

Planning Committee: 04 March 2020

Item Number: 6

Application No: [W 19 / 1977](#)

Town/Parish Council: Shrewley
Case Officer: Helena Obremski
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Registration Date: 10/12/19
Expiry Date: 04/02/20

Ranibagh, Mill Lane, Little Shrewley, Shrewley, Warwick, CV35 7HN
Proposed erection of two 3-bedroom dwellings. FOR Mr & Mrs Saunders

This application is being presented to Committee due to the number of objections and 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 application seeks planning permission for the erection of two 3-bedroom dwellings, with associated parking and access arrangements. The proposal is for detached, two storey dwellings which would benefit from side facing gardens and includes the widening of the existing rear access to the site. The scheme provides two off street car parking spaces for each dwelling.

THE SITE AND ITS LOCATION

The application relates to part of the amenity area serving Ranibagh, a dwelling to the south west of the site which faces Mill Lane. The application site fronts onto Green Lane, is washed over by Green Belt and is located within an infill village boundary. There are two residential properties indirectly opposite the application site to the north west and two dwellings to the south east of the site, which are set back from the road frontage. There was previously an outbuilding which occupied the site, however, this has been demolished. Hardstanding covers part of the application site, which has an existing access and there is hedgerow to the northern boundary.

PLANNING HISTORY

W/16/1756 - Outline planning permission with all matters reserved apart from access for erection of 1no. 3 bed detached dwelling - allowed at appeal.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- H1 - Directing New Housing
- H11 - Limited Village Infill Housing Development in the Green Belt
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- 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
- FW1 - Development in Areas at Risk of Flooding
- NE5 - Protection of Natural Resources
- NE4 - Landscape

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

Shrewley Parish Council: Objection, the proposal represents overdevelopment of the site which is not in keeping with the character of the area. There is no local housing need for the development. Limited parking provision with lack of any on street parking. Loss of light and privacy to neighbouring properties. Loss of hedgerow is harmful to street scene and will result in loss of biodiversity.

WCC Landscape: No objection, recommends that trees and hedges to be retained are adequately protected and a landscape plan is provided.

WCC Ecology: No objection, subject to condition and notes.

WCC Highways: No objection.

Waste Management: No objection.

Public Responses: 13 Objections:

- the development is out of character with the area and would be overly oppressive within the street scene;
- the proposal fails to respond to the appeal Inspector's recommendations and provides a cramped form of development;
- the proposal represents overdevelopment of the site;
- detrimental impact on the landscape, including loss of hedgerow;
- the local housing need survey showed that one additional dwelling was required, which should be a bungalow;

- the dwellings will have very small gardens overlooking neighbouring gardens leading to loss of privacy, which is not in keeping with the character of the village;
- loss of light and outlook to neighbouring properties;
- the proposal would be overbearing and oppressive to neighbouring amenity;
- light pollution to neighbouring properties;
- impact on highway safety;
- inadequate parking, including no visitor or disabled parking available and no on-street parking;
- lack of cycle storage;
- lack of parking for construction and delivery vehicles;
- required visibility splays cannot be achieved;
- vehicles cannot leave the site in a forwards gear;
- impact on nearby trees;
- there is a culvert which would be affected by the proposed development and the Environment Agency should be consulted;
- impact on surface water drainage;
- damage may be caused to grass verge accessing the dwellings;
- loss of hedgerow and impact on biodiversity;
- incorrect plans (existing site plan);
- recommend removal of permitted development rights if approved;
- lack of waste and recycle storage;
- the proposal would not meet with building regulation requirements relating to unprotected areas relating to fire spread;

the amended proposals do not overcome the above objections, loss of privacy is exacerbated and the development would be more oppressive.

ASSESSMENT

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

- Principle of the Development;
- Whether the proposal constitutes appropriate development within the Green Belt;
- Impact on the character of the area;
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers;
- Car Parking and Highway Safety;
- Drainage and Flood Risk;
- Ecological Impact and Trees;
- Waste;
- Other Matters.

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. Little Shrewley is identified as a Limited Infill Village in the Local Plan, therefore the development is acceptable in principle if it meets the definition of limited infilling in accordance with policy H11, which is explored in more detail below.

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 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 and limited infilling.

