

Planning Committee: 9 March 2004 **Part 2 Item Number: 01**
Application No: W20010605
Town/Parish Council: Kenilworth **Registration Date: 23 February 2004**
Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

20 Rouncil Lane, Kenilworth.
Erection of extensions- MINOR AMENDMENT.
FOR MR D. ALLCOTT

SUMMARY OF REPRESENTATIONS

Neighbours: the adjoining neighbour objects on grounds of:

-disputed boundary

-poorly designed drainage for garage roof to rear.

The drainage to the garage roof to the side of the application property is unsatisfactory and the design of the development prevents maintenance of his property.

RELEVANT POLICIES

(DW) ENV3 – Development Principles (Warwick District Local Plan 1995)

DP1 Layout and Design (Warwick District Local Plan, First Deposit Draft, 2003)

DP2 Amenity (Warwick District Local Plan, First Deposit Draft, 2003)

HEAD OF PLANNING & ENGINEERING

Planning permission was granted in August 2001 for extensions to the rear of the application property, which also included a canopy roof across the front of this detached house. The work is now virtually complete, but the applicant has decided not to construct the canopy roof on the front elevation, but to leave the bay windows with separate roofs and only to construct the proposed roof over the porch. This part of the work is complete and results in less change than was originally proposed. The impact of the minor amendment is therefore minimal.

The neighbour's concern relates to the position of the boundary and to the method used by the applicant to drain the new flat roof on the side extension. This matter continues to be the subject of planning and building regulation investigations, but cannot correctly be used to refuse permission for a minor amendment to the front elevation.

RECOMMENDATION

APPROVE.

REASON OF RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 – Development Principles (Warwick District Local Plan 1995)

DP1 Layout and Design (Warwick District Local Plan, First Deposit Draft, 2003)

DP2 Amenity (Warwick District Local Plan, First Deposit Draft, 2003)

Planning Committee: 09 March 2004
Application No: W20031643

Part 2 Item Number: 02

Town/Parish Council: Warwick

Registration Date: 21/10/2003

Expiry Date: 16/12/2003

Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

13a, Collins Road, Heathcote Industrial Estate, Warwick, CV346TF
Erection of a two-storey extension to front elevation.
FOR Marit Services Ltd

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Highway Authority: *"There is demand for 'On Street' parking within Collins Road. The demand almost matches availability, however on both occasions I visited the site (5/11/03 and 3/1/04) it was possible to park on the highway.*

An 'on site' parking shortfall may result in inconvenience to the owners of other premises nearby who rely on the highway to provide additional parking.

Bearing in mind Government guidance regarding maximum parking standards I do not consider there to be sufficient highway grounds on which to object to the application."

Neighbours: The owners of the neighbouring building to the east, occupied by Waters Wine Merchants, object on the grounds that the proposed extension would obstruct the westward outlook from the front elevation windows. The owners of the adjoining building at the rear of the premises, occupied by Hannam Removals, object on the grounds that the application site boundary includes land in their ownership that is proposed to accommodate a parking space. The occupiers of both neighbouring premises also object on the grounds that the loss of on site car parking arising from the development would exacerbate existing problems of congestion on Collins Road which, in turn, would further inhibit the accessibility of their sites by service/business vehicles.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The premises comprise the front half of a detached brick and profiled metal clad building that stands on the northern side of Collins Road within an established trading estate that is allocated to be primarily for Class B employment purposes in both the current and emerging Local Plan. The premises are set back from the highway behind a forecourt parking area with access from Collins Road via a shared driveway that also serves the adjoining premises attached to the rear of the site. The adjoining premises are occupied by a furniture removal firm. Access into this unit is also gained via a roller shutter door in the rear side elevation. The neighbouring property to the east is detached by approximately 3 metres and is currently occupied by Waters Wine Merchants. The adjacent front elevation is set approximately 1 metre beyond the front elevation of the application premises and contains windows at ground and first floor level. The front

boundary between these premises comprises mature conifers approximately 4 metres in height that extend above the heads of these first floor windows. These trees are proposed to be retained.

The forecourt parking area has a depth of approximately 14.5 metres and has a tapered width of between 11.5 metres across the site frontage increasing to approximately 14.5 metres across the front elevation of the building, which contains a roller shutter door to the left-hand side. The forecourt is not marked out for car parking. However, the dimensions of the forecourt are such that provision for 5no. parking spaces can be accommodated within the forecourt in accordance with operative parking standards.

A Certificate of Lawful Use was issued under application W20021181 for the use of the property as a wedding car hire, maintenance and storage business, with an associated bridal and menswear hire business. According to the applicant, the number of people currently employed on the site during the week is typically two, namely the owner of the business and one other. On Saturdays, up to five chauffeurs are employed part-time to drive the bridal cars to weddings. There are also occasional mid-week weddings. At present, bridal and menswear fittings and collections are typically in the evening and are by appointment but can occur during office hours. There are no planning restrictions on opening hours.

Planning permission is sought for a two-storey extension to the front of the premises to provide additional accommodation for the wedding hire business. The proposed extension would extend 6.75 metres across half the width of the existing front gable and would be the same height at 5.2 metres at the eaves and 7.1 metres at the ridge. The extension would have a depth of 6.7 metres and would be finished to match the existing building. Provision for two car parking spaces adjacent to the western side elevation of the extension and roller shutter door were originally proposed to compensate for the reduction in the capacity of the forecourt parking area. However, in response to the neighbours' concern regarding the inclusion of land within the site not owned by the applicants, the western boundary of the site has now been amended accordingly. As a consequence, the proposed parking space adjacent to the roller shutter door cannot now be accommodated within the site.

I fully appreciate the concerns expressed regarding the impact of the extension on the westward outlook from the windows in the front elevation of the adjacent property. The closest window to the proposed extension at ground floor serves a W.C. with kitchen and general office windows further away. At first floor, the closest window also serves a W.C. with office windows beyond. Given the use and position of these windows in relation to the proposed extension and the relative siting of the premises, I do not consider the impact of the development would cause an unacceptable degree of harm in these circumstances. The Council has adopted Supplementary Planning Guidance entitled: 'The 45 Degree Guideline'. However, it does not relate to the impact of development on non-residential properties. Nevertheless, when applied in relation to the office windows of the neighbouring property, the development would comply with this 'Guidance'.

The proposed extension would also result in a net loss of at least one forecourt parking space leaving four spaces available within the site to serve the parking requirements of the development. This is considered inadequate and would result in an increase in on-street parking by customers and employees of the premises which would exacerbate existing problems of congestion on Collins Road and access to the neighbouring sites by service/business vehicles. I share these concerns.

However, with regard to car parking I note that a report on the implications of the adoption of the Warwickshire Structure Plan in August 2001 upon the operation of the current Local Plan was considered by Members in a report to the meeting on 28 January 2002. This report detailed the policies of the Local Plan that no longer conformed with the adopted Structure Plan. In respect of parking standards, the WASP incorporates those set out in PPG13, which supersede those in the Local Plan. Members therefore agreed to follow these standards rather than those in the local plan in accordance with government advice. These are maximum parking standards which, in relation to non-food retail operations, apply to development exceeding 1000sq. m. The proposed development would have a floor area of 45.2 sq. m. In relation to implementing policies on car parking, PPG13 advises local authorities not to require developers to provide more spaces than they themselves wish, other than in exceptional circumstances (para. 51).

In this case, the Highway Authority have visited the site on two separate occasions to assess the impact of the development in the terms referred to. However, no objection to the proposals has been raised by the Highway Authority and in light of current government guidance on car parking, I do not consider there are sufficient grounds for raising an objection to this aspect of the proposals.

RECOMMENDATION

GRANT, as amended, subject to conditions on the use of matching facing materials, layout/provision of car parking and protection/retention of boundary trees (including foundation details).

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20031758

Part 2 Item Number: 03

Town/Parish Council: Shrewley

Registration Date: 01/12/2003

Expiry Date: 26/01/2004

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

Land at, Green Lane, Shrewley, Warwick, CV357HJ

Creation of a pond and erection of a polytunnel for growing food crops.

FOR Mr & Mrs R. Lan

This application was deferred at Planning Committee on the 17 February 2004, to enable a site visit to take place on 28 February. The report which follows is that which was presented previously, with additional comments which were on the addendum to the previous report.

SUMMARY OF REPRESENTATIONS

Parish Council (comments on original plan): object on grounds of size, Green Belt, environmental damage, detrimental impact on area, lack of need, open location, concern over drainage of pond.

Neighbours (comments on original plan): 14 letters of objection on grounds of impact on Green Belt, poor access, impact of increased traffic, risk of spillage of oil/ chemicals, heating could cause air and noise pollution, excessive size, likely future application for a dwelling, impact on residential amenity, any lighting would have detrimental impact on night sky, commercial activity. Two neighbours have written to confirm that the amendment to reduce the size of the polytunnel does not overcome their original objections.

Two local residents have written to express concern about any water extraction from the stream and loss of an established pond and its wildlife if spring water is diverted.

CPRE: object- Green Belt and Special Landscape Area, visual intrusion, excessive size, detrimental to character of the area.

WCC(Ecology): no objection.

Environment Agency – no objections subject to condition restricting works near watercourse.

RELEVANT POLICIES

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)

DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The site lies at the junction of Green Lane and Coffee Pot Lane and amounts to 0.8 of a hectare. The land rises to the rear following the contours of Coffee Pot Lane and has a good hedge with some trees to Green Lane, but is more open to Coffee Pot Lane. There are some cottages in Green Lane, but none immediately adjoining the site. The site has previously been used for agricultural purposes, according to the applicant.

It is proposed to form a pond approximately 19m by 11m in the centre of the site. It is stated that this would be stocked with fish and would be purely for private leisure use. The plans indicate that the excavated material would be used to reconstruct the bank area around the pond.

The second part of the proposal is to construct a polytunnel at the front of the site with access onto Green Lane. As originally submitted, the polytunnel was shown as 39m by 16m. This applicant was informed that this was considered too large, particularly in view of the proximity of residential properties and the scheme was subsequently amended to show a polytunnel measuring 22m by 16m. The Parish Council and neighbours have been informed of this change and comments are awaited at the time of preparation of this report.

Whilst the pond is stated to be for personal use, the applicant has made it clear that the polytunnel would be used for commercial purposes for the production of Thai foods to supply Thai restaurants and retail outlets. This is an agricultural use of land and is therefore, in principle, an acceptable use of land in a Green Belt area. I am of the opinion that the reduced size of the polytunnel would not be so visually intrusive in the rural landscape as to warrant a refusal of permission. Vehicles servicing the site would have to negotiate narrow lanes in the vicinity, but I do not consider that the situation would be sufficiently serious to justify a refusal on this ground either.

