

Planning Committee: 09 December 2003

Part 2 Item Number: 1

Application No: W20011265

Town/Parish Council: Leamington Spa

Registration Date: 11/09/2001

Expiry Date: 06/11/2001

Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

4, ADELAIDE ROAD, LEAMINGTON SPA.

Erection of a dwelling.
FOR MR D EMPRINGHAM

SUMMARY OF REPRESENTATIONS

Neighbours: The resident of 3 Archery Road objects to the proposed installation of an additional rooflight to the southern roof slope on the grounds of loss of privacy to the rear garden through overlooking. The residents of 2 Adelaide Road have no objection, subject to the proposed additional rooflight in the lower northern roof slope being non-opening.

RELEVANT POLICIES

(DW) ENV3 - Development Principles
(DW) ENV6 - Conservation Areas
(DW) ENV8 - Conservation Areas
(DW) H5 - Infill Development Within the Towns

HEAD OF PLANNING AND ENGINEERING

Planning permission for the development was granted at appeal on 29 July 2002.

Amendments to the approved scheme are now sought comprising:

1. an increase in the width of the southern elevation from 4.6 m. to 4.7 m. with a corresponding overlap of 0.1 m. with the southern elevation/roof slope of the adjoining flat at 4 Adelaide Road;
2. installation of a rooflight to the southern roof slope;
3. increase in the height of the ground and first floor windows in the southern elevation;
4. reduction in the ridge height by approx. 0.4 m. and;
5. installation of an additional rooflight to the lower northern roof slope.

In response to the concerns of the neighbouring residents of 3 Archery Road the rooflight proposed in the southern roof slope has now been omitted. To compensate for this omission, the size of the first floor window has now been increased by the installation of an additional pane in order to provide sufficient light and ventilation to the bedroom. In my opinion, this would satisfy the concerns of the neighbouring resident. With regard to the comments of the neighbouring residents of 2 Adelaide Road, all rooflights in the northern roofslopes are required to be non-opening in accordance with the terms of condition 5 of the permission granted at appeal. In my opinion, the amendments now proposed would also be acceptable in terms of the design and appearance of the property and the character and appearance of the Conservation Area.

RECOMMENDATION

APPROVE (Minor Amendment)

Planning Committee: 09 December 2003
Application No: W20021570

Part 2 Item Number: 2

Town/Parish Council: Budbrooke

Registration Date: 21/10/2002
Expiry Date: 16/12/2002

Case Officer: Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

SHOP UNITS 1 & 2, SLADE HILL, HAMPTON MAGNA, BUDBROOKE.

Erection of first floor extension to form 3 apartments and alterations to existing retail units.
FOR MR SINGH SANGHARA

SUMMARY OF REPRESENTATIONS

Parish Council: No comments regarding the amended plans have been received to date.

Neighbours: Two objections have been received stating that the building and its roof is too high, far higher than the rest of the properties in Slade Hill. The alterations therefore dominate the area, with the three different roof levels of the terrace of buildings being out of character with the street scene. Comment is also made that the shop front does not conform with the approved plans and that parking is a problem. The use of the private rear access is also questioned.

RELEVANT POLICIES

ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

Planning permission was granted in December 2002 for the erection of a first floor extension above the retail unit. Works started on the scheme during the middle part of this year. However, the ridge height of the building has not been constructed in accordance with the approved plans. Its height has been increased to 8.0 metres, an increase of 0.4 over that which was approved (7.6 metres).

The only amendment is the height of the now constructed building and whether this has a material impact upon the character of the area and amenities of neighbouring properties. It was acknowledged during the previous application that the approved scheme would result in a ridge line higher than the adjoining shop unit and would have a larger roof span than the adjacent houses, thereby creating three different ridge heights. It is considered that due to the small height increase over that already approved, the constructed scheme would not have a materially greater impact upon the neighbour's amenities or the general street scene over that which has already been granted.

Whilst appreciating the neighbour's concerns, regarding the side access and the parking in the vicinity, these issues are not altered by the amendment proposed and were also considered when determining the original application. It should also be noted that the alterations to the shop front referred to by one of the objectors was approved under a separate planning application earlier this year.

RECOMMENDATION

APPROVE (Minor Amendment)

Planning Committee: 09 December 2003
Application No: W20030929

Part 2 Item Number: 3

Town/Parish Council: Leamington Spa

Registration Date: 10/06/2003
Expiry Date: 05/08/2003

Case Officer: Joanne Fitzsimons
01926 456534 planning_east@warwickdc.gov.uk

15, SPILSBURY CLOSE, LEAMINGTON SPA.

Erection of a first floor side extension with covered area below and a kitchen extension.
FOR MRS LAILEY

SUMMARY OF REPRESENTATIONS

Town Council: No objection subject to conforming to 45 degree code.
Neighbours: 2 letters of objection have been received expressing concern over potential harm to roots of the oak tree from the proposed pier foundation; the oak tree is not on the applicants land and the effects of any damage will fall on the neighbours to resolve. The proposal may also encroach onto the neighbours land as the boundary curves at this point.
Head of Leisure and Amenities: Whilst the annotated plan recently supplied has only limited details, given the distance from the neighbouring oak and the small section of the root spread that will be affected by the construction of the pier I do not believe that we can reasonably withhold permission on this basis. Permission should carefully condition hand digging for the base of the pier, with no roots above 50mm diameter to be severed without authorisation from the District Planning Authority. No machinery to be brought into the area beneath the tree canopy nor should any materials be stored there.

RELEVANT POLICIES

ENV24 - Tree Preservation Orders
ENV27 - Ecological Development
ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

Planning permission for an extension at this property to form a first floor above an existing ground floor was granted on 22nd February 2002, reference W20010967. This proposal is for a larger first floor extension, the rear corner of which would be supported by a new brick pier supported on a pier foundation. An amended plan has also been submitted which is annotated to confirm this method of construction and that the side boundary wall would be splayed to follow the existing boundary line.
Whilst noting the objections of neighbours, as amended I consider this scheme would not harm their amenities or the health of the TPO oak tree which adjoins this site

RECOMMENDATION

GRANT, as amended, subject to conditions on materials and details of construction of the pier foundation.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policies ENV3, ENV24 and ENV27 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031313

Part 2 Item Number: 4

Town/Parish Council: Radford Semele

Registration Date: 19/08/2003

Expiry Date: 14/10/2003

Case Officer: Joanne Fitzsimons
01926 456534 planning_east@warwickdc.gov.uk

11, LEWIS ROAD, RAFORD SEMELE
Erection of a two-storey rear extension.
FOR MR FARRUGIA

SUMMARY OF REPRESENTATIONS

Parish Council: No objection

RELEVANT POLICIES

(DW) ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

The premises comprise a 2-storey mid-terrace property that is located on the eastern side of Lewis Road within a predominantly residential area. The property is similar in original design and appearance to the neighbouring properties. Access to the rear of the terrace is via a passageway that runs in-between the ground floor of the site and 9 Lewis Road. A detached out-building stands at the rear of the property adjacent to the communal footpath which would be removed to accommodate the proposed development. The rear elevations of the adjoining properties contain kitchen windows at ground floor. However, there are no habitable room windows at first floor.

The proposal relates to a first floor bedroom extension above the existing single-storey kitchen and a ground floor dining room extension that would also extend across the full width of the property to a depth of 2.78 metres across the existing passageway, which would be re-aligned around it. As proposed, the extension is identical to the scheme that was submitted in 1998 under application W980033. Planning permission was granted by this 'Committee at the meeting on 23 February 1998 but was not implemented.

In the meantime, there has been no change in site or policy circumstances. However, in re-assessing the proposals it is evident that the proposed ground floor extension would remain in breach the Council's adopted supplementary planning guidance '*The 45° Guideline*' by approximately 1.5 metres when measured from 11a Lewis Road and by approximately 0.8 metres when measured from 9 Lewis Road. In my revised opinion the depth, height and mass of the extension beyond the rear facing habitable room windows of the adjoining dwellings would unacceptably harm the outlook and living conditions of the neighbouring residents. I appreciate that no objection was raised to the proposals by the District Planning Authority on these grounds in respect of the previous application. This permission is also a material consideration in favour of the proposals. However, upon further consideration of the proposals under the terms of this application I do not consider that, in itself, it outweighs the harm that would be caused to the neighbouring residents' amenities.

RECOMMENDATION

REFUSE for the following reason:

"Policy (DW) ENV3 of the Warwick District Local Plan requires all development proposals to, amongst other matters, harmonise with their surroundings in terms of design and land use.

The Council has also adopted Supplementary Planning Guidance entitled 'The 45° Guideline' which provides advice on the design of extensions in relation to habitable room windows of adjoining properties.

In the opinion of the District Planning Authority the proposed extension would breach the Council's aforementioned Supplementary Planning Guidance by reason of its proposed relationship to the adjoining dwellings at 9 and 11a Lewis Road. By reason of its length, height and mass beyond the their rear elevations, it would appear as an overbearing feature close to the ground floor windows in the rear elevations of the adjoining dwellings such that it would unacceptably harm the outlook and living conditions of the occupiers of those properties. The proposals would thereby also be contrary to Policy (DW) ENV3 of the Local Plan."

Planning Committee: 09 December 2003
Application No: W20031343

Part 2 Item Number: 5

Town/Parish Council: Leamington Spa

Registration Date: 18/08/2003
Expiry Date: 13/10/2003

Case Officer: Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

LAND R/O, 7-19, CROFT CLOSE, BISHOPS TACHBROOK.

Change of use of agricultural land to garden land.

FOR MRS GILKS, MRS GLEN, MRS BATES

SUMMARY OF REPRESENTATIONS

Parish Council: no objections subject to garden use only.

N.B Please note that applications W20031605 and W20031640 are also included on Part 2 of this agenda for change of use of farm land to domestic gardens adjoining this application site.

RELEVANT POLICIES

C1 - Conservation of the Landscape
ENV1 - Definition of the Green Belt

HEAD OF PLANNING & ENGINEERING

The application site relates to a plot of unused agricultural land of 0.19ha , which is located at the rear of the gardens of existing dwellings; the rear of these gardens presently forms the village boundary of Bishops Tachbrook. The views of the application site are obscured to a significant degree by an existing belt of small trees and hedges.

The application seeks permission for a change of use from agricultural land to garden land, in order to extend the residents existing small gardens. Whilst noting and having high regard for the need to protect the open countryside for its own sake ; given the fact that this site directly abuts existing gardens of limited depth and is not exposed to distant views(ie: it is not prominent in the landscape); it is considered that the proposal would not constitute such a degree of change to the character of the area that it would warrant a refusal. I am of the opinion, therefore, that the development would not have an adverse impact on the amenities or the character of the area and the development would not be incompatible with the rural environment and would not undermine the objectives of DW Policy C1 of Warwick. Whilst noting the objections of the Parish Council and CPRE, it is considered that the proposal would not result in such harm as to sustain a refusal.

RECOMMENDATION

GRANT subject to further details of boundary treatments.

REASON FOR RECOMMENDATION

The proposal is considered would not be incompatible with DW Policies ENV1 and C1 of Warwick District Local Plan.

Planning Committee: 09 December 2003
Application No: W20031462

Part 2 Item Number: 6

Town/Parish Council: Warwick

Registration Date: 15/09/2003
Expiry Date: 10/11/2003

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

21, COVENTRY ROAD, WARWICK.

Erection of a three-bedroomed dwelling and a detached garage.

FOR MR RAJINDER SINGH HAYER

This application was deferred at Planning Committee on the 11th November 2003, for a visual presentation. The report which follows is that which was presented previously.

