

Planning Committee: 12 December 2018

Item Number: 5

Application No: [W 18 / 1021](#)

Town/Parish Council: Kenilworth

Case Officer:

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Registration Date: 05/09/18

Expiry Date: 31/10/18

52 High Street, Kenilworth, CV8 1LZ

Proposed erection of a three bedroom, detached, pitched roof dwelling in the existing residential rear garden of 52 High Street, Kenilworth. FOR Mr & Mrs Lynes

This application is being presented to Committee as there have been more than 5 letters of support and it is recommended for refusal.

RECOMMENDATION

Planning committee are requested to refuse planning permission for the reasons listed in the report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a detached 1.5 storey, 3 bedroom dwelling within the rear garden area of 52 High Street following the removal of an existing storage building. An existing access point from the rear of the site would be utilised from Elmbank Road. A private driveway would be provided leading to the dwelling and the existing garden serving 52 High Street would be divided between the two resulting properties.

The property would benefit from large glazed elevations and the application form states that the elevations would be clad in black vertical timber boards, the roof would be natural slate and the doors and windows would be constructed with grey aluminium frames.

THE SITE AND ITS LOCATION

The application relates to the rear garden area serving 52 High Street, a Grade II listed property. The application site is located within the Conservation Area and urban area of Kenilworth. Currently there is a timber single storey storage building on the application site. There is an existing access to the rear of the site from Elmbank Road, where a single storey garage is positioned. There are TPO trees within and around the site.

PLANNING HISTORY

There are various previous permissions relating to the main dwelling, however, only the following are considered relevant to the assessment of this application:

W/02/0686 - planning permission refused for the erection of a new dwelling, with access off Elmbank Road, after removal of garden buildings and part of boundary fence.

W/02/0687/LB - listed building consent refused for the demolition of garden buildings and part of boundary fence.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection.

WCC Archaeology: No objection, subject to condition.

WCC Ecology: No objection, subject to conditions.

WCC Highways: No objection.

Waste Management: No objection.

Tree Officer: No objection, further information required.

Public Responses: 9 Objections:

- disruption from construction works such as noise, dust, dirt, debris, traffic restrictions, construction traffic;
- loss of privacy;
- loss of outlook;
- loss of light, no daylight analysis submitted;
- visual intrusion;

- impact on wildlife and protected trees;
- uniqueness and quaintness should be protected;
- proximity of the development to the boundaries shared with neighbouring properties;
- impact on the Conservation Area;
- access from Elmbank Road is inadequate;
- impact on the character of the area;
- over-development of the site.

11 Support:

- the proposed dwelling would compliment the main dwelling and has its own garden and parking provision;
- modern, innovative design with the use of appropriate materials;
- public benefits are: contributing to the housing requirement for the district, payment of the New Homes Bonus, payment of additional council tax and contributing to an increased amount of spending in High Street;
- the proposal is materially different to the 2002 planning application which was refused and dismissed at appeal;
- the proposal is carefully designed to fit well within its environment, and would not have a harmful impact on the character of the area;
- the property would be sustainable.

1 Neutral:

- concern regarding ecological impact;
- impact on the Conservation Area;
- could set a harmful precedent.

Assessment

The main issues relevant to the assessment of this application are:

- Principle of the Development
- Impact on the Character and Appearance of the Area
- Impact on Heritage Assets
- Archaeological Impact
- Impact on Neighbouring Residential Amenity and Living Conditions for the Future Occupiers
- Parking and Highway Safety
- Waste Management
- Trees
- Ecology
- Other Matters

Principle of the Development

Local Plan policy H1 states that new housing development will be permitted within the urban areas. Kenilworth is identified as being an urban area on the proposal maps and therefore meets this criteria. Policy H1 goes on to state that housing development on garden land will not be permitted unless the development reinforces, or harmonises with the established character of the

street and locality, and respects surrounding buildings in terms of scale, height, form and massing.

