

Planning Committee: 02 February 2011

Item Number:

Application No: W 10 / 1534

Registration Date: 07/12/10

Town/Parish Council: Warwick

Expiry Date: 01/02/11

Case Officer: Penny Butler

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128 Myton Road, Warwick, CV34 6PR

Proposed extensions and alterations (amendments to approved scheme W/10/0782) FOR Mr Nijjar

This application has been requested to be presented to Committee by Councillor Guest and due to an objection from the Town Council having been received.

SUMMARY OF REPRESENTATIONS

Warwick Town Council: The Town Council consider that the proposed amendments will increase the mass of the development to an unacceptable level and impact adversely on the amenities of the adjoining houses.

Public response: Four objections received (no.s 116, 120, 126, 130 Myton Road). The proposed mass development of the property is detrimental to adjacent properties. Concern is expressed that the developer is in breach of the approved plans. The Town Council have rejected the proposals.

No.126- The proposed garage pillar would breach the 45 degree guideline and should revert to the approved gallows bracket. The brick pillar could be subsequently infilled back to the main structure causing further obstruction to the view from no.126. The raised rear roof is directly opposite their east side facing window (which is currently a secondary window to the study but will shortly be converted to the sole source of light to a computer room) and would further restrict light to this window. The rear extension is already at least 500mm above what was permitted under W10/0782. The raised roof would also potentially increase light pollution to their five facing side windows from external lights being arranged along the rear of the extension. The wiring has already been installed at or near roof height and the existing boundary fence would not prevent lights shining directly into their side windows as they were anywhere near the roof line of the extension. This application and the proposed certificate being currently considered represent a back-door attempt to legitimise the existing breaches to W10/0782, revert by stealth to the excessive bulk and scale of the original application W10/0509 which has already been rejected by three separate bodies, create a restriction of our amenities and cause a breach of their privacy.

No.130- Contrary to the agents statement, the 45 degree guideline has been breached and the proposal should be rejected. The actual increase in roof height is 500mm which results in a substantive loss of light to the rear of their full height lounge windows (compared to the approved scheme W10/0782 and the original dwelling). The overall scale, height and bulk resulting from the increase is both dominant and overbearing, particularly when viewed against the roof line of surrounding properties.

WCC Ecology: Any amendments should ensure that the detailed bat mitigation measures, which were agreed for the approved scheme W10/0782, can still be implemented and have no negative affect on the known bat roosts. (The

mitigation agreed is that all works potentially disturbing to bats were completed by 30 April 2011, and if it should prove that this is not possible, then a derogation licence from

Natural England will be necessary to make the works legally compliant and it should be borne in mind that it takes 30 working days for Natural England to determine an application post-submission. This advice is given on the basis that disturbance is unlikely to occur under the Habitats Regulations but would occur under the Wildlife & Countryside Act which is not licensable.)

RELEVANT POLICIES

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

PLANNING HISTORY

The house was built following a permission in 1955 and had consent for a rear single storey kitchen and utility room extension in 1977. A planning application (W10/0509) for a first floor side extension, single storey front and rear extensions, and the raising of the roof along with three rear dormer windows was refused by Planning Committee in June 2010, and then dismissed at appeal in August 2010. The Council's reason for refusal was that the scale, height, mass and bulk of the proposed extensions would result in a property which will appear dominant and overbearing to the adjoining properties, thereby harming their outlook. Furthermore, the resulting development would appear unacceptably dominant in the street scene, particularly by reason of its height in relation to the adjacent properties. The Inspector concluded that the proposal would not have an adverse impact on the amenities of no.130, but would do so on no.126, and that, by reason of the scale of the extension over the garage, it would become unacceptably dominant in the street scene, contrary to DP1 and detrimental to the character of the area.

An application (W10/0782) was then made in June 2010 for smaller proposals comprising a first floor side extension, single storey front and rear extensions and the raising of the roof. This was approved by Planning Committee in August 2010, and included conditions requiring 10% renewable energy provision and a pre-commencement bat survey. The development has commenced and these conditions have now been discharged.

W10/1535 is an application for a proposed certificate of lawful development for the addition of a rear facing dormer roof extension. This application has not yet been determined. The certificate would give a legal determination on whether the proposed works are permitted under the relevant regulations and as such there is no consideration given to the planning merits of the proposal.

