

Planning Committee: 30 July 2008

Item Number:

Application No: W 08 / 0750

Registration Date: 15/05/08

Town/Parish Council: Kenilworth

Expiry Date: 10/07/08

Case Officer: Steven Wallsgrove

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9 School Lane, Kenilworth, CV8 2GU

Alterations to approved building including increase in roof height and eaves overhang, glazed french doors to lower ground floor and alterations to internal layout (retrospective application) FOR Mr Simon Cockle

This application is being reported since it is closely related to application W08/0759 which is having to be reported due to the number of letters of support.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection on the following grounds- see also W20080759

Members expressed concern over the continuing piecemeal planning applications relating to this site and objected to this application.

Members revisited their earlier objections and drew planning officers attention to the history of the development notably Warwick District Councils refusal of the original 9 dwelling application.

They further considered that this application, coupled with the change of use application, effectively added an additional property contrary to the approval by Warwick District Council of the 8 dwelling proposal.

Members also has strong reservations over the now reduced car parking and amenity provision for the site. This was a significant consideration application, particularly as the building was then stated as constituting a car port for two cars.

Public Response: one resident has signed a form, but has not completed either of the boxes, while another supports the proposal.

WCC (Ecology): have no comment since the work is retrospective.

Cllr Blacklock: has requested that the application be reported to Committee if the recommendation is to approve.

RELEVANT POLICIES

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

This part of the plot has been the subject of 5 previous applications, the first being for the erection of a dwelling, which was refused. Planning permission was subsequently granted for a carport and store, for the residents, under W06/1039 (with a ridge height of 5.7m measured from the rear, lowest, level). A second application (W07/0266), to use a similar building for a garden room and store, was refused (ridge height of 6.4m). A third application (W07/1107), with a similar description, was also refused (ridge height of 6.0m). This was subsequently allowed on appeal, but with a condition for the building, as built, to be altered to comply with the plans. A fourth application (W07/1751), again with a similar description, was granted (height 5.7m).

KEY ISSUES

The Site and its Location

The site lies at the back of the plot which has been converted and extended to form flats with parking and lies immediately beside the Kenilworth Conservation Area and a Public Open Space 'greenway' which links the Abbey Fields to the east end of School Lane. (The boundary of this open space actually lies very close to the back of this building.)

Details of the Development

The proposal is to retain the building, as built (ridge height of 6.4m), for use as a communal garden room with storage and a wc at lower ground floor level. The plans also show a 'terrace' (balcony) at upper ground floor level at the back.

Assessment

The building is two storey in height, when seen from the back, and appears to be on the edge of the open space if the true fence line was re-instated. In the appeal decision letter, the inspector notes that the building is of contrasting scale to other rear outbuildings to School Lane properties backing onto the open space but would "add a feature of some interest to the walkway" and would not be seriously detrimental to the setting of the Conservation Area. He also stated that he did not find the "viewing platform" an unacceptable feature of the development.

The application now to be determined is for a building 0.7 metres higher to the ridge than the building allowed on appeal, but otherwise very similar in terms of its external impact.. A further consideration in this case is that the inspector imposed a condition requiring the existing building to be altered to comply with the plans before him. Any grant of permission for the higher building now applied for would override that condition, but reading the decision letter, the reason for the condition was related to clarifying inconsistencies between drawings rather than an expressed view on the issue of height. I therefore conclude that a refusal of permission for the current application would be difficult to substantiate.

RECOMMENDATION

GRANT subject to the following conditions:-

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 building shall be used for purposes of a communal garden room and store rooms incidental to the residential use of Pepper Lane Mews and shall not be used as a separate dwellinghouse. **REASON**; To accord with the terms of the application and to protect the amenities of surrounding properties in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of loss of residential amenity or impact on the setting of the Conservation Area which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
