

Planning Committee: 16 August 2023

Item Number: 10

Application No: [W 23 / 0807](#)

Town/Parish Council: Warwick
Case Officer: Thomas Senior
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Registration Date: 20/06/23
Expiry Date: 15/08/23

19 Frances Avenue, Warwick, CV34 4QA
Erection of single storey side extension FOR Bhambra

This application is being presented to Planning Committee due to the number of objections received.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF DEVELOPMENT

Erection of a single storey side extension to form an enclosed porch.

THE SITE AND ITS LOCATION

The application site relates to a two-storey semi-detached dwelling located on Frances Avenue, Warwick. The streetscene is characterised by pairs of semi-detached dwellings of similar styles, with a number of dwellings benefiting from either single storey side extensions or covered car ports to the side of their respective dwellings.

PLANNING HISTORY

ENF/285/41/11 – Car port converted into single storey room without planning permission – The outcome of the investigation was that the works were undertaken over 4 years prior to the enforcement case being opened and was therefore considered immune from any enforcement action under the '4-year rule'. The case was closed.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- [Guidance Documents](#)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Warwick Town Council - No objection to amended proposal.

WCC Ecology - No objection, recommended notes attached.

Public Response -

- Six objections have been received on grounds that the proposal may breach the 45-degree line from a neighbouring occupier and is considered to be unneighbourly.

Two support comments have also been received.

Design and the impact on the character and appearance of the streetscene

The NPPF (2021) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 130 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials.

Local Plan Policy BE1 echoes paragraph 130 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use so that the established character of the streetscene is respected.

The Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The proposed development, when viewed from the street is a flat roof side extension to form an enclosed porch. This would usually be contrary to the Residential Design Guide SPD, with the SPD seeking to ensure that proposed side extensions relate to the roof design of the existing dwelling. However, within the streetscene there are numerous flat roof structures to the sides of these semi-detached dwellings, and this is therefore considered to be part of the established character and appearance of the streetscene. Consequently, under these specific circumstances, the proposed development is not considered to be out of context and would not appear as an incongruous feature in the streetscene or harm the character of the area. The proposed extension is shown to be comprised of matching materials and is considered to amount to an appropriate design and appearance which will provide a subservient addition to the existing dwellinghouse.

In light of the above, the proposal is therefore considered to accord with Local Plan Policy BE1.

Impact on neighbouring properties and the current and future occupiers of the development

Warwick District Local Plan Policy BE3 requires development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses.

Objections have been received on grounds that the proposed side extension breaches the 45-degree line and will have a harmful impact on the amenity of the occupier of 11 Mercia Way. Following the submission of amended plans to reduce the depth of the proposed side extension, the proposal no longer results in a breach of the 45-degree line from the centre-point of the nearest habitable window of 11 Mercia Way. As there is no breach of the 45-degree line, the proposed development is not considered to result in an unacceptable adverse impact upon the amenity of neighbouring occupiers by reason of loss of light or outlook.

The impact that the proposal will have on the amenity of the current and future occupiers of the subject dwelling is considered to be acceptable. The proposal provides adequate light and outlook to habitable rooms. The applicant will be left with adequate private amenity space in accordance with the Residential Design Guide SPD.

Therefore, the proposal is considered acceptable and to be in accordance with Policy BE3.

Ecology

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

Warwickshire County Council Ecology recommends that in the event of an approval, explanatory notes are added for the protection of bats, birds and hedgehogs. These notes have been attached as requested, and the proposal is considered to comply with Local Plan Policy NE2.

SUMMARY AND CONCLUSION

The proposal is considered to constitute good quality design and to have an acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The development is considered to pose a low risk to protected species. The proposals are in accordance with the aforementioned policies, and it is therefore recommended for approval.

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(s) PL02B, and specification contained therein, submitted on 25/07/2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 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 BE1 of the Warwick District Local Plan 2011-2029.
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