

Planning Committee: 25 February 2014

Item Number: 12

Application No: W 14 / 0080

Town/Parish Council: Barford

Registration Date: 21/01/14

Case Officer: Penny Butler

Expiry Date: 18/03/14

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2 Westham Lane, Barford, Warwick, CV35 8DP

Construction of one dwelling, new access and associated works. FOR Mr S Peters

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

It is proposed to erect a three bedroomed house in the rear garden of no.2 Westham Lane, with a new vehicular access from the Lane. The house would be positioned to provide a 12m deep rear garden with a separation of 3m to the side boundary with the nursery and 2m to the boundary with no.2. Two parking spaces are proposed on the frontage at the side. The house is a simple traditional cottage design with a central front porch, bay window to one side, arched stone lintels above ground floor openings, brick plinth, verge brick dentil course and chimney. Materials would comprise plain clay tiles and facing red bricks of an agreed colour.

THE SITE AND ITS LOCATION

The site is located adjacent to the corner of Wellesbourne Road and Westham Lane, in the Barford Conservation Area and within the village envelope. The existing house, no. 2, is angled at 45 degrees towards the road junction, with a large detached building with first floor accommodation above in the front garden (the ground floor of which was converted from garaging). In the rear garden is a detached timber outbuilding close to the boundary with no.32 Wellesbourne Road and a small timber shed. The rear garden boundary is marked by a low wall and there is some tree and shrub planting either side of this wall, forming the current boundary of the village. The garden boundary onto Westham Lane is marked by a hedge and to the rear (west) of the site is open land at the front of a nursery centre (where there is a current planning application being considered for 60 dwellings).

PLANNING HISTORY

No.2 Westham Lane was approved in 1954. One and two storey extensions and a detached garage with storage above were approved in 2003.

In 2008 planning permission was refused for "Erection of a detached bungalow to serve a local need" (Ref. W08/0788). A subsequent appeal was dismissed.

Planning permission was refused in 2013 (W/13/1153) for a larger five bedroomed detached house with separate garage. The size of the proposed dwelling and layout of the development, in close proximity to no.2 which has been substantially extended, was considered harmful to the spacious character of development in the area. The proposals were considered to represent an unduly cramped form of development that harmed the character and appearance of the Conservation Area. Insufficient space for tree planting of significance on the western boundary was included, therefore the proposals represented an unacceptable intrusion into the surrounding countryside.

RELEVANT POLICIES

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Distance Separation (Supplementary Planning Guidance)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Barford, Sherbourne & Wasperton Joint Parish Council: The modifications to the proposal following application W/13/1153 are noted but these are insufficient to alter their previous grounds for objection:

- Adverse effect on the residential amenity of neighbours, by reason of noise, disturbance, overlooking, loss of privacy, overshadowing. No.32 requests Planning Committee conduct a site visit to view the impact on their garden and full width corner glazing.
- Unacceptably high density / overdevelopment of the site, especially as it involves loss of garden land or the open aspect of the neighbourhood (so-called 'garden grabbing').
- Visual impact of the development.
- The proposed development is over-bearing, out-of-scale and out of character in its appearance compared with existing development in the vicinity.
- The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.
- Adverse effect of the development on the character and appearance of the Conservation Area.
- The development would adversely affect highway safety or the convenience of road users.
- A recently commissioned Housing Needs Survey for Barford revealed no requirement for five-bedroomed houses.
- In an earlier planning application for changes to no.2 Westham Lane (W/03/1152) a condition was applied removing permitted development rights to insert or alter windows in the north-west elevation of no.2, to protect their amenity. Such a condition should apply to any new building within the curtilage of no.2.

Public response: Three objections have been received, raising the following concerns:

- overdevelopment;
- out of character with existing development in this part of the village;
- unneighbourly;
- overshadowing;
- loss of privacy;
- light pollution;
- loss of trees and hedges will lead to overlooking of neighbour's gardens;
- noise and disturbance;
- obstruction to the highway during construction;
- lack of garage provision will lead to parking on Westham Lane which does not have capacity, and will harm highway safety and walkers;
- planned extensions to the village are preferable and would meet housing needs and make proper contributions towards facilities;
- permitted development rights should be removed to restrict windows overlooking no.32;
- previous reasons for refusal of a dwelling have not been addressed; and

- the house has been significantly extended (but planning conditions were not complied with), has converted its garage to provide further accommodation and is used as a Bed and Breakfast business.

No.32 requests Planning Committee carry out a site visit to view the impact on their garden and full width corner glazing.

WCC Archaeology: Recommend a condition to require a programme of archaeological works.

WCC Ecology: Recommend retention of existing trees and shrubs if possible with a tree protection condition, or removal works to be carried out outside the nesting season or in the presence of an ecologist. Also recommend bat, nesting birds and indigenous planting notes.

WDC Tree Preservation Officer: No objection, subject to a replacement tree plan being provided.

WCC Highways: No comments available at time of writing report. Comments will be reported directly to Planning Committee.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- compliance with policies directing new housing;
- impact on the character and appearance of the Conservation Area and the adjacent countryside; and
- impact on the living conditions of neighbouring dwellings.

