

Planning Committee: 24 June 2014

Item Number: 12

Application No: W 14 / 0572

Town/Parish Council: Kenilworth

Registration Date: 25/04/14

Case Officer: Jo Hogarth

Expiry Date: 20/06/14

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1 Tulip Tree Avenue, Kenilworth, CV8 2BU

Erection of a first floor side and extension and single storey rear extension FOR
Mr Hall

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received as well as a request from Cllr Shilton.

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The application relates to the erection of a first floor side extension and single storey rear extension.

THE SITE AND ITS LOCATION

The application site comprises of a detached dwelling situated close to the southern western corner of the junction of Tulip Tree Avenue and Windy Arbour. It is the end property of a staggered row of dwellings of various types fronting the south east of Tulip Tree Avenue. There is a single storey flat roofed garage to the side of the property which is set approximately 1.2 metres from the side boundary with number 3 Tulip Tree Avenue. Number 3 has two ground floor side facing windows serving a lounge and dining room together with a side facing first floor bedroom window.

PLANNING HISTORY

In 2013 (ref: W/13/1518) planning permission was sought for a similar development however was withdrawn. A further application (ref: W/14/0113) was submitted for a first floor side extension with front and rear facing dormer windows, this was refused on grounds that the development would result in a disproportionate dwelling and would harm the streetscene. Furthermore, the proposal would be unneighbourly by reason of Policy DP2 and would result in loss of light.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
 - DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
 - DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
 - Residential Design Guide (Supplementary Planning Guidance - April 2008)
 - National Planning Policy Framework
- The emerging Warwick District Local Plan 2011 – 2029 particularly policies BE1: Layout and Design and BE3: Amenity.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object as they considered that an important issue was the likely adverse impact of loss of light to windows in the neighbouring property at 3 Tulip Tree Avenue. Officers attention is drawn to these windows as they considered that they were worthy of further investigation. If WDC was minded to approve the application, the Members strongly recommended that a site visit be undertaken.

Cllr Shilton: Recommends a committee site visit and objects as the new plan still does not address the loss of light to the ground floor windows of number 3 Tulip Tree Avenue.

WCC Ecology: Recommend bird and bat notes.

Public response(s): 7 letters of objection have been received on grounds that the proposal would be unneighbourly; out of keeping with the area due to the roof pitch and overbearing impact on number 3 Tulip Tree Avenue. In particular the application fails to protect light to the side facing windows in number 3, breaching BRE 209 right to light and in conflict with the Residential Design Guide, and Local Plan Policies.

ASSESSMENT

It is considered that the key issues relating to this proposal to be:

- Design and impact on the streetscene
- Impact on neighbours

Design and impact on the streetscene

The application as now submitted has been the subject of pre-application discussions and the design of the first floor extension amended to address the previous reasons for refusal. The design of the roof has been set down from the ridge of the main house and is hipped away from number 3 Tulip Tree Avenue. The pitch of this hip would not match the main roof of the dwelling as it has been designed to enable a 25 degree plane to be taken from the first floor side window of number 3, taken from the mid-point. It is not considered that this would result

in significant harm to the visual character or appearance of the streetscene such that it would justify refusal on these grounds as there is no uniform house type within this street. In this instance it is not considered that the underlying objectives of Policy DP1 in the Local Plan or indeed the guidance contained in the Council's adopted Residential Design Guide have been undermined. The front and rear facing dormer windows are required to serve an ensuite and a bedroom and have a flat roof design, set within the roofslope of the proposed extension. It is considered that these are acceptable within the streetscene.

The design of the single storey rear extension is acceptable and would have a mono-pitched roof across part of the rear of the house. It is considered that there would be no conflict with Policy DP1; emerging policy BE1 or the Residential Design Guide.

Impact on neighbours

The objections received highlight the two ground floor side facing windows serving a lounge and dining room to number 3 Tulip Tree Avenue and that there would be a significant loss of light into these rooms. These rooms both have primary front and rear facing windows in addition to the side windows. It is considered that as secondary side facing windows, these are not afforded the same protection as primary windows. The occupiers of number 3 Tulip Tree Avenue state that the Council have not adhered to the use of The Building Research Establishment's (BRE) 209 guidelines and their civil legal right to light. Whilst this guidance is recognised, the Council has no formal adoption of this as a policy upon which to assess side facing windows and therefore little weight can be attached to this. In terms of impact on occupiers of number 3, it is considered that the proposed extension would not result in loss of privacy or significant loss of outlook from the first floor bedroom window given the distance of the hipped roof which would be 5.7 metres away at its highest point (where it marries into the main roof). It is considered that the proposal is acceptable in meeting Policy DP2 of the current Local Plan and emerging policy BE3.