A grant of permission would need to include conditions on details of the construction of the pond, restriction of the pond to personal use and some additional landscaping for screening, along the Coffee Pot Lane frontage.

RECOMMENDATION

That permission be GRANTED, as amended, subject to conditions on construction of the pond and any associated changes in landform, no excavated material to be removed off site, use of pond, landscape screening, and Environment Agency conditions.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)

DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20031780/81LB

Part 2 Item Number: 04

Town/Parish Council: Warwick

Registration Date: 28/11/2003

Expiry Date: 23/01/2004

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

The Abbotsford, 10 Market Place, Warwick, CV344SL

Conversion to 4 no. apartments (ground, first, second and third floors only), plus 4 no. parking spaces.

FOR A.C. Lloyd & W.C.C.

This report was deferred at the meeting on 17th February to ask the applicants to omit the parking and to obtain the Town Council's views. The following report now incorporates these views and the applicants response.

SUMMARY OF REPRESENTATIONS

Warwick Town Council :

"The Town Council considers that the application should be refused on the grounds of:-

1. The development would require the internal alterations to this listed building and the resulting loss of architectural features would be unacceptable.
2. The proposed car parking area would detract from the visual amenity of this listed building and the introduction of a pavement crossing will present an unacceptable hazard at that part, and on this occasion, government guidelines do not require car parking provision;
3. The garden area should be retained solely as a landscaped area;
4. Any development permitted should require the demolition of the corridor link to the adjoining County Hall, the building being restored using traditional and matching materials."

C.A.A.F. : Considered (original) scheme unacceptable due to number of internal alterations, inappropriate rear elevation changes and lack of bin area.

Environmental Health : No objection, subject to noise mitigation if noise from basement pump equipment is a problem.

Amenities Officer : Concerned about affect of (original) car park on trees, has no objection to amended scheme.

Warwick Society : Object to internal changes, too many flats, loss of trees and unacceptable parking.

W.C.C. (Highways) : Objected to original parking layout, but has no objection to the amended layout.

English Heritage : Expressed concern about the internal alterations and suggested a mixed office and flats scheme be considered.

Neighbours : One local resident considers (original) parking layout unacceptable due to affect on trees.

Georgian Group : Concerned about highly intensive nature of conversion and objects to subdivision of landings and other internal alterations.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP7 - Changes of Use of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The scheme, as originally submitted, had a number of problems on conservation, highways, and landscaping grounds although the amount of internal alterations to this Grade II* Listed Building was actually relatively small, despite the comments of various consultees. A detailed internal inspection of the premises (attended by English Heritage and the Georgian Group) also revealed that some suspected original features did not exist while the property was substantially altered and rebuilt/refaced in the 1960's.

Negotiations have now been carried out to retain the original rear door and only insert a single, subsidiary, door. The main panelled room on the first floor is now to be retained almost unaltered, with an essential alteration re-using a section of the panelling. The other internal alterations include replacing/altering the existing landing divisions (essential for fire protection), alterations on the ground floor to create a bathroom, on the first floor to create a kitchen, on the second floor to create a passage, and on the third floor to create a bathroom and lobby.

The land to the rear is currently an open garden with a plane tree and three silver birch. The amended scheme shows 4 parking spaces within the garden area accessed off Barrack Street. This parking area would have a permeable surface to protect the trees, although one silver birch would need to be replaced. The scheme also includes an external, screened, bin store and a screen wall beside the existing path under the Shire Hall building. Whilst the erosion of the garden and the presence of parked vehicles here would not be advantageous to the setting of the Listed Building, the retention of most of the trees and new screen wall will help to assimilate these changes into the wider locality.

The applicants, in response to members concerns, have stated that the permeable surface will be a turf honeycomb filled with soil so that it will have a grassed surface, as the existing lawn, and will be laid at the existing garden level. It will, therefore, have the impression of a garden when residents cars are not there. The applicants have supplied a photo montage to show this affect and this will be available on screen at the meeting. They also say that they consider that parking is imperative since the flats are of very high quality. It is possible that, with rearrangement of the on-street parking and the pedestrian dropped kerb position, only one on-street parking space on the public highway will be lost.

It is considered that this amended scheme now satisfactorily protects the Listed Building and the character of the Conservation Area while providing a reasonable use for this important building.

RECOMMENDATION

(1) GRANT planning permission, as amended, subject to large scale details, sample materials, landscaping and car park surfacing after reference to Secretary of State.

(2) That the Listed Building application be forwarded to the Secretary of State with a recommendation to GRANT, as amended, subject to conditions.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP7 - Changes of Use of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20031894

Part 2 Item Number: 05

Town/Parish Council: Warwick

Registration Date: 19/01/2004

Expiry Date: 15/03/2004

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

40 Emscote Road, Warwick, CV344QP

Conversion of existing property into 2 flats and erection of a two storey rear extension.
FOR K O'Toole & G Wilkins

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object as vehicular access and parking are not available, and conversion of the property to flats would be detrimental to the amenity of adjoining properties. If permitted the development may set a precedent which would be difficult to resist.

WCC Highways: Emscote Road is served by a frequent bus service, with nearby shops, a public house, and supermarket within walking distance. In these circumstances there are no highway objections to a scheme with no allocated parking.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The application site consists of a mid-terraced property with a two storey projecting rear wing and rear garden. It is proposed to convert this into two flats, and to erect a two storey extension, onto the end of the rear wing. This would extend the width of the wing a further 1.8m, and there would be 2 new side windows introduced, both facing the rear wall of the adjoining neighbours wing so there would be no loss of privacy created. The existing rear wing severely breaches a 45 degree guideline from one neighbours first floor window, but as the proposed extension to this wing is some distance away the increase in the amount of development visible along this boundary will have a very minor impact on any light entering the window as it is already so severely restricted.

While the concerns of the Town Council are noted, I do not consider that lack of parking is grounds for refusal given that the site is on a main bus route and close to local facilities. The application would result in the creation of two one bedroom flats, to replace the two bedroom house currently existing, so there would not be a substantial increase in parking need.

RECOMMENDATION

GRANT

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

The 45 Degree Guideline (Supplementary Planning Guidance)

Planning Committee: 09 March 2004
Application No: W20031927/28LB

Part 2 Item Number: 06

Town/Parish Council: Kenilworth

Registration Date: 19/12/2003

Expiry Date: 13/02/2004

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

Clarendon House Hotel, 4-8 High Street, Kenilworth, CV8 1LZ
Display of externally illuminated lettering and signs. FOR Old English Inns

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection.

CAAF: Concerned at curved signage, felt hanging sign not required, downlighters inappropriate, eaves lighting excessive.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)

HEAD OF PLANNING & ENGINEERING

The existing signage on this Listed Building includes a traditional hanging sign, first floor name signs over the two front doors as well as menu boards and other signs, with lanterns, on the High Street frontage and a limited amount of signage at the rear.

The proposals have been the subject of negotiation, to reduce the amount of signage, so that it is now similar to that already existing on both the front and rear. The up/down lighters by the doors are intended to replace the existing lanterns, but are smaller, while the eaves level lighting mentioned is existing and is not part of the signage application. I am of the opinion, therefore, that the amended signage scheme is satisfactory and will not detract from the character of this Listed Building.

RECOMMENDATION

That advertisement consent and Listed Building consent be GRANTED, as amended.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)

Planning Committee: 09 March 2004
Application No: W20031934LB/1936

Part 2 Item Number: 07

Town/Parish Council: Warwick

Registration Date: 19/12/2003

Expiry Date: 13/02/2004

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

9 New Street, Warwick, CV344RX

Conversion to provide a flat at first floor level and installation of new shopfront at ground floor level.

FOR Chevroncircle Limited

SUMMARY OF REPRESENTATIONS

Town Council: no objection.

CAAF: Insertion of shopfront felt to be inappropriate, creating too many doors on the front elevation. Insertion would break through original framing. Internal alterations considered acceptable.

Warwick Society: welcome new shopfront, but a section of rustication should be retained on both sides. Door on left should be reconsidered. Shopfront should conform to guidelines in Council advice.

Environmental Health: no objection.

RELEVANT POLICIES

(DW) ENV16 - Retention and Re-Establishment of Access to Upper Floors (Warwick District Local Plan 1995)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV15 - Encouragement of full use of Listed Buildings (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP7 - Changes of Use of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP8 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The ground floor was previously used as a hairdresser's shop, but is now vacant. It is proposed to refurbish the ground floor, remove the existing modern stairs and create a new access direct from the street to a new flat above. The changes to the ground floor include a new shopfront and shop entrance which would be cut through an existing area of

rustication which, although not modern, is not contemporary with the main part of the listed building, which is timber-framed.

As the rustication is not part of the original building, I do not consider its loss to be objectionable and the new shopfront is in accordance with guidelines. The door 'on the left' referred to by the Warwick Society has now been amended to show a more appropriate design of door, in keeping with the listed building. Amended plans have also slightly reduced the alterations on the ground floor.

At first floor, some partition walls would be constructed to create a 2-bedroomed flat, which would have its own access to the street. The works to the first floor would bring this part of the building back into beneficial use.

RECOMMENDATION

GRANT, as amended, subject to conditions on large scale details of doors and shopfront.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV16 - Retention and Re-Establishment of Access to Upper Floors (Warwick District Local Plan 1995)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV15 - Encouragement of full use of Listed Buildings (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP7 - Changes of Use of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP8 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20031964

Part 2 Item Number: 08

Town/Parish Council: Leamington Spa

Registration Date: 12/01/2004

Expiry Date: 08/03/2004

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

Land rear of The Old Post Office Gallery, Radford Road, Leamington Spa, CV311JZ
Erection of a detached dwelling fronting Northcote Street after demolition of existing garage.
FOR A Knibb

SUMMARY OF REPRESENTATIONS

Town Council : No objection.

Neighbours : 11 letters received from local residents raising objection on grounds of inadequate car parking (congestion already in local streets exacerbated by previous developments at the Old Post Office and on opposite side of Northcote Street); loss of light and privacy; loss of existing coach house; detrimental to character and appearance of Conservation Area; poor quality of design; limited width of Northcote Street makes access by emergency vehicles difficult.

CAAF : Building felt to be too plain; some element of adjacent terrace needs to be incorporated (possibly a tripartite sash and chimney). Alternatively relate to Old Post Office building.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

A planning application for conversion of this building to residential use was withdrawn in 1998. Planning permission was granted in April 1999 for the conversion of the upper floors of No. 91 Radford Road, Leamington Spa into 3 flats; this included the demolition of the existing garage building and the laying out of land to the rear of No. 91 Radford Road to provide a small garden area and 4 car parking spaces; W990137.