SUMMARY OF REPRESENTATIONS

Warwick Town Council: consider site visit required to assess affect and judge siting on visual and other amenities of area.

Environmental Health: have no objection but request a contaminated land survey.

County Council (Ecology): consider hedges/trees should be protected if possible.

Neighbours: 1 resident objects to the principle of development due to the affect on the appearance of the area, loss of sunlight, cramped appearance, location of garage.

RELEVANT POLICIES

H5 - Infilling within the Towns

ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

The site lies on the corner of Coventry Road and Lakin Road and has a total frontage of 32 m to Coventry Road and nearly 47 m to Lakin Road. The existing house would be retained although the access would need to be improved to form a shared drive from the wide footway on the Coventry Road.

The proposed dwelling has been designed to respect the architecture of the existing dwellings and would have a detached garage set at an angle to the house. This would be quite well screened by the existing 2 m boundary hedge. The proposed house would have a rear garden which would taper from 16 m down to about 8 m with an additional, very substantial, area at the junction of the two roads, although this would include the garage and turning area. I consider, therefore, that there is ample space for this specially designed dwelling, which would make a much more efficient use of this very large plot and would have no material affect on the amenities of residents on the opposite side of the roads.

RECOMMENDATION

GRANT subject to sample materials, visibility splays to be 2.4 m by 5 m, protection of hedges and trees to be retained, and a contamination survey.

REASON FOR RECOMMENDATION

The application is considered to comply with policies ENV3 and H5 of the Warwick District Local Plan 1995

Planning Committee: 09 December 2003
Application No: W20031495

Part 2 Item Number: 7

Town/Parish Council: Warwick

Registration Date: 22/09/2003
Expiry Date: 28/11/2003

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

UNIT 8, LOCK LANE, WARWICK.

Erection of a replacement industrial unit with associated office, service yard and car parking.
FOR COLLECTIVE LTD

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

Neighbours: One neighbouring unit objects. The proposed access would not enable adequate access into the site by large vehicles, and there is inadequate turning space. Parking is insufficient for both employees and visitors. Increased congestion of Lock Lane would adversely affect their business, which requires constant access.

Warwick Society: Welcome the plans to demolish the derelict unit and erect a new unit, but ask the District Council to ensure that the pedestrian route from the Woodloes estate to Warwick town centre is retained.

WCC Ecology: No objection.

WCC Definitive Map Officer: Object to original plans. The application will increase vehicle movements and increase risk to public users of Lock Lane. In the interests of the Local Plan and public safety issues they are seeking the provision of a 3m wide strip along the length of Lock Lane for the construction of a footpath/cycleway.

British Waterways: No objection.

WCC Highways: No comments, as this is not an adopted highway.

RELEVANT POLICIES

ENV3 - Development Principles

TR14 - Provision of Cycleways within New Development Areas

HEAD OF PLANNING & ENGINEERING

The application site currently consists of a triangular site, with an extended two storey derelict industrial unit located to the front of the site. There is a service yard in front of the building, with open overgrown land to the side and rear. The site directly abuts Lock Lane. A replacement industrial unit is proposed, which has been reduced in size since originally submitted to allow for a larger service yard, and 10 parking spaces compared to the previously proposed 7. Warwick District Local Plan identifies Lock Lane as a proposed cycle way route, and it forms part of the safer route to schools initiative. Warwick District Local Plan Policy DW TR14 states that the Council will pursue the provision of the cycle way, and investigate the feasibility of such routes. The Lane is an unadopted, poorly surfaced single track road which provides vehicular access to industrial units and pedestrian access to the canal and Woodloes Park beyond.

There are no applicable parking standards for a unit of this size (748 square metres), as the threshold advised within PPG 13 Transport is from 2500 square metres and above, (whereupon a maximum of 1space per 30 square metres should not be exceeded.) In my opinion the size of the unit, as amended, is in proportion with the site, and the parking provision is adequate. The new service yard is larger than that which currently exists, and I do not consider it would be feasible to refuse the application on this basis. The possible future widening of Lock Lane, to introduce a cycle way is a matter which would be subject to negotiation between land owners and WCC, and is not something which could be used as a

reason for refusal as there are no firm plans for this. The building has been set back 5m from the edge of the Lane, so there is potential for widening the Lane, though this would mean the loss of 5 parking spaces.

RECOMMENDATION

GRANT, as amended, subject to materials, and provision and retention of car parking.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policy ENV3 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031505

Part 2 Item Number: 8

Town/Parish Council: Warwick

Registration Date: 17/09/2003
Expiry Date: 12/11/2003

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

RADIO HOUSE, SWAN STREET, WARWICK.
Change of use from A1 (Retail) to A3 (food and drink).
FOR JURYS RESTAURANT/MR A.R. ELKIN

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object to amended plans. The loss of A1 usage in Swan Street is contrary to the Local Plan, and should be resisted.

One neighbour has stated no objection, and two letters of support have been received.

Warwick Society: Concerned that the loss of another retail shop in Swan Street will affect the viability of others. A busy bar can be seen as preferable to an empty shop but the Council's Policy should be borne in mind when deciding this application.

WDC Environmental Health: No objection to the premises remaining as a restaurant, but use as a bar may raise concerns about potential noise and disturbance. A noise condition is recommended, requiring a noise insulation scheme to protect residents in flats above from noise transmission.

RELEVANT POLICIES

ENV3 - Development Principles

S5 - Changes of Use Within Retail Areas

HEAD OF PLANNING & ENGINEERING

Radio House currently consists of 3 units at ground floor, in use as two retail units and a restaurant. It is proposed to change the use of one of the A1 retail units to A3, restaurant use, in order to extend the existing restaurant into this. This site is in a primary retail frontage, as identified in the Warwick District Local Plan, where policy DW S5 states that proposed changes of use in such frontages, to uses other than A1, will only be permitted where this would not detract from the vitality and character of the frontage and its primary retail role. This includes taking account of pedestrian flows, the proportion of the frontage already in non-retail use, the existing grouping of non-retail uses, and the prominence in the street scene of the building in question. The application originally proposed the change of use of two units in Radio House, but this was reduced to one unit following advice from the Policy section. The change of use as now amended has not been judged to have a serious impact on the retail role of the area and, therefore, I consider that the proposed change of use of one unit in Radio House to A3 is acceptable, and will not prejudice the aims of the Local Plan Policy.

RECOMMENDATION

GRANT, as amended, subject to noise insulation scheme.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policy ENV3 and Policy S5 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031506

Part 2 Item Number: 9

Town/Parish Council: Wasperton

Registration Date: 02/10/2003
Expiry Date: 27/11/2003

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

21, WASPERTON.

Erection of a 2 storey rear extension, first floor side extension, front porch and construction of pitched roofs.
FOR MR & MRS ANDREW DEAN

SUMMARY OF REPRESENTATIONS

Wasperton Parish Council: Concerned that the original scheme showed a 'treatment room' which suggests a business use that could attract extra traffic into an area unsuitable for heavy use. Also concerned about the balcony and resulting loss of privacy to neighbours. Neighbours: Four neighbours object to the original scheme, which is totally out of keeping with surrounding properties, excessive in height, and the design should be more rural in style. The size of the extensions are contrary to policy, and the plans appear to allow for commercial use. There would be a resulting loss of privacy and light to neighbours, damage and disruption to the access lane from construction vehicles, and two trees must be removed for the new 'in and out' access.
Environment Agency: No comments.

RELEVANT POLICIES

ENV3 - Development Principles
H14 - Extensions to Dwellings in the Rural Area

HEAD OF PLANNING & ENGINEERING

This application has been amended since originally submitted, to reduce the size of the extensions proposed at both ground and first floor, remove the balcony, and to reduce the ridge height of the new roof. The application site consists of an extended flat roofed detached dwelling in the settlement of Wasperton, which was built in the 1960's. The property has already been extended well over the 50% level which is the maximum specified in current Local Plan Policy H14 for houses in the rural area. The new extensions, in my opinion, are not excessive in area, as they consist of a 2.3m deep single storey rear extension, and a first floor bedroom extension. The greatest alteration is the addition of a pitched roof with small rear dormers and roof lights, to replace the existing flat roof, and the cladding of the building in oak and brick. Planning permission was granted in January 2003 for a similar proposal which consisted of larger extensions at ground floor only, and the addition of a pitched roof and cladding.

In my opinion, the application as amended would not have a serious adverse impact on the visual amenity of the area, or the residential amenity of neighbouring properties. The extensions are not considered seriously out of scale with the existing dwelling, and the addition of the pitched roof and cladding would constitute a significant improvement over the appearance of the existing dwelling which is out of keeping with the rural scene. The site is within the built up area of Wasperton village and, therefore, the impact on the open countryside is minimised. A business can be operated from a dwelling as long as the use remains ancillary. Increased traffic during construction could not be used as a reason for refusal, and as no trees on the site are protected, these could be removed at any time.

RECOMMENDATION

GRANT, as amended, subject to sample materials, and an archaeological survey.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policy ENV3 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031508

Part 2 Item Number: 10

Town/Parish Council: Warwick

Registration Date: 22/09/2003
Expiry Date: 17/11/2003

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

19-21, SMITH STREET, WARWICK.
Display of illuminated Halo effect lettering on fascia sign.
FOR CINNAMONS

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

Warwick Society: The large lettered fascia sign in stainless steel illuminated by halo lighting is totally inappropriate in narrow Smith Street, in the conservation area. It is very likely this does not conform with Council Policy, and permission should be refused.

RELEVANT POLICIES

ENV3 - Development Principles

ENV20 - Advertising Control

ENV6 - Protection and Enhancement of Conservation Areas

HEAD OF PLANNING & ENGINEERING

The application site is a double frontage unit, which currently has a white painted fascia with silver lettering, and one projecting hanging sign in the same colours. The proposed signage consists of an unpainted wooden fascia sign, with 300mm tall stainless steel projecting lettering which will be halo lit. Below the main restaurant name will be smaller painted lettering, and the fascia will have decorative wooden moulding around the border.

In my opinion the proposed signage would not have such a seriously detrimental impact on the conservation area that refusal would be warranted. The sign is simply designed, and the halo illumination is considered the most appropriate type of illumination for the conservation area.

RECOMMENDATION

GRANT, as amended, subject to details of the wooden fascia finish.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policy ENV3, ENV6, and ENV20 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031535

Part 2 Item Number: 11

Town/Parish Council: Kenilworth

Registration Date: 16/10/2003
Expiry Date: 11/12/2003

Case Officer: Rob Young
01926 456522 planning_appeals@warwickdc.gov.uk

124, ARTHUR STREET, KENILWORTH.

Replacement of flat roof with a pitched roof above garage (to be converted to living room)
(retrospective application).
FOR ROBERT F PARKER

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Neighbours: Adjoining neighbour objects on the grounds that the roof overhangs their property by 30cm; and that the construction is an eyesore and not in keeping with properties in the area.

RELEVANT POLICIES

ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

The application property is a semi-detached dwelling situated at the corner of a junction between the main part of Arthur Street and a short spur road . The proposal is for the erection of a pitched roof above an existing single storey flat roofed extension. Work had started prior to the submission of this application and the roof timbers have been erected.

The applicant has accepted that the roof timbers do presently overhang his neighbour's land. However, he has confirmed that these have yet to be cut to size, but that they will be cut to a length to enable the guttering to be replaced in its original place. In any case, this element of the objection amounts to a private land ownership dispute which is a civil matter and not relevant to the determination of this application.

The proposal is for a pitched roof above an existing flat roof extension. I consider that the impact of the pitched roof on the character and appearance of the area would be acceptable.

RECOMMENDATION

GRANT.

