

## PLANNING COMMITTEE: 23<sup>rd</sup> APRIL 2019

### **OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA**

#### **Item 1: W/19/0059 – Castle Pavilion**

This application has been withdrawn.

#### **Item 7 - W/18/2425 - Land adjacent 21 Wellesbourne Road, Barford**

**Public Response:** Additional representation received from the owner/occupier of Barford House responding to a number of matters in the officer report:

- There is no dispute as to the status of the parkland boundary which is shown on historic maps and on approved plans in 2014.
- The wooden fence has replaced a historic iron fence and is within parkland.
- The site lies outside Area A1 in the BNP because of a drafting error. Public consultation documents showed the site within the Area.
- The application presented to the public for consultation did not include the retention of log shed store for comment and so it should be removed
- Trees at Barford House are outside the application site and should not be relied upon to provide screening of the listed building. Having to retain them would restrict restoration of the historic gardens.

In response, officers provide the following comments:

- To clarify, the site is included within the application site for the development of the adjacent houses and within the seeded parkland as shown in the approved landscape plan for that application. However, the assessment of this issue remains as set out in the officers' report.
- The erection of the timber fence by the developers of the adjacent housing site, replacing a metal fence, is noted, but is a separate enforcement matter.
- The extract in the 'made' Barford Neighbourhood Plan shows the site outside Area A1 and is, therefore, definitive
- The erection of the log shed store was noted at the officers' site visit and it was suggested that permission will need to be sought to regularise this, along with the shed on the site. However, as no details have been provided in the submitted application and, therefore, no opportunity for public comment, it is agreed that this should be removed from the description. It is recommended that an appropriate advisory note to applicant be added to the recommended decision.
- The determination of the application can only be made on the basis of the current circumstances at the site and its surroundings. It is not considered that a favourable recommendation would necessarily have any bearing on, or restriction of, future landscape works at Barford House.

The following changes to the officer report are therefore recommended:

The reference to 'and log store' to be removed from the Description of Development

The following Note to applicant be added:

*Notwithstanding this retrospective grant of planning permission, the applicant is advised that the existing log store within the application site remains unauthorised and should be removed, unless a planning application seeking its retention is subsequently submitted and approved by the local planning authority.*

On a point of clarification, the report states that Barford House is listed as a Locally Important Park and Garden in the Local Plan (Policy HE2 para. 5.173) but that the boundary is not yet formally defined. However, this is incorrect and a defined boundary was, in fact, approved under an Executive Report dated 16 April 2014. The application site falls partly within this boundary, but not wholly. Notwithstanding this, the assessment of the key issues remain as set out in the officers' report.

Additional historic information has been submitted by the applicant including historic maps. However, this does not change the assessment as set out in the officers' report.

### **Item 13: W/19/0148 – 17 Stoneleigh Close, Stoneleigh**

#### Additional Comment from Councillor Redford

Nos 16 and 24: both of these properties had planning applications approved, with a greater percentage increase than Mr Allard is asking for. They changed from, in one case, a small chalet bungalow to a six bedroomed house, this property is an immediate neighbour of No 17. A further application was granted to No 24. These two planning applications were approved in 2010 and 2015.

The report submitted to committee for 17 Stoneleigh Close W/19/ 0148 suggests the floor space has a 64.5% increase, this calculation is predetermining that floor place would be added internally where there is currently a proposed void. I understand that without the void the overall floor space is 34.5%

POLICY H14 EXPLANATORY TEXT 4.91 STATES:-

"For the purpose of this policy the open countryside is defined as areas other than Urban areas, the Growth villages and Limited Infill villages".

#### STONELEIGH IS DESIGNATED AS A LIMITED INFILL VILLAGE

17 Stoneleigh Close sits within a Close at the centre of the village, it has housing to both sides of the property and the back and at the front of the property, in fact it would be very difficult from the property's position to see any open field.

POLICY H14 EXPLANATORY TEXT 4.94 STATES:-

"It is not possible to define what is considered to be a disproportionate addition as this will be dependant upon various factors including:

- \* the scale, design and character of the dwelling and any extension

As I have already mentioned two other properties within this location have indeed built extensions with designs character and scale far beyond those proposed at 17 Stoneleigh Close.

- \* the location of the property and its visual impact on the wider area.

this extension proposed for 17 Stoneleigh Close will have far less of a visual impact on the wider area than either No 24 or No 16. With regard to the location; No 17 is immediately next door to No 16 and situated on the same side of the road as No 24.

- \* The design and character of the extension proposed

Stoneleigh Close has a wide variety of different house design and the proposed extension for No 17 will add to the variety of design and to the overall street scene

You will also note the conclusion in the Officers report on No 24 states that:

"It is therefore concluded that the extensions would represent an appropriate development which materially benefits the visual amenities of the surrounding area and adjacent Conservation Area without materially impacting upon the openness and character of the Green Belt".

I would also ask you to consider the report on No 16 (immediate neighbour of 17) but particularly Paragraph 3 of the Assessment section.

"I consider that the proposed increase in roof height of the house, along with the 2m rear extension would not have so significant an impact on neighbours that refusal is warranted. The greatest impact would be upon No 17 but since these are sited to the south then they would suffer no loss of direct sun light"

You will note that in comparison to No 17 the increase in roof height of No 16 is greater and this extension was GRANTED.

It cannot be the case that all policies considered, two houses in the same road, on the same side of that road can have such different recommendations ie GRANTED and the application you are being asked to consider on 23rd April is for REFUSAL. For those of the committee who, quite rightly are concerned about setting a precedent, then I would argue that the precedent was set at least as far back as 2010.

Applications particularly in the same area and in close proximity to those applications already granted should be judge by the same criteria. We have to reassure our residents that good and fair judgments are being made, but clearly to many residents in Stoneleigh to refuse the application for 17 Stoneleigh Close would suggest this is not the case

**Item 14: W/19/0183 – 1 Convent Close, Kenilworth**

The officer's report refers to the site backing onto number 3 Convent Close. This however is an error: the site backs onto number 2 Convent close.

**Item 15: W/19/0327 – Pinner's Cottage**

The applicants have indicated that the proposed extension would have been permitted development prior to the adoption of the Canal Conservation Area in January 2019. The applicants sought and obtained a lawful development certificate in 2018 for the same extension as now proposed which confirms that to be the case. The applicants also state that they were not consulted as part of the Conservation Area process.

With regard to consultation in respect of the Canal Conservation Area, a letter was sent to the application property on 18 January 2019.

At the time the lawful development certificate was issued the extension was permitted development however it was never implemented. The proposed extension now requires full planning permission and therefore needs to be assessed against local and national planning policy.

**Item 16: W/19/0360 – Land North of Gallows Hill**

1 additional Consultation Response: WCC Highways confirm no objection.