The current application proposes the demolition of the existing garage building and the erection of a two storey, one bedroomed dwelling. As amended, the dwelling would have a single bedroom window on the front elevation to Northcote Street with rooflights on the rear roof slope to a bathroom and stairwell. One off-street parking space is shown alongside the proposed dwelling. It is also proposed to brick up and reposition a presently rear facing window on the existing property, No. 91 Radford Road.

Whilst noting the objections raised to this application, I do not consider that erection of this proposed dwelling would cause harm to the character or appearance of the Conservation Area such as to warrant refusal. Neither, as amended, do I consider it would adversely

affect the amenity of neighbours to a degree as to warrant refusal: With regard to car parking, the scheme does include one off-street car parking space. The implementation of the present scheme would preclude the provision of 3 of the car parking spaces shown on W990137 referred to above; although I recognise the concern of local residents concerning on-street car parking congestion, in the light of current Government guidance on car parking in PPG3 (Housing) and PPG13 (Transport), I do not consider a refusal on that ground alone could be sustained.

RECOMMENDATION

GRANT as amended subject to conditions on large scale details, materials, removal of permitted development rights, car parking, access, amendment to window in No. 91 Radford Road.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20031971

Part 2 Item Number: 09

Town/Parish Council: Leamington Spa

Registration Date: 30/12/2003

Expiry Date: 24/02/2004

Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

162 Lillington Road, Leamington Spa, CV326LN

Erection of a 2 storey front extension and single storey front, side and rear extensions.
FOR Mr & Mrs Dimarco

SUMMARY OF REPRESENTATIONS

Town Council: *"Concern is expressed at the scale of the development and the possible effect on neighbouring dwellings in terms of overlooking. No objection subject to conforming with the 45° guideline."*

Neighbours: The neighbouring resident of 164 Lillington Road objects on the grounds that:-

- 1) the depth and proximity of the extension to the side elevation would detract from the light and visual amenity of the glazed kitchen door. The ability to build the side extension without access onto the property is also questioned;
- 2) the eaves and guttering would overhang the property without consent and would thereby constitute trespass. Although this is acknowledged as being a private matter, nevertheless this should not be compounded by granting planning permission;
- 3) insufficient space would be left between the properties to enable the side elevation to be maintained. The applicants would also be unable to maintain the side elevation of the extension without first obtaining an order under the Access to Neighbouring Land Act 1992. It is not considered good planning practice to rely on separate legislation to remedy this effect of the development;
- 4) the proposed garage would detract from the light and visual amenity of the the kitchen window in the front elevation;
- 5) the 2-storey front extension would breach the common building line, and;
- 6) the scale and proximity of the proposals would represent inappropriate over-development in relation to the width of the plot and would set an unfortunate precedent for similar proposals on neighbouring properties.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The premises comprise a 2-storey detached house that stands on the eastern side of Lillington Road within an established residential area. The neighbouring properties on this side of Lillington Road are predominantly detached, differ in original design and appearance and broadly align along a common frontage with close irregular spacing

between them. The dwelling itself is set 12 metres back from the public footpath behind a hard-surfaced frontage that provides parking for 3-4 cars. The dwelling stands approximately 2.4 metres away from the common side boundary with 164 Lillington Road and approximately 3.6 metres away from the adjacent side elevation, which contains a glazed kitchen door. The nearside window in the front elevation also serves the kitchen.

The proposals described above include the installation of railings around a flat roofed area of the proposed single storey rear extension with potential access from the third bedroom. The proposals have now been amended to resite the railings closer to the bedroom window to prevent the flat roof being used as a balcony. The side elevation of the extension has also been resited 25mm in from the boundary to accommodate a coping drip detail for a parapet gutter and the depth of the side extension has been reduced by 1.8 metres from the front elevation to comply with the 45° Guideline, when measured from the kitchen window of 164 Lillington Road. As a consequence, the integral garage originally proposed has been omitted and is replaced by a study and an enlarged porch. The design and appearance of the front elevation has also been amended accordingly.

As amended I am satisfied that the development would comply with the Council's adopted Supplementary Planning Guidance: 'The 45° Guideline' when measured from the nearside kitchen window of 164 Lillington Road. Whilst I acknowledge the development would be likely to have an impact on the light and outlook from the kitchen door, nevertheless it is a side facing door and does not provide the principal source of light or outlook from this habitable room. Thus, I do not consider the scale and proximity of the extension to the kitchen door would cause an unacceptable degree of harm to the neighbouring resident's amenities. A parapet wall is also now proposed to contain the rainwater goods within the site.

I also acknowledge that the proximity of the extension to the side elevation of the neighbour's property would constrain construction and maintenance and may necessitate reliance on separate legislation to achieve access. However, I do not consider that this, in itself, constitutes material planning grounds upon which to refuse consent. In my opinion, the site also has sufficient capacity to accommodate the development in an acceptable manner in terms of its siting, design, appearance and impact on the varied character of the streetscene.

RECOMMENDATION

GRANT, as amended, subject to a condition regarding materials.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
The 45 Degree Guideline (Supplementary Planning Guidance)

Planning Committee: 09 March 2004
Application No: W20040002

Part 2 Item Number: 10

Town/Parish Council: Cubbington

Registration Date: 05/01/2004

Expiry Date: 01/03/2004

Case Officer: Sarah Laythorpe
01926 456554 planning_east@warwickdc.gov.uk

37 Dunblane Drive, Cubbington, Leamington Spa, CV327TL

Loft conversion.

FOR Mr & Mrs Bercis

SUMMARY OF REPRESENTATIONS

Parish Council: no objection

Neighbours: One objection from 35 Dunblane Drive on grounds of loss of privacy, increased overlooking and an unsightly appearance.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The proposals relate to a 2-storey semi-detached property that stands on the north-west side of Dunblane Drive. The property is broadly similar in original design and appearance to neighbouring houses on this side of Dunblane Drive, none of which contain dormer windows in the roof slope. This repetition of blocks of the same size, scale and appearance creates a symmetrical rhythm to the streetscene.

A similar proposal was refused under application W20030721 on the grounds that 'the proposed side facing dormer window is of an unsatisfactory standard of design by reason of its inappropriate size and scale resulting in an extension of the main ridge line of the existing house with prominent side walls, rather than it being a traditional dormer window set within the existing roof slope such that the existing roof plane remains the principal feature with the dormer window appearing as a subservient element'.

However, the original scheme has been amended and the dormer window has been dropped below the roof ridgeline by approximately one roof tile. The dormer window would also sit back from the front of the roof and would therefore be less conspicuous, thus reducing disruption to the symmetrical rhythm of the streetscene.

Clearly this proposal would change the character of the existing property and its impact on both of its immediate neighbours and the streetscene. However, I do not consider this impact would cause an unacceptable degree of harm in terms of its siting, design or its appearance.

RECOMMENDATION

GRANT subject to matching materials.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040024

Part 2 Item Number: 11

Town/Parish Council: Leamington Spa

Registration Date: 07/01/2004

Expiry Date: 03/03/2004

Case Officer: Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

**Electrical Maintenance & Installations, 1-3 Chesham Street,
Leamington Spa, CV311JS**

Change of use to a nursery school and day care.
FOR Mrs L Hodierne

SUMMARY OF REPRESENTATIONS

Town Council: No objections

WCC Highways: No objections

Environmental Health: No objections subject to conditions including restriction on hours of use and numbers.

Neighbours: One objection received from a neighbour concerning possible noise and nuisance produced by the children's activities in the playground.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

SC7 - Supporting Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The proposals relate to the conversion of single and two storey office and workshop premises that are located on the north-eastern side of Chesham Street within an established residential area of predominantly two storey terraced houses. St Mary's Church and church yard are located to the south west of the property. The property is serviced by a hard surfaced forecourt, with access from Waterloo Street, that also provides access to a smaller service yard.

The authorised use of the property falls within Class B1 of the Town and Country (Use Classes) Order 1987 (as amended) The property is currently vacant.

The application seeks permission for a change of use to a Class D1 pre-school nursery. I consider the key issues raised relate to the loss of existing employment premises and impact of the proposal on local residential amenities.

With regard to the principle of development, Policy (DW) EMP5 Warwick District Local Plan and Policy SC2 of First Deposit Draft Local Plan 1995-2011 seek to ensure land currently in employment use remains in this use. However, the Council recognises that 'exceptional circumstances may exist on individual sites where the loss of part, or even all, of the employment use would be permitted'. In these circumstances 'the Council would

expect an applicant to have demonstrated that all other employment uses have been fully explored before considering non-employment use for the site.'

I am satisfied that the applicant has demonstrated that the premises have been actively marketed for a substantial period. It is claimed that there has been low interest in the premises for employment purposes because of the fragmented layout of the site.

With regard to the establishment of day nurseries, Policy (DW) SC7 seeks to direct community facilities to more sustainable locations. Proposals seeking to locate outside of town centres need to demonstrate that they will be meeting a local need. I am also satisfied that the applicant has been unsuccessful in securing alternative premises within the town centre; and can demonstrate that the current proposal would satisfy a local need.

Local Planning Authorities are also required to make a realistic assessment of the noise potential of the proposed new use in the light of modern practices in running nursery facilities. In this context, they should be aware that institutions registered under the Children Act 1989 normally have patterns and levels different from primary schools. Modern practice seems to be that arrival and departure times in nurseries are staggered, so that there is not such a build up of parents, children and traffic arriving at or leaving the premises at particular times of the day, as is the norm at primary schools. The Highway Authority is satisfied that the siting of a nursery in this area would not result in any detrimental effect on the local highway.

It is also modern practice for nurseries to stagger the timing of outdoor play so that all the children do not play outside together at the same time. However, I note the concerns of the neighbour and the Environmental Health Department regarding the potential loss of amenities from noise associated with children's outdoor activities. Therefore it would be appropriate to control the hours of use with a planning condition that restricts the use of the yard to weekdays, Mondays to Fridays (excluding Bank Holidays) and between the hours of 10.00.a.m and 4.00.p.m; and that the maximum number of children using the yard at any one time shall be six, to be supervised by a suitable qualified adult. In conclusion, I consider that the proposal would not have an adverse impact on the street scene, character of the residential area or upon the neighbouring amenities of the surrounding area.

RECOMMENDATION

GRANT subject to conditions on hours of operation, restriction on hours for play and maximum number of children.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
SC7 - Supporting Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040041

Part 2 Item Number: 12

Town/Parish Council: Warwick

Registration Date: 08/01/2004

Expiry Date: 04/03/2004

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

59 Bridge End, Warwick, CV346PD

Extensions to existing outbuildings and detached occasional guest bedroom.
FOR Mr R. & Mrs M Knight

This application was deferred at the meeting on 17th February 2004 for a site visit. The report which follows is that previously considered.

