

Planning Committee: 25 September 2012

Item Number: 10

Application No: W 12 / 0909

Town/Parish Council: Kenilworth
Case Officer: Penny Butler

01926 456544 penny.butler@warwickdc.gov.uk

Registration Date: 08/08/12
Expiry Date: 03/10/12

Land adj, 122 Rouncil Lane, Kenilworth, CV8 1FP

Erection of new dwelling on land adjacent to 122 Rouncil Lane, in relation to the approved outline application W/09/1541 for the erection of a new dwelling. FOR Mr S Thadwal

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The application is for full planning permission to erect a detached six bedroom house. The house would be constructed in facing brick work and white rendering with a hipped roof of rosemary clay tiles. The symmetrical front elevation comprises two storey dormer roofed bay windows on each side with a central two storey entrance projection. The rear elevation comprises three hipped roof projections and on the northern side is a small side projection and two chimneys. The dwelling directly faces the road where it is set back over 30m, behind the front of no. 122 to the South, and in line with no.120 to the north. The existing access from the highway to the site is maintained leading to ample parking and turning space with porous paving, also giving access to a garage created within an existing pool building attached to no.122 (for which permission has recently been given). Double gates are proposed at the Northern side of the house giving access from the drive to the rear garden. A tree survey submitted with the application details the removal of 6 trees, and the retention of the majority of the large mass of shrubs at the front of the garage. The drawings show the floor level of the house dug slightly into existing ground levels which slope across the plot width.

THE SITE AND ITS LOCATION

The application site is located within the residential area of Kenilworth on the western side of Rouncil Lane. The rear boundary of the site adjoins the Green Belt. The plot is located within a row of medium to large sized detached dwellings and bungalows set back from the road with parking in their front gardens.

The adjoining property to the North of the site (no.120) is a dormer bungalow and is separated from the site by a low post and rail fence. The site is mainly a

grassed area with field gates at the front with a dropped kerb. The Gables (no.122) to the south is currently separated from the property by tall established hedges and they have a large side extension with blank side elevation. The front part of this pool building would be converted to a double garage for use by the future occupiers of the new house under separate permission (W12/0906).

The application site has changing ground levels and as such the site survey has indicated the ground levels with the application property (122 Rouncil Lane) are placed at a higher level than that of the neighbouring chalet bungalow (no. 120 Rouncil Lane).

PLANNING HISTORY

Outline approval was granted in 1984 for a detached house and garage which was renewed in 1989. In 1996 this was changed to a detached dwelling with integral garage, and was renewed in 2001. Other applications for three and two dwellings on the same site have been refused. All previous permissions are unimplemented. Of relevance to the current proposal is an outline application that was granted in 2010 for a detached dwelling with all matters reserved (W/09/1341), and the accompanying indicative plans showed a 4 bedroom house. In July 2012 Planning Committee refused a reserved matters application (W11/1097) for a substantial detached house on the grounds it was out of character and did not respect the surrounding properties and street scene in terms of scale, massing, and position in relation to no.120. Furthermore the dwelling was considered unneighbourly and over dominant on no.120 and likely to cause loss of light due to its proximity.

RELEVANT POLICIES

- 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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (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)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- National Planning Policy Framework
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Having studied the application in detail and obtained specialist advice, Members felt that the changes to the design had not eased their previous concerns. Accordingly, they objected to the application, reaffirming their opinion that it was intrusive and overbearing, overlooking and un-neighbourly.

Public response: Ten objections received from local residents including no.120 raising the following issues:

- Impact on no.120 in terms of loss of light, overbearing impact, scale, mass and siting.

- Harm to character of Rouncil Lane due to excessive scale and mass. Inappropriate siting necessitated by excessive size of house on narrowing plot with narrow road frontage.
- Contrary to Policies DP1, DP2 and the NPPF.
- This revised application is not materially different to the previous scheme refused by Planning Committee and the reasons for refusal have not been addressed.
- Maintenance of existing vehicular access to rear of plot may lead to parking close to Green Belt at the rear and create noise nuisance to no.120. Permitted development rights should be removed to prevent this.
- The approved outline consent was for a dwelling of an appropriate size. Any reserved matters application should be in accordance with these plans.
- Potential for future conversion of roof space.
- Misleading artists impressions.
- Potential for further expansion into roof space.

Severn Trent Water: No objection subject to surface water and foul sewage drainage details condition.

WCC Ecology: Recommend a nesting bird note.

WCC Highways: No comments received to date (previously raised no objection subject to conditions).

