

**Application No:** [W / 19 / 0182](#)

**Town/Parish Council:** Rowington

**Case Officer:** Helena Obremski

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**Registration Date:** 07/03/19

**Expiry Date:** 02/05/19

**Land adjacent to The Rising, Old Warwick Road, Rowington, Warwick, CV35  
7BU**

Resubmission of W/18/1226: Erection of two storey 5 bedroomed house. FOR  
Kingswood Homes Ltd

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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 the conditions listed in the report.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks planning permission for the erection of a detached two storey dwelling. This would provide a 4-bedroom property with an integral garage. The proposal includes the provision of a new access to the site and a parking area in front of the dwelling.

This is a resubmission of W/18/1226 which was withdrawn and seeks to overcome concerns relating to highway safety.

The proposal has been amended to reduce the width of the proposed dwelling to ensure that gaps are left between the proposed and existing dwellings which are positioned either side of the site. The design has also been amended accordingly; the dwelling would have a tiled, hipped roof, with a rendered two storey front gable feature and remaining brick elevations.

**THE SITE AND ITS LOCATION**

The application relates to a vacant plot of land situated on the north-eastern side of Old Warwick Road. The site is situated within the Green Belt and within Rowington Green village boundary. The site is bounded by dwellings to either side and to the rear. The site is currently overgrown and contains a number of trees.

**PLANNING HISTORY**

In 1962 outline planning permission was granted for the erection of a pair of semi - detached dwellings after the demolition of Yew Tree Cottage (Ref. 4227). This related

to the whole of the larger site, including the site of "The Rising" and the current application site. This permission was not implemented.

In 1963 planning permission was granted for the erection of a replacement dwelling after the demolition of Yew Tree Cottage (Ref. 4632). This related to the erection of "The Rising".

In 1965 outline planning permission was granted for the erection of a dwelling on the current application site, adjacent to "The Rising" (Ref. 4227/1). This permission was not implemented.

In 1973 outline planning permission was granted for the erection of a dwelling on the current application site, adjacent to "The Rising" (Ref. 4227/2). This permission was not implemented.

In 1985 outline planning permission was refused for the erection of a dwelling on the current application site, adjacent to "The Rising" (Ref. W/85/0570).

Later in 1985 a further outline planning application was refused for the erection of a dwelling on the current application site, adjacent to "The Rising" (Ref. W/85/0986). A subsequent appeal was dismissed in 1986.

Outline planning application was refused (Ref. W/14/0627) to erect a detached dwelling with garage on the site.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

### Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)

- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

## **SUMMARY OF REPRESENTATIONS**

**Rowington Parish Council:** Objection, adverse impact on the character and appearance of the area. The proposal destroys the balance and symmetry of the properties along Old Warwick Road and will compromise the established, open pattern of development. Concerns regarding highway safety and proposed access, and contractors vehicles. The proposed development is too large for the proposed site, is inappropriate and unbalanced, introducing a level of density which is inappropriate for a rural community and out of keeping within the local area.

**Waste Management:** No objection.

**Tree Officer:** No objection, subject to works being carried out in accordance with details contained within the Tree Report.

**WCC Ecology:** No objection subject to the inclusion of conditions and notes.

**WCC Landscape:** No objection, the choice of boundary materials and landscaped frontage needs to be carefully selected to reinforce the existing rural character of the village.

**WCC Highways:** No objection, subject to conditions and notes.

**Public Responses:** 2 Objections:

- There has not been "much infilling" over the years as asserted within the Planning Statement;
  - Rowington Green is not read as an established settlement;
  - There is not a continuous built-up frontage along Old Warwick Road;
  - The approved dwelling at the Old Post House is well concealed by mature trees and will dilute the view of the property, there is open countryside opposite the property and spacious gaps between the existing dwellings which adds to the distinct part of Green Belt land;
  - The proposal would be harmful to the rural character of the area, reinforcing the row of adjoining houses, which was referenced in previous appeal decisions;
  - There is inaccurate and misleading information contained with the Planning Statement;
  - The impact on neighbouring residential amenity - loss of privacy, light, overbearing and overlooking;
  - Highway safety concerns regarding the proposed access and inadequate parking provision;
  - The impact on wildlife and trees; and,
- The impact on sewage and water supplies.