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

Neighbour: One neighbour is concerned by the size of the proposed accommodation and considers it will considerably affect their amenities.

CAAF: completely unacceptable as the retention/proliferation of unsightly garden sheds probably originally did not have consent. Suggest removal and new appropriate garden building constructed.

RELEVANT POLICIES

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)

HEAD OF PLANNING & ENGINEERING

This dwelling, which is a listed building within the Conservation Area, has a two-part garden with the proposed building works being in the largest part, which is a "hidden" garden accessed by a narrow path beside an old, brick and tile, outbuilding at the bottom end of the "normal" back garden.

The proposed extension would comprise an extension and re-roofing (with a 30 degree pitched roof) of an existing (currently flat roofed) garden/workshop store, and the erection of a conservatory to link that building to another, existing, garden "chalet" which is used as an occasional bedroom/garden room. This building would be slightly extended and its timber cladding replaced with light ochre render.

The existing and proposed buildings would wrap around the end of the garden of the adjoining dwelling but would have very little impact due to the existing outbuildings, greenhouse, and boundary wall forming the end of that garden.

The resulting building would also have only a minor effect on the setting of the listed buildings in Bridge End, and would protect the character of the Conservation Area since the "hidden garden" is not visible to the general public and there are already a significant number of garden buildings in the area. Whilst the comments of CAAF are noted, this assortment of garden buildings currently exists and there are no powers to require their removal. Although the buildings would be enlarged and consolidated, I am satisfied that the works overall result in an improvement to their appearance.

RECOMMENDATION

GRANT, subject to ancillary use condition.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)

Planning Committee: 09 March 2004
Application No: W20040048

Part 2 Item Number: 13

Town/Parish Council: Barford

Registration Date: 16/01/2004

Expiry Date: 12/03/2004

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

13 High Street, Barford, CV358BU

Construction of a new driveway entrance and erection of front porch and a two storey side extension.

FOR Mr & Mrs M Goodenough

SUMMARY OF REPRESENTATIONS

Parish Council: Object to the new access and the house extension. The new access is close to the Avon Close junction and traffic chicane, and these concerns are heightened by apparent business use of the address and regular deliveries and over flow parking. The extensions will come within 2m of the foot way, and be unneighbourly, obtrusive, and out of keeping with the Conservation Area.

Neighbours: One letter has been received stating no objection to the house extensions. It is queried if the access is required due to the alleged business use of a converted garage.

WCC Highways: No objection subject to conditions on access width, construction, surfacing, and gradient.

WCC County Museum: No objection subject to written notice of works.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)

(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

HEAD OF PLANNING & ENGINEERING

The application site consists of a detached dwelling, set behind an open front garden on the corner of High Street and Avon Close. There is a parking area at the side of the property with drive way access from Avon Close, and it is in this area that a two storey side extension is proposed. A new vehicular access from High Street is also proposed, creating an 'in and out' drive way arrangement. The two storey side extension will extend flush with the front elevation behind the projecting front wing, and continue the line of the hipped roof across. Policy RAP3 of the First Deposit Version of the Warwick District Local Plan 1996-2011, aims to limit the size of extensions to dwellings in rural areas in order to maintain the scale and character of dwellings, and to protect the openness of the rural area. This property is in the rural area but within the built up village of Barford, and for this reason, although the character and scale of the property would change, I do not consider that this would harm the openness of the rural area. The extension is set 2m off the side boundary of the property with the public foot way on Avon Close and does not extend forwards, therefore the street scene would not be seriously harmed.

As no objection has been received from WCC Highways, the issue of the safety or suitability of the new access could not be considered reason for refusal. The issue of an alleged business use at the property has been passed onto the Planning Enforcement team for investigation, and therefore will be considered separately and should not be used to determine this proposal.

RECOMMENDATION

GRANT, subject to highway conditions and matching materials.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)

(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

Planning Committee: 09 March 2004
Application No: W20040050

Part 2 Item Number: 14

Town/Parish Council: Kenilworth

Registration Date: 14/01/2004

Expiry Date: 10/03/2004

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

183 Clinton Lane, Kenilworth, CV8 1BA

Erection of rear conservatory.

FOR Mr & Mrs Stephenson

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Comment that the 45 degree guideline appears to have been breached.

Neighbours: The adjoining neighbour objects. The 45 degree guideline is breached, causing a subsequent loss of light and view, and leading to the creation of a 'back yard' between the proposal and the neighbours garage, with subsequent impact on property values. The works would involve foundation work on their land, and loss of a small tree and hedge. Further development may aggravate flooding on their land, and further extensions to this already enlarged semi-detached dwelling seem inappropriate.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The application property consists of a semi-detached property that has been previously extended to the rear. It is proposed to add a rear conservatory, that has been reduced in size since originally submitted in order to comply with the 45 degree guideline from the neighbouring property, which also has a single storey rear conservatory extension that currently projects 0.6m past the rear wall of the applicant. The conservatory will extend 1.3m past the neighbours extension to the rear, with a glazed pitched roof sloping down to the boundary. The side of the conservatory will be built onto the boundary, with a brick wall up to a height of 2.1m above ground level, and a section of high level glazing above this giving a total height of 2.7m. The view to the other adjacent neighbour is blocked by the applicants set back garage.

There would be no increased overlooking to the neighbouring property due to the high level of the proposed windows, and also since there are currently open views across the 1.5m side boundary fence. In my opinion, the impact on the neighbouring property would not be so serious as to warrant refusal, given that a 45 degree guideline is not breached from the neighbours extension. A 2m high wall could be erected on the boundary without the need for planning permission under 'Permitted Development' rights. The side wall of the proposed conservatory will not have significantly more of an impact than this, given

that the side wall will only be 0.1m higher, and that the glazing above this will not block a substantial amount of light, and the roof will be sloping away.

Impact on property values and loss of view are not planning matters, and access to the neighbours land during construction is a private matter. It is not considered that the extension would have a measurable impact on flooding in the area, and the affected tree and hedge are neither substantial nor of significant amenity value.

RECOMMENDATION

GRANT

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

The 45 Degree Guideline (Supplementary Planning Guidance)

Planning Committee: 09 March 2004
Application No: W20040062

Part 2 Item Number: 15

Town/Parish Council: Leamington Spa

Registration Date: 12/01/2004

Expiry Date: 08/03/2004

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

243 Rugby Road, Leamington Spa, CV326DY
Demolition of existing house and erection of 4 flats.
FOR Zebra Homes

SUMMARY OF REPRESENTATIONS

Town Council: Object; unneighbourly (overlooking of dwellings at West Grove Terrace and The Spinney; overdevelopment); design unsympathetic to streetscene dominating its surroundings; demolition of an acceptable dwelling; additional traffic on busy road to detriment of highway safety.

Neighbours: 6 neighbours have raised objection on the grounds set out above and height likely to result in loss of daylight/sunlight, increased noise/disturbance, disruption during building process, inadequate car parking likely to result in parking on Rugby Road to detriment of pedestrians/highway safety.

WCC (Highways): No objection subject to conditions on access/parking.

Head of Environmental Health: No objection subject to sound proofing condition and contamination survey.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

Planning permission for a detached house (after the demolition of the existing workshop/garage) between the existing dwelling 243 Rugby Road and the plot boundary was granted in January 2003, W20021747. Subsequently a proposal for the demolition of the existing house and its replacement by 4 town houses was refused in January 2004, W20031769.

The present application, the design of which has been amended, entails the demolition of the existing house, the reduction of existing ground levels and the erection of a replacement building containing 4 split-level two bedroomed flats with forecourt parking for 4 cars. The building would be two storeys with accommodation lit by rooflights within the roofspace; the cill of the rooflights would be not less than 1.8 m above internal floor levels to prevent overlooking.

Whilst noting the objections, I consider the amended design would be acceptable on this site. The rear wall of the building would be built on the line of the rear wall of the existing house and the rear facing first floor bedroom windows, would be some 1 m lower than the

first floor windows in the existing house (due to the proposed reduction in ground levels). I do not consider this particular scheme would cause unacceptable harm to the amenity of nearby residents; there is presently a substantial conifer screen on the rear boundary which it is proposed to retain. No objection has been raised by the Highway Authority to the proposed access and car parking arrangements.

RECOMMENDATION

GRANT, as amended, subject to conditions on large scale details, materials, access, car parking, landscaping, site levels, contaminated land survey and soundproofing.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040064

Part 2 Item Number: 16

Town/Parish Council: Cubbington

Registration Date: 12/01/2004

Expiry Date: 08/03/2004

Case Officer: Sarah Laythorpe
01926 456554 planning_east@warwickdc.gov.uk

106 Rugby Road, Cubbington, Leamington Spa, CV327JG

Proposed construction of first floor level to east side of existing bungalow with conservatory to rear.
FOR Mr & Mrs Bremridge

SUMMARY OF REPRESENTATIONS

The Parish Council objects due to an over-development and a complete change to the character of the building.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The existing property is a single storey bungalow on Rugby Road, Cubbington. It is proposed to enlarge the bungalow to a two-storey dwelling. The proposal will involve a substantial alteration to the existing property, effectively replacing it with a 2-storey property with 3 bedrooms and ancillary accommodation at first floor level.

The first floor extension and the rear conservatory complies with the 45 degree code with regard to both neighbouring properties. There are no windows on the side elevation of the proposed first floor and therefore there would be no overlooking or loss of privacy to either neighbouring properties.

This particular section of Rugby Road is mostly characterised by bungalows. However, the neighbouring property at 108 Rugby Road is a 2-storey dwelling whilst 104 is also a bungalow. The height of the bungalow would be increased to 2-storey adjacent to 108 Rugby Road and would remain single storey in height adjacent to 104 Rugby Road, thereby reflecting the change in ridge height between these properties.

Clearly this proposal would change the character of the existing property and its impact on both of its immediate neighbours and the streetscene. However, I do not consider this impact would cause an unacceptable degree of harm in terms of its siting, design or its appearance, and I consider the development would add variety and interest to the streetscene.

RECOMMENDATION

GRANT subject to matching materials.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040072

Part 2 Item Number: 17

Town/Parish Council: Leamington Spa

Registration Date: 14/01/2004

Expiry Date: 10/03/2004

Case Officer: Joanne Fitzsimons
01926 456534 planning_east@warwickdc.gov.uk

68 Braemar Road, Lillington, Leamington Spa, CV327EY
Erection of a single storey extension and two storey side extension.
FOR Mr H. Bilkhu

SUMMARY OF REPRESENTATIONS

Town Council: An objection has been received on the grounds that the proposal would have a detrimental effect on the neighbouring property and the street scene.
Neighbours: One objection has been received on the grounds that the revised plan shows the guttering overhanging on the neighbour's property, with the applicant stating "rainwater to be taken to existing drains."