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. There have been objections from members of the public and the Parish Council that the development would be harmful to the character of the area and represents overdevelopment of the site.

Outline permission was allowed on appeal at this site for the erection of one dwelling. While this was before the adoption of the current Local Plan, the Inspector gave substantial weight to Local Plan policy H11, stating that the proposal met the requirements of the policy and therefore met definition of limiting infill development. There have been no changes in the site circumstances since the appeal and although the proposal is now for the erection of two dwellings rather than one, this still meets all of the with the requirements of policy H11 identified above. Therefore, based on the appeal Inspector's conclusion that the site is suitable for limited infill development, the proposal is considered to represent appropriate development within the Green Belt. This is also explored in further detail below.

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.

There have been objections from members of the public and the Parish Council who state that the development is out of character with the area and would be overly oppressive within the street scene. Members of the public consider that the proposal fails to respond to the appeal Inspector's recommendations and provides a cramped form of development. Members of the public also express concern regarding the detrimental impact on the landscape, including the loss of hedgerow to the north of the site.

Little Shrewley is a small village with a mixed architectural character. Ranibagh, the existing property associated with the site is a two storey semi-detached dwelling, constructed from red brick, with a tiled roof and gable features fronting the front and side elevations. The properties to the south east are two storey white rendered dwellings with timber detailing. The cottages opposite the side benefit from side facing gables, with pitched roof detailing over one of the porches. There are also white painted and cream rendered detached dwellings within the nearby street scene. The surrounding properties are also of a mixed scale. This highlights the varied nature of the architectural character within the nearby vicinity of the site.

The proposed dwellings would be two storey, constructed from brick and would have pitched roof porch detailing which is similar to that of the property opposite. Further, the ground floor window design is also similar to that of another property nearby. The first floor pitched roof detailing above the windows mimics the ground floor porch details. The final materials would be secured by condition to ensure a high quality and appropriate design which would sit comfortably within the street scene. Given that the proposed design adopts features which are already visible within the nearby area and would therefore not appear out of keeping, the proposed design is considered acceptable. Furthermore, the scale of the dwellings would be akin to the properties diagonally opposite to the site, thus providing an appropriate scale of development.

The loss of some of the hedgerow at the front of the site is considered to be acceptable - this would only be a small section where there is already a gap in the street frontage owing to the existing access, and could also be completed without the need for planning permission.

Members of the public suggest that the proposal does not meet with the comments made by the Inspector relating to the previous appeal on the site. However, the

Inspector raised no concerns regarding the development, and concluded that it was acceptable. It should also be noted that the previous application was for outline permission only and therefore, the Inspector offered no opinion regarding the proposed design of the dwelling, which was provided for indicative purposes only.

Each dwelling would be provided with parking and a private amenity area which meet with the required standards as discussed below in more detail. As the site can comfortably accommodate the two dwellings without appearing contrived or cramped, it is the Officer's view that the development is acceptable within the street scene and would not represent overdevelopment of the site. It is noted that WCC Landscape have no objection regarding the impact of the development on the local landscape.

It is therefore considered that the proposal is in accordance with Local Plan policies BE1 and NE4.

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 and the Parish Council that the proposal would result in a loss of outlook, privacy and light to neighbouring properties. Members of the public consider that the proposal would be overbearing and oppressive to neighbouring amenity, and would result in light pollution to neighbouring properties.

It should be noted that there is an extant outline planning permission granted for one dwelling for this site, although it is recognised that the reserved matters for the design and layout have not been agreed. The dwellings have been designed so that the first floor windows do not face the rear of the site, to avoid overlooking into the garden behind. There would be first floor side facing windows on each dwelling which would face "outwards" towards the neighbouring sites, which serve a bedroom. The application has been amended so that the shared boundary with Ranibagh has been repositioned further to the west. This will ensure that there is a depth of 11 metres between the proposed side facing window and the neighbour's private amenity area. This would be akin to the size of a rear garden where two storey properties face each other at the rear. This increased buffer means that Ranibagh retains a sense of separation and would also retain an

adequately sized amenity which meets the Council's minimum requirements. The relationship between the windows serving Ranibagh and the proposed dwelling nearest this neighbour are such that they are angled away, therefore it is unlikely that there would be any direct perception of overlooking caused as a result of the proposal. This is also an accepted similar relationship for much housing development within the District, where properties "turn the corner" around the public highway.