## **ASSESSMENT**

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

- The principle of the development;

- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified;
- The impact on the character and appearance of the area;
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers;
- Car parking and highway safety;
- Ecological impact and trees;
- Waste; and
- Other matters

### The Principle of the Development

Local Plan policy H1 states that new housing will be permitted in Growth Villages and Limited Infill Villages as shown on the proposal maps. Rowington Green is identified as a Limited Infill Village, therefore the development is acceptable in principle if it meets the definition of limited infilling in accordance with Local Plan policy H11, which is explored in more detail below.

It should be noted that the previous decision (W/14/0627) was determined under a different Local Plan, where the relevant policy RAP1 only permitted infilling within the larger "growth" villages, which Rowington Green was not identified as.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

### *Limited infilling*

Paragraph 133 of the National Planning Policy Framework (NPPF) states that the essential characteristics of the Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed and includes the limited infilling in villages.

Policy H11 of the Local Plan allows housing in Limited Infill Villages in the Green Belt. The policy defines limited infilling as acceptable as long as the development comprises of no more than two dwellings, of the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene, and as long as the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

The applicant contends that the development represents limited infilling. However, there have been objections from members of the public and the Parish Council that the proposal does not constitute limited infill development and that the development would be harmful to the character of the area. Members of the public consider that there has not been "much infilling" over the years as asserted within the Planning Statement; Rowington Green is not read as an established settlement; there is not a continuous built-up frontage along Old Warwick Road; and, the approved dwelling at

the Old Post House is well concealed by mature trees and will dilute the view of the property.

The proposed development would provide one dwelling, meeting the first requirement of the policy. Whether the proposal would represent the infilling of a "small gap" fronting the highway however, is a matter of planning judgement. In the appeal decision regarding W/14/0627, the Inspector describes the site as a "substantial gap between two houses fronting on Old Warwick Road". This suggests that the site could be described as going beyond what would be considered to be a "small gap". However, the Inspector also identifies that the "side of Old Warwick Road in the vicinity of the appeal site is typically characterised by large detached dwellings on large, well-spaced plots, set back from the road." The Inspector also states that, "I note that Ambleside has a semi-detached neighbour, but these properties read as one block and there are substantial gaps between this block and the properties either side of it." In Officers view, it is considered that the application site does not appear as wide as these large plots which the Inspector identifies characterises the village.

Furthermore, it should also be noted that planning permission was granted at a site within the nearby area, just two properties away from the application site for a single infill residential development (W/16/0383). This was allowed at appeal and the Inspector concluded that the proposal represented limiting infilling. Although the Inspector offered Local Plan policy H11 limited weight based on the fact that the plan had not yet been adopted, in this case a much larger gap which is some 3 times larger than the application site has been infilled, and leads Officers to conclude that the site could be classified as "small" in terms of the site context.

On balance, and considering the site circumstances which indicate that the site appears as a small gap in relative terms to the wider plot sizes which are adjacent to and around the site, Officers conclude that the development can be considered as the infilling of a small gap fronting the public highway.

To meet the requirements of policy H11, the site also has to be between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene. The Inspector for the 2014 appeal on the application site identifies that the "dispersed pattern of development results in an open, spacious character appropriate to the rural setting of the village" and suggests that the proposed infilling of the site would be harmful to the character of the area. However, following on from the approval of a detached dwelling to the north west of the site along Old Warwick Road and also to the north of the site along the Avenue, both plots which can be viewed from Old Warwick Road, the site context no longer feels as a "dispersed pattern of development". There are some gaps between the properties which front Old Warwick Road, but these are of modest scale and the main separating features are highways. This section of the street scene now has a more continuous built up frontage, which is largely uninterrupted, and is clearly visible as part of the street scene.

Policy H11 also requires that the site does not form an important part of the integrity of the village, and the loss of which would have a harmful impact upon the local character and distinctiveness of the area. As identified above, there have been two approvals for a total of three additional dwellings within close proximity to the site since the previous appeal decision. These have infilled large gaps within the street scene, thus creating a more built up village. The open application site is therefore now

uncommon and not a defining feature of the village. The character of the site is not considered to represent an integral part of the village and its loss would not be harmful to the distinctiveness of the area, given the more recent development allowed within the wider area.