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The property stands in a row of semi-detached properties on the north-eastern side of Braemar Road and Helmsdale Road. The premises is separated from the highway by a hardstanding and there is an attached garage to the side. The row of houses displays a strong sense of rhythm and harmony. Several properties have had minor side extensions, the regular spacing between dwelling houses having been retained by the limited nature of these extensions at first floor level.

The application is an amended submission to erect a single storey extension and a two storey side extension. The previous application was refused on the grounds that the proposal would have been injurious to the street scene and character of the area, due to the lack of a metre gap to the boundary at first level, leading to a terracing effect. The proposal has subsequently been amended to address the reasons for refusal, and would now be set in by 1 metre from the boundary at first floor level and set down at the ridge line, so that the proposal now reads as an subservient extension to the host property, thereby maintaining the rhythm of regular characteristic spacing between the semi-detached properties.

I note the Town Council's concerns but consider that the amended proposal would comply with normal design practice and does not conflict with any approved planning guidance. The neighbour's concerns are also noted and I consider that a condition should be applied

to request large scale details of guttering, which would demonstrate that the guttering would not overhanging the neighbour's land.

RECOMMENDATION

GRANT subject to condition on guttering details.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040074

Part 2 Item Number: 18

Town/Parish Council: Kenilworth

Registration Date: 15/01/2004

Expiry Date: 11/03/2004

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

6 Talisman Close, Kenilworth, CV8 1TE

Erection of a single storey study extension behind garage.

FOR Mr I Stables

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object as it constitutes excessive overdevelopment in relation to the size of the property.

Neighbours: One neighbour has objected to size, proximity to lounge window and gabled roof.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

The 45 Degree Guideline (Supplementary Planning Guidance)

HEAD OF PLANNING & ENGINEERING

The property comprises a semi-detached house with a detached garage on the boundary with the objecting neighbour, the garage extending into the back garden to the same extent as that neighbour's garage. The proposed study would measure 2.6 m wide x 4.36 m long and would be sited behind this garage and would be dug into the rising ground to minimise its impact. Its ridge level would also be some 1.1 m below that of the pair of garages (the original plans showed it as 0.7 m below the ridge) and it would have a hipped roof, not a gabled roof.

The study would be mostly screened by the neighbour's garage and the visible end part, as well as being dug into the ground, would be some 8-10 metres away (depending on which side of the lounge window the measurement is taken from). I consider, therefore, that the proposal will only have a limited impact on the neighbour.

RECOMMENDATION

GRANT, as amended.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

The 45 Degree Guideline (Supplementary Planning Guidance)

Planning Committee: 09 March 2004
Application No: W20040076

Part 2 Item Number: 20

Town/Parish Council: Kenilworth

Registration Date: 15/01/2004

Expiry Date: 11/03/2004

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

14 Windy Arbour, Kenilworth, CV8 2AS

Erection of a single storey rear extension and a rear dormer window.
FOR Mrs A Grantham

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection.

Neighbours: Four letters of concern have been received, on the following subjects.
Potential access and safety problems relating to the works close to the rear access, subsequent impact on property prices, loss of sun light and day light caused by the rear dormer, loss of privacy from the rear dormer, the dormer design is out of keeping, and any alterations should be sympathetic in style to the whole terrace. Roof lights would be preferable to a dormer, or the dormer should have a pitched roof instead of a flat roof.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application site consists of an end of terrace dwelling, with restricted rear garden enclosed by a thick hedge. A shared access runs down the side of the dwelling and behind the enclosed rear garden and wing serving the rest of the terrace. The access separates the dwelling from the rest of the garden and garage at the rear. It is proposed to build a single storey rear extension in the garden area adjoining the house, which will follow the existing hedge line, adding a small corner where the existing hedge is rounded off. A flat roof rear dormer window is also proposed.

The rear extension will not restrict the existing rear access, as this only impinges on the drive area a small amount, and there is more room available at the rear to extend this if needed. Shared access over the drive is a private matter covered by civil law, and while access may be interrupted during construction works, this is a matter to be resolved between neighbours. There would be very little harm to the adjacent neighbours amenity as they are on the other side of the drive, with only minor side windows affected which already face the two storey side of the building. Side windows are proposed in the rear extension but these are high level only, and will not cause loss of privacy.

The rear dormer will not create a substantial loss of light to any neighbouring properties due to its position, and although representing a clear addition to the currently unaltered terrace, this view does not form part of the general street scene, and therefore will not

substantially harm the visual amenity of the area or terrace to such an extent as to warrant refusal, especially given that this is not a Conservation Area, or a Listed Building. The new rear dormer would increase the level of overlooking, but I do not consider this would be so substantial as to warrant refusal. Any impact on property values is not a matter which can be used to determine a planning application.

RECOMMENDATION

GRANT, subject to a condition on inward opening doors on rear extension.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040095

Part 2 Item Number: 21

Town/Parish Council: Warwick

Registration Date: 28/01/2004

Expiry Date: 24/03/2004

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

7 Swan Street, Warwick, CV344BJ
Hanging sign on bracket and fascia sign.
FOR Mr & Mrs B Cload

SUMMARY OF REPRESENTATIONS

Warwick Town Council : Suggest that the livery of the shopfront should be more subdued.
Warwick Society : Object to the height of the hanging sign, the internally lit fascia, and the colour of the shopfront.

CAAF : Were concerned about the height of the hanging sign, the downlighters at the eaves, the fascia sign and the shopfront colour.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)

HEAD OF PLANNING & ENGINEERING

The property is one of a row of commercial units where there is a variety of designs of shopfronts and signs, including hanging signs and internally illuminated fascias.

In the present case, the various comments and objections received appear to be based on the photo-montage rather than the actual details on the large scale section and the covering letter. These details make it clear that the shallow, metal box, fascia would be sited between the existing pilasters, not overlapping them, and would be finished in a 'light oak' colour to match the existing shopfront, with the pilasters and corbel details being painted black. Cut out letters within the fascia would then have 'beaten copper faces' so that the lighting would be limited to a halo effect around these letters.

It is considered that this design, and the amount of illumination, would have a high quality, modern, effect appropriate to the Conservation Area. It would be different from the traditional painted signs suggested in the published design guide, but this guide is not formally approved Supplementary Planning Guidance and, therefore, can only be given limited weight.

In the case of the hanging sign, the applicants have agreed to lower this so as to be more in line with the expected position for such signs, namely by the fascia, and have also agreed to omit the eaves level lighting. It is considered that these changes make the signage acceptable.

RECOMMENDATION

GRANT, as amended.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)

Planning Committee: 09 March 2004
Application No: W20040101AG

Part 2 Item Number: 22

Town/Parish Council: Wasperton

Registration Date: 21/01/2004

Expiry Date: 17/03/2004

Case Officer: Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

Bradshaw Farm, Wellesbourne Road, Wasperton, Warwick, CV358EB
Extension to agricultural building.
FOR J & A Growers Ltd

SUMMARY OF REPRESENTATIONS

Parish Council : "The Council objects to the application because it is not a farming enterprise, is not taking place in a farm building and the proposal suggests an operation on a scale unsuitable and unneighbourly to the area and an increase in traffic exiting and entering the A429 highway."

Environment Agency : No objections.

Archaeology : No objection subject to a condition requiring a watching brief.

CPRE : Objects as the proposed building is very large in the countryside, which is unlikely to be used solely for produce from the farm. The indicated use of the internals appear that the building is for the processing of food not produced on the farm, and is therefore an industrial building.

Neighbours : One local resident has objected stating that the proposal is not a true farm building as it is a horticultural enterprise. The building is very large and to increase it by 50% would make it too industrial which would be out of keeping with the area and would cause a hazard for traffic entering/exiting the A429. The nearest neighbour to the site has stated that they have no objections.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application is for the extension of an agricultural building, which was constructed under an agricultural notification in 2002. However, as this application has been made within 2 years of the original, full planning permission is required. The building is currently used as a equipment store, small office and store/packing and grading area for the production of hedge saplings, with the saplings being grown in the surrounding fields. The assumptions made by the CPRE are therefore incorrect, as the building is currently used in association with the surrounding land and can be conditioned to remain so.

The building currently measures 38.5 metres in length and 12 metres in width and has a ridge height and eave height of 8.5 and 7 metres respectively. The extension would be 9.5 metres in width and would continue for the whole length of the building. The pitch of the roof would be continued across the extension, thereby reducing the eave height on the one side of the building to 4.5 metres, creating an asymmetrical roof.

The definition of 'agriculture' in the 1990 Planning Act "includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock". I cannot therefore agree with the Parish Council and neighbour comments that the current use is not a farming enterprise. The use of the building and land is appropriate in such a rural area and , in my view, does provide diversification in agriculture.

The operations taking place are of an agricultural nature and although involve an amount of industrial processes and vehicle movements it is not considered that they would have an adverse impact on surrounding properties, with the nearest being approximately 170 metres, and the most apparent from the application area being over 250 metres away. The increase in traffic movements from the site is not considered to be material and although onto a busy 'A' Class road, visibility and access onto the road is very good

RECOMMENDATION

GRANT subject to conditions requiring the buildings use to be in association with the surrounding land holding and matching materials.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040110

Part 2 Item Number: 23

Town/Parish Council: Kenilworth

Registration Date: 23/01/2004

Expiry Date: 19/03/2004

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

38 Farmer Ward Road, Kenilworth, CV8 2DL

Single storey rear extension.

FOR Mr S Atkins

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection.

One neighbour objects. The proposal will result in overdevelopment of the site, and the extension should not go beyond the rear of the original building. The proposal will result in the loss of 75 % of the sunlight to their back garden. The neighbour is also concerned about the impact of the extension on the sewer which it will be built on, with regards to overloading, construction, and maintenance. Guttering should also not overlap onto their land.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

The 45 Degree Guideline (Supplementary Planning Guidance)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The property consists of a semi-detached bungalow, that is linked to one neighbour by a flat roof side garage with extension behind. It is proposed to extend the property 2.6m to the rear, creating three projecting gable ends, the largest of which will be in the centre of the building. The extension is onto the boundary with the adjoining neighbour, and 0.9m off the boundary with the other neighbour. The adjoining neighbour has an existing rear extension on the rear of their garage, which extends a further 1.3m past the applicants existing rear wall. This neighbour has a glazed door into this extension, but a 45 degree guideline from this to the proposed extension is not breached, therefore, I do not consider there would be any serious loss of amenity. No side windows are proposed so there would be no increased loss of privacy. I do not consider that the extensions would result in the overdevelopment of the plot as the property would still retain substantial rear and front garden areas.