There are two residential properties to the south east of the site, with 3 Green Lane being the closest. There would be a first floor side facing window which looks towards this neighbour's site. However, this would be into the front amenity area serving the property, which currently is used for the parking of vehicles and is already open to views from public vantage points from the highway. The private amenity area serving this neighbour is set further back and would not experience direct overlooking as a result of the proposed development.

The properties to the north of the site are not immediately opposite to the site and also separated by a road. There would be 15 metres between the proposed dwelling and building line of the property opposite, which would therefore meet the requirements of the distance separation guidance even if the properties were located directly opposite each other. It is therefore not considered that the development would detrimentally impact on these properties.

As there is already permission for one dwelling on this site, it is not considered that the impact of one further dwelling would cause such additional light pollution to neighbouring properties which would warrant reason for refusal of the application.

It is noted that members of the public consider that the proposal would feel overbearing and oppressive. However, the scale of the dwellings and distance from the neighbouring properties are such that Officers do not consider that this would represent a reason for refusal of the application. The proposed dwelling would be approximately 19 metres from 3 Green Lane at the closest points and would be positioned at an angle, such that there would be no substantial impact from windows serving this property. The proposal would breach a 45 site line when taken from the front facing windows serving this neighbour. However as this would be well over the 8 metres away, this is considered to be an acceptable distance which would not cause harm to neighbouring amenity to an extent which would warrant a reason for refusal, in line with the recommendations of the Residential Design Guide.

It is noted that the proposed first floor side facing windows may cause an increased perception of overlooking towards neighbouring properties. However, based on the distance from the neighbouring properties and relationship between the proposed development and neighbours as outlined above, on balance it is not considered that represents a reason for refusal of the application.

A condition will be added which removes the permitted development rights for roof alterations which would permit the extension of the rear roof slope and insertion

of dormer windows which could overlook the private amenity area of the property at the rear of the site.

Living conditions for the future occupiers

Members of the public consider that the dwellings will have very small gardens which overlook neighbouring gardens leading to loss of privacy, which is not in keeping with the character of the village.

Officers consider that the proposed dwellings would provide appropriate living conditions for the future occupiers. The proposal would provide sufficient private amenity areas for each dwelling in accordance with the Council's adopted relevant guidance. It is noted that the dwellings would have side gardens and that if the hedgerow were removed, this could result in the private amenity areas being overlooked from public vantage points. However, the outline permission which could still be lawfully implemented (subject to the agreement of the reserved matters) would also have to provide a similarly designed garden area, owing to the narrow nature of the site, which the Inspector found acceptable. It is also considered unlikely that the future occupiers would remove the hedgerow as this would be detrimental to their privacy and the hedgerow is already an established part of the rural character of the area. Furthermore, if in the unlikely event that the hedgerow was removed, the low level of passing members of the public is also a factor. Under these specific circumstances, the proposed side gardens are considered acceptable.

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 and the Parish Council raise concern regarding the impact of the development on highway safety, inadequate parking, including no visitor or disabled parking available, with no on-street parking. Members of the public also note that there is a lack of cycle storage, lack of parking for construction and delivery vehicles, that the required visibility splays cannot be achieved, and that vehicles cannot leave the site in a forwards gear.

Two parking spaces are provided for each dwelling, which meet with the Council's requirements contained within the Vehicle Parking Standards SPD. There is no visitor parking provided for the dwellings, however, owing to the small scale of the development proposed, there is no requirement for this set out in the adopted standards. Therefore, the proposal is policy compliant in relation to the parking provision. Secure cycle storage could be accommodated within the site boundaries.

WCC Highways have assessed the application and have no objection the proposal. It should be noted that the site already benefits from an existing access. It is noted that vehicles would potentially not be able to leave the site in a forwards gear as there is no turning space. WCC Highways were queried on this and they informed Officers that because of the low speeds associated with this part of the highway

and vehicles reversing, it is not likely to present an issue to highway safety. Officers also note the low volume of traffic which is likely to use this road.