It should be however noted that the proposed dwelling has been amended to reduce its width to ensure that some gaps between the existing properties are maintained and to ensure that the wider rural context of the site it still respected.

It is therefore concluded that the proposed development would meet with the Council's definition of limited infilling and that the proposal represents appropriate development within the Green Belt. The development would therefore be in accordance with Local Plan policies H11 and DS18.

### The impact on the Character of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Policy NE4 states that new development will be permitted that positively contributes to landscape character. Development proposals will be required to demonstrate that they avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement, or area.

The Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Members of the public have objected to the proposed development as they consider that there are spacious gaps between the existing dwellings which add to the distinct part of Green Belt land. They consider that the proposal would be harmful to the rural character of the area, reinforcing the row of adjoining houses, which was referenced in previous appeal decisions. Rowington Parish Council have objected to the development because of the adverse impact on the character and appearance of the area. They consider that the proposal destroys the balance and symmetry of the properties along Old Warwick Road and will compromise the established, open pattern of development. The Parish Council also consider that the proposed development is too large for the proposed site, is inappropriate and unbalanced, introducing a level of density which is inappropriate for a rural community and out of keeping within the local area. It should be noted that these comments are in reference to the original

scheme which has now been superseded by a smaller scale of development. Updated comments from the Parish Council are expected shortly.

As stated above, the scale of the dwelling has been amended so that it would sit more comfortably within the plot, and leaves visible gaps either side to ensure that the rural context of the site is respected. The street scene drawings provided show that the height of the dwelling is appropriate and creates a step between the properties to the north and south of the site. The amended design provides a more modest dwelling which does not detract from the scale of properties within the nearby area.

The street scene has a mixed character and the proposed dwelling takes inspiration from the property to the south, by including a two storey front gable feature. Furthermore, the use of render as a feature is also found within the existing street scene. A condition will be added to require that sample materials are provided to ensure a high quality of design within the street scene.

WCC Landscape have no objection to the proposal, but note that the choice of boundary materials and landscaped frontage needs to be carefully selected to reinforce the existing rural character of the village. A condition will therefore be added for the provision of a landscaping scheme to ensure that an appropriate details is provided.

Therefore, it is considered that the proposed development would respect the rural context of the street scene and scale and design of nearby dwellings. The proposal is considered to be in accordance with Local Plan policy BE1.

#### The impact on the living conditions of nearby dwellings and living conditions for the future occupiers

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

#### *Impact on neighbouring residential amenity*

There have been objections from members of the public that the proposal would have a detrimental impact on neighbouring residential amenity, by virtue of a loss of privacy, loss of light, fact that the development would be overbearing and overlooking caused by the proposal.

There are first floor side facing windows proposed to the north and south of the dwelling which could increase the perception of overlooking to neighbouring sites. These however would serve non-habitable rooms, so can be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height.

There would be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development. Therefore, whilst the concerns of neighbours regarding loss of amenity are acknowledged, as the proposal would meet with the relevant guidance regarding impact on amenity, it is not considered that this impact would be so harmful as to warrant reason for refusal of the application.

#### *Living conditions for the future occupiers*

The proposed dwelling would provide appropriate living conditions for the future occupiers of the dwelling. The development would provide sufficient private amenity space in accordance with the Council's adopted relevant guidance.

The proposed development is therefore considered to comply with the NPPF, Local Plan policy BE3 and the Residential Design Guide.

#### Car Parking and Highway Safety

Members of the public express concern regarding highway safety relating the proposed access and inadequate parking provision. The Parish Council have also raised similar concerns.

Sufficient space for three cars and cycle storage can be accommodated within the site boundaries in accordance with the Council's adopted Vehicle Parking Standards guidance.

