

Planning Committee: 05 July 2011

Item Number:

Application No: W 11 / 0623

Town/Parish Council: Kenilworth
Case Officer: Victoria Lane

Registration Date: 06/05/11

Expiry Date: 01/07/11

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15 Convent Close, Kenilworth, CV8 2FQ

Erection of a double garage and terrace to rear FOR Mrs H Sibbick

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received. The application has also been requested to be presented to Committee by Councillor Shilton.

SUMMARY OF REPRESENTATIONS

Town Council - 'Members objected strongly to the proposal on the grounds that, when coupled with the permitted development, it:

1. Constituted an excessive footprint that was a gross overdevelopment of the site
2. Was overbearing an, overall, would produce a terracing effect that was akin to a cliff-face elevation for neighbours
3. Caused a loss of privacy and amenity and was therefore unneighbourly
4. Was out of keeping with the surrounding area.

Before WDC considered the application they were most strongly recommended to undertake a site visit to both Convent Close and Windmill Close so that the full effect of the proposal could be gauged. Whilst noting that it was primarily a building regulations aspect rather than a pure planning application considerations, Members commented that the sandy geology of this area posed issues. The level of foundation and reinforcement required risked the occurrence of subsidence or other movement affecting the adjoining properties. '

Ecology 24/05/11 - I note on the plans dormer windows are proposed. There are potential bat issues.

Public Response - Five letters of objection have been received from No's 6, 9, 10, 11 and 12 Windmill Close. The objections raised by the properties on Windmill Close are in relation to loss of light, loss of privacy, impact on the character of the area, safety (due to the land instability) and concern over permitted development.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

PLANNING HISTORY

The application site has previous planning history as follows:

W/88/1296 - Erection of a conservatory - Granted.

KEY ISSUES

The Site and its Location

The application site is a detached property accessed from a shared driveway off Convent Close. The property has off street parking and an existing double garage. There are a mixture of properties ranging from bungalows to two storey dwellings along Convent Close. The application site is on significantly higher ground than the properties on Windmill Close. The site is not a Listed Building and is not within a Conservation Area.

Details of the Development

The application seeks permission for the erection of a double garage and terrace to the rear.

Assessment

The main issue for consideration is the impact on the residential amenity of neighbouring properties.

The proposed double garage will be built into the change in levels towards Windmill Close where the drop in land is 2.9 metres. The garage will have a width of 7 metres and a depth of 5.9 metres with a pitched roof construction. Given the difference in levels, the height to eaves will be 2.2 metres to Convent Close and 3.4 metres to Windmill Close. The ridge height will be 4.1 metres. The pitch of the roof to Convent Close will be 33 degrees whereas the pitch to Windmill Close is reduced to 23 degrees. The garage will be constructed from materials to match the existing dwelling. I consider the proposals to be in accordance with Policy DP1 of the Warwick District Local Plan 1996 - 2011.

Five letters of objection from neighbouring residents have been received. I will consider each of the points of objection in turn as follows:

1. Loss of Light
2. Loss of Privacy
3. Permitted Development
4. Impact on the Character of the Area
5. Safety

1. Loss of Light

No's 10 and 11 Windmill Close have objected on the loss of light that the proposals will have on their properties. No. 10 Windmill Close is concerned of the potential loss of light to the kitchen window where they have recently installed velux rooflights to increase the amount of light into the kitchen. No. 11 Windmill Close is concerned as the proposed garage will be built against their rear boundary. The measurements quoted in the objection letter are imperial measurements so I have converted them into metric measurements. Although there is an existing substantial boundary hedge, No. 11 are concerned that the

garage will result in a 15 m² loss of light to the garden which will be further impacted on by the construction of the dormer.

Taking both comments into consideration, I must note that the separation distance from the boundary of the application site to No. 11 is 18 metres and to No. 10 is 20 metres (taken diagonally). The distance separation guidance set out within the Residential Design Guide SPG suggests a distance of 22 metres between the front and back of two storey properties. Whilst I appreciate that the actual separation distance is some 4 metres shorter than recommended, this relates to a single storey garage to a two storey property. Furthermore, the garage does not propose to have any habitable rooms and as such, I consider the separation distance to be adequate in this instance.

Taking the above into account, I note that there will be some loss of light to No's 10 and 11 Windmill Close due to the significant difference in ground levels. However, the roof of the proposed garage is pitching away from Windmill Close and is of a shallower pitch than that fronting Convent Close, thereby reducing the impact on the loss of light. As such, given the separation distance, I consider the proposals to be in accordance with Policy DP2 of the Warwick District Local Plan 1996 - 2011.

