

**Planning Committee:** 16 August 2016

**Item Number: 12**

**Application No:** [W 16 / 1103](#)

**Town/Parish Council:** Warwick

**Registration Date:** 17/06/16

**Case Officer:** Holika Passi

**Expiry Date:** 12/08/16

01926 456541 [holika.passi@warwickdc.gov.uk](mailto:holika.passi@warwickdc.gov.uk)

**20 Victoria Street, Warwick, CV34 4JT**

Demolition of bay window and erection of a single storey side extension FOR Ms Rita Young

-----

This application is being presented to Committee due to the number of objections received and the application being submitted by or on behalf of a partner of a Warwick District Councillor, Councillor John-Paul Bromley, who also lives at this address.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application seeks permission for a ground floor rear and side courtyard extension, parallel to the house along the boundary, to a width of 2m and a depth of 6.1m, which features a step in of 220mm from the rear elevation wall. It is proposed to have a hipped glazed roof to a height of 2.9m (opaque patent glazing), matching brick work, black metal rainwater goods and ppc aluminium window and door frames. It also involves the demolition of a side bay window. It has been amended to ensure that the eaves height of the extension is 2m.

**THE SITE AND ITS LOCATION**

The application site relates to an end-terraced house in the Cape Road / Victoria Street / Edward Street Conservation Area, which is a mid-late Victorian and Edwardian extension of the town. It has a typical courtyard rear garden as is often seen in such an area.

**PLANNING HISTORY**

None

**RELEVANT POLICIES**

- National Planning Policy Framework  
[The Current Local Plan](#)

- 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)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** No comments received to date.

**WDC Conservation:** No objection.

**WCC Ecology:** No objection subject to bat note and bird note

**Public Response:** 6 objections received

- Loss of outlook.
- Loss of light.
- Hemming in of No. 18.
- Out of character with the building and Conservation Area:
- Breach of 45 degree angle.
- Over development.
- Overlooking including from glass doors to rear.
- Questions over neighbour letters, site notice and press notices being carried out.
- Noise, dust and other disturbance during construction.
- No access for erection of extension and maintenance via No.18, and that this should be considered as part of the planning application, and its impact on sustainability and the neighbourhood.

- Expectation that the fact that a Councillor is an owner of the property will not impact upon the consideration of the application.

## **Assessment**

### Design and Impact on Street Scene

The proposed extension is modest in size and appropriate in design. The 2m eaves level results in a wall along the boundary to the height of a fence or wall that would be allowed by permitted development, and the resulting outlook is somewhat similar to it in this respect. The overall height is also modest and the hipped-away, glazed design causes minimal views from the street scene. While the garden abuts the street, the proposed works do not, and the position of the courtyard extension is mainly screened from view from the street by the main house, the existing boundary walls and its set back and hemmed in position.

The design is that which is expected in a Conservation Area also, therefore while objections have raised that it is out of character with the building and the Conservation Area, it is considered that it is respectful to both, which will be further explored below. The loss of the existing bay window will not be perceived from the street scene, is not considered harmful to the appearance of the building and does not require demolition in a Conservation Area Consent.

It has been raised by objection that the extension is over development of the site, however no previous extensions have been erected. Further to this, it is considered modest in scale, depth and height, and also does not protrude past the rear wall of the property, squaring off the inner courtyard area, leaving the rear garden area intact. The principle of the single storey extension is considered to be acceptable, subject to all other issues within this report.

### Impact on Neighbour Amenity

Due to the proposed design of the 2m eaves height and the hipped-away, glazed roof, the impact of the extension will be similar to that of a boundary wall treatment erected under permitted development, and such features are expected of a courtyard to ensure that it is not over dominant, does not causes a loss of light, nor further hems in the adjacent neighbour. Despite objections regarding these issues, such negative impacts are not considered to result from the proposal. .

Closely related to the issue of hemming in is the objection raised regarding the breach of the 45 degree angle. While technically, the extension would breach the 45 degree angle to the nearest ground floor window of the adjoining neighbour, the proposed height of the extension to the eaves and the hipped away design minimises these impacts to that which is of no significant increase relative to that of a 2m boundary treatment which is usual and fully acceptable, hence the impact is not considered harmful.

The extension will not cause a loss of outlook because of the above and will not screen any of the neighbours views which they currently enjoy from their properties. Lastly, concerns were raised that overlooking would occur from the

rear glass doors. Ground floor windows are not considered to cause overlooking in planning terms, and windows facing the rear of one's own garden do not often cause overlooking either, subject to suitable distances to properties to the rear and orientation, but this does not apply here as the windows are not at first floor.

### Impact on the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposal has been designed in a way that respects and preserves the original building and the character of the Conservation Area. , As mentioned above, the roof design and limited eaves height partly achieve this. The extension only remaining within the inner courtyard, being at ground floor only and being stepped back from the rear wall allows the original property to be clearly read and appreciated.

The development is not considered to cause harm to the Conservation Area, due to this sensitive design. The choice of matching brickwork coupled with aluminium and glazing further helps for it to match the existing dwelling while allowing a differentiation between the old and the new, which is considered positive in planning terms. Therefore the proposal will suitably preserve the special historical and architectural character of the building.

### Renewables

Given the limited scale of the proposed development it is considered that a requirement to provide 10% renewables/ fabric first approach in accordance with Policy DP13 and the associated SPD would not be appropriate.

### Other matters

Various other non-planning matters and procedural questions were raised which are not material planning considerations within the application. For clarification, due planning procedure was undertaken throughout the course of the application, and a site notice which had been removed was replaced.

The existing solar panel and velux installation which are permitted development.

Councillor Bromley was openly declared as the partner of the applicant from the outset.

### **Summary/Conclusion**

The proposal is considered modest in scale and well proportioned , and the specific design features compliment and preserve the existing property and the special historical and architectural significance of the Conservation Area, allowing the original building to be easily read, while bearing little to no change upon the street scene. No harmful impacts will be caused to neighbouring amenity and therefore planning approval is recommended.

### **CONDITIONS**

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 drawings 957-01 and 957-02 submitted on 15th June 2016 and 957-03 Rev B submitted on 3rd August 2016, and specification contained therein. **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 brickwork for the development hereby permitted shall be of the same type, texture and colour as that 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.
-