REASON FOR RECOMMENDATION

The proposal is considered to comply with Policy (DW) ENV3 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031542

Part 2 Item Number: 12

Town/Parish Council: Whitnash

Registration Date: 30/09/2003

Expiry Date: 25/11/2003

Case Officer: Joanne Fitzsimons
01926 456534 planning_east@warwickdc.gov.uk

381, TACHBROOK ROAD, WHITNASH.

Erection of a rear conservatory.

FOR Mr & Mrs B Fuller

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Neighbours: The owners of 383 Tachbrook Road object on the grounds that the depth of the conservatory would harm the view from the rear garden, its use would generate excessive noise and the glazed roof would result in loss of privacy and light pollution. Concern is also expressed regarding proximity and potential harm to boundary fence and their own conservatory.

RELEVANT POLICIES

(DW) ENV3 - Development Principles

Adopted Supplementary Planning Guidance '*The 45° Guideline*'

HEAD OF PLANNING & ENGINEERING

The proposals relate to one of a pair of 2-storey semi-detached houses that stand on the eastern side of Tachbrook Road which is predominantly residential in character. The dwelling is similar in original design, layout and appearance to the neighbouring properties. Access to the rear of the property is via a shared passageway with 379 Tachbrook Road. There is an existing lean-to conservatory attached to the rear of the adjoining property at 383 Tachbrook Road. The side elevation of this conservatory forms part of the garden boundary together with close boarded timber fencing.

The proposed conservatory would replace small lean-to additions at the rear of the property and would extend virtually the full width of the dwelling to a depth of approximately 4.25 metres and would adjoin an existing out-building adjacent to the boundary with 379 Tachbrook Road. The conservatory would extend approximately 1.5 metres beyond the rear elevation of the conservatory at the rear of 383 Tachbrook Road and would have a lean-to glazed roof at broadly the same height contained by free-standing brick parapet walls of descending height either side.

The proposed conservatory would breach the Council's adopted supplementary planning guidance '*The 45° Guideline*' when measured from the original rear elevation of 383 Tachbrook Road. However, the outlook from the ground floor door/ window openings is currently obscured by the solid side walls of the existing conservatory on this property. I do not therefore consider that this breach would result in an unacceptable degree of harm to the neighbouring residents' amenities. When measured from the rear elevation of this conservatory the proposal complies with the guidance and, as such, I consider it is acceptable.

The depth of the proposed conservatory would be greater than that of the neighbours' existing conservatory and would be emphasised by the corresponding pitch of the roof and parapet walls either side. From my inspection of the site the neighbours' conservatory was visible above the boundary fence from the applicants' garden. I therefore appreciate the

neighbours' concerns regarding the visual impact of the proposed conservatory when viewed from their garden, particularly given its comparatively larger size. Nevertheless, I consider the site has the capacity to accommodate the development in an acceptable manner without compromising the visual amenities of the neighbouring residents to an unacceptable degree.

With regard to the neighbours' concerns regarding the impact of the conservatory on their own conservatory the submitted plans illustrate that the conservatory would stand detached. Nevertheless, I do not consider this, in itself, is a material planning consideration given the obligations of the applicants under the provisions of the Party Walls Act.

RECOMMENDATION

GRANT, subject to use of matching bricks.

REASON FOR RECOMMENDATION

The proposal is considered to comply with Policy (DW) ENV3 of the Warwick District Local Plan and does not prejudice the objectives of the supplementary planning guidance '*The 45° Guideline*'.

Planning Committee: 09 December 2003
Application No: W20031545

Part 2 Item Number: 13

Town/Parish Council: Warwick

Registration Date: 01/10/2003
Expiry Date: 26/11/2003

Case Officer: Sarah Laythorpe
01926 456554 planning_east@warwickdc.gov.uk

2 Capulet Drive, Heathcote, Warwick, CV346EW
Erection of two storey rear extension and a detached garage.
FOR Mr & Mrs H Bilkhu

SUMMARY OF REPRESENTATIONS

Town Council: No objection

Neighbours: One letter of objection has been received from a Cranmer Road property relating to the loss of light to their frontage as well as to their first floor side bathroom window. They also have concerns over the loss of the open plan character of the estate and of the oppressive nature this extension will cause. They state that the proposed double garage will protrude beyond the line of the frontages of the existing properties.

RELEVANT POLICIES

ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

The application site relates to a 2-storey detached dwelling of similar design and external appearance as those which surround it. The existing dwelling is situated on the corner of Capulet Drive and Cranmer Grove and has an attached garage situated at the side / rear of the property. The site has a large plot of land at the front /side and a brick wall of approximately 2 metres at the side obscuring the view of the garden and the proposed extension.

It is proposed to add a two storey rear extension and a detached garage to this property. The two storey rear extension will project 4 metres into the rear garden and will be 7 metres in length. The garage will be situated in front of the existing dwelling. It would be 6 metres in length and would be 5.5 metres in width. With respect to the neighbouring property, the garage would be 1 metre from the boundary and 2 metres from the nearest part of that property. However, the neighbouring property presently has no habitable room in close proximity to the proposed garage.

I do not consider that the proposal would have so serious an impact on neighbouring amenity as to warrant refusal. Whilst I note the concerns of the neighbouring residents regarding the impact of the garage and the two-storey rear extension on their amenities and the open plan estate, I do not consider that the development would cause an unacceptable degree of harm to the residents amenities and would not detract unacceptably from the open plan character of the estate. Detached garages at the front of properties are a common feature of the Warwick Gates housing estate. The proposal does not breach a 45 degree guideline from either of the neighbouring properties. Any loss of light to the neighbouring property from both the detached garage and the 2-storey rear extension would not unduly affect, in my opinion, any habitable room of no.1 Cranmer Grove.

RECOMMENDATION

GRANT subject to conditions on matching materials

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policy (DW) ENV 3 of the Warwick District Local Plan 1995 and the Council's approved Supplementary Planning Guidance in respect of distance separation and the 45 degree guideline.

Planning Committee: 09 December 2003
Application No: W20031548

Part 2 Item Number: 14

Town/Parish Council: Shrewley

Registration Date: 02/10/2003
Expiry Date: 27/11/2003

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

2 Antrobus Close, Shrewley, CV357BW
Erection of two-storey side extension.
FOR Mr S Hoult

SUMMARY OF REPRESENTATIONS

Shrewley Parish Council : Object due to closeness of the dwellings and excessive size conflicting with the 40% Rule and have commented that the amended plan is virtually no different and objects to it contravening the 45 degree rule.

RELEVANT POLICIES

ENV3 - Development Principles
Supplementary Planning Guidance - The 45 Degree Guideline

HEAD OF PLANNING & ENGINEERING

The application as originally submitted was for a substantial two storey extension up to the side boundary, which conflicted with the Council's normal stance on side isolation , and also included front and rear extensions.

These plans have now been substantially amended so that the side extension is 0.5m off the side boundary at first floor which, with the 1.5m gap on the neighbours property, leaves about 2.0m between the properties in accordance with usual established practice in relation to gaps between properties. In addition, the front has been set back by 0.5m at first floor to provide a clear visual break between the extension and the main house. These amended plans have been sent to the Parish Council.

I consider, therefore, that the amended plans now satisfy Policy ENV3 of the Local Plan in that the extension harmonises with its surroundings and achieves an acceptably high standard of design . There is no conflict with the 45 degree guideline and, therefore, I am of the view that the application can be supported.

RECOMMENDATION

GRANT, as amended.

REASON FOR RECOMMENDATION

The application is considered to comply with policy ENV 3 of the Warwick District Local Plan 1995 and to Supplementary Planning Guidance in respect of the 45 degree guideline.

Planning Committee: 09 December 2003
Application No: W20031555

Part 2 Item Number: 15

Town/Parish Council: Leamington Spa

Registration Date: 02/10/2003
Expiry Date: 27/11/2003

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

45 Warwick Street, Leamington Spa, CV325JX

Variation of condition 10 (Planning application no. W20030351 to extend opening hours to 24.00 hours (midnight) Thursday to Saturday (inclusive) (Revised Application).
FOR Mr P Akhter

SUMMARY OF REPRESENTATIONS

Town Council: Sees no compelling reasons to justify removing the condition restricting opening hours so oppose application.

Neighbours: One neighbour has written to express concern that if this is granted there will be a greater risk of graffiti on their premises and other anti-social behaviour if patrons were leaving this building in the early hours.

Head of Environmental Health: No objection to amended application.

CLARA: Objects as it indicates a step by step approach to turn this building into a pub.

Warwickshire Police: No comments to make.

C.A.A.F.: Concern was expressed that if this change took place, the premises in this building could be used as public houses in the future, detrimental to the Conservation Area. This should not be permitted.

RELEVANT POLICIES

ENV3 - Development Principles

ENV6 - Protection and Enhancement of Conservation Areas

HEAD OF PLANNING & ENGINEERING

With the exception of the Head of Environmental Health, the above representations relate to the application as originally submitted which proposed an extension from the approved 11.30 p.m. to 1.00 a.m. As amended, I note that the extended opening hours on these three nights until midnight would be consistent with the hours recently approved at 24 Russell Street (the Moo Bar), W20021909.

In this particular location, I similarly do not consider that it would be possible to demonstrate the extended opening hours would cause harm to the amenity of this locality or the character/appearance of the Conservation Area such as to warrant refusal. In my opinion it would, however, be appropriate to grant a temporary permission for 1 year to enable a 'trial run' to take place which would enable the effects of the extended opening hours to be properly evaluated.

RECOMMENDATION

GRANT, as amended, subject to the permission being for a temporary period of 1 year from the date of first occupation of the premises with the applicant required to maintain a log of opening hours for inspection.

REASON FOR RECOMMENDATION

The proposals are considered to comply with policies ENV3 and ENV6 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031556

Part 2 Item Number: 16

Town/Parish Council: Leamington Spa

Registration Date: 01/10/2003

Expiry Date: 26/11/2003

Case Officer: Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

6 Almond Avenue, Leamington Spa, CV326QD
Loft Conversion and erection of extensions to side and rear.
FOR Mr & Mrs J Farrington

SUMMARY OF REPRESENTATIONS

Neighbours: Two objections received on the grounds that the development would be out of character with the area by reason of its design and scale. It would also create further overlooking resulting in loss of light and privacy with installation of a balcony and additional windows to the rear of the property.

RELEVANT POLICIES

ENV3 - Development Principles
Supplementary Planning Guidance - The 45 Degree Guideline

HEAD OF PLANNING & ENGINEERING

The application relates to a large detached 2 storey dwelling house, which is located on the south side of Almond Avenue. The rhythm of the street scene is composed of residential detached properties of mixed style and design, which are set back from the public highway and have large gardens to the front and rear of the properties. The character of the street scene is defined by the distinctive spacing between properties.

The application seeks permission to erect a first floor side extension, a single storey rear extension and loft conversion, in order to provide additional living space. The proposals accord with general design principles and although the extension is substantial, the proposals are not out of scale with the original dwelling and substantial amenity space remains. The first floor extension would be built up to the boundary with No. 4 and would incorporate windows in the rear and front elevations. The loft conversion would be incorporated into the existing roof of the host property, by means of a pitched roof. There would be no breach of the 45 degree guideline by the proposed rear single storey extension.

Following negotiations, the proposed garage roof would be hipped away from the boundary, in order to reduce its impact on No 8. Furthermore, the proposed first floor oriel window on the rear elevation would incorporate obscure glazed side panels in order that there would be no overlooking into the side living room window of No.8 and thereby protect their privacy. Whilst noting the neighbours' objections, there is a degree of overlooking from the existing first windows in the rear elevation, and although the incorporation of two further windows; one within the proposed loft conversion and one installed in the side first floor extension, may exacerbate this; I do not consider that the proposal would have so serious an impact on the neighbouring amenities or on the character of the area, as to warrant a refusal.

