

Planning Committee: 29 January 2019

Item Number: 5

Application No: [W 18 / 1539](#)

Town/Parish Council: Kenilworth

Registration Date: 03/09/18

Case Officer: Rebecca Compton

Expiry Date: 29/10/18

01926 456544 rebecca.compton@warwickdc.gov.uk

109 Windy Arbour, Kenilworth, CV8 2BJ

Extensions and re-modelling of the existing dwellinghouse and the erection of 1no. two storey detached dwelling house to the side garden and associated access (re-submission of planning application ref W/18/0423). FOR Mr. Richard Gardner

This application is being presented to Committee due to the number of objections and an objection from Kenilworth Town Council having been received.

RECOMMENDATION

That Planning Permission is GRANTED subject to the conditions listed.

DETAILS OF THE DEVELOPMENT

The application is for a detached two storey dwelling to the south of the existing dwelling. The new dwelling will be constructed out of matching brick and tile to compliment the local area. The proposal also seeks to demolish part of the existing dwelling to create a larger plot for the proposed dwelling. The existing dwelling will be remodelled with extensions and alterations including a first floor side and rear extension and single storey rear extension.

This application is a re-submission of planning application ref: W/18/0423 that was withdrawn due to concerns raised regarding the design of the proposed dwelling, impact on the character of the area and lack of an arboricultural statement.

THE SITE AND ITS LOCATION

The application property is a chalet style detached house located on the northern end of Windy Arbour towards the junction where Tulip Tree Avenue joins Windy Arbour, Kenilworth. The site borders a large area of public open space to the south and is situated in a predominantly residential area of Kenilworth.

PLANNING HISTORY

W/16/0734 - Construction of a new first floor including additional roofing; single storey side extension; single storey rear extension and front porch - GTD

W/17/0186 - Construction of a new first floor including additional roofing; single storey rear extension and two storey front extension. Re-submission of W/16/0734 -GTD

W/18/0423 - Proposed extensions to existing dwelling, and the erection of an additional detached two storey dwelling - WDN

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

Neighbourhood Plan

- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object on the grounds that the buildings appear too close together.

WCC Highways: No objection.

WCC Landscape, Environment and Regeneration: No objection.

WCC Forestry: No objection.

WDC Waste management: No objection.

WDC Environmental Health: No objection.

Public response: 7 letters of objection have been received on the grounds that the proposal would be overdevelopment of the site, there would be potential impact on parking and traffic, impact on trees and loss of privacy and outlook to neighbouring properties.

ASSESSMENT

The key determining issues in the assessment of this application are:

- The principle of development
- The impact on the character of the area
- The impact on the residential amenity of neighbouring properties and of the occupants of the new dwelling
- Highway safety and car parking.
- The Kenilworth Neighbourhood Plan
- Other matters raised during the consultation period

The principle of development

Policy H1 of the Warwick District Local plan 2011-2029 states that new housing will be permitted within Urban Areas as identified in the Local Plan.

The application site is located within Kenilworth which has been identified as an urban area in the Local Plan, the proposal constitutes new housing within the urban area and is therefore in accordance with Policy H1.

The principle of development is therefore considered to be acceptable.

The impact on the character of the area

Policy BE1 of the Local Plan seeks to ensure that the development respects the character of the area. Paragraph 127 of the NPPF is also a material planning consideration.

The proposals are for a two storey house which is considered in keeping with the general character of the area. The surrounding area of Windy Arbour has a mix of styles and therefore the proposed design of the new dwelling is considered acceptable within the street scene. The width of the plot and the size and scale of the proposed dwelling is considered to be in keeping with the established character of Windy Arbour which are typically large detached dwellings within reasonably large plots.

The proposal seeks to demolish part of the existing dwelling to accommodate a larger plot for the proposed dwelling. The proposal also seeks to have a 1.8m gap between the host dwelling and the proposed dwelling which is characteristic of this area and is considered sufficient in this particular case to retain the character and appearance of the area.

The proposed remodelling of the existing dwelling is considered acceptable as the existing property has no particular architectural merit and as stated above, there are a range of styles in the immediate street scene and therefore there is no uniform character or design within the street scene that would be harmed as a result of the remodelling. The proposed extensions are considered of an appropriate size and scale for the existing property and both the alterations and extensions to the existing property and the new dwelling shall be constructed out

of brick and tile to match the existing building which is considered acceptable and in keeping with the local area.

Overall, having considered the design and layout of the proposal the scheme would be considered to be in keeping with the character of the area and would be considered to be acceptable.