2. Loss of Privacy

Neighbours have objected to a loss of privacy from the proposed terrace and proposed dormer window. The Town Council have also objected on the basis that the proposals are overbearing. There is an existing 3 metre hedgerow which acts as boundary treatment between the application site and the properties on Windmill Close. The area between the application site and this boundary is currently unused, uneven and has differing levels with an approximate 1.5 metre drop in levels. However, it is possible to walk along the upper part of this elevation which is currently paved to a rather poor standard.

The proposed terrace will not be on higher ground level than existing and will have a border to the hedgerow consisting of a painted steel balustrade between facing brick piers. Having visited the site, I do not consider there to be a detrimental loss of privacy from the above terrace beyond what currently exists. Furthermore, the existing hedgerow acts as a substantial screening buffer.

The issues surrounding the loss of privacy from the proposed dormer window are unable to be taken into consideration due to permitted development rights. This is discussed in more detail below.

Taking the above into account, I consider the proposals to be in accordance with Policy DP2 of the Warwick District Local Plan 1996 - 2011.

3. Permitted Development

There are various elements of the proposals which fall within the scope of permitted development and therefore do not require planning permission. These include the construction of a porch on the north elevation, the conversion of the existing garage to an extended kitchen and utility room, the replacement of the existing conservatory with a new conservatory of more permanent construction and the construction of a dormer window in the southern roof slope.

Whilst I note that the majority of concerns and objections relate to the proposed dormer window, this is not an issue I can take into account as we can not control development which is permitted without the need for planning permission. The

application site has not had any permitted development rights removed. As such, under Class B, Part 1, Schedule A of the Town and Country Planning (General Permitted Development) Order 2008 (as amended) the cubic limit for a dormer window is 50 cubic metres for a detached property. The proposed dormer on the application site measures 45.14 cubic metres, well within the allowed limit.

As each of the permitted development proposals falls within a different class within the order (Class A for the replacement conservatory and conversion of the existing garage, Class B for the dormer window, Class D for the porch construction) they are all within the allowed scope for development without requiring planning permission.

Whilst No. 10 Windmill Close requests the proposals to be assessed as a whole, I am unable to do this because of the permitted development set out above. It should therefore be noted that the objections raised in connection with development not associated with the proposed garage or terrace, can not be taken into consideration.

4. Impact on the Character of the Area

All of the objections have raised concerns that the proposals are out of character with the area. The addition of render to the property can be undertaken without the requirement for planning permission as it falls outside of a Conservation Area and is not a Listed Building. Likewise, the objections stating that the insertion of a dormer window will make the property look like a block of flats and constitutes overdevelopment, can not be taken into account due to works which can be undertaken under Permitted Development rights. Therefore, taking into account the proposals which we have control over (the proposed double garage and terrace area) I do not consider these to be out of character with the surrounding area. As such, I consider the proposals to be in accordance with Policy DP1 of the Warwick District Local Plan 1996 - 2011.

5. Safety

Various concerns have been raised relating to subsidence on the application site and surrounding properties due to the geological make up of the land. This is a matter to be considered during building regulations and can not be taken account of at the planning stage. Should there be any problems with subsidence, subsequent appropriate mitigation measures would need to be put in place to protect the properties in Windmill Close from any further subsidence.

6. Other Considerations

Comments received from neighbours noted that the description of works was misleading given that it only related to the erection of a double garage. I can confirm that the description of works was as stated as the remainder of the proposals fall within the scope of permitted development and as such are outside of the planning jurisdiction. The description of works has subsequently been altered to include the construction of the terrace area to the rear.

I have considered it unreasonable to request renewables on this development given its limited scale in relation to a detached garage from the dwelling. I therefore consider the proposals to be in accordance with Policy DP13 of the Warwick District Local Plan 1996 - 2011.

County Council Ecology requested further information to assess the potential impact for bats. I have advised the applicants agent to contact Ecology to see if

further survey work is required. Regardless of the dormer window falling outside the planning jurisdiction, I feel that it would be appropriate to attach a bat note to the approval granted given that bats are a dynamic and protected species.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) Drg No 2, and specification contained therein, submitted on 6 May 2011 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 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.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents to an extent that would warrant a refusal of permission. The proposal is therefore considered to comply with the policies listed.