RECOMMENDATION

GRANT

REASON FOR RECOMMENDATION

The proposal is considered to comply with Policy ENV3 of Warwick District Local Plan. and does not conflict with the adopted supplementary planning guidance in respect of the 45 degree guideline.

Planning Committee: 09 December 2003
Application No: W20031567

Part 2 Item Number: 17

Town/Parish Council: Leamington Spa

Registration Date: 03/10/2003

Expiry Date: 28/11/2003

Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

17 Northumberland Road, Leamington Spa, CV326HE
Extension to garage to form workshop and domestic annexe.
FOR Mr & Mrs J Heynes

SUMMARY OF REPRESENTATIONS

Town Council: "The extension is considered to be of a scale and size that would be unsympathetic to the main dwelling and its neighbourhood. Concern is also expressed at the potential for use of the annex independent of the main dwelling in the future."

WDC Leisure & Amenities: Express concern regarding the proximity of the development to the adjacent purple beech tree and the impact on its continued health.

Highway Authority: No objection.

Neighbours: The residents of 3 Greatheed Road, 15 and 19 Northumberland Road object on grounds relating to increased density of site, precedent for future applications for similar development on neighbouring sites to the detriment of the nature and quality of the residential properties on Northumberland Road, harm to the character of the area and increased traffic/congestion to the detriment of highway safety and convenience of Greatheed Road.

RELEVANT POLICIES

H5 - Infilling within the Towns

ENV3 - Development Principles

ENV6 - Protection and Enhancement of Conservation Areas

ENV8 - New Development within Conservation Areas

HEAD OF PLANNING & ENGINEERING

The proposals relate to the extension of an existing detached single garage at the rear of 17 Northumberland Road that has access onto the north-eastern side of an un-named stretch of highway connecting Rugby Road in the south to Greatheed Road to the north. The site is within a predominantly residential area containing mainly detached dwellings in modest grounds to the north east in Northumberland Road and mainly terraced houses in Greatheed Road to the south west. The Leamington Spa Conservation Area also adjoins the site along its western boundary. The neighbouring dwellings in Northumberland Road have an assortment of outbuildings that also front onto the un-named link/service road, comprising mainly detached garages of varying sizes, scale and design with door openings that are formed in a largely unbroken boundary wall that terminates at the site frontage. A terrace of 5 prefabricated garages also stands at the rear of 13 Northumberland Road. The site contains a purple beech tree adjacent to the existing garage which is the subject of a Tree Preservation Order.

The proposals entail the erection of an 'L' shaped extension to the existing garage to form a workshop and a residential annex in the wing. The annex would be ancillary to the main dwellinghouse and is proposed to be used for a variety of such purposes including 'granny flat', domestic office/study or additional overflow bedroom as a guest suite. The extension would be similar in design, height and appearance to the garage and would be constructed in matching materials. As proposed, the development would extend across virtually the whole width of the garden. In order to mitigate the impact of the development on the

adjacent purple beech, the application has now been amended by resiting the extension outside the canopy spread of the tree towards the highway and would be constructed using raft foundations.

In 1989 planning permission for the erection of a detached bungalow on the site was refused on grounds of harm to the spacious character of the area by the increased density of site, unneighbourly impact and precedence for future harmful development (WDC Ref: W890766). A subsequent appeal was also dismissed with the Inspector concluding that the proposal would be a visually intrusive form of unneighbourly development and that the spacious character of the area would be further impaired if similar proposals were repeated on neighbouring plots. Planning permission has also been refused for similar forms of development at the rear of 3, 11 and 19 Northumberland Road between 1974 and 1989. Appeals against these decisions were also dismissed on similar grounds.

More recently, planning permission was granted by this 'Committee at the meeting on 11 December 2002 for the erection of a single storey dwelling to replace a terrace of prefabricated garages at the rear of 11 Northumberland Road (WDC Ref: W20021515). This decision reflects a material change in policy circumstances that has occurred since 1995 in the form of the Warwick District Local Plan 1995 and Planning Policy Guidance Note 3: *Housing*. The relevant policies of the Local Plan are: policy (DW) ENV3 (Development Principles), that requires all proposals to, *inter alia*, harmonise with their surroundings both in terms of design and land use and to achieve a high standard of design having regard to local styles, materials, the character of the surrounding area and of adjacent buildings, and; policy (DW) H5 (Infill Development) that presumes in favour of such proposals that do not harm the amenity or environment of their surroundings. Whilst the site is not in the Conservation Area nevertheless, I consider policies (DW) ENV6 and 8 (Conservation Areas) are also pertinent in relation to the impact of the proposals on the setting of the Conservation Area. PPG3 (2000) also promotes making more efficient use of land within urban areas, including the re-use of previously developed land, such as the site.

On this basis, I consider the proposals are acceptable in principle and in terms of the scale, design and appearance of the extension. In my opinion, the site has the capacity to accommodate the proposed development in an acceptable manner with regard to neighbouring residents' amenities, the character of the site and surrounding area and the setting of the Conservation Area. I am also satisfied that, as amended, the development would not prejudice the continued health and stability of the adjacent beech tree. With regard to the impact of the tree on the development itself, I do not consider the impact on day and sunlight or overshadowing would be unreasonable, given the ancillary nature of the accommodation which, for this reason, is unlikely to lead to strong pressure for this particular tree to be felled. With regard to car parking, the existing garage space would be maintained as part of the development which, in itself, would not generate additional traffic. Concern has also been expressed regarding the potential future conversion of the premises to a self-contained dwelling. This is neither sought nor proposed as part of this application and would require a separate application for conversion and occupation as a separate and independent property.

RECOMMENDATION

GRANT, as amended, subject to conditions on materials, tree protection, foundation details and door/window details.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policies (DW) ENV3, ENV6, ENV8 and H5 of the Warwick District Local Plan 1995 and to the Council's adopted Supplementary Planning Guidance on distance separation and the 45° guideline.

Planning Committee: 09 December 2003
Application No: W20031568

Part 2 Item Number: 18

Town/Parish Council: Warwick

Registration Date: 06/10/2003
Expiry Date: 01/12/2003

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

46 Smith Street, Warwick, CV344HS

Display of non-illuminated fascia sign and projecting bracket sign.
FOR Why Publications

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

Warwick Society: Object to the replacement of the existing fascia sign with an inferior one, and for the erection a a fixed flag sign. Both new signs would carry advertisement which is contrary to Policy. The blue blind covering the fascia and carrying an advert is understood to be permitted development.

CAAF: Concern expressed that the property now has a blind with an advert on it, and measures should be taken to have this removed. The hanging sign is inappropriate and there is too much lettering on the fascia. The shop name only should be included on the fascia, and the hanging sign and canopy should be removed.

RELEVANT POLICIES

ENV3 - Development Principles

ENV20 - Advertising Control

ENV6 - Protection and Enhancement of Conservation Areas

HEAD OF PLANNING & ENGINEERING

The application has been amended since originally submitted, to lower the hanging sign from above the sub fascia, to fascia level. An application for a similar scheme was refused in September 2003, which proposed a replacement blue canopy, first floor level hanging sign, and fascia half coloured blue. The existing shop unit has a black fascia with gold lettering, and a blue plastic canopy with white lettering. The existing canopy has deemed advertisement consent and, therefore, discontinuance action could be taken, if the Council are satisfied it is necessary to remedy a substantial injury to the amenity of the locality, or a danger to members of the public.

In my opinion, the proposed replacement GRP fascia board would not be so harmful to the visual amenity of the conservation area as to warrant refusal, and the hanging board sign in it's lowered position would not be detrimental to visual amenity, as the application site is part of a row of 1960's shop units. The lettering on the fascia does refer to the name of the shop only, 'Why news shop'. Warwick District Local Plan Policy (DW) ENV20 states that advertisements and signs which are detrimental to the area and character and appearance of buildings will not be permitted, however, I do not consider the amount of advertisement on the hanging sign to be so excessive as to be detrimental to amenity.

RECOMMENDATION

GRANT, as amended.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policy ENV3, ENV6 and ENV20 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031570

Part 2 Item Number: 19

Town/Parish Council: Kenilworth

Registration Date: 06/10/2003
Expiry Date: 01/12/2003

Case Officer: Sarah Laythorpe
01926 456554 planning_east@warwickdc.gov.uk

39 Windy Arbour, Kenilworth, CV8 2AT
Erection of two storey and single storey rear extension
FOR Mr. R. Colwell & Miss G. Carter

SUMMARY OF REPRESENTATIONS

Town Council: no objection
Leisure and amenities: no objection
Neighbours: no objection

RELEVANT POLICIES

ENV3 - Development Principles
The Council's approved supplementary planning guidance in respect of the 45 degree guideline.

HEAD OF PLANNING & ENGINEERING

The application site relates to a detached property situated on the corner of Windy Arbour and Newfield Avenue.

The proposal involves the erection of a 2-storey rear extension and a single storey rear extension to form a family / garden room and a dining room at ground floor and an en-suite bedroom at first floor. The existing proposal contravenes the 45 degree rule from the glazed french doors of No.37's kitchen, although these doors do not constitute the principal source of light to the kitchen, due to the fact that this room has a large window at the side and another window at the rear of the property. Nevertheless, the proposal has been amended so that the first floor is set back a further 1.75 metres than the original proposal, thereby removing any breach at first floor level.. The single storey element, however, technically contravenes the 45 degree guideline, although the extension would be no greater in height than the existing hedge which runs along the boundary of No.37 and No.39 Windy Arbour.

The proposal is well designed, is not out of scale with the original dwelling and harmonises with the street scene. Although the proposal contravenes the 45 degree guideline at ground floor level, I do not believe that any loss of light would be so severe as to warrant refusal. It should be noted that no objections have been received in this instance.

RECOMMENDATION

GRANT, as amended, subject to matching materials,

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policy ENV3 of the Warwick District Local Plan 1995 and to the Council's approved supplementary planning guidance in respect of the 45 degree guideline.

Planning Committee: 09 December 2003
Application No: W20031572

Part 2 Item Number: 20

Town/Parish Council: Warwick

Registration Date: 06/10/2003
Expiry Date: 01/12/2003

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

45 Smith Street, Warwick, CV344JA

Change of use from shop(A1) to restaurant (A3) and rear single storey extensions.
FOR Mr M Hope

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object that the change of use would not be in keeping with the Local Development Plan.

Neighbours: The neighbour in the flat above the premises objects. The change of use may lead to the street becoming unviable as a commercial area, potentially discouraging other retail outlets, and the number of restaurants in Smith Street has already passed saturation point. There will be associated odour, environmental, and noise problems, and object to the flue being attached to their building without their consent.

WDC Environmental Health: Noise and fume nuisance must be controlled, by the imposition of conditions for noise insulation, odour abatement and dispersal, background noise levels, and vehicle movements to be restricted to 7.30am - 6pm weekdays, 7.30am - 1pm Saturdays, and no movements on Sundays.

Warwick Society: Object as the proposal will threaten the shopping future of Smith Street, and adversely affect the commercial viability of existing traders, which would be contrary to Local Plan Policies. Cooking smells and stored kitchen waste are likely to create nuisance for several nearby dwellings.

CAAF: The change from the previous application, which infilled the rear yard was noted. The loss of retail, however, is the main concern, and should be retained.

