

**Planning Committee:** 07 October 2020

**Item Number: 4**

**Application No:** [W 20 / 0260](#)

**Town/Parish Council:** Lapworth  
**Case Officer:** Jonathan Gentry

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**Registration Date:** 05/03/20

**Expiry Date:** 30/04/20

**Orchard House, Old Warwick Road, Lapworth, Solihull, B94 6LD**

Erection of part single storey and part two storey rear extension and erection of front porch together with alterations to fenestration and facing materials FOR E  
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This application is being presented to Planning Committee due to an objection from the Parish Council having been received and the application being recommended for approval.

**PLANNING HISTORY**

W/19/1771 - Proposed extension to form access from bedroom over garage to main house, and proposed porch over main front door - Withdrawn

**THE SITE AND ITS LOCATION**

The application site, Orchard House is a sizable detached property positioned on the north side of Old Warwick Road, Lapworth. The rear boundary of the site abuts the Canal Conservation Area boundary, but the property does not lie within this designation. The property is flanked by neighbouring dwellings Mountside, a new build detached dwelling to the west, and No.1 Harborough Cottages to the east.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of a part two storey, part single storey rear extension and a front porch. The application of render to part of the property is also proposed.

The proposed scheme has been significantly revised during the course of the application with the rear extension reduced in depth and increased in width to span the rear elevation of the dwelling.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets

- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Lapworth Parish Council** - Members object to the application on grounds of overdevelopment.

**WCC Ecological Services** - Request photos to assess the necessity of pre-determinative bat survey.

**Public Response** - One objection has been received on grounds of loss of light and amenity to neighbouring property, loss of rural and open countryside landscape, and overdevelopment of the property.

## **ASSESSMENT**

### Design and impact on the street scene/ adjacent Conservation Area

Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted Residential Design Guide SPD also sets out design principles which development proposals will be expected to comply with.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed rear extension will not be visible in the street scene, and as such will have no notable impact upon Old Warwick Road. It will, however, be widely visible from neighbouring properties. Lapworth Parish Council have objected to the proposal on the grounds of overdevelopment. Officers consider that the extension, while significant in scale, has been designed in order that it generally harmonises and accords with the design principles of the existing property. The extension is not considered to dominate the existing dwelling, and is considered to read as a proportionate addition. It has also been detailed appropriately, adopting similar materials to the existing.

A neighbour objection comment received states that the extension would result in a loss of the rural and open character of its setting. However, the property does not lie within a designated Conservation Area, and is positioned within a row of linear development along Old Warwick Road. Considering the existing property, and those in its immediate vicinity, Officers do not consider that the extension would constitute a development harmful to the character of the area.

The porch addition at the frontage of the dwelling will be visible from the street scene, but is considered to adopt an appropriate design and scale and will sit comfortably on the property.

Other proposed revisions to the property comprise the addition of render to the first floor forward elevation, alongside reconfigured central fenestration. A number of nearby properties within the street scene feature render finishes, and as such this proposal is considered acceptable in this instance, with a mind to the visual amenity of the sites setting. The revised front window design at first floor is also viewed acceptable in design terms.

The rear boundary of the site abuts the designated Canal Conservation Area. It is considered that the proposed additions to the property, which is set forward a considerable distance from the rear boundary, will result in no notable impact on the Conservation Area. No material harm to the character or significance of the area is identified as a result of the development.

The development is therefore viewed to accord with the guidance set out in the Council's Residential Design Guide and Policy BE1 of the Local Plan.

#### Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The proposed rear extension is of considerable scale, spanning the width of the main building with a depth of approximately 6 metres at two storey level, and 6.9 metres at single storey. Despite the proportions of the extension, it has been designed in order that it would not breach the 45-degree guideline from the nearest windows serving habitable rooms to neighbouring properties at ground or first floor level. While consideration is given to neighbour consultation response comments that state the proposal would result in a loss of light to this property, compliance with WDC guidance informs assessment that the proposal is not considered to result in material harm to neighbouring amenity by way of loss of outlook or creation of an over dominant structure. As a result of its position, the extension would also not breach the 45-degree line to the adjacent neighbour to the east of the dwelling.

Two side facing windows at first floor level on the existing property have been detailed within the scheme, which face towards the private amenity space at the rear of neighbouring property, Mountside. However, these have been annotated within the submitted scheme as obscure glazed, meaning that potential for overlooking and loss of privacy is avoided. No other fenestration proposed is considered to result in material harm to neighbouring amenity in this way. For avoidance of doubt, imposition of a planning condition that requires these windows to adopt appropriate obscure glazing prior to occupation is considered necessary. One neighbour comment received stated that Orchard House is

subject to a covenant that precludes the installation of windows to its western elevation. While Officers have seen no evidence to suggest that this is or is not the case, covenants are not a material planning consideration, and should be considered separately to the planning process.

The proposed porch structure is not considered to result in any harm to neighbouring amenity.

No other properties are viewed to be materially impacted as a result of the scheme, and it is therefore considered that the proposals are in accordance with Local Plan Policy BE3.

### Parking

The existing property features four bedrooms. The Warwick District Parking Standards SPD outlines that any property with four or more beds should include provision for three spaces. The proposed extension would not create any additional bedrooms, although the internal existing layout would be reconfigured to move two rooms into this space.

While the proposed addition of a front porch would slightly reduce the available hardstanding parking area to the frontage of the side, it is considered that the remaining area could comfortably accommodate the required three spaces.

The proposal is therefore considered to be in accordance with Local Plan Policy TR3.

### Ecology

The Ecologist at Warwickshire County Council has recommended that a pre-determinative bat survey is carried out pending submission of further imagery. However, after visiting the application site, Officers assess that the dwelling's roof is in an excellent condition, with no clear gaps or potential access points for bats observed.

On this basis, it is not considered appropriate or practicable to request a bat survey be submitted. In coming to this conclusion, Officers are mindful of the location of the property, the characteristics of the local area and the fact that bats are a protected species under separate legislation and a duty of care by the applicants to ensure protected species are not harmed by the proposal. It is therefore considered an explanatory note in relation to the applicant's responsibility with regard to protection of the noted species is proportionate and appropriate in this instance. The proposal is therefore considered to be in accordance with Local Plan Policy NE2.

### **CONCLUSION**

It is considered that the proposed development suitably aligns with the relevant guidance and policy considerations. On the basis of the this, the proposal is recommended for approval.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
  - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on the 6th February 2020, approved drawing '19/002/JN' submitted on the 5th March 2020, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
  - 3 Prior to the occupation of the development hereby permitted, the western facing, first floor window within the rear extension shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
  - 4 With the exception of the proposed render, all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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