W01 / 1100; W04 / 0143) have been refused for the erection of a dwelling on this site, with the most recent dismissed at appeal in May 2005.

KEY ISSUES

The Site and its Location

The plot lies between 63 and 65 Common Lane, opposite The Common, and currently has a detached double garage on the site set back behind the general building line. Ground levels fall from 63 to 65, and there are 1.8 metre high fences on each side boundary.

Details of the Development

The front elevation of the proposed dwelling would be located in line with the front of no.63, with an attached side garage and utility projecting forwards and to the side. The rear of the dwelling projects 2.5 metres further to the rear than no.63, and 1.0 metre further to the rear than the main wall of no.65, although this dwelling has an existing rear conservatory projecting further again. Facing no.65, two side windows at first floor are to be obscure glazed, and two are proposed at ground floor with a timber door into the garage. Facing no.63 are ground and first floor bathroom windows, and one other ground floor window. The house would be 2.0 metres from the side wall of no. 63, and the garage would be 2.5 metres from the side wall of no.65. Plans submitted as part of this application for no.63 show all the existing side windows (apart from one to be obscure glazed) to be blocked up, and the installation of a new first floor rear window.

Assessment

The Inspector in his appeal decision considered there to be two main issues: the effect on the character and appearance of the area, and the effect on neighbouring properties at 63 and 65, with particular regard to outlook and light.

This proposal differs from that dismissed at appeal in that the length of the rear extension has been reduced by 1.0 metre, and that plans have been provided showing fenestration alterations to no.63, which is under the applicants control. At appeal the Inspector concluded that the proposal would not harm the character or appearance of the area, and as neither the circumstances on site nor the design have been altered (apart from to reduce the length of the dwelling) there is no reason to disagree with this judgement. Considering the impact on the living conditions of no.65, the Inspector concluded that the development would not result in a serious loss of light or outlook, and that the limited overlooking would not be so harmful as to justify withholding permission.

The Inspectors dismissal rested on the serious harm to the living conditions of the residents of 63 Common Lane. The loss of light to the side windows, in particular the rear bedroom window was considered unacceptable.

The previous application showed the blocking up of one ground floor side window towards the rear, while this proposal shows the removal of four side windows. The ground floor lounge will retain one primary light source on the front elevation, and a side obscure glazed window, while the ground floor rear dining room has a rear facing window. At first floor the front bedroom retains its front window, while the rear bedroom has a new rear window inserted. This arrangement is not unusual and similar to standard house layouts. At appeal the Inspector had the option of imposing a condition to ensure that a new rear bedroom window be inserted as proposed under this scheme, but considered "that it is far from certain that any such window would overcome the concerns that I have identified", and considered it inappropriate to impose such a condition.

Now that full plans have been submitted showing this new window the impact can be properly assessed. The dwelling complies with the adopted 45 Degree Guideline from the new rear window of no. 63, therefore there is no reason to refuse the proposal for loss of light or outlook to this window. The reduction in the length of the proposed dwelling further reduces the impact, therefore, it is considered that any uncertainty over the potential impact of the new dwelling on no.63 is removed, and that there are no outstanding issues to be addressed.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) dated October 2003, and specification contained therein, submitted on 15 June 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are

commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 4 The development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.