The adjoining neighbours concern about access onto their land is not a planning matter, and the plans show a parapet gutter which does not extend onto their property. The impact of the extensions on the drains and sewers are covered by Building Regulations and, therefore, would not constitute a valid planning reason for refusal.

RECOMMENDATION

GRANT

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

The 45 Degree Guideline (Supplementary Planning Guidance)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040113

Part 2 Item Number: 24

Town/Parish Council: Barford

Registration Date: 26/01/2004

Expiry Date: 22/03/2004

Case Officer: Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

7 Sandy Way, Barford, Warwick, CV35 8DY

Two storey side extension, first floor rear extension, porch and bay window to front.
FOR Mr & Mrs M Ash

SUMMARY OF REPRESENTATIONS

Parish Council: Objects as the side extension is un-neighbourly and would cause over-development of the site, while the symmetry of the group of four dwellings would be spoiled by the side extension, bay window and front porch. The proposal would remove a modest family home from the stock of such dwellings much needed in the village.

Neighbours: The attached neighbour objects to the proposal. The existing ground floor extension already greatly impacts upon the amount of daylight and sunlight to the properties rear lounge and outside patio area and the proposed rear extension would make this situation worse. Concern is also expressed regarding potential noise levels in communal rooms as the increase in size of the property would enable the family to foster more children.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application property has recently been extended to the rear, providing a flat roof single storey rear extension protruding approximately 4 metres into the rear garden. Although this substantially conflicts with the 45 degree code from the adjoining neighbour (No 8) , it was constructed under Permitted Development.

The proposed first floor rear extension would be located approximately 1.8 metres away from the dividing boundary between the applicants property and No 8, thereby complying with the 45 degree code. However, it is proposed to construct a pitched roof over the existing flat roof extension and although this would conflict with the 45 code, the proposed roof is hipped away from the neighbouring property. It is considered that the roof would visually improve the rear extension and this together with the first floor rear extension, would not have a materially greater impact upon light to the neighbouring property over the current adverse situation.

The proposed two-storey side extension would have the first floor set off the dividing boundary with the neighbour. The neighbour is set approximately 3 metres off the

boundary and has a secondary side door and window facing the proposed extension. It is therefore considered that this neighbour's amenities would not be adversely compromised.

Whilst the proposal would develop the width of the plot, it would not link to the neighbour thereby extending the terrace. Although the first floor of the proposal is set back from the existing front elevation, the symmetry of the terrace of four properties would be affected by the side extension and the proposed porch and bay window. However, the extensions are well designed and I do not consider the street scene would be visually harmed to such a degree as to warrant refusal.

Although I appreciate the concern expressed by the attached neighbour regarding potential noise levels in communal rooms, such as the lounge, the property is in residential use and it is not considered that the potential for noise nuisance is directly attributable to the number of bedrooms or size of property. If noise does become a nuisance, then there are other powers available to the Council (via Environment Health) to curtail such nuisance.

Whilst the proposal would remove a modest family home from the housing stock in the village, this is not contrary to policy in the current or emerging District Local Plan and is therefore not considered to be a sufficient reason to refuse the application.

RECOMMENDATION

GRANT subject to conditions on matching materials and removal of PD rights to insert windows in the extensions.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040116

Part 2 Item Number: 25

Town/Parish Council: Leek Wootton

Registration Date: 26/01/2004

Expiry Date: 22/03/2004

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

8 Hill Wootton Road, Leek Wootton, CV35 7QL

Erection of single and two storey extensions with use of loft space.

FOR Mr & Mrs J Gwilliam

SUMMARY OF REPRESENTATIONS

Parish Council: Extension is 1.2m higher than original. Could ground floor ceiling height be reduced to match existing to reduce overall height of extension to make less of an impact of this large extension.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

The 45 Degree Guideline (Supplementary Planning Guidance)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The house is a substantial detached property set in a large plot. It is proposed to extend on ground and first floors to form an enlarged lounge with additional bedroom and bathroom space above. The ceiling height in the lounge would be 2.55m, comparatively high by modern standards, but this additional height would visually complement the large lounge (8.6m by 6.5m) which could look cramped with a lower ceiling. Additionally, further accommodation is planned in the roofspace. As a result, the overall roof height of the extension would be 1.3m higher than that of the existing.

The break in roof height is probably welcome in design terms, and although it is normal to set extension roofs *down* from the existing, there is no reason why the change should not be upwards. In this case, the house is set back from the road and there would therefore be little impact on the street scene. The adjoining neighbour is on slightly higher land and is separated from the application site by a very substantial hedge and a tree, so the impact on that house would be minimised.

RECOMMENDATION

GRANT.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

The 45 Degree Guideline (Supplementary Planning Guidance)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040123

Part 2 Item Number: 26

Town/Parish Council: Kenilworth

Registration Date: 30/01/2004

Expiry Date: 26/03/2004

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

St Joseph's Convent School, Coventry Road, Crackley, Kenilworth, CV8 2FT

Proposed free standing canopy for existing children's play area
(retrospective application). FOR St Joseph's School

SUMMARY OF REPRESENTATIONS

Town Council: although sympathetic to the needs of the school, object on grounds that the structure is visually intrusive and detrimental to the amenities of the area and the landscape. (99 letters of objection were received by the Town Council.)

Crackley Residents Association -strongly oppose this retrospective application on grounds of the canopy being an eyesore and detrimental to local amenity. They consider the structure should be removed.

Three letters of support for the canopy have been received - it provides a valuable facility and does not look out of place in a school playground setting.

Eleven letters of objection have been received - canopy is totally out of keeping, composed of unsuitable plastic material, prominent and unsightly and seriously detracts from the setting of the Victorian School buildings and the residential amenities of nearby neighbours.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The canopy which is already in position, measures 8m by 8m and has a curved roof, which at its highest point is several metres high. The canopy consists of metal legs and a heavy-duty polyester membrane roof, treated to make it fireproof and weatherproof. It is used to cover part of the playground, making it available for use in wet weather. The playground is in a prominent position in front of the school and is clearly seen from the access road to the new residential development.

With its white roof the canopy is very visible and is seen against the generally dark background of the surrounding trees and the brickwork of the school. However, the initial brightness of the roof will decline in time and this will help to blend the structure with its surroundings. In these circumstances, I do not consider that a refusal could be justified.

RECOMMENDATION

That permission be GRANTED.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040127

Part 2 Item Number: 27

Town/Parish Council: Leamington Spa

Registration Date: 26/01/2004

Expiry Date: 22/03/2004

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

21 Kenilworth Road, Leamington Spa, CV326JD

Extension to first floor above existing single storey extension on Kenilworth Road frontage (as an amendment to planning permission W20031328 for the alteration and conversion of the building to form 10 flats, dated 30.9.2003).

FOR Redbeck Ltd

SUMMARY OF REPRESENTATIONS

Town Council: Objects based on its response to application W20031328, namely inadequate provision for parking within the site and increased vehicular movement onto a busy highway.

Neighbours: 2 neighbours have written to raise objection to an overbearing effect, loss of light and to two windows overlooking this property and to request a wall stops access to the rear of their properties.

CAAF: No comment.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(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)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

Planning permission was granted on 30th September 2003, W20031328, for the conversion and extension to existing student accommodation to form 10, self-contained flats and car parking. This proposal included the retention of an existing pitched roof rear outbuilding, the construction of a two storey rear extension and the provision of a pitched roof to an existing flat roof building fronting Lillington Avenue.

The scheme as now amended includes the removal of the pitched roof off the existing rear outbuilding and its replacement by a flat roof (with a parapet wall) to match the adjacent flat roof extensions and the provision of a first floor, pitched roof, extension onto the Lillington Avenue frontage. On the rear wall of the two storey extension permitted under planning permission W20031328 it is now proposed to insert one sash window to a

bedroom with the bottom pane obscure glazed. It is proposed to construct a rendered boundary wall to the Kenilworth Road and Lillington Avenue road frontages.

I consider that the amended scheme now submitted would not cause unacceptable harm to neighbours amenity or the character/appearance of the Conservation Area and would be an acceptable alternative to the approved scheme. It would not increase the number of flats permitted so whilst noting the objections raised I do not consider an objection to this amended scheme could be sustained.

RECOMMENDATION

GRANT, as amended, subject to conditions on large scale details, materials, obscure glazing, car parking, external lighting, cycle parking, bin storage, landscaping/boundary treatment.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(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)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040140

Part 2 Item Number: 28

Town/Parish Council: Leamington Spa

Registration Date: 23/01/2004

Expiry Date: 19/03/2004

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

23 Warwick Place, Leamington Spa, CV32 5BS

Conversion of existing eight flats to six including provision of lightwell to front, side and rear elevation; erection of a two storey rear link extension to provide two additional flats and two covered parking spaces; provision of parking for six further vehicles.

FOR Regent Properties

SUMMARY OF REPRESENTATIONS

Town Council : Object. The design of this proposal is considered to be unsympathetic to the character of the Conservation Area. The extension is also considered to be of a scale that would result in an incongruous development.

CAAF : Proposal not liked; retrospective step. Backs of adjacent dwellings would be far too close whilst such a large extension would be inappropriate and could set an unfortunate precedent. Internally it was felt that the flats should be accessed off the central staircase; with this caveat no problem with reordering interior.

WCC (Highways) : No objection subject to access conditions.

Head of Environmental Health : No objection.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(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)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

Planning permission for a similar development on this site, including the proposed rear extension was granted by the Planning Committee on 18th June 2003, reference W20030608. At that time it was proposed to convert the existing 8 flats in the existing house into 5 flats.

The present proposal is essentially for the same scheme but amended to enable 6 flats be created in the original house.

Whilst noting the objections raised by the Town Council and CAFF, given the existence of planning permission W20030608, I do not consider the effect of the changes now proposed would make this scheme unacceptable. There are presently 8 car parking spaces on site to serve the 8 flats in the existing house and the proposed scheme would retain 8 car parking spaces to serve the 8 flats now proposed. No objection is raised to this application by WCC (Highways) or the Head of Environmental Health.