KEY ISSUES

The Site and its Location

The house lies at the western end of Myton Road as one of a group set back from the road and accessed by a service road. It is therefore only partially seen through the trees and shrubs that separate the main road from the service road. This two storey house is set forwards of both its neighbours with an attached garage on one side and generous front and rear gardens. A semi-bungalow lies adjacent on the west side (no.126) and a two storey house on the east side (no.130).

Details of the Development

The dwelling is currently undergoing extensions and alterations approved under W10/0782. The works have not proceeded in full accordance with the approved plans, partly due to errors contained in the original plans, so this application has been submitted to regularise the works and enable compliance with the Building Regulations.

The proposals consist of an increase in height of the single storey rear extension from 2.65m to 2.85m in order to ensure internal ceiling lines match the existing. The front hall extension adjoining the new porch has been removed and timber porch supports are proposed to be replaced by brick pillars. Windows and doors in the rear elevation have been revised, a new first floor window in the rear elevation inserted, and a side door and window facing west (towards no.126) have been removed. Timber cladding on the front and rear elevations would be replaced by painted render.

Further amended plans received show the addition of a rear dormer roof extension at first floor above the landing, to provide increased head height above the stairs. Also, following comments from the neighbour, the brick pillar originally proposed at the front corner of the garage roof has now reverted to a gallows bracket as approved. The final set of amended plans now show correctly the slight differences in levels at the west side of the house adjacent to no.126. As these levels were not shown on the approved plans this has led to confusion over the approved height of the rear extension compared to the original height of the flat roof side garage. The latest plans show a proposed increase in height of the rear extension of 205mm above the approved plans, and about 400mm above the original side garage.

Assessment

Since there is a similar existing consent which has already been commenced, the key issue to consider is whether the proposed changes increase the impact on neighbours and the street scene, to the extent that planning permission should be refused.

The impact of the proposals upon the street scene is small since the raised rear roof is set well back into the site, at the side of the neighbours houses, nos. 126 and 130 Myton Road. Views of this roof from the street frontage are therefore quite limited, therefore I consider this change would not increase the impact upon the character of the area. Since the proposed dormer is at the rear then this would not have any further impact.

The impact on neighbours is more finely balanced. The changes that would impact on neighbours are the raised roof and the new rear dormer, since the

smaller porch would not be harmful, the revised rear windows look down the applicants garden, and the removal of the side window and door reduce the impact on no.126.

The new rear dormer would potentially impact only on no.126 since it is adjacent to the original side wall dwelling and projects no further to the rear than the original rear elevation. This part of the proposals was approved under W10/0782 as a cat slide roof, so the dormer now proposed increases the height of the side wall slightly, and adds a hipped roof above. Since these changes are against the side wall of the original dwelling I do not consider they would lead to a material loss of light or any greater harm to the neighbour this side.

The increased height of the single storey rear extension would impact on both neighbours. No.130 has a fully glazed side and rear wall to their lounge, where the side windows directly face the rear extension, while no.126 has four side windows, one of which is proposed to be the sole source of light to a computer room (the neighbour has stated that the study will be subdivided internally to created this room). Since the neighbours lounge at no.130 has a large amount of glazing on the rear elevation and the side glazing is therefore a secondary source of light to this room, I do not consider that the impact of the increased roof height on side windows would lead to such a significant loss of light or outlook that refusal is justified. The neighbour at no.126 would suffer a more greater loss of light and amenity, to what will be their computer room window. Given the distance of 3m between the window and the extension, that the extension does not project fully past this window, and the small increase in height proposed, I find it difficult to demonstrate that the additional harm that would arise would be significant, since the approved plans already materially diminish light and outlook from this window. Since this neighbours window is still a secondary source of light at this time, albeit to a large room, this is an additional factor to consider. Weighing these matters up I consider the proposed increased roof height would not lead to such an increased loss of amenity for this neighbour that refusal is justified.

External lighting on the building is clearly a concern but often does not require consent, however since this is clearly a concern and there is the potential for nuisance I recommend a condition for prior approval of any external lighting to be installed on the extension.

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) (03G received 24 December 2010; 04H received 20 January 2011), and specification contained therein, 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 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 The bat mitigation measures to ensure any bats will be protected during the demolition works shall be wholly implemented strictly as approved under Condition 3 of W/10/0782. **REASON**: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 5 Details of any external lighting to be installed on the development hereby approved shall be submitted to and approved by the District Planning Authority prior to installation. **REASON**: To retain control over future development so that the residential amenity of adjoining occupiers is protected and to help meet the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District 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.
