

Planning Committee: 22 May 2012
Application No: ENF 175/18/12

Item Number: 25

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7 Mill Lane, Barford, Warwick, CV35 8EJ

Erection of a two storey rear extension without planning permission.
Property Owner(s) Mr R Barnes

This report is brought before Committee to request that enforcement action be authorised.

On 24th April 2012 it was brought to the attention of the Enforcement Section that a two storey rear extension was being constructed at No.7 Mill Lane, Barford; without the benefit of planning permission. A site visit was undertaken on 8th May 2012.

The owners of the property were contacted by Officers and advised that the two storey rear extension failed to accord with permitted development limits and consequently required planning permission. Officers also expressed considerable concern regarding the acceptability of the extension and strongly advised that no further works should be undertaken on the site.

Officers met with the owners of the property and their agent on 15th May 2012 to discuss possible amendments to the extension as constructed. It was agreed at the meeting to reduce the two storey extension to a single storey structure which would accord with permitted development limits.

Officers were contacted on 21st May 2012 by the agent, indicating that the owners of the property had reconsidered their options and that a retrospective planning application to retain the two storey rear extension would be submitted shortly.

RELEVANT POLICIES

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

None

KEY ISSUES

The property is a mid terraced two storey interwar dwelling, located on the eastern side of Mill Lane, within Barford village. The property is constructed of red brick, rough cast pebble-dashed and painted cream, with traditional red / brown roof tiles to pitched roof. The dwelling benefits from a small enclosed front garden, with long rear garden backing onto properties fronting Hemmings Mill.

A full width two storey extension has been erected to the rear of the property measuring 4.7m wide, 7.4m high with an eaves height of 4.7m. The extension measures 3m in depth. The extension has been constructed adjacent to the party boundary with No. 9 Mill Lane and is set back approximately 2m from the party boundary with No.5 Mill Lane.

Assessment

Policy DP1 indicates that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

Policy DP2 indicates that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

The adopted Residential Design Guide (April 2008) prepared in accordance with Policy DP1 indicates that where an extension contravenes the 45 degree guideline taken from the centre of the nearest habitable room window in the original face of the adjoining property, it may be considered to have an unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly overbearing effect and therefore would be unlikely to receive planning permission.

The two storey extension is constructed immediately adjacent to the boundary with No.9 Mill Lane, which has windows at both ground and first floor which are the primary source of light to habitable rooms. The extension as constructed breaches the 45 degree guideline from these windows at a depth of only 0.6m (projecting 2.4m in total beyond this point) and consequently the extension by reason of its depth of projection, height and close proximity to the party boundary, results in serious demonstrable harm to the living conditions of the occupiers of No.9 Mill Lane through the introduction of an undesirable overbearing impact, increased visual intrusion and loss of light.

The extension as constructed is set back from the party boundary with No.5 Mill Lane and consequently breaches the 45 degree guideline from the nearest habitable room windows within the rear elevation of No.5 Mill Lane at depth of 2.8m. Given this separation distance and the presence of an intervening pedestrian access way and outbuilding, the resultant adverse impact upon the living conditions of the occupiers of No.5 Mill Lane is potentially minimal. However, the extension is located directly to the south of No.5 and consequently

given its orientation and depth of projection, adverse impact on the living conditions of the occupiers of No.5 Mill Lane will result through increased visual intrusion, loss of light and overshadowing.

Policy DP13 requires 10% of the predicted energy requirements to be produced on site from a renewable energy source. No such scheme is implemented on site.

Justification for Enforcement Action

In view of the significant adverse impact on the living conditions of the occupiers of the adjacent properties, and the failure of negotiations with the owners of the property, the service of an Enforcement Notice is now considered appropriate to secure the removal of the unauthorised development.

RECOMMENDATION

That enforcement action be authorised to secure the demolition of the two storey rear extension and the removal of all materials from the site. The period of compliance to be three months.
