

**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 1787

**Principal Item Number:** 05

**Town/Parish Council:** Kenilworth  
**Case Officer:** Will Charlton  
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**Registration Date:** 12/10/2004  
**Expiry Date:** 07/12/2004

**Land at, Fairway Rise, r/o 15 Knowle Hill, Kenilworth, CV8 2XN**  
Erection of 2 no. detached dwellings. FOR J Brooks

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This application was deferred at Planning Committee on the 24 January 2005, to enable a site visit to take place on 5 February 2005. The report which follows is that which was presented previously, apart from an alteration to the Town Council's comments and an additional letter of objection and condition (as previously included in the addendum).

**SUMMARY OF REPRESENTATIONS**

**Town Council:** Due to further representations having been received, and the plans not clearly showing neighbouring housing, and particularly in view of the sloping ground, the Town Council now wish to object to the application. The Council now objects to the application as being unneighbourly, due to the overbearing position of the proposed houses on their elevated site as compared to neighbours, and the likely effect on the natural drainage affecting neighbours down hill.

**Highways (WCC):** No objection to a further 2 units accessed by way of Fairview Rise.

**Neighbours:** One letter of concern has been received, while seven neighbours have objected to the scheme. It is considered that the scheme represents excessive backland development and would be overdominant with the properties downhill being overlooked by several windows and balconies thereby affecting privacy, while the dwellings and gardens of The Cottage and Dunelm would also suffer from loss of light. Concern is expressed over the height and size of the dwellings, with the scheme being inappropriate for surrounding properties.

There would be a loss of mature and attractive trees to boundary for access to the proposed houses, which would involve the removal of five mature oak trees. A Tree Preservation Order is requested to protect the tree belt between the site and Fairway Rise. The access to the site, via Fairway Rise, is via a private road and the scheme would intensify traffic, creating more wear and damage on the road which is not suitable for a large amount of traffic. The increased traffic and noise would also cause a nuisance and would use a dangerous access point onto Knowle Hill.

Objection has been raised regarding the potential for increased flooding of properties downhill (Dunelm and The Cottage) during heavy rainstorms since the building of Fairway Rise. It is requested that a restriction be placed to reduce disruption during construction of the properties, including contractor parking and vehicle / street cleanliness.

Amended Scheme (Dunelm and The Cottage re-consulted):

The objections remain the same as the original scheme, with no attempt having been made to reduce the scale of the dwellings which are considered to be inappropriate and intrusive. It is recognised that the scheme includes a new storm water drain but professional advice is required before comments can be made on this element. The trees shown on plans are considered to be misleading and give the impression that they are higher than the dwellings proposed, thereby masking them from the north.

Members are requested to visit the site and to view the application site from neighbouring properties and in particular the garden of Dunelm.

### **RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
Distance Separation (Supplementary Planning Guidance)  
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP5 - Density (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)  
PPG1 – General Principles (Government Guidance)  
PPG3 – Housing (Government Guidance)  
GD3 – Overall Development Strategy (Warwickshire County Structure Plan 1996-2011)  
H1 – Provision of Housing Land (Warwickshire County Structure Plan 1996-2011)

### **PLANNING HISTORY**

Planning permission was granted in 1999 (Ref: W990106) for the erection of a large single storey swimming pool which had an eave height of approximately 4 metres to the northern boundary and a ridge height ranging from 4.5 metres to 6 metres.

### **KEY ISSUES**

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

The application site occupies the rear section of the back garden of No 15 Knowle Hill. The dwelling on Knowle Hill currently has a garden of over 70 metres in length, of which the rear 49 metres is the application site. The remaining 22 metres depth would remain as the rear garden to No 15, giving a total rear garden area of approximately 660 square metres. The garden is well screened from surrounding areas with mature trees to all the boundaries, and in particular the eastern boundary, where there is a small coppice on the Golf Course. The garden is also very mature, although a number of the garden trees within the site would be removed as part of the gardens redevelopment. To the south of the site is the private road of Fairway Rise, which would act as the access point for the houses. The dwellings of Dunelm and The Cottage are located down hill from the northern boundary of the site, with the extended rear garden of Dunelm wraps around the rear of The Cottage, therefore creating a second dividing hedge between the application site and the dwellings.

#### **Details of the Development**

It is proposed to erect two large detached dwellings within the rear section of the rear garden of No 15 Knowle Hill. The dwellings are designed so as to be modern and contemporary in style, with similar characteristics to a number of the properties which front onto Knowle Hill. The houses would be orientated so that the main front and rear elevations face west and east respectively with the front of the houses facing towards No 15. As the land falls from south to north by approximately 3 metres over the whole width of the site, the houses have been designed to utilise the slope and therefore have three floors, with part of the ground floor being cut into the slope of the hill.