SUMMARY/CONCLUSION

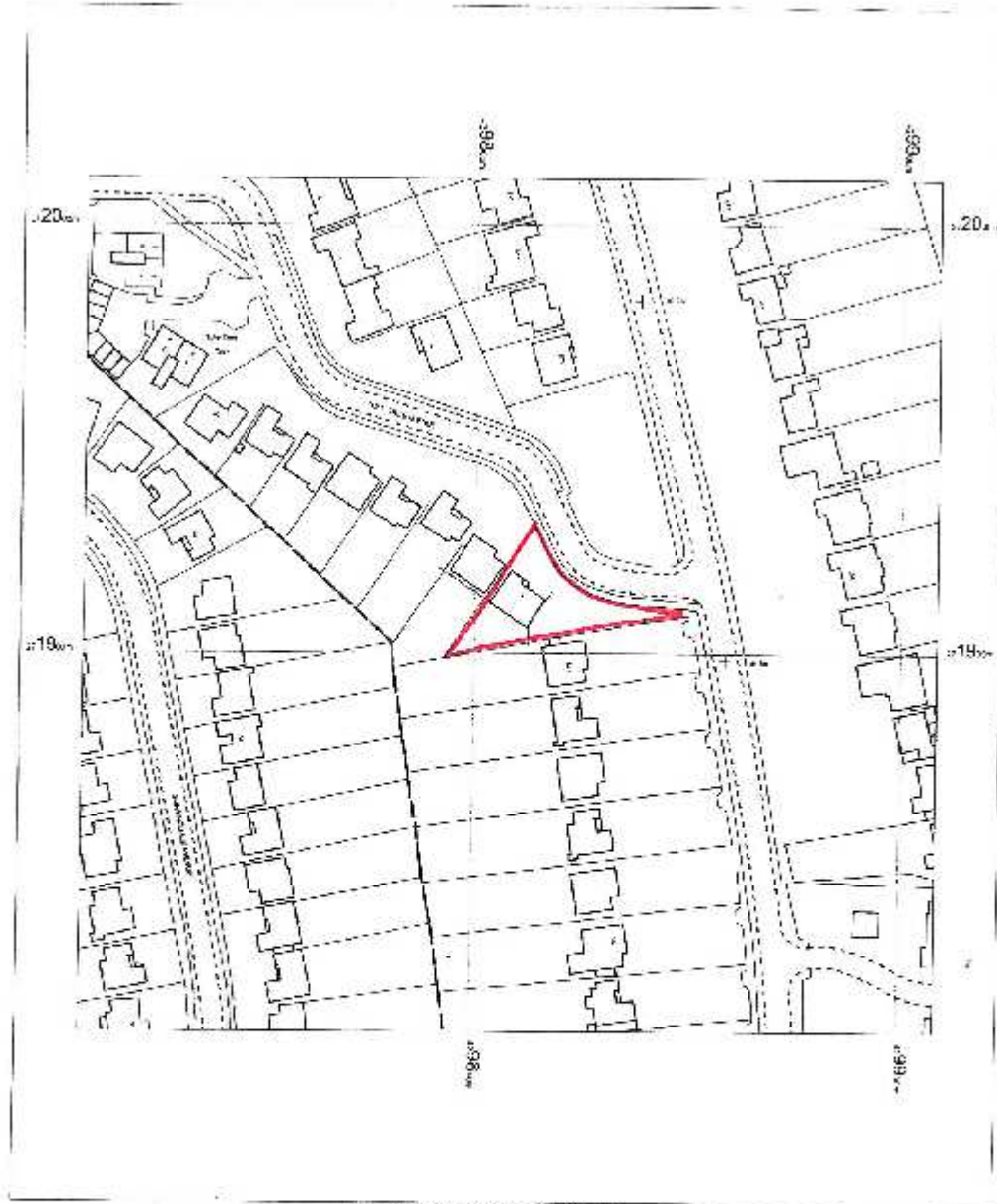
In the opinion of the Local Planning Authority, the proposed development is of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and does not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawing numbers 7632-01 Rev B and 7632-02 Rev A, and specification contained therein, submitted on 25 April 2014. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 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 DP1 of the Warwick District Local Plan 1996-2011.



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 Keilworth
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