RECOMMENDATION

GRANT subject to conditions on materials, large scale details; height of rooflights; obscure glazing; landscaping; access; car parking; external lighting and bin storage.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(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)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040145

Part 2 Item Number: 29

Town/Parish Council: Kenilworth

Registration Date: 28/01/2004

Expiry Date: 24/03/2004

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

104 Windy Arbour, Kenilworth, CV8 2BH

Demolition of existing conservatory and erection of a replacement single storey side extension. FOR Mr R Wheildon

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object as the application is considered detrimental to both amenity and street scene.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application plot is on the corner of Windy Arbour and Lindisfarne Drive, and the proposal is to extend this detached dwelling by demolishing the existing side conservatory, and replacing it with a single storey side extension. This will be on the side of the property adjacent to Lindisfarne Drive, and will extend up to the existing 1.85m side boundary wall, and also further forwards and to the rear than the existing conservatory. The extension will still be set more than 1m back from the front elevation, and 2m from the edge of the public footway at the front. As the land drops to the dwelling from Lindisfarne Drive by 0.3m, the proposed side extension will only extend a further 0.4m above the existing brick boundary wall, with a pitched roof above this.

As the extension is adjacent to the highway side of the property, it will not harm the amenity of any neighbours, and in my opinion will also not cause any serious harm to the street scene due to its single storey design, limited height and position set off the public highway.

RECOMMENDATION

GRANT

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040147

Part 2 Item Number: 30

Town/Parish Council: Shrewley

Registration Date: 29/01/2004

Expiry Date: 25/03/2004

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

1 Highland Court, Five Ways Road, Shrewley, Warwick, CV35 7HT
Construction of inglenook fireplace.
FOR Mr A. Evans

SUMMARY OF REPRESENTATIONS

Shrewley Parish Council: Object on the grounds that further extension to this already extended building is not in keeping with the original structure.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

HEAD OF PLANNING & ENGINEERING

This property was granted planning permission as one of the units converted out of traditional farm buildings in 1995 and has also had a two-storey side extension built (after demolition of a large, lean-to, conservatory) in 2001.

The original building included an external chimney stack on the rear elevation and the present proposal is to enlarge this chimney stack, on ground floor only, to provide an inglenook fireplace.

The building is seen from the Five Ways Road, but only at a distance across a paddock, so that the proposed work would be difficult to see and would have very little impact on the character of the building as a whole. The approved, and built, extension has a much greater impact and is clearly visible from the road, but was accepted due to a previous appeal decision which allowed an extension on another dwelling in the complex.

RECOMMENDATION

GRANT.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

Planning Committee: 09 March 2004
Application No: W20040151

Part 2 Item Number: 31

Town/Parish Council: Warwick

Registration Date: 29/01/2004

Expiry Date: 25/03/2004

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

42 Stratford Road, Warwick, CV34 6AT
Conversion of dwelling and annexe into 2 dwellings.
FOR Mr C Macias

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object because of the size of the plot, which would be incompatible with those in the area and would fail to provide adequate amenity space, also representing overdevelopment of the site. A site visit is recommended.

Neighbours: No comments received.

Warwick Society: Concerned about the incremental development of his site. The Society referred the matters of the use of the premises as a builder's yard, and the display of a trade advertisement, to the Enforcement Officer, and no further applications should be granted until these matters are resolved.

WDC Environmental Health: No objection.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application site was the subject of a grant of permission at Planning Committee in March 2003 for the erection of a two storey side extension and single storey rear extension, and a condition was attached requiring that the extension only be occupied by members or relatives of the family in the main dwelling. A detached rear garage with study over was also granted permission in January 2004. Permission is now sought retrospectively for the conversion of the extended property into two separate dwellings. A link door at ground floor level between the extension and the main dwelling has not been provided and the rear garden has been divided. The property has a large walled front yard with parking for several cars, a rear access and garage with parking for two cars, and there is nearby on street parking.

There is adequate parking available, and the rear garden is large enough to provide an adequate level of amenity for the size of dwelling. The style of the extension does not give the visual impression of a very small dwelling that is out of character with the surrounding plots, as this still appears as a subsidiary extension to the main dwelling. The creation of a separate dwelling is not considered to cause harm to the street scene, or any neighbouring amenity as the adjacent neighbour is separated by a wide pedestrian access to the rear.

The matters of the business use at the address, and the advertisement have been resolved, and are unrelated to this planning application. The incremental development of the site is also irrelevant, as each application must be decided on its merits at the current time. The matters previously referred to Enforcement are under investigation.

RECOMMENDATION

GRANT

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040153

Part 2 Item Number: 32

Town/Parish Council: Leamington Spa

Registration Date: 02/02/2004

Expiry Date: 29/03/2004

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

45 Lillington Road, Leamington Spa, CV32 6LD

Creation of one additional flat (Variation of Planning Permission W20031394 for conversion of building into 11 flats dated 27.10.03 ie. to create 12 flats in total).
FOR Cityfield Properties Developments Ltd

SUMMARY OF REPRESENTATIONS

Town Council: The addition of one further unit of accommodation will further increase the impact of vehicular traffic and is considered undesirable from the viewpoint of parking and access to the main highway.

Neighbours: One neighbour has written to voice concern. No need for further flats.

WCC (Highways): No objection subject to access conditions.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

Planning permission was granted on 27th October 2003, W20031394, for the conversion of this former nursing home into 11 flats (5, 1 bed; 3, 2 bed; 3, 3 bed). The present proposal is for an amended internal layout to create 12 flats (8, 1 bed; 3, 2 bed; 1, 3 bed).

I consider that the proposed changed scheme would not cause unacceptable harm to neighbours and the principle of residential use remains acceptable. The flats would now be predominantly 1 bed and the scheme includes 12 car parking spaces. Whilst noting the objections raised to this proposal, WCC (Highways) has raised no objection.

RECOMMENDATION

GRANT, subject to conditions on large scale details, car parking, access and bin storage.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040156

Part 2 Item Number: 33

Town/Parish Council: Warwick

Registration Date: 30/01/2004

Expiry Date: 26/03/2004

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

28 Austin Edwards Drive, Warwick, CV34 5GW
Erection of wooden trellis fencing (Retrospective).
FOR Mr Martin Pepper

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object to the unacceptable visual impact of the development to the amenity of the area and street scene. The materials, maintenance, height and general massing on the boundary is unacceptable and if permitted could be a precursor to similar applications.

Neighbours: One letter of observation received. The neighbour questions the purpose of the screening, whether proper maintenance will be carried out, if there will be any planting, and if the trellis could be extended or changed to a large fence without further permission.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

Retrospective planning permission is sought for the erection of 1.04m high trellis fencing along the rear and side boundary of this property, onto the canal side and bridge sides of this property. The dwelling is next to the Emscote Road canal bridge, and is set at a significantly lower level, so much that there are clear views from the pedestrian foot way on the bridge into the applicants rear and side garden and dwelling. The trellis fencing has been introduced in order to increase privacy, and limit overlooking from the bridge to the dwelling and garden area. The fencing directly adjoins the bridge and is clearly visible to both pedestrian and vehicular traffic, above the 1.4m bridge wall and existing wooden fencing on the side boundary. The applicant has submitted details of the type of vine planting that has been implemented as part of the scheme, and I am satisfied that when fully grown this will provide attractive further screening. Two of the trellis panels close to the bridge have also been negotiated to be removed, in order to reduce the visual impact when viewed from the west side of the bridge and the canal.

The trellis fencing has less of a visual impact than solid timber fencing or brick work, and in my opinion is not so harmful to the street scene as to warrant refusal, as the only view this blocks is of the applicants dwelling and garden. As amended, the visual impact of the proposal from the canal side of the property is also reduced to acceptable levels. Maintenance of the fencing is not a matter which can be controlled by condition. The trellis fencing could not be changed to solid fencing without planning permission at a future

time as the proposal would be granted strictly in accordance with the details submitted. I do not consider that the scheme would set a precedent for future development as each case must be considered on its own merits.

RECOMMENDATION

GRANT, as amended, subject to retention of planting.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040158

Part 2 Item Number: 34

Town/Parish Council: Leamington Spa

Registration Date: 28/01/2004

Expiry Date: 24/03/2004

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

Regent Hotel, Parade, Leamington Spa, CV324AT

Variation of Condition 31 of Planning Permission W20010483 dated 15/8/02, to enable Unit C1 to open 7.30am to 1am. (Condition 31 presently requires unit to close at 11.30pm.)

FOR Nigel Harris

SUMMARY OF REPRESENTATIONS

Town Council: Object to extended opening hours due to cumulative effect such permissions have on the environment of the town centre and on the amenity of residents. In accordance with the Council's observations on the 1st Deposit Local Plan, objection is raised on the strongest terms.

CAAF: Members felt that closing time should be retained at 11.30 pm.

Ward Member - Councillor Crowther: Object. With the number of flats being built in this development, the late opening would add to the disturbance late at night and be detrimental to the residential amenity of local residents.

Neighbours: One resident has written to raise objection on grounds of noise/disturbance to local residents.

Head of Environmental Health: No objection.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP9 - Pollution Control (Warwick District 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

Planning permission was granted on 15th August 2002, W20010483, for various works to the Regent Hotel and the land to the rear. This permission required the ground floor commercial unit to be formed in the northern section of the hotel (in the former ballroom and associated rooms) to be used solely for A3 (food and drink) use whilst Condition 31 stated that unless otherwise first agreed in writing by the District Planning Authority, the approved A1 and A3 units in the whole scheme shall not be open for business outside the hours of 7.30 am to 11.30 pm. The reason for Condition 31 was to protect the amenities of surrounding properties and those of the occupiers of the flats hereby permitted.

The present application relates to that part of the site which formerly formed an integral part of the operation of the Regent Hotel and its hours of operation were not previously time limited. The rooms above would remain in hotel use as previously with access to this unit continuing to be off Parade.

There are no residential units within the immediate locality and in my opinion, whilst noting the objections received, I do not consider the proposed extended opening hours would cause harm such as would warrant refusal. No objection has been raised by the Head of Environmental Health and I consider the particular circumstances of this site would not establish a precedent for applications elsewhere in this proposed development.

RECOMMENDATION

GRANT.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP9 - Pollution Control (Warwick District 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040160

Part 2 Item Number: 35

Town/Parish Council: Leek Wootton

Registration Date: 29/01/2004

Expiry Date: 25/03/2004

Case Officer: Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

7 Quarry Fields, Leek Wootton, Warwick, CV357RS

Erection of a single storey side and rear extension.

FOR Mr T Clark

SUMMARY OF REPRESENTATIONS

Leek Wootton Parish Council: No objection.

Neighbours: One neighbour (No 8) has objected stating that the proposal would have an adverse impact on sunlight and daylight as both properties face north, with No 7 being situated approximately 800mm higher. The proposed extensions are not in proportion to the existing house and with 7 rooflights and different rooflines they would appear disjointed and out of character with the existing development.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

It is proposed to erect two rear extensions, with one being a lean-to to the rear, protruding 2.3 metres and measuring 3.8 metres in width. The main extension would fill in the area to the rear of the side garage, up to the dividing boundary and would also protrude 2.3 metres into the garden.

