

**Application No:** W 11 / 0738

**Town/Parish Council:** Kenilworth  
**Case Officer:** Victoria Lane

**Registration Date:** 07/07/11

**Expiry Date:** 01/09/11

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**64 Rouncil Lane, Kenilworth, CV8 1FQ**

Erection of single and two storey side and rear extensions FOR Mr & Mrs Thomas

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

**SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** - Members object to the application on the grounds that the proposals constitute over-development; are disproportionate to the existing and already substantial building; and cause a loss of amenity to both neighbours due to overshadowing. Members commented that a site visit should be held to visualize the impact of this proposal.

**Ecology** - Following receipt of the initial bat survey, I do not recommend the need for further survey work, however as a precaution would recommend the use of a note relating to bats and nesting birds is attached to any approval granted.

**Public Response** - Two letters of objection have been received from the neighbouring properties of No. 62 and No. 66 Rouncil Lane. The objections relate to the loss of amenity, detrimental impact upon the street scene, a disproportionate extension and loss of light to principal rooms.

**RELEVANT POLICIES**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

**PLANNING HISTORY**

The application site has no previous planning history associated with it.

**KEY ISSUES**

**The Site and its Location**

The application site is a modern semi detached dwelling with off road parking and single garage. The surrounding properties are of a similar design and are all relatively well set back from the highway. The site is not a Listed Building and is not within a Conservation Area.

## **Details of the Development**

The application seeks permission for the erection of single and two storey side and rear extensions to the property.

## **Assessment**

The main issues for consideration are the impact upon the street scene and the impact upon the residential amenity of neighbouring properties.

The proposals look to bring the existing single garage forward by 3.3 metres in line with the existing front building line of the property. It will not be a new build but simply bringing forward the existing garage for the property. The garage will remain the same size of 2.9 metres in width and a length of 5.3 metres. The side extension will extend by 1.7 metres and have a length of 8.7 metres at single storey. The total length of the side extensions will be 14 metres. The two storey element will extend above the single garage (set back from the front by 1.9 metres) and extend to a length of 11.2 metres. The two storey element of the side extension will have a height to eaves of 5 metres and a hipped roof to match the existing with a ridge height of 7.4 metres. This provides a set down in ridge height of 0.5 metres.

The application site already has an "L" shaped kitchen design to the rear. As a result, the proposals will extend to the rear by 5 metres to the existing rear wall to the lounge, and 2.8 metres to the existing rear wall to the kitchen at single storey. This element will have a mono pitched roof with a ridge height of 3.6 metres. The two storey element to the rear extension will extend a minimum of 1.6 metres to the boundary with No. 66 Rouncil Lane and a maximum of 5 metres to the boundary with No. 62 Rouncil Lane. It will have a hipped gable roof with a height to eaves of 5 metres and a height to ridge of 6.9 metres to the boundary with No. 62 Rouncil Lane and a height to ridge of 6.4 metres to the boundary with No. 66 Rouncil Lane.

An existing single garage outbuilding which is situated to the rear of the property will be removed as part of the proposals. The proposals will be constructed from materials to match the existing dwelling.

Whilst the single garage will be built on the boundary, the existing single garage is also built on the boundary so I do not consider this to be detrimental to the visual appearance of the street scene. The proposed extensions will be constructed at minimum 1.1 metres from the boundary and at maximum 1.4 metres from the boundary with No. 62 Rouncil Lane. No. 62 Rouncil Lane also has a single side garage which is built onto the boundary, however the distance separation between the two storey proposals and the main property of No. 62 will be 4 metres. I am of the opinion that viewed from the street scene, the proposals will not create a terracing effect nor have a detrimental impact upon the visual appearance of the street scene. The proposals are set down and set back from the original dwelling and as such, I consider them to be in accordance with Policy DP1 of the Warwick District Local Plan 1996 - 2011 and the Residential Design Guide SPG.

With regards to residential amenity the neighbouring properties of No. 62 and No. 66 Rouncil Lane have objected to the application, along with the Town Council. For ease of reference, I will consider each of their points of objection in turn.

## 1. Overdevelopment and Disproportionate in size and mass compared to the existing dwelling.

The Town Council and No. 62 Rouncil Lane have objected on the basis of the proposals constituting overdevelopment and being disproportionate in size to the existing dwelling. I must note that whilst the application site comprises of a modest sized semi detached dwelling, it has not been extended since it was built. I consider the proposals to satisfy the requirements of the Residential Design Guide SPG with regards to appearance of bulk and massing of proposed extensions. The proposals have been designed to be set down from the original ridge height of the roof and are set back from the front building line of the property, thereby appearing subservient. I do not consider the proposals to be so disproportionate to the existing dwelling to justify a refusal, particularly given that the applicant could extend significantly at single storey without the requirement for planning permission.

## 2. Loss of light and amenity to neighbouring properties.

The Town Council and both No. 62 and No. 66 Rouncil Lane are objecting on this basis. The Town Council believe that there will be a detrimental impact upon residential amenity due to overshadowing from the proposals. No. 62 Rouncil Lane is concerned about the loss of light to the kitchen window and No. 66 Rouncil Lane is concerned about the loss of light to their extended lounge and bedroom.