RELEVANT POLICIES

ENV3 - Development Principles

ENV20 - Advertising Control

ENV6 - Protection and Enhancement of Conservation Areas

HEAD OF PLANNING & ENGINEERING

The premises are currently used as a shop (A1 use category), which it is proposed to change to a restaurant (A3 use). There is a residential flat directly above the shop at first floor level. It is also proposed to erect two small single storey extensions in the rear yard, adjoining the rear wing, housing the bins, stores and corridor.

The proposed change of use is within a Primary Retail Frontage, in which changes of use to those other than A1 are restricted. However, having assessed the uses on this particular frontage and the grouping of uses in the area, it is not considered that this proposal would detract from the vitality and character of this retail area. Furthermore the existence of a number of vacant units on this frontage are noted.

The noise and odour concerns can be covered by conditions. The attaching of a flue to the neighbour's flat above the premises is a matter to be resolved privately. I do not consider it reasonable to insist on delivery restrictions as this is a commercial area, which is not currently restricted in this way.

RECOMMENDATION

GRANT, subject to noise insulation scheme, background noise levels and fume extraction.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policy ENV3, ENV6, and ENV20 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031577

Part 2 Item Number: 21

Town/Parish Council: Warwick

Registration Date: 06/10/2003
Expiry Date: 01/12/2003

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

Tulip Tree House, 209 Myton Road, Warwick, CV346QD

Erection of a detached dwelling.

FOR Mr & Mrs D Packwood

SUMMARY OF REPRESENTATIONS

Warwick Town Council : Object as the proposed building would not be in keeping with the street scene.

Warwick Society : Have no objection subject to size of footprint and design of the roof.

County Council (Highways) : Have no objection subject to an access condition.

RELEVANT POLICIES

H5 - Infilling within the Towns

ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

The application site lies on the corner of Myton Road with Myton Crescent and currently forms part of the large open side garden area of 209 Myton Road, which is screened by hedges on both road frontages. The application is in outline with details of siting and access submitted as part of the application.

This is the second application on this site for the erection of a dwelling, the first application being for a smaller plot, which was refused. The present application shows a plot some 18m wide with the retained dwelling having a plot 19m wide. (The refused plot was only 15m wide with the plot for the retained house being 22m wide.)

Since the adjoining dwelling (211 Myton Road) has a plot some 21m wide, I consider that the proposed plot (18m), and that retained for 209 Myton Road (19 m), are consistent with the character of the area but does make for a more efficient use of the land, as advised in PPG3 : Housing. I am also satisfied that a house of comparable design to the existing can be provided which will be in keeping with the street scene and, therefore, consistent with Policies ENV3 and H5 of the Local Plan.

RECOMMENDATION

GRANT, subject to standard outline conditions.

REASON FOR RECOMMENDATION

The application is considered to comply with Policy ENV 3 and H5 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031578

Part 2 Item Number: 22

Town/Parish Council: Kenilworth

Registration Date: 07/10/2003
Expiry Date: 02/12/2003

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

20 Mayfield Drive, Kenilworth, CV8 2SW

Erection of a first floor extension.

FOR Mr R Davis

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection.

Neighbours: One objection on the grounds of loss of light to front bedroom and living room, and to north facing rear garden. The proposal would also be out of character with the area, and the new end elevation will be more dominant and overbearing. The full height gable end would negate the openness and interest afforded by the current single storey elevation when the plots are approached from the roadside.

RELEVANT POLICIES

ENV3 - Development Principles

Supplementary Planning Guidance in respect of 45 degree guideline.

HEAD OF PLANNING & ENGINEERING

The application property is a detached dwelling, with attached single storey garage and open front garden. It is proposed to extend the first floor above the existing single storey garage, in line with the main house. This extension will be set 1.4m back from the front elevation of the garage below, continuing the existing set back at first floor. The dwelling is 1.4m off the side boundary, as is the neighbour, giving a total separation of 2.8m. The applicants property is set 5m forwards of the neighbour, and the existing garage does breach a 45 degree guideline drawn from the neighbours ground floor window, by 0.4m. However, as the first floor extension is set back from the ground floor, there is no further breach, as the extension is set 1m behind this line. The neighbour has no side windows.

I do not consider that the extension would have an unacceptably adverse impact on the neighbouring property, as a 45 degree guideline is not breached, and a distance of 2.8m would remain between the two dwellings. The neighbours concerns are noted, and the resulting dwelling would be larger with a more overbearing impact on the neighbour, however, I do not consider this impact would be so detrimental as to warrant refusal. I also consider the separation between the properties complies with the normal guideline which is applied on separation between dwellings ie in excess of 2 metres at first floor level, such that a terracing effect would not be created.

RECOMMENDATION

GRANT, subject to matching materials.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policy ENV 3 of the Warwick District Local Plan 1995 and adopted Supplementary Guidance in respect of the 45 degree guideline.

Planning Committee: 09 December 2003
Application No: W20031605

Part 2 Item Number: 23

Town/Parish Council: Bishops Tachbrook

Registration Date: 06/10/2003
Expiry Date: 01/12/2003

Case Officer: Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

Land rear of, 7-20 Millway Drive, Bishops Tachbrook, Leamington Spa, CV339SE
Change of use from agricultural to residential garden.
FOR Mr A Lord

SUMMARY OF REPRESENTATIONS

Parish Council: raise objection on the grounds that the partial uptake of additional garden combined with inconsistent fencing will lead to untidy transition between domestic and rural land use on the fringe of the village.

RELEVANT POLICIES

ENV1 - Definition of the Green Belt
C1 - Conservation of the Landscape

HEAD OF PLANNING & ENGINEERING

The application site relates to a plot of unused agricultural land of 0.026 ha , which is located at the rear of the gardens of existing dwellings; the rear of these gardens presently forms the village boundary of Bishops Tachbrook. The views of the application site are obscured to a significant degree by an existing belt of small trees and hedges.

The application seeks permission for a change of use from agricultural land to garden land, in order to extend the residents existing small gardens. Whilst noting and having high regard for the need to protect the open countryside for its own sake; given the fact that this site directly abuts existing gardens of limited depth and is not exposed to distant views (ie: it is not prominent in the landscape); it is considered that the proposal would not constitute such a degree of change to the character of the area that it would warrant a refusal. I am of the opinion, therefore, that the development would not have an adverse impact on the amenities or the character of the area and the development would not be incompatible with the rural environment and would not undermine the objectives of DW Policy C1 of the local plan. Whilst noting the objections of the Parish Council and CPRE, it is considered that the proposal would not result in such harm as to sustain a refusal.

RECOMMENDATION

GRANT subject to further details of boundary treatments.

REASON FOR RECOMMENDATION

The proposal would not be incompatible with DW Policies ENV1 and C1 of Warwick District Local Plan.

Planning Committee: 09 December 2003
Application No: W20031609

Part 2 Item Number: 24

Town/Parish Council: Bishops Tachbrook

Registration Date: 14/10/2003
Expiry Date: 09/12/2003

Case Officer: Sarah Laythorpe
01926 456554 planning_east@warwickdc.gov.uk

Landor House, 13A Savages Close, Bishops Tachbrook, CV339RL

Conversion of garage loft to ancillary accommodation to the dwelling with the insertion of roof lights, an external door and external staircase.
FOR Mr D James

SUMMARY OF REPRESENTATIONS

Town Council: No objection but they have the following comments:

1. they are concerned that an existing planning condition has been disregarded with regard to the restriction on use of the building as a garage
2. the intended use of the proposed room is not clear
3. when viewed in isolation to the planning restriction on this property, the conversion of the garage attic space to a storage room or games room would not be contentious if overlooking of adjoining property was prevented by the careful siting of windows and the use of planting on the boundary adjacent to the proposed external staircase
4. consent should only be given if use can be restricted to storage or recreation

Neighbours: Two neighbours have objected on grounds of the effect of privacy on no.13 Savages Close, noise and disturbance, increase in traffic in this conservation area and queries over the Development Plan for this conservation area.

Leisure and Amenities: no objection

RELEVANT POLICIES

ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

It is proposed to convert the first floor of the detached garage of this property to a recreational and storage room. The applicant has also indicated the possible future installation of a shower room. The proposal also entails the insertion of two rooflights and an external staircase leading up to an external door at first floor level.

This case was recently subject to an enforcement investigation (ENF 364/36/03) where work had commenced on this project without planning permission. The original planning application for this property (W971153) has a condition on it stating that 'the garaging shown on the plans hereby approved shall be retained and kept available for such purposes and shall not be altered either internally or externally *without prior consent of the District Planning Authority*.' The reason for this is 'to ensure that adequate parking facilities are retained for use in connection with the development.' As only the first floor of the garage is being altered, the provision of car parking will not be affected as the ground floor of the garage would still be available for this purpose.

The siting of the rooflights, external door and external staircase are the principal issues raised by the objectors. The view from the rooflight looking towards Old Stables and No. 13 Savages Close does increase overlooking into the gardens, although there are no issues of overlooking into any habitable windows of these properties. There are no issues of

overlooking from the external door of the first floor of the garage as mature trees are currently situated in between the two properties (i.e. Old Stables and Landor House).

Whilst acknowledging the neighbours' concerns, I consider that the impact of the changes to Landor House's detached garage would not be detrimental to the character or amenity of the area. With regard to the adjacent properties Old Stables and 13 Savages Close, there would be limited impact in terms of disturbance through the use of the garage loft space, as the properties are some distance from the garage. There would be no increase in traffic to the site, and as the unit would not be used as a separate dwelling (and can be conditioned as such), I do not believe there would be such an increase in noise and disturbance to warrant refusal. With regard to loss of privacy to neighbouring properties, subject to the use of obscure glass in the rooflight, and the existence of mature screening, I do not consider the proposals unreasonable.

RECOMMENDATION

GRANT subject to a condition that the accommodation is used solely ancillary to the existing dwelling and a condition that the rooflight on the side facing Old Stables will be replaced with obscured glass.

REASON FOR RECOMMENDATION

The proposal is considered to comply with Policy ENV 3 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031610

Part 2 Item Number: 25

Town/Parish Council: Whitnash

Registration Date: 08/10/2003
Expiry Date: 03/12/2003

Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

Land rear of, 68 Whitnash Road, Whitnash, Leamington Spa, CV312HD
Erection of a pair of semi-detached houses with access from Spa View.
FOR Mr & Mrs Archer

SUMMARY OF REPRESENTATIONS

Town Council: No objection

Highway Authority: No objection

WDC (Environmental Health): No objection

Neighbours: The residents of 12 Spa View object on grounds relating to loss of amenity through siting/proximity of boundary wall in relation to outlook from lounge window, loss of light, overshadowing, loss of privacy through overlooking, noise/disturbance from construction, harm to the character and appearance of the street scene as a result of the siting, size and design of the dwellings and loss of open grass verge and reduction in the capacity for on-street car parking on the highway to the detriment of highway safety and convenience.

RELEVANT POLICIES

H5 - Infilling within the Towns

ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

The site comprises an area of approximately 380 sq. m. within part of the rear garden of 68 Whitnash Road and is located within an established residential area containing mainly terraced and semi-detached houses dating from the 1970's. An older terrace of 3 no. cottages stands adjacent to the western boundary of the site at 2-6 (evens) Spa View. The site has been segregated from the host property by close boarded timber fencing. The southern boundary of the site adjoins the northern side garden boundary of 66 Whitnash Road whilst the eastern boundary adjoins the driveway serving 12 Spa View. The northern boundary of the site fronts onto Spa View and incorporates the highway verge. The verge is owned by the District Council and the appropriate notification has been served.