Assessment

Layout and Design

The proposed new dwelling is a substantial two storey detached dwelling that is set back from the road with a long front garden. It would directly front the road and be in line with the front of no.120, but set back behind no.122 where the plot is wider. The dwellings to the North of the plot are set back an increasing distance from the road whereas those to the South are in line and directly front the road. The new dwelling therefore infills a gap and it is considered that its siting would not lead to substantial harm to the character of the area. The proposed dwelling is located within a large curtilage, is set back over 30 metres from the highway, and 30 metres from the open fields at the rear of the curtilage. It is not considered that harm to the Green Belt would occur since the development would not have an overbearing impact on open land to the rear.

The surrounding character consists of a mix of large detached houses and bungalows of differing design. The proposed dwelling has been re-designed following the previous refusal in order to address the reasons for refusal. The roof has been half hipped which reduces the mass and bulk of the roof by shortening the ridge line presented to the road, the width of the house has been reduced by a small amount and the alterations to the fenestration give the building a more traditional appearance. It is considered that these changes result in a dwelling which respects the character of the area and which would not have a harmful impact on the street scene in terms of scale or mass. On this basis it is considered that the proposal meets the requirements of Policies DP1 of the Warwick District Local Plan 1996-2011 and the Council's Residential Design Guide.

Amenity

The property most affected by the proposal is no.120, the chalet bungalow to the North. This property is set at an oblique angle to the application site and there is a distance of 3.8m (previously 3.5m for the refused scheme) from the nearest edge of the proposed dwelling to the boundary with no.120. This neighbour has a first floor window on the side facing the site which is a secondary window to a habitable room. The amended roof design, where the side gable has been replaced with a half hip, and the relocation of the building a further 0.3m from the boundary to give a total gap of nearly 5m, are considered to address the reasons previously given for refusal. It is considered that the proposal would not have an unneighbourly or over dominant impact on this neighbour, or lead to an unreasonable loss of light. The elevation facing this neighbour does not now contain any openings (previously three were proposed) therefore there would be no loss of privacy due to overlooking.

In terms of impact on no.122 to the South, due to the distance separation and the fact that the proposed dwelling is set back from this property and there are no windows facing the proposed dwelling, the proposal would have minimal impact on this property in terms of loss of light, privacy and outlook.

It is considered that the proposal is an acceptable form of development that does not harm the amenities of the neighbouring property and that the proposal meets the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

Access

The existing access will be utilised to provide a domestic access for the new dwelling. There is ample off street car parking provided in the front amenity space and therefore the proposal meets the Council's minimum car parking requirements in accordance with the Vehicle Parking Standards SPD. A new permeable driveway is proposed to be laid at the front of the property which will be porous to minimise surface water runoff, and would also provide adequate turning space so vehicles can ingress and egress the site in a forward gear. The proposal is considered to comply with Policy DP8 of the Warwick District Local Plan 1996-2011 and the Vehicle Parking Standards SPD. Whilst concern has been raised by neighbouring residents that the rear would be used for garaging and parking, this can be controlled by removing permitted development rights so that any application could be properly assessed.

Landscaping

The proposal seeks to retain the majority of the established existing landscaping to the South side of the frontage. There are no Tree Preservation Orders on the site and the tree survey sets out recommendations for which trees require removal and which require protection and retention. In total six trees are proposed to be removed with five trees to be retained and protected from the development.

Renewable resources

The application has been submitted with a sustainability statement and it is proposed to provide 16kw air source heat pump which will meet the requirements for the provision of 10% of the predicted energy requirements

from renewable sources in accordance with Policies DP12 and DP13 of the Warwick District Local Plan 1996-2011 and the Council's Sustainable Buildings SPD.

CONCLUSION/SUMMARY OF DECISION

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 development does not adversely affect the openness and rural character of the adjacent Green Belt. The proposal is therefore considered to comply with the policies listed.

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 application form, site location plan and approved drawing(s) (548.21, 548.22), and specification contained therein, submitted on 24 July 2012. **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 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work. In addition 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 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 and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **REASON** : To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem

and to minimise the risk of pollution and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.

- 5 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.
- 6 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 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.
- 7 The dwelling hereby permitted shall not be occupied unless and until the car parking provision for the dwelling has been constructed or laid out, 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** : In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Class E and/or Class F of Part 1 of Schedule 2 of this Order. **REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings and the Green Belt. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity and character of this locality is protected in accordance with the provisions of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 and the National Planning Policy Framework.
- 9 The dwelling hereby permitted shall not be occupied unless and until the garaging provision for the dwelling approved under planning application W12/0906 has been constructed and made available for use by the occupants and/or visitors to the dwelling and thereafter those garage spaces shall be retained for the dwelling. **REASON** : In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.