Members of the public have queried whether the required visibility splays can be achieved. This was also raised with WCC Highways who informed Officers that the splays provided are acceptable from a highway safety perspective. WCC Highways have not requested that a construction management plan is provided in this instance. Whilst this may lead to construction vehicles parking within the limits of the highway, it is not considered that this would result in such harm to highway safety to an extent which would warrant a reason for refusal of the application, or need for this to be controlled by condition. Delivery vehicles could park temporarily nearby to the site without causing harm to highway safety. WCC Highways have requested the inclusion of two conditions relating to improvements to the access which will be added.

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

Drainage and Flood Risk

Members of the public have raised concerns regarding a culvert which would be affected by the proposed development and request that the Environment Agency are consulted. Members of the public also express concern regarding the impact of the development on surface water drainage.

The site is located within Flood Zone 1, with a low probability of pluvial or surface water flooding. Owing to the scale of the development, there is no requirement to consult with the Environment Agency for this proposal.

A condition will be added for compliancy with Local Plan policy FW3.

Ecological Impact and Trees

Concern has been expressed regarding the impact of the proposal, including the loss of hedgerow on wildlife and the impact on nearby trees.

WCC Ecology have assessed the application and note that they hold reptile and amphibian records within the nearby area. They therefore recommend the inclusion of a condition requiring that a method statement is submitted prior to commencement of works on site. This is considered to be reasonable and necessary given the nearby records relating to protected species and will be added. They also recommend notes relating to bats and nesting birds, which will be added.

It is noted that the Inspector for the previous appeal did not consider a similar condition necessary for the purposes of the development, based on the fact that they had not been provided with information on how close the records of great crested newts were to the site, or with detailed evidence that the site would provide a likely habitat for such species. Additional information was sought from WCC Ecology regarding this matter who informed that the breeding great crested newt pond is located approximately 40 metres from the proposed site and that the

rubble piles on the existing site could provide suitable refuge area for newts and hibernation potential. Based on this detailed information, the condition is considered necessary in order to protect endangered species.

There are a few small trees within the site boundaries which could be impacted as a result of the proposed works. These are not protected by a TPO or located within the Conservation Area and could be removed at any time. Furthermore, they add little visual amenity to the street scene and therefore their loss would not be harmful in the event that they were removed.

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

Waste

Members of the public have objected to the development on the basis of a lack of adequate waste storage. However, appropriate waste storage can be accommodated within the site boundaries. Waste Management have no objection to the proposed development.

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 dwellings. A condition will be added to secure this.

Members of the public and the Parish Council also state that the local housing need survey showed that one additional dwelling was required, which should be a bungalow. However, the principle of additional housing for this site has already been established under the previous permission which was allowed by the Inspectorate. The Local Plan does not allow for control over the size or type of dwellings for development of this scale, subject to conformity with other relevant policies.

Members of the public raise concern that damage may be caused to grass verges accessing the dwellings. However, this was not identified as a concern by WCC Highways and does not justify a reason for refusal of the application.

Members of the public have stated that the location plan appears to be incorrect and incorporates part of the public highway. However, Officers have received a copy of the title deeds which shows the red line to be correct, which was confirmed as being derived from a detailed topographical survey.

Members of the public also state that the proposal would not meet with building regulation requirements as regards to unprotected areas relating to fire spread. However, this would be a matter for Building Control to assess and cannot be considered as part of this application.

CONCLUSION

The application site has previously been deemed acceptable as a limited infill housing site and the proposal would deliver two additional dwellings which sit comfortably within the street scene and add to the Council's windfall housing delivery. The development would have an acceptable impact on neighbouring residential amenity and would not cause harm to protected species, subject to conditions. The development provides adequate parking in accordance with the Council's requirements and would not cause harm to highway safety. The proposed development is therefore recommended for approval.

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 drawings CV35.17-44.02E and CV35.17-44.05B submitted on 9th January 2020 and drawing CV35.17-44.0K submitted on 27th January 2020, and specification contained therein. **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 The development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for great crested newts and reptiles (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. **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.
- 4 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.
- 5 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.

- 6 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.
- 7 The access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of Warwick District Local Plan 2011 - 2029.
- 8 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of Warwick District Local Plan 2011 - 2029.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the roof of either dwelling hereby permitted. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 10 Prior to the occupation of the development hereby permitted, the first floor window(s) in the rear elevations and the first floor side facing windows serving the bathrooms on the approved plans in both dwellings hereby permitted 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.

- 11 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.
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