The proposals entail the erection of a pair of semi-detached dwellings served by integral garages with driveway access onto Spa View. The driveways would cross the highway verge and will require a separate legal agreement with the District Council. The dwellings would front onto Spa View with a stepped frontage on broadly the same alignment as the existing boundary fence. In this form and position the dwellings would stand on the outside bend of the road midway between the front elevations of the neighbouring dwellings at 2-6 and 12/14 Spa View. They would project approximately 8 metres beyond the front elevation of the neighbouring pair of semi-detached houses at 12/14 Spa View and would be set back approximately 6 metres behind the front elevation of the cottages.

The dwellings would be orientated at right angles to the host property where the rear elevations would broadly align with the northern side elevation of No. 68 at a distance of approximately 8.6 metres at their closest points. The rear elevations of the proposed dwellings would be set off the northern side garden boundary with 66 Whitnash Road by between 9.6 -10.8 metres. The rear elevation of the garages would be between 8 - 9.4

metres away. An asymmetric roof design is proposed to reduce the height, mass and bulk of the rear elevations. The rear roof slope of each dwelling would contain 2 small dormer windows serving shower and bathrooms and would be fitted with obscure glazing. The proposed garages would incorporate bedroom accommodation in the roof space and would be subservient to the main body of each dwelling.

I fully appreciate the concerns expressed by neighbouring residents regarding the impact of the development on their living conditions, prevailing parking problems and the character and appearance of the area. Annex C of PPG3: '*Housing*' defines gardens as previously developed land. Within this context, I consider the principle of development is acceptable and I am satisfied that the development would not have an unacceptable impact on the character or appearance of the area in terms of the siting, scale or design of the dwellings in relation to the neighbouring properties. However, in the interests of maintaining the open plan frontage of the site, I consider it would be appropriate to attach a condition to any consent that may be granted to remove pd rights for car hardstandings and means of enclosure. The development would also comply with Supplementary Planning Guidance relating to Distance Separation and the 45° Code when measured from the nearest ground and first floor habitable room windows of 12 Spa View. With regard to car parking, each dwelling would have provision for 2 off-street spaces in common with the majority of properties on this side of Spa View. This would be in excess of Government guidance contained in PPG3: '*Housing*', which advocates average provision of 1.5 spaces per dwelling.

RECOMMENDATION

GRANT, subject to conditions relating to access, car parking, garaging, materials, obscure glazing, removal of pd rights and boundary treatments.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policies (DW) ENV3 and H5 of the Warwick District Local Plan 1995 and to the Council's approved Supplementary Planning Guidance in respect of distance separation and the 45 degree guideline.

Planning Committee: 09 December 2003
Application No: W20031615

Part 2 Item Number: 26

Town/Parish Council: Leamington Spa

Registration Date: 09/10/2003

Expiry Date: 04/12/2003

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

Land at, Holly Walk, Leamington Spa, CV324NY
Use of part of Holly Walk as Market on Wednesdays.
FOR E G Skett & Co.

SUMMARY OF REPRESENTATIONS

Town Council : The application is welcomed as a contributor to the vitality of the town.
Head of Environmental Health : No objection in principle but recommend that set up, dismantling and clearance of rubbish does not take place before 7.00a.m. or after 7.00p.m.
CAAF : It was felt, if granted, this could be for a limited period. It was felt that the market is in decline and this was felt to be because of a change in shopping habits that designer clothes and footwear are no longer items which families could purchase from markets. It was expressed that Leamington Spa is not a market town and it was, therefore, not particularly appropriate to pursue a market in this location. Other suggestions were that the market should return to the Old Town and possibly Bath Street be closed off to house the market on Saturdays. It was suggested that if the application is approved, some conditions could be attached to it to upgrade and maintain the existing avenue to ensure adequate under planting and maintenance of paths and grass etc.

WCC (Highways) : Two hour waiting restrictions are being proposed alongside Holly Walk. There would then be no opportunity for drivers to park in excess of 2 hours in the vicinity of the market. These restrictions, whilst benefiting market customers, may result in the need for traders to park elsewhere. Pedestrian provision at the Parade end of the site (pedestrian crossing or refuge) should ideally be provided albeit a temporary permission would enable the need for this to be established.

RELEVANT POLICIES

(LTC) RL1 - Open Space (town centre)
RL1 - Open Space (general)
ENV3 - Development Principles
ENV6/ENV8 - Conservation Areas
ENV12 - Setting of Listed Buildings
S1/S2 - Retail development

HEAD OF PLANNING & ENGINEERING

This site is in the Conservation Area within the Town Centre as defined in the Warwick District Local Plan; this section of Holly Walk is defined as open space on the Proposals Map.

The market has operated on this site on a temporary basis under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 which permits the holding of a market without planning permission on not more than 14 days in any calendar year.

Whilst noting the views of CAAF, I am conscious that this is a proposal for a town centre market on only one day a week with the stalls being erected and dismantled on that day. I do not consider this one day a week market will cause harm to either the character or appearance of this area of open space in the Conservation Area to justify refusal, albeit I

consider a temporary permission for one year would permit a 'trial run' to enable the impact of the market in both visual terms and on pedestrian movements to be assessed at the end of that period.

RECOMMENDATION

GRANT for a temporary period of one year subject to a condition requiring erection, dismantling and refuse clearance to take place between 7.00a.m. and 7.00p.m.

REASON FOR RECOMMENDATION

The proposals are considered to comply with policies LTC (RL1), RL1, ENV3, ENV6, ENV8, ENV12, S1 and S2 in the Warwick District Local Plan.

Planning Committee: 09 December 2003
Application No: W20031621

Part 2 Item Number: 27

Town/Parish Council: Leamington Spa

Registration Date: 17/10/2003
Expiry Date: 12/12/2003

Case Officer: Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

3 Cross Street, Leamington Spa, CV324PX
Kitchen Extension
FOR Mr Carvell

SUMMARY OF REPRESENTATIONS

Town Council: no objections.

Neighbours: one objection received on the grounds that the proposal would seriously reduce the amount of sunlight and daylight to their property. The position of the mechanical fan and height of the pitched roof would have an adverse impact on their amenities.

RELEVANT POLICIES

ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

The application relates to a three storey dwelling within the Conservation Area, which is located on the north side of Cross Street. The building is subdivided for a multi occupancy use. The property has no front garden and hard standing for car parking to the rear.

The street scene is composed of a mixture of residential dwellinghouses and light industrial units of differing design and style.

The application seeks permission to erect a rear kitchen extension, to provide additional living room. The proposal would extend by 2.5 m from the existing dwelling, abutting the neighbouring property of No. 1, with a height to ridge of 3.2m. The proposal would have a pitched roof, sloping away at the rear. In terms of design, the application is acceptable using the materials appropriate to the dwelling house and locality.

Following negotiations, in order to reduce the impact on the neighbour, the proposal would be built in accordance with plan revision A and the mechanical fan inserted into the side elevation, adjacent to the new door. On this basis, I do not consider that the proposal would have an adverse impact on the character of the area or cause serious harm on the neighbours amenities such that a refusal could be sustained.

RECOMMENDATION

GRANT subject to conditions on materials..

REASON FOR RECOMMENDATION

The proposal is considered to comply with DW Policy ENV3 of the Warwick District Local Plan.

Planning Committee: 09 December 2003
Application No: W20031625

Part 2 Item Number: 28

Town/Parish Council: Shrewley

Registration Date: 17/10/2003
Expiry Date: 12/12/2003

Case Officer: Martin Haslett
01926 456526 planning_west@warwickdc.gov.uk

16 Hughes Hill, Shrewley, Warwick, CV357AS
Erection of 3-car detached garage to replace existing garage.
FOR S Baylis

SUMMARY OF REPRESENTATIONS

Parish Council: proposal far too large and out of keeping with street scene, protrudes beyond building line. (Comments on application as originally submitted).

Neighbours: 2 letters of objection, commenting on the application as originally submitted, on grounds of infringement of building line, impact on rural landscape, overdevelopment, possible future conversion to dwelling and previous applications for extensions in the area refused.

RELEVANT POLICIES

ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

The proposals as originally submitted showed a building 10.7m by 6.7m consisting of a double garage and study at ground floor, with a games room and store at first floor, which would have had 3 dormer windows. This building was to be situated in the front garden, replacing the existing garage, although because of its increased size, projecting further forwards towards the road. This proposal would have had a seriously detrimental impact on the street scene and upon neighbours' amenities and the applicant was informed that the proposal would be refused, under delegated powers.

In response to this, amended plans have been submitted, showing a three car garage, with no upstairs accommodation, measuring 9.2m by 6.1m, in a position similar to the previous proposal, that is replacing the existing garage, although, because of its reduced size, projecting less far towards the road. The ridge line of the amended proposal would be 4.9m above the ground, as opposed to 6.4m on the earlier scheme.

In 2002 a permission was granted for an extension to the existing garage, to form a 3-car garage. This work included a pitched roof 4.6m high to replace the existing flat roof. The present application proposes demolition of the existing garage and its replacement so as to project slightly closer to the road, but the amended plans are otherwise similar to the previously approved plans. I am therefore unable to substantiate the objections to the original plans.

RECOMMENDATION

GRANT, as amended.

REASON FOR RECOMMENDATION

The amended plans are considered to be in conformity with policy (DW) ENV3 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031627

Part 2 Item Number: 29

Town/Parish Council: Kenilworth

Registration Date: 16/10/2003
Expiry Date: 11/12/2003

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

31 Borrowell Lane, Kenilworth, CV8 1ER
New kitchen extension and conservatory.
FOR Mr R Bank

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection.
C.A.A.F.: Concerned about size, affect on house, visibility, materials and considered structure inappropriate.

RELEVANT POLICIES

ENV3 - Development Principles
ENV6 - Protection and Enhancement of Conservation Areas
ENV8 - New Development within Conservation Areas

HEAD OF PLANNING & ENGINEERING

This property is a detached house adjoining the footpath to the Castle Farm playing fields and was the subject of an application for a larger rear conservatory which was granted in January 2003, also following objections by the CAAF and no objection by the Town Council.

The present proposal is for a replacement kitchen extension behind the existing garage with a 'traditional' conservatory built behind this kitchen extension on a raised terrace/patio due to the significant difference in ground levels which exist between the road and the back of the house.

The proposal would have no material affect on the neighbour and, although visible from the path, would be seen against the back of the existing double garage and the main house. The application forms state that materials would be to match existing.

I am of the opinion, therefore, that the extension will protect the character of the Conservation Area and will comply with the Local Plan policies referred to above.

RECOMMENDATION

GRANT.

REASON FOR RECOMMENDATION

The application is considered to comply with policies ENV 3, ENV 6 and ENV 8 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031629

Part 2 Item Number: 30

Town/Parish Council: Warwick

Registration Date: 06/11/2003
Expiry Date: 31/12/2003

Case Officer: Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

Jephson's Farm, Telecommunications mast, Griffin Road, Warwick, CV346QX
Installation of a temporary 15 metre high telecommunications mast, equipment cabin and associated works for a temporary period of 12 months.
FOR Airwave mmO2 Limited

SUMMARY OF REPRESENTATIONS

Town Council: No comments have been received to date.

Councillor C Hodgetts: The proposal is close to the boundary, in full view of residents and is very prominent in the landscape. As this is an Area of Restraint, the application should be refused on the grounds of its intrusiveness.

Neighbours: Four letters of objection have been received regarding the masts close proximity to houses, together with its adverse appearance on the surrounding area, blighting the landscape. Objection has also been received regarding potential health risks and the impact on the value of properties.

Environmental Health: Object, as noise from the generator could cause annoyance and disturbance to adjoining residential properties. However if permission is granted a condition should be imposed so that all ancillary equipment is not audible at the boundary of local residential properties and that noise levels are monitored.

