

**Application No:** W 11 / 0903

**Town/Parish Council:** Warwick

**Registration Date:** 29/07/11

**Case Officer:**

Heidi Antrobus

**Expiry Date:** 23/09/11

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**41 Makepeace Avenue, Woodloes Park, Warwick, CV34 5SB**

Change of use of existing scrub land to residential curtilage and erection of a fence (retrospective application) FOR Mr W M Connolly

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This application is being presented to Committee in order to request that enforcement action be taken.

**SUMMARY OF REPRESENTATIONS**

**Warwick Town Council :** no objections

**Neighbour Comments :** 5 neighbours have objected to the proposal.

Summary of objections.

1. The proposal description of scrubland is inaccurate as this is a local public open space
2. The Woodloes is characterised by many open spaces used for recreation
3. The proposal results in a loss of open space that is used by young local children who live in adjacent properties that overlook the space and by responsible local dog walkers
4. The development has reduced the amount of the open space in this location
5. The development has resulted in the removal of established shrubs and bushes from the open space
6. Neighbours have concern that the applicant has already taken some of the public open space during a previous development of a side garage as illustrated on boundary plans and seen from google earth. Concern that this is a 2nd encroachment / loss of open space and what is to stop further taking/ loss of the public open space.

**RELEVANT POLICIES**

- Planning Policy Statement 1 : Delivering Sustainable Development
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- PPG17 - Planning for Open Space, Sport and Recreation

**PLANNING HISTORY**

There is no recent planning history on this property.

## **KEY ISSUES**

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

The property is a detached two storey property with a single storey side extension. The property is located within the 'Woodloes Park' residential development. The east side of the property is bordered by a newly constructed 1.8 metre wooden fence which has been constructed around part of the adjacent open space that is not owned by the applicant. The development that has taken place extends the front of curtilage by 3.5 metres along the edge of the turning area off Makepeace Avenue. The remaining area of open space is located adjacent to the fence.

The directly adjacent properties along Hatton Close face directly onto the open space together with a number of properties along Makepeace Avenue and Grassington Avenue.

The Woodloes Estate is characterised by various property types interlinked by open spaces and associated landscaping.

### **Details of the Development**

Change of use of public open space into residential curtilage for No 41 Makepeace Avenue and the erection of a wooden fence around the site. This is a retrospective application.

### **Assessment**

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

- The Design and Impact on the Street Scene
- Impact on the living conditions of the neighbouring properties
- Protection and Amenity Value of Open Space

### **Design and Impact on the Street Scene**

The development involved the construction of a 1.8 metre wooden fence being erected on part of the adjacent open space on between 50 to 60 sqm of land to form an extended side and rear garden area to the existing property. The design is not in keeping with the character and distinctiveness of the estate as it reduces the openness of the estate by reducing the amount of open space that is accessible to the local community.

The description of the land as 'scrub land' is misrepresentative of what was on established, well maintained area of open space which was directly accessible to the public. From previous photographs of the area via 'Google Earth', it is clear that the open space had established landscaping along the original curtilage border and the open space was well maintained.

The design of the 'Woodloes' is characterised by a mixture of residential properties and a range of open spaces which provide a clear function, character

and shape within the overall estate. This open space is an important local amenity which is a usable, safe open space which benefits from overlooking of adjacent properties. The open space makes a positive contribution to the character of the estate and creates a sense of place.

There is an adverse impact on the character of the street scene of Makepeace Avenue in that the property of no 41 has increased its frontage by 3.5 metres in width, decreased the amount of local open space and removed established landscaping in order to implement this proposal.

I consider that the development is not acceptable in planning terms as it does not respect the physical form and harms the local character and local distinctiveness of the area by reducing the size of the existing open space. Therefore the development does not meet the requirements of Policy DP1 of the Warwick District Local Plan and does not comply with the Council's Residential Design Guide.

### **Impact on the living conditions of the neighbouring properties**

The nearest adjacent properties to the open space are located on Hatton Close, these properties are directly adjacent to the open space and overlook the remaining open space and modern wooden fencing.

PPG 17 recognises that space for children's play, nature conservation and sport should be within walking distance and ideally placed within 3 to 5 minutes walk. This open space provides an accessible local facility for the surrounding residential properties.

I consider that the proposal would have an adverse unacceptable adverse impact on the nearby amenity of the local residents in that the proposal reduces the amount of accessible open space which is an important local amenity for all age groups and is therefore contrary to Policy DP2 of the Warwick District Local Plan.

### **Protection and Amenity Value of Open Space**

The open space is a usable quality open space within the Woodloes Estate. National policy reflects the importance of open space and that there is a strong presumption for retention of open space. PPG17 recognises the important functions of open space which include:

- for social cohesion of local communities
- essential role for health and well-being
- used for the purposes of social development of children through play, sporting activities and interaction
- performs a vital function for nature conservation and biodiversity
- provides an walkable / easily accessible local facility

PPG17 states that small areas of open space in urban areas should be protected as they play an important role for amenity and offer play and recreational opportunities.

The Council's key objectives include maintaining and raising the quality of green spaces together with ensuring a healthy community. Various Council policy documents detail these objectives which include the Warwick Sustainable

Community Strategy. The proposal is therefore contrary to PPG 17 in relation to the loss of open space.

**RECOMMENDATION**

REFUSE, for the reasons listed below and authorise officers to take appropriate enforcement action, directed at the removal of the fence and the reinstatement of the land to its former condition within a compliance period of 3 months.

**REFUSAL REASONS**

Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. PPG17 states that small areas of open space in urban areas should be protected as they play an important role for amenity and offer play and recreational opportunities.

Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

The Woodloes Estate is characterised by large open plan frontages incorporating large green open spaces that maintain important gaps within the residential development, provide valuable public open space and provide a local amenity. The development has resulted in a fortress like enclosure which results in the loss of open space constituting an awkward, incongruous development at odds with its surroundings creating a disproportionate curtilage to the existing dwelling. This loss of open space reduces the local amenity provision for the residents of the Woodloes Estate.

The development is thereby considered to be contrary to the aforementioned policies.

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