As the land is not directly accessible from Knowle Hill, the dwellings would be accessed via Fairway Rise, which is a private road currently accessing four large detached properties. The access point would therefore cut through the tree belt between the site and Fairway Rise and as such would result in the removal of a number of the trees at the entrance point.

## **Assessment**

The dwellings proposed would occupy a site of approximately 2100 square metres, with each plot being approximately the same size, or larger than the largest plot on Fairway Rise (No 4). However, the dwellings proposed do have a greater ground coverage, and as they would be three storey, they would have a greater floor area. It is considered that the mass and bulk of the dwellings proposed are in keeping with surrounding properties and utilise their respective plots.

The ridge height of the dwelling nearest Fairway Rise (House B) would be approximately 9 metres above the altered ground level, with the first floor being within the roofspace. The roof would then slope down to 2.5 metres above ground level on the elevation facing Fairway Rise, which results in a long roof slope with no windows facing up hill, towards No 4. It is considered that the mass and windows/balconies of House Type B would have a minimal impact upon the amenities of the current occupiers of Fairway Rise, with the nearest dwelling being approximately 18 metres away from the long slopping roof.

House Type A, situated approximately 3 metres from the dividing boundary with Dunelm, has been amended so as to have a ridge height of 7.5 metres, with the roof hipping adjacent to the northern boundary to create an eave height of approximately 6 metres, with a blank elevation on the ground floor and the first floor within the roofspace. The boundary is relatively well screened with some large mature trees and although the adjacent rear garden of Dunelm is set substantially lower, the main garden of the dwelling is over 15 metres from the proposed dwelling, with both the dwellings of Dunelm and The Cottage being approximately 40 metres from the dividing boundary.

Due to the boundary vegetation and the distances involved, the amended scheme, which has resulted in a hipped roof, is considered not to overdominate the rear section of the garden of Dunelm or the dwellings of Dunelm and The Cottage. It is also considered that there would be no loss of light to these properties especially as there is a second hedgeline between the boundary and the rear of the dwellings. The amended scheme has also resulted in the removal of a number of windows which did directly face towards the boundary with the garden of Dunelm. Although a number of windows remain facing towards the boundary, together with a balcony, these would be approximately 11 metres and 8 metres from the boundary and would be approximately 2.5 metres above the existing ground level.

The existing turning head built for Fairway Rise has been constructed in the wrong place as compared to the turning head which was originally approved by the various permissions for the dwellings. As the dwellings have been constructed, the turning head at the approved location could still be implemented, and therefore the trees removed. It is my understanding that a Tree Preservation Order cannot be placed on those trees which have already had approval to be removed under a planning permission. Therefore while the loss of mature oak trees along Fairway Rise for access to the site is unfortunate, it is not something which could be resisted. However, a Tree Preservation Order has been requested by residents to protect the tree belt and this is currently being processed.

Access to the site would be via Fairway Rise, which is currently a private road accessing four properties. Although this would increase to six, if permission is granted, Warwickshire County Council, as Highway Authority have raised no objection to the increased use of the access point of the road onto Knowle Hill. Although the amount of traffic would increase, it is not considered that traffic to two properties, although having five garages, would cause such nuisance to neighbouring properties as to warrant refusal. The use of the road as an access point, together with the issue of wear and damage on the road is not a planning issue as the road is privately owned. It is therefore a matter which residents need to raise independently.

It is recognised that the neighbours down the hillside are concerned over the potential for increased runoff and flooding from the site. Notwithstanding the details of drainage that the applicant has submitted on the plans, following discussions with the District Council's engineers it is proposed to condition any permission so that a drainage scheme, including geological and ground investigation supporting such a scheme be submitted for approval and approved prior to the commencement of development.

Whilst recognising that any development of the site accessing Fairway Rise may well cause disruption for residents due to contractor parking and vehicle / street cleanliness, these are private issues as the estate road is privately owned and is not adopted. If extraneous material is left on Knowle Hill from vehicles accessing the site, or vehicles are parking on the highway in dangerous locations or obstructing traffic, these are issues which can be dealt with via other legislation by the Highways Authority or the police.

### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

### **RECOMMENDATION**

GRANT subject to the following conditions:

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 4411/02B, 04A, 05A, 06B, 07A, 08 and 09, and specification contained therein, submitted on 12 October 2004 and 8 December 2004, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 No development shall be carried out on the site which is the subject of this permission, until details of the methods of construction, including cross sections, of the dwellings, garages and access road/turning areas, including areas and specification for 'no-dig' method of construction have been submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

**REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 5 No development shall take place until details of the exact line and depth of the proposed foul and surface water drainage pipes and other trenched services required to service the development have been submitted to and approved by the local planning authority. The installation of the services shall be in accordance with the approved details. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 No work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 8 Details of the means of disposal of storm water from the development, including reasoning for such a scheme in the form of a geological and ground investigation shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This site is of a restricted

size and configuration and is in close proximity to trees and other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan.

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