RELEVANT POLICIES

ENV1 - Definition of the Green Belt

ENV2 - Areas of Restraint

HEAD OF PLANNING & ENGINEERING

The site is located to the northern side of the Warwick to Leamington Spa railway (situated within a cutting), to the north of Griffin Road. It is situated on the edge of a small farm holding surrounding by Warwick, Leamington and public open space on all sides.

Although set close to a large hedge/tree line, the mast is clearly visible from the surrounding area, including the adjacent housing estate. Due to the open nature of the site, it is considered that the proposal would be intrusive in the openness of its surroundings, detracting from the openness and character of the Area of Restraint. Although the mast is approximately 50 metres away from the nearest residential property, it is considered that there is some adverse impact upon the visual amenities on the direct neighbouring properties.

However, as advised by PPG2 Green Belts and PPG8 Telecommunications, inappropriate development may proceed only if very special circumstances are demonstrated which outweigh the degree of harm to the Green Belt.

The existing Warwickshire Constabulary UHF/VHF radio system is soon to be replaced with a digital radio system. In order to provide an effective and safe service, Warwickshire Constabulary require complete radio coverage of their area. It is proposed that the mast be in situ for a temporary period, a maximum of 12 months, to enable the installation of a permanent cell, which was granted permission earlier this year at Lloyds No1, Market Place, Warwick. I have been informed that the permanent mast in the centre of Warwick will not be

operational in time for when the new digital system goes 'live', and thus a temporary mast is required. Technical information has therefore been submitted showing that the mast is required to provide radio coverage for MM02 Airwave to the eastern side of Warwick until the permanent mast is operational.

Weighing in the balance the need for the equipment against the impact of the development upon the openness and character of the Area of Restraint, I conclude that special circumstances expressed outweigh the temporary harm caused by the development.

Although health issues regarding telecommunication equipment is a consideration, the proposal, has been designed, in line with Government advice, to comply with ICNIRP requirements and therefore further health issues cannot be considered as a reason for refusal. Any potential impact upon the value of properties is not a planning consideration and is therefore not dealt with any further in this report.

RECOMMENDATION

GRANT for a temporary period of 12 months and subject to a condition relating to noise from the generator.

REASON FOR RECOMMENDATION

Since the proposal is a temporary structure and for an emergency service it is considered that this outweighs the short term visual harm to the Area of Restraint.

Planning Committee: 09 December 2003
Application No: W20031632

Part 2 Item Number: 31

Town/Parish Council: Budbrooke

Registration Date: 16/10/2003
Expiry Date: 10/12/2003

Case Officer: Will Charlton
01926 456528 planning_west@warwickdc.gov.uk

Telecommunications mast at Wedgnoek Park Farm, Birmingham Road, Budbrooke, CV357DZ

Installation of a temporary 15m high telecommunications mast, equipment cabin and associated works for a temporary period of 12 months.
FOR Airwave mmO2 Limited

SUMMARY OF REPRESENTATIONS

Parish Council: None received to date.

Neighbours: A letter signed by four households has been received objecting to the proposal due to the health risk, particularly to the childrens nursery opposite the site. No exceptional circumstances have been expressed to allow the development in the Green Belt, while the mast is an eyesore and would have a detrimental effect on the locality of the area and its amenity.

RELEVANT POLICIES

C8 - Special Landscape Areas
ENV1 - Definition of the Green Belt
ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

The site is located to the north-west side of the A46 Warwick By-pass, which is situated within a cutting. It is situated within open countryside and is located a short distance from an existing 15 metre high monopole mast. The location is almost identical in position to a proposed permanent mast for Hutchinson 3G in 2001. This application was refused and the subsequent appeal dismissed in March 2002 as the inspector concluded that harm would be created to the green belt and character of the Special Landscape Area and was not satisfied that all possible alternative sites in the locality, outside the green belt, had been fully explored.

Although set against a hedge line, the mast is clearly visible from the surrounding area as there is no tree cover in the vicinity of the site. Due to the open nature of the site, it is considered that the proposal would be intrusive in its surroundings, detracting from the openness of the Green Belt and character of the Special Landscape Area, as was the proposed Hutchinson 3G mast.

However, as advised by PPG2 Green Belts and PPG 8 8Telecommunications inappropriate development may proceed only if very special circumstances are demonstrated which outweigh the degree of harm to the Green Belt.

The existing Warwickshire Constabulary UHF/VHF radio system is soon to be replaced with a digital radio system. In order to provide an effective and safe service, Warwickshire Constabulary require complete radio coverage of their area. It is proposed that the mast be in situ for a temporary period, a maximum of 12 months, to enable the installation of a permanent cell, which was granted permission earlier this year at Lloyds No1, Market Place, Warwick. I have been informed that the permanent mast in the centre of Warwick will not be operational in time for when the new digital system goes 'live', and thus a temporary mast is

required. Technical information has therefore been submitted showing that the mast is required to provide radio coverage for MM02 Airwave to the western side of Warwick until the permanent mast is operational.

In order to install the equipment on the existing adjacent mast, the monopole structure would need to be strengthened and altered to accommodate the additional antenna. However, as this proposal is for a temporary period these works would be inappropriate.

Weighing in the balance the need for the equipment against the impact of the development upon the openness of the Green Belt and character of the Special Landscape Area, I conclude that the special circumstances which have been put forward outweigh the temporary harm caused by the development.

Although health issues regarding telecommunication equipment is a consideration, the proposal, has been designed, in line with Government advice, to comply with ICNIRP requirements and therefore further health issues cannot be considered as a reason for refusal.

RECOMMENDATION

GRANT for a temporary period of 12 months.

REASON FOR RECOMMENDATION

Since the proposal is a temporary structure and for an emergency service it is considered that this outweighs the visual harm to the Green Belt and Special Landscape Area.

Planning Committee: 09 December 2003
Application No: W20031640

Part 2 Item Number: 32

Town/Parish Council: Bishops Tachbrook

Registration Date: 15/10/2003

Expiry Date: 10/12/2003

Case Officer: Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

Land rear of, 21-28 Ryefields, Bishops Tachbrook, CV339UB
Change of use from agricultural land to form part of domestic curtilage.
FOR Mr D Lloyd

SUMMARY OF REPRESENTATIONS

Parish Council raise objection on the grounds that the partial uptake of additional garden combined with the inconsistent fencing will lead to untidy transition between domestic and rural land use on the fringe of the village boundary.

CPRE have objected on the grounds that the development is in the countryside, outside the village envelope, would affect views from the nearby public footpath. They further object to the change of use of agricultural land to domestic gardens and that the agricultural grade of the land should be considered.

RELEVANT POLICIES

C1 - Conservation of the Landscape
ENV1 - Definition of the Green Belt

HEAD OF PLANNING & ENGINEERING

The application site relates to a plot of unused agricultural land of 0.107 ha , which is located at the rear of the gardens of existing dwellings; the rear of these gardens presently forms the village boundary of Bishops Tachbrook. The views of the application site are obscured to a significant degree by an existing belt of small trees and hedges.

The application seeks permission for a change of use from agricultural land to garden land, in order to extend the residents existing small gardens. Whilst noting and having high regard for the need to protect the open countryside for its own sake ; given the fact that this site directly abuts existing gardens of limited depth and is not exposed to distant views(ie: it is not prominent in the landscape); it is considered that the proposal would not constitute such a degree of change to the character of the area that it would warrant a refusal. I am of the opinion, therefore, that the development would not have an adverse impact on the amenities or the character of the area and the development would not be incompatible with the rural environment and would not undermine the objectives of DW Policy C1 of the Local plan. Whilst noting the objections of the Parish Council and CPRE, it is considered that the proposal would not result in such harm as to sustain a refusal.

RECOMMENDATION

GRANT subject to further details of boundary treatment.

REASON FOR RECOMMENDATION

The proposal would not be incompatible with DW Policies ENV1 and C1 of Warwick District Local Plan.

Planning Committee: 09 December 2003
Application No: W20031642

Part 2 Item Number: 33

Town/Parish Council: Leamington Spa

Registration Date: 21/10/2003
Expiry Date: 16/12/2003

Case Officer: Sarah Laythorpe
01926 456554 planning_east@warwickdc.gov.uk

123 Brunswick Street, Leamington Spa, CV312EJ
Two-storey side extension.
FOR Mr D S Nijjar

SUMMARY OF REPRESENTATIONS

Town Council: no objection

Neighbours: one objection relating to the extension extending beyond the front of the neighbours property affecting both sunlight and daylight, an increase in the number of occupants living in the property (property is used for student accommodation) which will increase the amount of litter, rubbish and traffic.

RELEVANT POLICIES

ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

The application site relates to one half of a pair of semi-detached dwellings and is one of multiple occupancy, being used as student accommodation. The property is situated on the corner of the junction of two main roads, Brunswick Street and Grosvenor Road.

The proposal involves the erection of a 2-storey side extension to form a kitchen at the rear and two additional bedrooms and a shower room at first floor. The extension is set back at the front elevation and set lower than the existing ridge of the roof and would be subservient to the host property, in accordance with established design practice .

I acknowledge the concerns of the neighbouring resident in Grosvenor Road regarding the relative orientation of the extension in comparison with the front elevation of their property, nevertheless I do not consider that this would, in itself, cause an unacceptable degree of harm to either neighbouring residents amenities or the character of the surrounding area, particularly given the corner location of the property and the space available within the plot. I am also satisfied that the proposal would be compatible with adopted supplementary planning guidance on distance separation.

The neighbouring residents also express concerns regarding the noise and disturbance that would be generated by the occupation of the property by students. Whilst these concerns are noted, nevertheless the proposal does not result in a material change of use in the property to a house in multi-occupation and use class C3 "Dwellinghouses" allows occupation by up to 6 persons living together as a household.

RECOMMENDATION

GRANT subject to matching materials.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policy ENV3 of the Warwick District Local Plan 1995 and to the Council's approved supplementary planning guidance in respect of the 45 degree guideline and Distance Separation.

Planning Committee: 09 December 2003
Application No: W20031647

Part 2 Item Number: 34

Town/Parish Council: Kenilworth

Registration Date: 20/10/2003

Expiry Date: 15/12/2003

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

1a, Highland Road, Kenilworth, CV8 2EU

Erection of single and two storey rear extension (revised application).
FOR Mr B Moulding

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object. The reduced scale of the proposal is noted, but refusal is recommended on the grounds that the scale of development is excessive, it detracts from the residential amenities of the area, is overbearing, unneighbourly, and would result in a loss of privacy for neighbours.

Neighbours: The adjacent neighbour notes the removal of the extension above the garage, but objects to this unneighbourly form of development, which constitutes overdevelopment. They have commented on the covering letter submitted with this application, and disagree with several of the points within it. The property does not have extensive grounds, but in fact very limited space for development. This proposal is considerably larger than the neighbours proposed first floor extension which was dismissed at appeal, and would detract from the residential amenities of the area, constitute a far greater overbearing and unneighbourly development and result in greater visual intrusion.

RELEVANT POLICIES

ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

A previous application on this site was refused by planning committee in September 2003, following a site visit. This application was identical apart from the inclusion of a first floor side extension above the existing garage, which has now been removed. This application proposes a one and two storey rear extension, to this detached dwelling on the corner of Common Lane and Highland Road. The rear of the property is visible from higher up Common Lane hill. The single storey extension projects 2.9m from the rear of the property, and the largest two storey part projects 4.2m, on the side of the house closest to Common Lane and furthest from the neighbour. The neighbouring property has a rear single storey extension and a rear conservatory.

