

Planning Committee: 14 August 2012

Item Number: 11

Application No: W 12 / 0780

Town/Parish Council: Kenilworth
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Registration Date: 29/06/12
Expiry Date: 24/08/12

Land adjacent to 26, Fieldgate Lane, Kenilworth

Construct a new three storey house on land adjacent to 26 Fieldgate Lane,
Kenilworth FOR Bramfield Properties

This application is being presented to Committee due to an objection from the Town Council having been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The purpose of this report is to consider the above application, which seeks planning permission for a three-storey, five bedroom dwellinghouse to be erected on the sub-divided part of the southern garden area belonging to No.26 Fieldgate Lane. The application site will measure 12.5 metres wide at its narrowest point, increasing to 16 metres by approximately 57 metres in depth. The proposed dwellinghouse will measure 11.2 metres wide by 10.4 metres deep, with a forward projecting wing measuring 4.3 metres wide by 6 metres deep. The proposed dwelling will have an eaves height of 5.3 metres and a ridge height of 10.1 metres. The subordinate forward projection will have an eaves height of 4.4 metres and a ridge height of 6.8 metres. The rear bay projection will have an eaves height of 7.2 metres and ridge height of 9.6 metres. A feature chimney stack will measure 11.3 metres high. The dwelling will be constructed of facing brickwork with a stone plinth and gable feature and a plain clay tiled roof.

The application was accompanied by a Design and Access Statement which describes the area and how the proposed dwelling is traditionally designed and will not appear as a diminutive structure, as well as ensuring sufficient gaps are left to the common boundaries. A Sustainable Building Statement, a Renewable Energy Statement, and an Arboricultural Study were also submitted.

THE SITE AND ITS LOCATION

The application site relates to the (southern) side garden to No.26 Fieldgate Lane, a large detached dwellinghouse located on the eastern side of Fieldgate Lane, which is part of a one way system allowing vehicular traffic to travel northbound only. The area is predominantly residential in nature, characterised by detached dwellinghouses of mixed styles and ages. There are a number of mature trees bounding the site, which is located within the Kenilworth Conservation Area.

PLANNING HISTORY

W/05/1233 Erection of a proposed bungalow: Refused 30th August 2005 - Appeal Dismissed: 28th July 2006.

W/07/0404 Erection of two-storey side/rear extension: Granted 7th May 2007

W/11/1321 Erection of detached dwellinghouse, car port and construction of vehicular access: Refused 8th February 2012.

W/12/0398 Construction of two-storey house on land adjacent to 26 Fieldgate Lane (resubmission of W/11/1321): Refused 30th May 2012.

RELEVANT POLICIES

- 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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- National Planning Policy Framework
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Members noted that they had expressed their reservations over earlier proposals for this site, including for a two-storey house and that the current proposal fuelled their concerns. Accordingly, Members OBJECTED to the application because the proposed development: Constitutes gross overdevelopment of the site; is severely detrimental to the street scene in this sensitive area, which is immediately adjacent to a Conservation Area; is inappropriate to the location and inconsistent with properties on that side of Fieldgate Lane; and destroys the setting of the neighbouring property, which is an important building within the area.

WCC Ecology - No objection, it would appear that any mature trees are unlikely to be affected by the works.

WCC Highways - Comments awaited, to be updated as a late item.

Public response - Nine objections received from local residents raising the following concerns:

- Harmful/negative impact to Conservation Area/ infills are not appropriate/ loss of spaciousness;
- Impact upon setting of No.26/ a pastiche of the present property;
- Traffic safety/parking concerns, Fieldgate Lane is used by parents from the nearby primary school and large articulated lorries;
- Impact upon adjacent trees;
- Loss of privacy.

ASSESSMENT

The main considerations in assessing this application are as follows:

- The principle for development;
- Siting and design;
- Neighbours' amenity;
- Highway safety;
- Other matters of landscaping, ecology and sustainability.

Principle

Planning application W/11/1321 refused the principle of the scheme on the grounds of conflict with Policy UAP1 of the Warwick District Local Plan 1996-2011 in that the land was no longer regarded as previously developed as defined in Annex B to Planning Policy Statement 3: Housing. PPS3 has since been replaced by the National Planning Policy Framework April 2012, which states at paragraph 53 that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. This does not preclude the use of garden land for residential development and the proposed use would be compatible with surrounding uses and provide a good quality residential environment, with access to local shops and services. Nevertheless contrived developments (in terms of siting and design) that cause harm to the local area would remain unacceptable. These issues are considered in greater detail below:

Siting/design

In terms of siting, the proposed dwellinghouse will sit appropriately within the existing pattern of development with an active street frontage. The dwelling will provide adequate gaps to the plot's side boundaries and the adjoining dwellinghouse (No.26) and will not appear cramped within its plot. The two-storey forward projection will not appear prominent within the streetscene and is set largely in line with the principle elevation of the adjoining dwellinghouse, which has its own 1.5 storey forward projecting garage located to the northern boundary.

The streetscene is characterised by a mix of dwelling house types, styles and ages, thus allowing some design flexibility for the proposed property. The current design has evolved following a refusal for a new dwellinghouse with a highly contemporary design solution (W/11/1321) and refusal for a new timber framed dwellinghouse which was a historic pastiche (W/12/0398). Both schemes were considered to be of a scale and design that visually jarred with

the adjoining dwellinghouse and failed to enhance the special character and setting of the conservation area.