The impact on residential amenity

Policy BE3 of the Local Plan requires development does not impact on the amenity of residents which includes matters such as overlooking, loss of light or privacy impacts.

The proposed dwelling will not breach the Council's adopted distance separation guidelines to the properties located at the rear along Tulip Tree Avenue nor to the properties opposite the site along Windy Arbour. The proposed dwelling will not breach the Council's adopted 45° guideline to the host dwelling at 109 Windy Arbour.

The proposed extensions and alterations to 109 Windy Arbour will not breach the Council's adopted 45° guideline to the proposed new dwelling nor the existing adjacent neighbour at no.111 Windy Arbour.

Therefore having regard to the existing and proposed relationships, there would be no material impact on the amenity of neighbouring residents either current or in the future and the proposals would be in accordance with Policy BE3 of the Local Plan.

The proposal will subdivide the existing rear garden to provide private amenity space for both properties, the new dwelling will have 4 bedrooms and is therefore required to provide a minimum of 60 square meters of amenity space, the proposal will provide over 100 square meters of amenity space for this property which is above and beyond the required 60 square meters and is therefore acceptable.

The existing property will be extended to a 4 bed property and again is required to provide over 60 square meters of amenity, this property will benefit from over 100 square meters of amenity space which is significantly more than is required under the adopted amenity space guidance as set out in the Residential Design Guide SPD.

It is considered that the proposed development would provide adequate living conditions for the future occupiers in terms of outlook and therefore would not be harmful to neighbouring residential amenity.

The proposal will therefore achieve acceptable living conditions for future occupiers and is in accordance with the Residential Design Guide SPD and Local Plan policy BE3.

Highway safety and car parking

Policy TR1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted that provides safe, suitable and attractive access routes for all.

Policy TR3 of the Warwick District Local plan 2011-2029 states that development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Parking Standards* sets out Warwick District Council's detailed parking standards for developments.

The existing property is a 3 bed dwelling and the existing parking requirement for this property is 2 off road parking spaces. The extensions and alterations to the existing property would create a further bedroom that would increase the overall parking requirement for this site to 3 off road parking spaces.

The parking requirement for the proposed dwelling as a 4 bed dwelling is 3 off road parking spaces, the proposal provides a large front drive with ample room to accommodate 3 off road parking spaces to the front of the property.

Therefore, the proposal provides sufficient off road parking in accordance with the adopted Parking Standards SPD.

A new dropped kerb and access is to be formed to serve the new dwelling and the existing access that serves 109 Windy Arbour shall continued to be used for this property and no changes are proposed for this existing access. The proposal provides sufficient turning space for vehicles within both application sites to exit the site onto the public highway in forward gear.

The Highways Authority have raised no objection to the proposed parking nor the proposed new access subject to conditions, the proposals are therefore not considered to detrimental to public safety.

The proposal is therefore considered to comply with policies TR1 and TR3.

Kenilworth Neighbourhood Plan

The proposal is considered to comply with Neighbourhood Plan policies KP12 and KP13.

Other matters raised during the consultation period

Several objections have been received from neighbouring residents with concerns over loss of privacy, the overdevelopment of site, the impact on trees, the increase in traffic generation and the potential for more on street parking.

Whilst these concerns are noted, the proposal does not breach the Council's adopted guidance in terms of impact on privacy and therefore the impact on the adjacent neighbouring properties is considered acceptable. The tree officer has

raised no objection to the scheme in terms of impact on the existing trees and no trees are to be removed as part of the proposal.

The proposals accord with the adopted guidance on parking and therefore refusal on these grounds would not be appropriate. In terms of overdevelopment of the site, both dwellings are considered to sit comfortably within the plot and are both are of a size and scale that is in keeping with the character of property with this particular part of Windy Arbour.

Ecology

The County Ecologist has recommended that a note in relation to nesting birds is added. This is considered appropriate and in accordance with Policy NE3 of the Local Plan.

Low Emission

The proposal will result in additional vehicular movements as it is a new property and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Low Emissions Strategy. This can be secured by condition.

Conclusion

The proposed development seeks the provision of a dwelling adjacent to 109 Windy Arbour following the partial demolition of the existing property which will be remodelled. The provision of a new dwelling in this location is considered to represent sustainable development and therefore is acceptable in principle.

Officers are satisfied that the development will not result in any unacceptable harm to the character and amenity of the local area, the amenity of neighbouring properties or highway safety.

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 drawings 8008-10 Rev A B, 8008-16 Rev A B, Front elevation (Street Scene) , and specification contained therein, submitted on 04th January 2019. **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 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority.

The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 4 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 5 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029