Compliance with policies directing new housing

The conclusions of the Inspector in relation to the recent appeal against the refusal of planning permission for 58 houses nearby on the east side of Wellesbourne Road (Ref. W11/1533) are relevant to the consideration of the current proposals. Whilst the appeal was dismissed on other grounds, the Inspector concluded that Barford is a suitable location for this number of new dwellings. There remains a shortfall of housing land in the District, with the Council being unable to demonstrate a 5 year supply, and therefore Local Plan Policy RAP1 is to be treated as being out of date carrying very little weight. Furthermore, since the Inspector judged that 58 new homes would be appropriate in Barford, the total number of new dwellings approved in the village is not close to that number. Therefore it has to be concluded that the erection of a new dwelling on the application site would be in accordance with the policies in the NPPF relating to the direction of new housing. In these circumstances, planning permission should be granted unless the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

Impact on the character and appearance of the Conservation Area and the adjacent countryside

In dismissing the appeal against the 2008 refusal for a bungalow on the application site (Ref. W08/0788), the Inspector concluded that the development would harm the character and appearance of the Conservation Area and the adjacent countryside. In particular, the Inspector was concerned that the distance between the existing house and the proposed bungalow would not be sufficient to prevent both properties appearing cramped. Furthermore, the Inspector considered that the undeveloped garden area provides an effective buffer to the adjacent countryside and concluded that the limited distance between the proposed bungalow and the plot boundary would be insufficient to accommodate any significant tree planting. These concerns were repeated in the most recent refusal of permission.

The current proposals show a smaller dwelling with reduced footprint, which provides an enlarged buffer to the boundaries. It is considered that the amended scheme addresses the fundamental concern of the Inspector. The dwelling now proposed is a two storey building but with a smaller footprint, similar to that directly opposite on Westham Lane. The proposed dwelling would be 1.2m further from the western boundary than the bungalow previously proposed, and 0.5m more than the dwelling refused last year, providing a total gap of 3m. This is considered sufficient space for further landscaping to soften the boundary and provide a clear space between the house and the boundary. The removal of the previously proposed garage and a rear wing have increased the space between the proposed house and no.2, and the rear boundary with no.32, resulting in sufficient garden space for each that is not considered to be out of character with the development opposite. It is therefore concluded that the proposals have addressed the concerns of the Inspector and that the scheme now proposed would preserve the character and appearance of the Conservation Area and the adjacent countryside, in accordance with Policies DP1 and DAP8.

Impact on the living conditions of neighbouring dwellings

The proposed dwelling is smaller than the previous proposal, which was not considered to cause unacceptable harm to neighbouring properties. This would be approximately 23m (increased from 20m) from the nearest windows in the rear of No. 32 Wellesbourne Road and would not be positioned directly to the rear of that property. The proposed dwelling would also now be 12m (increased from 7m) from the boundary with the rear garden of No. 32. The nearest upper floor windows in the rear elevation at this point are to bathrooms such that potential overlooking from habitable first floor windows towards no.32 would only occur from the position furthest from their home. The scheme complies with the Council's Distance Separation Standards at the front and rear. It is not considered necessary to remove permitted development rights for first floor side facing windows, since under current permitted development rights, these would be required to be obscure glazed.

It is also considered that the proposals would have an acceptable relationship with the existing dwelling at No. 2 Westham Lane, which does not directly face the site of the proposed dwelling.

Other matters

The application proposes that an air source heat pump would be installed to meet 10% of the predicted energy requirements of the proposed dwelling. This would meet the requirements of Local Plan Policy DP13 and would be subject to a condition.

There has been no objection from the Council's Tree Preservation Officer. Therefore it is concluded that the proposals would not adversely affect any trees of importance, subject to an appropriate condition requiring tree protection, and replacement for a small holly tree being removed.

The proposals include two off-street parking spaces, in accordance with the Council's Parking Standards SPD, and space for refuse storage is also provided.

The proposals are considered to be acceptable in terms of highway safety and parking, subject to the recommended conditions as sufficient parking is provided in accordance with standards.

Drainage issues can be dealt with by condition.

There has been no objection from the County Ecologist and therefore it is considered that the proposals would have an acceptable ecological impact.

Neighbours have raised concerns about noise and disturbance. However, as the proposals are for a new dwelling within an established residential area, there is no reason this would cause any more noise and disturbance than existing dwellings.

SUMMARY/CONCLUSION

The proposals would preserve the character and appearance of the Conservation Area and the adjacent countryside, would not lead to unacceptable harm to neighbouring amenity or highway safety, and would comply with the policies listed.

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 and approved drawing(s) (751-02A; 751-03A submitted on 21 January 2014), and specification contained therein. **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 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 local planning authority before any construction 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 DP1 of the Warwick District Local Plan 1996-2011.

4 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

5 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 - 2011.

6 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **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.

- 7 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

- 8 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Barford Conservation Area. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policies DP3 and DAP8 of the Warwick District Local Plan 1996-2011.

- 9 The development hereby permitted shall only be undertaken in strict accordance with details of both soft landscaping works which have been submitted to and approved in writing by the local planning authority. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation of the dwelling hereby permitted. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging,

tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP3 and DAP8 of the Warwick District Local Plan 1996-2011.

- 10 The dwelling hereby permitted shall not be occupied unless and until the car parking provision has been constructed or laid out in accordance with approved drawing number 751-02A submitted on 21 January 2014, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011.
 - 11 The access to the site shall not be reconstructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policies DP8 of the Warwick District Local Plan 1996-2011.
 - 12 The development hereby permitted shall not be occupied unless and until the external refuse storage area for the development shown the approved drawing no.751-02A submitted on 21 January 2014 has been constructed or laid out and made available for use by the occupants of the development and thereafter those areas shall be retained for refuse storage purposes. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
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4 Westham Lane, Barford. CV35 8DP



Location Plan

Scale - 1:1250