The current design solution has carefully considered the proposed dwelling's visual relationship with the neighbouring dwellinghouse No.26 and reflects its scale, height, architectural design features, and use of materials, such as stonework bays. The proposed scheme is considered to be well-proportioned and will assimilate well into the existing streetscene. The current proposal is therefore considered to have successfully overcome previous design concerns and will provide an appropriate design solution that will enhance the special architectural and historic interest of the Conservation Area.

Neighbours' Amenity

The previous scheme raised amenity concerns with regard to the adjoining property No.26 Fieldgate Lane, which has a lounge adjacent to the southern boundary served by windows to front and rear elevations and a central bay window with French windows to the southern elevation facing the application site. None of these windows are considered to be secondary in nature, as all are required to provide daylight to the large lounge they serve.

The proposed dwellinghouse will not breach the 45-degree sightline measured from the front and rear windows in the adjoining property in accordance with the Residential Design Guide SPG. The separation distance between the existing bay window and the subordinate forward projection of the proposed dwellinghouse will be 10.2 metres. This is considered to be a sufficient gap, given that the bay window is one of three windows serving this lounge, and the scheme is not therefore considered to result in any significant loss of outlook, light or amenity to the occupiers of the neighbouring property. Given that the proposed dwelling's footprint has been designed to sit within the 45-degree sightline it is considered prudent to remove permitted development rights within Class A to avoid any future extensions, which could affect amenity. In terms of subdividing the existing plot, ample garden and parking space will be retained to serve the existing property No.26 Fieldgate Lane.

The necessary separation distances to other surrounding properties and all window-to-window separation distances will be met and the scheme is not considered to result in any significant impact upon the amenities of the occupiers of other surrounding properties.

Highway Safety

The proposed dwelling will provide a driveway area suitable for three cars with manoeuvring space to turn a vehicle within the site and exit within a forward gear.

Local residents concerns regarding highway safety are noted, however the Highway Engineer has raised no previous concerns with the scheme, subject to conditions to ensure that the access is constructed in accordance with the standard specification and visibility splays are provided and maintained.

Landscaping/Ecology

The scheme is set within mature gardens and existing trees contribute greatly to the character of the area and the appearance of the conservation area. Planning

application W/11/1321 did raise concerns that the development would have an adverse impact on mature trees and the development would add pressure for the trees removal/reduction due to their location to the southern boundary and the resultant overshadowing this would cause to the garden area.

The current proposal (and previous proposal W/12/0398) provides a smaller dwelling footprint which will not encroach upon tree root protection areas. The subsequently larger rear garden area will not have the same extent of canopy cover. The proposed development is therefore unlikely to put any undue pressure for the future removal or canopy/crown reductions to existing trees, which are protected by a Tree Preservation Order. There are bat records within the area and the Ecologist has previously requested a pre-determinative bat survey if any mature trees are affected by works. Given the smaller footprint of the proposed dwellinghouse the Ecologist considers that surrounding mature trees are unlikely to be affected by the current scheme.

It is considered that a lightweight driveway can be constructed under the canopy of the Oak tree, which sits in the front garden of No.26 adjacent to the highway, to avoid any adverse impact to the root system. The applicant confirms that driveways are to be of free draining gravel construction.

All tree protection measures and associated landscaping can be successfully controlled through condition.

Sustainability

While the use of photovoltaic solar panels could be suitable for mounting on the pitched roof, the applicant notes that the site is within a conservation area and the use of such panels has been discounted on visual grounds. The applicant has therefore opted for an air source heat pump as the most viable alternative to provide for the proposed dwellings heating, hot water and under floor heating system. The applicant has submitted data that demonstrates that the air source heat pump will meet the required 10% renewable energy requirement set in SPD Sustainable Buildings.

CONCLUSION/SUMMARY

In the opinion of the District Planning Authority, the proposed development is of an acceptable standard of design which would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located and will 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.

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 in accordance with the details shown on the application form, site location plan and approved drawings 5033/20 dated 06/12; and 5033/21 dated

19/06/12, and specification contained therein, except as required by conditions 3 to 8 below. **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 No development hereby permitted shall take place unless and until details of all external facing materials have been submitted to and approved by the District Planning Authority. Development shall be carried out in accordance with the approved details. **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.
- 4 No development hereby permitted shall commence unless and until schemes and appropriate details have been submitted and approved in writing by the district planning authority to provide for:- the provision of and / or improvement of and / or maintenance of public open space within the catchment area of the site in accordance with Policy SC13 of the Warwick District Local Plan 1996 - 2011. The scheme shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted. **REASON**: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 - 2011.
- 5 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the district planning authority. Details of hard landscaping works shall include boundary treatments, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site. The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the dwellinghouse hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the district planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the district planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1, DP11 and DAP8 of the Warwick District Local Plan 1996-2011.
- 6 Notwithstanding details within supporting documentation, a method statement illustrating no-dig construction details (such as a three-dimensional load spreading system) shall be submitted to and approved in writing by the district planning authority for the proposed section of driveway located within the root protection area of the Oak tree (T1).

Details shall be carried out as approved. **REASON** : To protect and enhance the amenities of the area and the health and vitality of the adjacent Oak tree, to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 7 The development shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the district planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; and wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway. **REASON** : In the interest of road safety and amenity in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 8 No development or other operations (including site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the district planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Warwick District Council Kenilworth Conservation Area. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Part 1, Class A of Schedule 2 of this Order. **REASON** : To retain control over future development of the property in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 10 The vehicular access to the curtilage of the dwelling shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distance

extending to the limits of the site boundary in a southerly direction. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

- 11 Any gates/barriers erected at the entrance to the site for cars shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
 - 12 The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be kept free of obstruction and be available for car parking at all times thereafter. **REASON** : To ensure that adequate parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
 - 13 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **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.
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