

Planning Committee: 16 August 2016

Item Number: 11

Application No: [W 16 / 0998](#)

Town/Parish Council: Kenilworth
Case Officer: Liz Galloway

Registration Date: 30/05/16
Expiry Date: 25/07/16

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26 Glasshouse Lane, Kenilworth, CV8 2AJ

Construction of a garden play area consisting of a play tower with roof and swing beam with A frame support (part retrospective). FOR Mr Pollitt

This application has been requested to be presented to Committee by Councillor Shilton.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to the conditions listed.

DETAILS OF THE DEVELOPMENT

The applicant proposes the construction of a garden play area consisting of play tower with roof and A frame support swing beam. This application is part retrospective

THE SITE AND ITS LOCATION

The application property is a two storey detached dwelling with parking. The proposed play equipment will be situated at the bottom of the rear garden. The entrance to the Rugby Club lies to the east of the application site with the main rugby playing pitches to the north. The property is not a Listed Building and does not lie within a Conservation Area.

PLANNING HISTORY

W07/0316 - Granted for the erection of a first floor side extension and single storey rear extension to existing conservatory.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- 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)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council : No objection.

1 public response (24 Glasshouse Lane): Objects on the grounds of: - intrusive viewing from platforms; visual impact on other properties; possible colour; position; size; proximity to boundary; danger to health through toxic gases given off through exposure to sunshine; absorption into the soil; smell; contamination; light pollution; impact on the rural landscape; noise; loss of privacy; drainage; flooding; water logging; inappropriate and hazardous proposal.

ASSESSMENT

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

- The impact on the living conditions of neighbouring properties;
- The impact on the character and appearance of the area;
- Sustainability
- Ecology

The impact on the living conditions of neighbouring properties

The occupier of the neighbouring property at No 24 Glasshouse Lane has objected to the proposed play equipment on the grounds of harm to their living conditions as a result of loss of privacy and outlook. Cllr Shilton has called the application to Committee and has expressed that his concerns are the same as those of the neighbour at no 24.

The play equipment will, be visible to the neighbouring property, No 24 Glasshouse Lane. The proposal is positioned at the bottom of the garden and will have a distance separation of 25 metres from the neighbouring house itself. Play equipment, by its very nature, may cause occasional partial overlooking of rear gardens, however, it is considered that this development is situated a substantial distance away from the neighbouring house and the nature of its use is such that there will not be a level of overlooking or impact upon the neighbouring property to a degree that would justify the refusal of planning permission.

The proposal is therefore considered to accord with Policy DP2 of the Warwick District Local Plan 1996 - 2011.

The impact on the character and appearance of the area

The proposed play equipment will be constructed of timber with a polycarbonate sheet roof which will have a maximum roof height of 3.2 metres. The structure will require planning permission as it is situated within 2 metres of the boundary with a height greater than 2.5 metres and comprises a permanent structure as the support posts are concreted into the ground.

By reason of its positioning, scale and design and the screening effect of adjacent trees and shrubbery, it is not considered that the structure will have a significant impact upon the street scene or the character of the surrounding area.

Sustainability

Due to the limited scale of the proposed development it is not considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or reduce CO² through a fabric first approach would be appropriate.

Health and Well being

The application is not considered to have an adverse impact on health and wellbeing.

SUMMARY/CONCLUSION

The application is considered to accord with Policies DP1 & DP2 of the Warwick District Local Plan 1996 - 2011 and the Residential Design Guide SPG and therefore will not cause material harm to the occupiers of no 24 Glasshouse Lane through visual intrusion or loss of light. The play equipment is situated in position which will not introduce an incongruous feature within the street scene.

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).

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The development hereby permitted shall be retained and completed out strictly in accordance with the details shown on the site location plan and approved drawings, and specification contained therein, submitted on 31st may, 2016. **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.