No. 62 Rouncil Lane is concerned about the creation of a "tunnel effect" and loss of light to the kitchen window and patio area. Having visited the property, the kitchen forms part of an open plan kitchen / dining and breakfast area. This area has a window to the ground floor in the side elevation along with windows and door to the rear elevation. I therefore, am of the opinion that the loss of light will not be so detrimental to justify a refusal given the secondary light sources available to this open plan style room. Furthermore, the window in the side elevation is currently beneath the existing side garage / car port to the property. The boundary treatment consists of a 1.8 metre high fence with brick pillars. Whilst the proposals will have an impact of being two storey to this property, there will be no breach in the 45 degree sightline from principal windows and there will remain a 4 metre separation distance between the proposals and No. 62 Rouncil Lane.

The first floor side extension to No. 62 Rouncil Lane indicates the insertion of two first floor windows to a bathroom and en-suite shower room to a bedroom. I do not consider these to cause any impact upon overlooking, however feel that to reduce any potential impact upon residential amenity, I consider that a condition requiring these windows to be obscure glazed and non opening would be appropriate in this instance.

The proposals have indicated the 45 degree sightline from the ground and first floor windows of No. 66 Rouncil Lane which the proposals do not breach. The boundary treatment consists of a 1.6 metre high fence with trellicing above and landscaping which will provide some screening to the proposals from No. 66 Rouncil Lane. Whilst I understand that this will result in some loss of light to both the living room window at ground floor and bedroom window at the first floor, particularly given that No. 66 have already extended to the rear at first floor but not on the boundary, I am of the opinion that the impact will not be so detrimental to cause a significant loss of light to this room. Furthermore, the

proposals are in accordance with the 45 degree guidelines set out within the Residential Design Guide SPG.

### 3. Detrimental to the impact on the visual appearance of the street scene.

No. 62 Rouncil Lane are concerned that the proposals will create a terracing effect when viewed from the street scene which would cause a detrimental impact to the visual appearance of properties along Rouncil Lane and the character of the area. I do not consider that the alterations to the front of the property will cause a detrimental impact upon the visual appearance of the street scene or character of the traditional semi detached dwelling. I therefore consider that the proposals are in accordance with Policy DP1 of the Warwick District Local Plan 1996 - 2011 and the Residential Design Guide SPG.

### 4. Parking.

There will be no impact upon the existing capacity for parking on the site. The existing garage is remaining and is simply being brought forward in line with the front of the property. Whilst a single garage is to be removed to the rear of the site, this is utilised as an outbuilding rather than an actual garage for parking vehicles. The property benefits from a large area of hardstanding to the front of the property off the highway which can provide parking for two vehicles. I therefore consider that there will be no impact upon the safety of the highway or on potential parking for the property and consider the proposals to be in accordance with Policy DP8 of the Warwick District Local Plan 1996 - 2011.

### 5. Other Issues.

No. 62 Rouncil Lane have also raised the point that a previous application for a similar proposal at No. 60 Rouncil Lane (Ref W/08/0462) was refused and dismissed at appeal due to being disproportionate in size to the existing dwelling and having a detrimental impact upon the residential amenity of neighbouring properties. Whilst I note the comments raised in relation to this, I must keep in mind that each application must be determined on its merits and not reflecting on precedents set by previous proposals. However, the application for No. 60 Rouncil Lane was for a single storey front extension, two storey side and rear extensions and a dormer window. The Planning Inspector concluded that the proposed extensions would form a large and bulky addition which is unrelated to the existing design features of the house. He further states that the rear extension would provide three different roof pitches and would make the property stand out in views from other rear gardens. Whilst I can not provide a direct comparison to the current proposals and those which were refused at No. 60 Rouncil Lane, I do note that those under reference W/08/0462 were considerably larger in bulk, scale and mass to those proposed for the application site. I do not consider the current proposals to be disproportionate to the application site to such an extent to cause a significant detriment to the residential amenity of adjoining neighbours. I therefore consider the proposals to be in accordance with Policy DP2 of the Warwick District Local Plan 1996 - 2011.

The proposals result in an increase in floorspace of 74.18m<sup>2</sup>. Having calculated this measurement on Enplanner, the results have indicated that 3m<sup>2</sup> of solar thermal panels would be required to achieve the 10% renewable energy target set out within Policy DP13 of the Warwick District Local Plan. The plans indicate

(in writing) that 3m<sup>2</sup> of solar panels will be provided to the roof to achieve this target. Full amended plans are awaited from the agent following a telephone discussion and email exchange. Once these have been received, a brief addendum to the committee report will be provided detailing the location of the solar panels. As such, I consider the proposals to be in accordance with Policy DP13 of the Warwick District Local Plan 1996 - 2011.

Ecology have requested informative notes relating to bats and nesting birds to be attached to any approval granted. I consider this to be acceptable following the initial bat survey report forwarded to Ecology.

### **RECOMMENDATION**

GRANT, subject to the conditions listed below.

### **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1929/2A, and specification contained therein, submitted on 27 June 2011 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 Prior to the occupation of the development hereby permitted, the first floor window(s) in the side elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate

provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

### **INFORMATIVES**

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

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