The rear extensions are set off the side boundaries of the property, in line with the existing house, and are set down from the original dwelling giving the clear appearance of a subsidiary extension. I do not consider that the proposal would have so serious an impact on neighbouring amenity, or on the character of the area, as to warrant refusal. The rear extension is large, but not out of scale with the original dwelling, or size of plot, and more than adequate amenity space would remain. There is no 45 degree guideline breach to the neighbour, and no serious loss of light would occur.

RECOMMENDATION

GRANT.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policy ENV3 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031658

Part 2 Item Number: 35

Town/Parish Council: Lapworth

Registration Date: 22/10/2003
Expiry Date: 17/12/2003

Case Officer: Steven Wallsgrove
01926 456527 planning_west@warwickdc.gov.uk

Land at, Peacock Lane, Holywell, Warwick, CV357BJ
Construction of manege.
FOR Mr R C Bucknall

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: Local access roads would not support large/heavy traffic in view of their width and lack of passing places. WCC Highways need to give serious consideration to these issues.

County Council (Ecology): have no ecological concerns.

County Council (Highways): have no objection subject to being private facility only.

CPRE: have no objection subject to no lighting.

Neighbours: 13 letters of objection have been received on grounds of traffic generation and manege being out of keeping with Green Belt and Special Landscape Area.

RELEVANT POLICIES

C1 - Conservation of the Landscape

C8 - Special Landscape Areas

ENV1 - Definition of the Green Belt

HEAD OF PLANNING & ENGINEERING

The application site consists of 3 pasture fields (some 15 acres) with a central barn on the north side of Peacock Lane, which is a narrow, single track, lane leading out of Holywell. An application for a manege with two floodlights was refused in March 2003 (W20030203) on grounds of detrimental impact on the rural landscape and undesirable intensification of traffic movements. The current proposed manege, or riding ring, would be sited close to the existing barn on the site where only relatively small amounts of ground works would be required. Lighting is not now proposed. A site for some stables, now expired, also adjoins the site. The riding surface, which would measure 40 m x 20 m, would not be visible from Peacock Lane due to the ground levels and is intended for use by the applicant only. On that basis, and bearing in mind the advice in PPG2: Green Belts about supporting house related activities, I consider the proposal acceptable.

A number of the local residents have also raised other issues, namely the recent construction of a raised hardstanding beside the barn and a caravan which are separate matters. The construction of the hardstanding has been brought to the attention of the applicants agent and our enforcement section since the works require planning permission. The agent has also been advised that the planning permission for a stable block has expired and the site did, in fact, conflict with the barn which now exists, so could not be implemented anyway. The barn was dealt with as a storage building for agricultural use under the agricultural notification procedure in November 2000 but at the time of the site visit, it did not appear to be in use. There was no caravan seen at the site visit.

RECOMMENDATION

GRANT, subject to being a private facility only and no lighting to be installed.

REASON FOR RECOMMENDATION

The application is considered to comply with Policies (DW)ENV1, C1 and C8 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031687

Part 2 Item Number: 36

Town/Parish Council: Leamington Spa

Registration Date: 27/10/2003
Expiry Date: 22/12/2003

Case Officer: Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

72 Greatheed Road, Leamington Spa, CV326ET
Erection of detached garden store.
FOR S Thorpe

Reason for reference to planning committee is that one of the applicants is currently an employee in Warwick District Council.

SUMMARY OF REPRESENTATIONS

Town Council: No comments have been received.
Neighbours: No comments have been received.

RELEVANT POLICIES

ENV6 - Protection and Enhancement of Conservation Areas
ENV8 - New Development within Conservation Areas
ENV3 - Development Principles.

HEAD OF PLANNING & ENGINEERING

The application relates to a 2 storey Victorian terraced dwelling house, which is located on the north western side of Greatheed Road. The property is set back from the road, with a small garden to the front and a walled garden to the rear. A private access road is located at the rear of the properties, which runs parallel to Greatheed Road. The street scene is composed of residential terraced properties, which possess a strong sense of rhythm and harmony. The properties are situated within the Leamington Spa Conservation Area.

The application seeks to erect a detached brick built garden store along the rear boundary of the walled garden adjoining the private rear access. In terms of design, the proposals accord with the general design principles of DW Policy ENV3 of the Warwick District Local Plan. The height of the proposal is similar to buildings of comparable dimensions located at the rear of the properties. I do not consider, therefore, that the proposal would have an adverse effect on either the character of the residential area or the amenities of the neighbouring properties. The proposal does not breach any of the Council's adopted Supplementary Planning Guidance.

RECOMMENDATION

GRANT

REASON FOR RECOMMENDATION

The proposal is considered to comply with Policies ENV3, ENV 6 and ENV 8 of Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031689

Part 2 Item Number: 37

Town/Parish Council: Hatton

Registration Date: 27/10/2003

Expiry Date: 22/12/2003

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

34 Highfield, Hatton Park, Warwick, CV357TQ

Erection of a rear conservatory.

FOR Mr & Miss Marnoch & Hitchmough

SUMMARY OF REPRESENTATIONS

Hatton Parish Council: No objection.

Neighbour: One adjoining neighbour is concerned about the width of the conservatory, and the distance between the conservatory and fence. The height of the conservatory, and the proximity to the fence, will block light and remove the aspect from their french doors.

RELEVANT POLICIES

ENV3 - Development Principles

Supplementary Planning Guidance - The 45 Degree Guideline

HEAD OF PLANNING & ENGINEERING

The application site consists of a recently built mid-terraced property on the Hatton Park development, which proposes to install a rear conservatory. The conservatory is an Edwardian design, with chamfered corners and a pitched roof sloping down to both adjoining neighbours, it will measure 3.65m wide, and project for 3m from the rear of the property. The base of the conservatory has already been constructed, and the side walls are 0.3 and 0.5 metres away from the 1.8m side boundary fences. Both neighbours have adjacent fully glazed french doors to their lounges, which also have a rear window.

The conservatory will constitute a minor breach of the Council's adopted 45 degree guideline, of 0.5m and 0.7m to each neighbour. However, I do not consider that the breach would be so significant as to warrant refusal, when taking into account the other factors of the site. The existing boundary fences already block some light to each neighbour, and the roof design is pitched away from both sides, so that the highest ridge point is in the centre of the plot. The chamfered corners of the conservatory also help to minimise the impact of the breach, therefore, I recommend approval.

RECOMMENDATION

GRANT, subject to obscure glazed and non-opening side facing top lights.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policy ENV 3 of the Warwick District Local Plan 1995 and are not considered to prejudice the intentions of adopted Supplementary Guidance in respect of the 45 degree guideline.

Planning Committee: 09 December 2003
Application No: W20031699

Part 2 Item Number: 38

Town/Parish Council: Warwick

Registration Date: 27/10/2003
Expiry Date: 22/12/2003

Case Officer: Penny Butler
01926 456544 planning_west@warwickdc.gov.uk

17 Oken Court, Theatre Street, Warwick, CV344DF

Installation of a rear solar panel on rear roof slope.

FOR Mr Mrs P Bolitho

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No comments received to date.

Neighbours: One objects on the grounds that it has an adverse visual impact on surrounding properties in the conservation area. The solar panel is double the normal size for such a property, covering 50% of the roof width and 30% of the roof height. It is obtrusive and can be seen detrimentally from many surrounding properties and points in the town, and may also create a precedent.

CAAF: No comments received to date.

RELEVANT POLICIES

ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

This retrospective application seeks permission to install a solar panel measuring 2.4m by 1.2m on the rear roof slope of this terraced property, which is not in the Warwick conservation area. None of the surrounding properties in Oken Court have solar panels, though most have roof lights, and planning permission is only required as permitted development rights have been removed. In my opinion, the solar panels do not have a serious adverse impact on the character of the area, or the amenity of neighbouring properties. The panels are dark in colour, and do not have a significantly greater visual impact than roof lights.

RECOMMENDATION

GRANT.

REASON FOR RECOMMENDATION

The proposals are considered to comply with Policy ENV3 of the Warwick District Local Plan 1995.

Planning Committee: 09 December 2003
Application No: W20031703

Part 2 Item Number: 39

Town/Parish Council: Offchurch

Registration Date: 28/10/2003
Expiry Date: 23/12/2003

Case Officer: John Beaumont
01926 456533 planning_east@warwickdc.gov.uk

**New Cottages (inc. Appletree and Lavender Cottages), 1-4 Church Hill, Offchurch,
Leamington Spa, CV339AP**

Proposed variation of condition 3 of planning permission W20030297 (Change of use of land from agricultural land to form part of residential curtilage) to no longer require planting of a new boundary hedge.
FOR Ms K Innocent

SUMMARY OF REPRESENTATIONS

Parish Council: No objection.

C.P.R.E.: We objected to the original application and were concerned that it was granted subject to conditions including one relating to hedging. We now object most strongly to the application to have this condition removed. This area is green landscape in this distinctive village. We believe people who live near it should respect it. They are destroying what they live in the countryside to enjoy.

RELEVANT POLICIES

ENV1 - Definition of the Green Belt
ENV3 - Development Principles
C1 - Conservation of the Landscape

HEAD OF PLANNING & ENGINEERING

Planning permission for the change of use of a 5 m strip of agricultural land to gardens was granted in May 2003, reference W20030297. This included a condition that the new garden land be bounded by a hedge and fence. The applicants now wish to erect a fence but not a hedgerow as the existing gardens do not have an established hedge along the length of their current boundary and they consider they should be able to choose whether to plant on the new boundary rather than it being a planning requirement.

Whilst I consider it desirable that a consistent boundary hedge be established to clearly define a break between the open countryside and the gardens which adjoin it, I am conscious that this does not happen at this site at the present time and the proposal is simply to move out the existing boundary by only 5m. In these circumstances, providing a suitable new boundary fence is erected, I do not consider it could be demonstrated that this development would cause such harm to the appearance of the landscape in this area that the planting of a new hedge is essential to enable this development to proceed.

RECOMMENDATION

GRANT.

REASON FOR RECOMMENDATION

The proposal would not materially conflict with the policies of ENV1, ENV3 and C1 of the Warwick District Local Plan.

Planning Committee: 09 December 2003
Application No: W20031711

Part 2 Item Number: 40

Town/Parish Council: Leamington Spa

Registration Date: 03/11/2003

Expiry Date: 29/12/2003

Case Officer: Fiona Blundell
01926 456545 planning_east@warwickdc.gov.uk

12 Fernhill Drive, Leamington Spa, CV324JX

Erection of a garage extension.

FOR Mr Mrs R M Whiteman

SUMMARY OF REPRESENTATIONS

Town Council - no comments received to date.

Neighbours: One neighbour has objected on the grounds that the proposal would reduce the amount of sunlight to their property; and that the expanse of blank wall would be unattractive.

RELEVANT POLICIES

ENV3 - Development Principles

HEAD OF PLANNING & ENGINEERING

The application site relates to a modern detached property with an integral garage, which is located on the south side of Fernhill Drive. The property is set back from the road, with an open plan front garden with mature planting. The street scene is composed of residential detached properties of sympathetic and comparable design.

The application seeks to extend the existing garage by 3.9 metres, to form an additional store room. Whilst noting the comments received from the neighbour, due to the spacing between the properties, the proposal does not breach the Council's adopted Supplementary Planning Guidance 'The 45 Degree Guideline'. The design of the extension matches that of the host property, and in my opinion, would not detract from the general character of the residential area. It is therefore considered that the development would comply with DW Policy ENV3 of Warwick District Local Plan.

RECOMMENDATION

GRANT subject to matching materials.

REASON FOR RECOMMENDATION

The proposal is considered to comply with Policy ENV3 of Warwick District Local Plan 1995 and to adopted Supplementary Planning Guidance. - the 45 degree guideline.
