

**Planning Committee:** 20 September 2006

**Item Number:** 9

**Application No:** W 06 / 0994

**Registration Date:** 15/06/06

**Town/Parish Council:** Kenilworth

**Expiry Date:** 10/08/06

**Case Officer:** Debbie Prince

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**Plot 6, Fieldgate Lawn, Fieldgate Lane, Kenilworth**

Application for reserved matters relating to W20031004 for siting, design, external appearance, access and landscaping for new dwelling FOR The Estate of:- P.E.M Burbridge (Deceased)

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This application has been requested to be presented to Committee by Councillor Blacklock and there are a number of neighbour objections.

This application was deferred at Planning Committee on the 22nd August 2006, to enable negotiations regarding the scheme to take place and to carry out consultation on the amended scheme. The report which follows is essentially the same as that previously considered apart from assessment of amendments to the scheme which include repositioning of the dwelling, reduction in footprint size (including the removal of one of the garage bays) and a reduction in ridge height.

**SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** : has no objection.

**Neighbours** : Ten letters have been received from neighbours objecting to the proposal on the following grounds:-

- Adverse impact on the Conservation Area
- Over development of the plot and overbearing impact.
- Scale, height and massing out of keeping with the surrounding properties.
- Possible overlooking and loss of privacy from conversion of the roof space in the future.
- Detrimental to the streetscene and semi rural outlook.
- No heavy construction vehicles should use Fieldgate Lawn.
- The proposal does not accord with restrictions placed on the covenant
- A local resident has written to point out that the site as pegged out for the Saturday site visit differed from the plans submitted with the application. An amended plan has now been submitted and will be available at the meeting.

Neighbours have been notified of amended plans and given a further 14 days to comment with an expiry date of 13th September 2006. Any further observations received will be reported at the meeting.

**WCC Ecology** : Has no objection subject to a condition requiring a buffer zone to protect the existing trees and bird notes.

**CAAF** : Some concerns were expressed at the size of the building which seemed to fill the whole site and could impinge upon the surrounding buildings. Concerns were also expressed about the design which could be seen as a type of arts and craft building but not architecturally correct. It was felt that the detailing needs to be assessed together with the size of building.

### **RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

### **PLANNING HISTORY**

Renewal of outline permission for the erection of a dwelling on this site was last permitted in August 2003 W03/1004 and relates back to a permission originally granted in 1993. This current application deals with the reserved matters, specifically, the siting, design and external appearance of the proposed dwelling house, details of the access arrangements and landscaping. The current scheme has been amended to try and take account of members comments at the Planning Committee meeting held on the 22nd August 2006 and the requirements of a private covenant on the land. The amendments to the scheme include repositioning of the dwelling within the plot, reduction in footprint size (including the removal of one of the garage bays) and a reduction in ridge height.

### **KEY ISSUES**

#### **The Site and its Location**

The application site lies behind and to the east of properties on Fieldgate Lane. It is located at the head of a private road known as Fieldgate Lawn adjacent to a modern property Spring House, 6 Fieldgate Lawn, which has both single and two storey elements.

#### **Details of the Development**

Outline permission has been granted for the erection of a single dwelling and this application deals with the siting, design and external appearance of the proposed dwelling house, details of the access arrangements and landscaping.

The scheme has been amended to reduce the ridge height of the roof by 1.3m. The footprint of the house has been slightly reduced in size and one of the attached garages originally proposed removed. The house has also been slightly repositioned within the plot.

The proposed dwelling would be a two storey brick built property with a clay tiled roof and an attached double garage. This would be located towards the north east of the plot fronting onto Fieldgate Lawn away from the adjoining properties 4a and 4b Fieldgate Lane. The proposed vehicular access would also be made via Fieldgate Lawn and would make provision of the existing turning head. A landscaping scheme has been submitted indicating the retention of much of the vegetation on the boundary with No5 Fieldgate lawn and retaining the peripheral trees some of which are currently protected.

### **Assessment**

Concern has been raised, primarily regarding the scale and design of the new property and its detrimental impact on the Conservation Area. At the previous Committee Meeting it was requested that amendments be made to reduce the pitch of the roof. The applicants have amended the scheme to reduce the ridge height but have still maintained the steeper pitch so that hand made clay tiles can be used. The new proposal would result in a small portion of flat roof at ridge height but this would not be visible from ground level. The other amendments including the repositioning of the house within the plot and the reduction in floor area are minimal and have been made by the applicants to ensure that the scheme complies with the requirements of a private covenant. These changes do not in my opinion compromise the merits of the scheme from a planning point of view.

Although the proposed development has a large roof and still covers a substantial portion of the plot area, the dwelling would more than comply with our usual distance separation standards and policies and would cause no harm to neighbours in terms of loss of privacy or light. In addition, the amount of amenity space (garden area) retained is considered to be more than adequate for this size of property.

The proposed dwelling is more traditional in style and has a larger roof than those immediately surrounding it. These surrounding properties have also been individually designed and built at various times over the last 40 years. These are much more modern in design, with shallow pitched roofs and can be described as reflecting the architectural fashion of their time. However, although the scale

and appearance of the new property would differ from its neighbours, I do not consider that the proposed dwelling would harm the appearance or character of the Conservation Area such as to warrant refusal.

### **RECOMMENDATION**

APPROVE the reserved matters, subject to the conditions listed below.

### **CONDITIONS**

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 4524.02A, 4524.01A, and specification contained therein, submitted on 11th July 2006 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.
- 2 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.
- 3 Notwithstanding the landscaping shown on drawing 4524.01A received 11th July 2006 a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

## **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 is of an acceptable standard of design which is in keeping with the architectural and historic character of the Conservation Area within which the site is located. The proposal is therefore considered to comply with the policies listed.

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