A new access would be formed to serve the dwelling. WCC Highways have been consulted and note that they previously objected to application reference W/18/1226 on the basis of insufficient turning and parking facilities and concerns over the level of visibility available from the proposed site access. Significant pre-application discussions have since been undertaken between the applicant and the Highway Authority, the result being that the improved parking, turning and visibility shown on plan P1278/101C included within the Transport Statement, meets the requirements of the Highway Authority when considering NPPF paragraph 108. Therefore, having undertaken a full assessment of the above planning application, WCC Highways have no objection to the proposed development, subject to conditions which will be added.

The development is therefore considered to be in accordance with the NPPF and Local Plan policies TR1 and TR3.

#### Ecological Impact and Trees

Concern has been expressed regarding the impact on wildlife and on nearby trees.

WCC Ecology have assessed the application, they note that the site has no specific nature conservation designation, and there are no records of protected species within the application site. The Preliminary Ecological Appraisal provided in support of the scheme indicated the presence of some mammals on the site. WCC Ecology recommend the inclusion of a condition relating to the protection of nesting birds and the provision of an ecological and landscaping plan to ensure a biodiversity gain as a result of the proposed development. WCC Ecology also recommend the inclusion of

informative notes relating to protected species. These recommendations are considered to be reasonable and will be added.

There are no trees to be removed as part of the proposal. The Tree Officer has assessed the tree report provided which details the proposed protection measures for existing trees next to the site boundaries. The Tree Officer has no objection to the proposed development, subject to the control measures being carried out in accordance with the details contained within the report. This can be secured by condition which will be added.

The proposal is therefore considered to be in accordance with Local Plan policy NE2.

### Waste

Appropriate waste storage can be accommodated within the site boundaries.

### Other Matters

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities for the new dwelling. A condition can be added to secure these details.

Members of the public have raised concerns regarding inaccurate and misleading information contained with the Planning Statement. However, sufficient details are considered to have been provided in order to assess the application and Officers have made a site visit to ensure that sufficient information has been gathered in order to make a full assessment of the application.

Members of the public have also raised concerns regarding the impact of the proposed development on water supplies and the sewage system. These would be matters for Building Control and cannot be assessed as part of this application.

### **CONCLUSION**

The proposal is considered to represent an appropriate form of development within the Green Belt and is not considered to cause harm to the character of the area. The proposed dwelling is considered to have been appropriately designed to integrate well into the street scene and is of an appropriate form and scale. The development would not have a harmful impact on neighbouring residential amenity or highway safety as to warrant reason for refusal of the application. The development would not have a harmful impact on wildlife. The development should therefore be approved.

## **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 amended drawings 048-10\_, 048-21\_ and 048-20\_, and specification contained therein, submitted on 29th April 2019.  
**REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of; landscaping and details of bat and bird box locations and other species enhancements. The scheme shall be fully implemented and maintained in accordance with the agreed details.  
**REASON:** In accordance with NPPF, ODPM Circular 2005/06 and to ensure that protected species are not harmed by the development in accordance with policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 4 The site must be surveyed for the presence of badgers immediately before any development takes place. If evidence of badgers is found at this time, a full badger survey must then be carried out by a badger expert. The results of all survey(s) and recommendations must be agreed in writing by the Local Authority prior to works commencing on site.  
**REASON:** To ensure that protected species are not harmed by the development in accordance with policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 5 The development hereby permitted shall either:
  - a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds, or
  - b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist.Birds can nest in many places including buildings, trees, shrubs, dense

ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **REASON:** To ensure that protected species are not harmed by the development in accordance with policy NE2 of the Warwick District Local Plan 2011 - 2029.

- 6 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 7 There shall be no development above slab level unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. 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 the same size and species as that originally planted. 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 BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 8 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 9 The development hereby permitted shall not be occupied unless and

until the car parking areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

- 10 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway in accordance with details shown on submitted plan P1278/101C (contained within the Transport Statement), and until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear. At all times thereafter the turning facility shall be kept free of obstruction and shall be kept available for its intended use, and nothing in the visibility splay shall exceed 600mm in height. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 11 The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 12 Prior to the occupation of the development hereby permitted, the first floor side facing windows in the north and south elevations 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 to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
- 13 The development shall be carried out strictly in accordance with the control measures described and illustrated in Tree Report submitted as part of the application. The tree protection measures must be fully implemented in a timely fashion and properly maintained and monitored throughout the duration of the development. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.