The smaller rear extension would be situated approximately 2 metres off the side boundary, which is the rear boundary to the neighbouring property (No 6), approximately 12 metres away. The impact of this relatively small extension upon the neighbours amenities is likely to be limited.

The extension to the rear of the garage would measure approximately 2.2 metres to eave levels and 3.2 metres to ridge. However, as the neighbour (No 8) is set lower, this height would be increased by approximately 800mm (3m and 4m respectively), thereby making the proposed extension appear more prominent. The proposal satisfies the 45 degree code from the neighbouring property and would be positioned adjacent to the neighbours utility room and area to the rear of the garage. As the extension would have the backdrop of the existing property from the main area of the neighbours garden and meets the Council's adopted Supplementary Planning Guidance (45 degree guideline) the proposals impact upon day and sunlight to the property is not considered to be to such an extent as to warrant refusal.

Seven rooflights are proposed in the roof of the extension to the rear of the garage. Although these would be above head height, and would therefore not allow overlooking to occur, it is considered that noise from these may be detrimental to the neighbours amenities (No 8). It is therefore proposed that five of the rooflights be non-opening, with one in each of the proposed two rooms (study and utility room) being retained for ventilation. It is considered that conditioning these rooflights to be fixed and non-opening, while also removing permitted development rights to insert further windows would protect the neighbours amenities to a satisfactory degree.

Whilst recognising that the properties in this small estate have not been altered to a large degree, this is not a reason to refuse extensions to a property. Although the extensions could have been made so as to create a more cohesive design, the extensions are not considered to be out of keeping with the property and are not detrimental to the area to such a degree as to justify refusal.

RECOMMENDATION

GRANT subject to matching materials, fixing (non-opening) of five of the rooflights and removal of PD rights to insert windows.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040168

Part 2 Item Number: 36

Town/Parish Council: Warwick

Registration Date: 02/02/2004

Expiry Date: 29/03/2004

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

Tesco Store, Emscote Road, Warwick, CV34
Promotional Banners, Flags and A Frames.
FOR Tesco Stores Ltd

SUMMARY OF REPRESENTATIONS

Town Council: objects- too intensive, detrimental to visual amenity. Should be limited to A frames.

Neighbours: one objection, environmental impact, advertising clutter, litter is an existing nuisance, advertising unnecessary.

Environment Agency: no objection.

Inland Waterways Assoc: no objection.

East Midlands Electricity: no objection.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

This application has to be seen in the context of the next item, W20040169. Tesco wish to use a part of their parking area for the sale of horticultural products and this application is for the advertising associated with this activity.

The adverts would consist of a flag 1m by 1.4m at each corner of the marquee, one sign 5.5m by 1.2m over the entrance and 2 A-boards.

Within the context of this very large car park, I do not consider that the proposals would be harmful to the visual amenities of the area. The marquee would be situated over 300m from the nearest dwelling, close to the entrance to the store.

RECOMMENDATION

GRANT.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040169

Part 2 Item Number: 37

Town/Parish Council: Warwick

Registration Date: 02/02/2004

Expiry Date: 29/03/2004

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

Tesco Store, Emscote Road, Warwick, CV34

Temporary erection of a marquee on car park for the sale of garden goods, from 1st.
March to 31st. October each year.
FOR Tesco Stores PLC

SUMMARY OF REPRESENTATIONS

Town Council: no objection.

Neighbours: one objection, environmental impact, sufficient existing garden centres, reduction in car parking spaces, especially in view of the current application for an extension to the store (W20040138). If permission is granted, conditions should be imposed to require highway works to create a box junction, altered junction arrangements and additional residents' parking spaces.

Environment Agency: no objection.

Inland Waterways Assoc: no objection.

East Midlands Electricity: no objection.

National Grid: no objection.

British Waterways: no objection.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP3 - Directing New Retail Development (Warwick District 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

Tescos propose to erect a marquee over 8 parking spaces near the main entrance to the store, an area of 81sq.m. This marquee would be used for the sale of gardening products during the summer of each year. The marquee would have a forecourt which would consist of 2 further car parking spaces.

The application has to be considered in relation to shopping policies, but the areas involved is so small as to have an insignificant impact on shopping patterns or, indeed, vehicular traffic. It would be possible for Tescos to use a part of their car park for retailing without planning permission, so effectively, it is only the use of the marquee which is at issue.

Given the very small scale of the proposal, I do not consider that any of the conditions suggested by the neighbour can be justified.

RECOMMENDATION

GRANT, subject to conditions on months of use and eventual removal.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP3 - Directing New Retail Development (Warwick District 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040170

Part 2 Item Number: 38

Town/Parish Council: Warwick

Registration Date: 30/01/2004

Expiry Date: 26/03/2004

Case Officer: Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

Myton School, Myton Road, Warwick, CV346PJ.

Insertion of x10 rooflights (including amendment to height of x 7 rooflights approved under W20021476) - Retrospective Application.
FOR The School Governors

Councillor Guest has requested that this application go before Planning Committee with a visual presentation.

SUMMARY OF REPRESENTATIONS

Warwick Town Council : No objection.

Neighbours: Two neighbours (No's 4 & 6 Myton Crescent) have objected to the retrospective application as the rooflights are considered to be exceptionally large and out of proportion with the building. They are not sympathetic and do not compliment the line of the surrounding buildings. There are too many, especially as the rooms have large amounts of glazing and are placed randomly, which makes their appearance very unsightly.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

Planning permission was granted in November 2002 for the erection of extensions to the school buildings. As part of the permission seven angled rooflights were proposed protruding to a maximum of 1 metre from the flat roof. These were all proposed within the altered building. However, the works undertaken involved the creation of 10 rooflights, with the additional 3 being nearer to the properties in Myton Crescent. The angle of the rooflights also altered from 30 degrees to 60 degrees, raising their height to 1.5 metres.

The completed scheme has meant that the additional and altered rooflights are now prominent on the skyline of the flat roof modern school building and are visible from the surrounding area, including Myton Road and neighbouring houses (Myton Crescent), which are situated approximately 80 metres away, split approximately 50/50 between the properties gardens and school land.

The roof lights do appear to be out of proportion with the building and are very noticeable. However, the consideration is whether they are so obtrusive and detrimental to the neighbours and surrounding amenities as to warrant refusal. Whilst understanding and sympathising with the concerns of the local residents that the rooflights, subject to this

retrospective application, do appear as alien features, they are considered to be not so harmful to the amenities of the surrounding area and enjoyed by neighbouring residents as to warrant refusal.

RECOMMENDATION

GRANT.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040173LB

Part 2 Item Number: 39

Town/Parish Council: Hatton

Registration Date: 02/02/2004

Expiry Date: 29/03/2004

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

43 Tredington Park, Hatton Park, Warwick, CV357TT
Conversion of existing basement to extend residential area.
FOR Mr M Salter

SUMMARY OF REPRESENTATIONS

Hatton Parish Council: have no objection, subject to neighbours.

Environmental Health: have no objection.

Neighbours: One neighbour objects to noise penetration from use of the space and from the pumped foul waste system.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

HEAD OF PLANNING & ENGINEERING

The proposal is to dig out the existing cellar and use it as an additional bedroom (with en-suite shower room and kitchenette) and storage. The works involved include a new staircase from inside and a lightwell into the rear garden.

Planning permission is not required for these works, only Listed Building consent, and the objections are about the use of the accommodation, not their affect on the character of the Listed Building. They are not relevant, therefore, to consideration of the proposal.

However, the works would still have to satisfy the Building Regulations in terms of construction and insulation and I understand that the pumped waste system is quiet, not noisy.

RECOMMENDATION

GRANT.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

Planning Committee: 09 March 2004
Application No: W20040174LB

Part 2 Item Number: 40

Town/Parish Council: Rowington

Registration Date: 02/02/2004

Expiry Date: 29/03/2004

Case Officer: Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

Woodlands Farm, Mill Lane, Rowington, Warwick, CV35 7DQ
Construction of brick piers to boundary wall. (Retrospective application).
FOR Savannah Offshore Co. Ltd

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: No objection. However, the Council did raise the brick piers as an enforcement issue, due to their potential obstruction of wide vehicles using the lane.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

HEAD OF PLANNING & ENGINEERING

The application is for retrospective permission for the erection of five piers on the highway side of the boundary wall of the property. The brick wall is approximately 2 metres high and forms the boundary between the residential curtilage of the house and the public highway. The piers have been erected so as to provide further support for the wall, over that provided by the piers on the house side of the wall.

Only Listed Building Consent is required for the works, as planning permission is not required where "*....the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height....*".

The piers have been built in reclaimed materials and have been designed so as to respect the character of the original wall. As such it is my opinion that the piers do not adversely affect the character of the wall or the Listed Building, and there are no grounds to refuse Listed Building Consent.

However, the piers have been erected on the highway verge and permission from Warwickshire County Council, as Highway Authority, is required. Whilst acknowledging the concerns regarding obstructing the highway, this is not a matter which can be considered under a listed building application.

RECOMMENDATION

GRANT

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

Planning Committee: 09 March 2004
Application No: W20040185

Part 2 Item Number: 41

Town/Parish Council: Wasperton

Registration Date: 03/02/2004

Expiry Date: 30/03/2004

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

10 Wasperton Road, Wasperton, Warwick, CV358EB

Erection of a single storey rear extension.

FOR Mr & Mrs R. Vince

SUMMARY OF REPRESENTATIONS

Barford, Sherbourne and Wasperton Parish Council: Comment that since the toilet abuts the patio of the neighbour, care should be taken to vent it away.

Neighbours: 1 neighbour is concerned about overshadowing by the pitched roof and noise and smells from the downstairs toilet.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

HEAD OF PLANNING & ENGINEERING

The proposal is to build a single storey extension onto the rear of the house to extend the existing utility and convert it into a kitchen, and to construct a pitched, tiled, roof over the remains of the existing structure and the extension.

The kitchen is some 2.65 m deep and will have a lean-to roof against the back wall of the house, which will have cut-outs for the existing first floor windows. Due to the internal layout of the dwelling, and its neighbour, this roof will have very little effect on the neighbours windows since there is an "overlap" between the two dwellings. It is also considered that the roof will have only a small overshadowing affect on the neighbours patio.

The downstairs toilet, mentioned by both the Parish Council and the neighbour, is not in the extension but in the main house and is to be converted out of part of the existing kitchen.

Internal alterations such as this are not subject to planning control.

RECOMMENDATION

GRANT.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)