The proposal would provide one detached dwelling on garden land. Officers consider that the proposed siting of the dwelling would be at odds with the established character of the area, by virtue of its position behind properties along Elmbank Road and High Street, its lack of street frontage and overall scale and mass. It is considered that the proposed development would provide backland development which is considered to be harmful to the area as it does not harmonise well with its surroundings.

In terms of the proposed footprint of the dwelling, this is far larger than any of the neighbouring residential properties, making the proposed dwelling appear incongruous and inappropriate in this location, especially in comparison to the modest dwellings fronting onto High Street.

A previous application for a detached dwelling was refused on this site (W/02/0686) for a two storey dwelling, which was set further to the south of the site, closer to 52 High Street. The decision notice identified that the proposal represented backland development, which failed to harmonise in scale and form with its surroundings. It is recognised that it is some time since the refusal and that there have been amendments to the proposal. However, the principle of a dwelling in this location, i.e. behind the properties serving Elmbank Road and High Street is still considered to represent harmful backland development. Furthermore, whilst the proposed dwelling has been reduced to a single storey property, the proposed footprint has been increased from 150sqm to nearly 270sqm, highlighting the vastly inappropriate and out of scale nature of the development in comparison with both the previous scheme and neighbouring properties.

The proposal would be at odds with this established character of the area, appearing incongruous and out of keeping with the nearby traditional street frontage development and is considered to represent backland development, which is contrary to Local Plan policy H1. The development is not considered to be acceptable in principle. As identified by a member of the public, allowing an application in this backland location could set a harmful precedent, which Officers would seek to resist.

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local

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

Kenilworth Neighbourhood Development Plan (KNDP) policy KP13 states that development proposals should achieve a standard of design that appropriate to the local area and demonstrates that there is a positive response to the site characteristics and surroundings in terms of the proposed layout, density, building scale, height, proportions, massing, orientation, architectural detail, materials and landscape.

There have been objections from members of the public that the proposed development would have a detrimental impact on the character of the area and is considered to represent over-development of the site.

However, supporters of the development consider that the proposed dwelling would compliment the main dwelling, and is of a modern, innovative design, using appropriate materials. Supporters also consider that the proposal is carefully designed to fit well within its environment, and would not have a harmful impact on the character of the area.

The design of the property is relatively modern, with substantial areas of glazing and rendered walls. In this varied context, and as the proposed development would not be visible from the street scene, the materials and general design is considered to be acceptable.

However, as detailed above, the proposed development is considered to represent backland development which is harmful and does not respond positively to the character of the area. The scale of the proposed dwelling is out of keeping and dominates the width of the plot, creating an alien form of development within the area. This is also considered to represent overdevelopment of the site.

The agent contends that the proposed dwelling would not be harmful to the character of the area and suggests that there are thirty four dwellings, without traditional street frontages, within 350 metres of the application site, which in their opinion defines the character of the area. The agent has provided a map identifying the properties which they consider to represent existing backland development.

Firstly, Officers consider that a 350 metre radius measured from the site is a crude and inappropriate means to assess the impact of the proposed development on the character of the area. Assessing a radius in this way does not specifically look at the site context. For example, one site the agent identifies as being backland development is along Fieldgate Lane and actually some 400 metres from the application site, in an area with much different character to that of the properties along High Street or Elmbank Road.

Secondly, Officers cannot agree that the character of the area is defined by backland development. Officers recognise that there are some sites within the wider area which do represent backland development, but a small number of

historic examples do not define the character of the area, which is defined by traditional street frontage properties.

Other wider examples presented by the agent include comprehensive residential developments of between 6 and 12 dwellings (e.g. Fieldgate Lawn and Monmouth Court). Each of these are individually designed residential developments which have their own street frontage or court yard. It should also be noted that all of the examples which the agent has cited were approved, at the earliest in the mid 1990s, but mostly in the 1980s, 1970s or earlier. This is well before the current adopted Local Plan and also the introduction of the NPPF in 2012 which sought to avoid the inappropriate development of garden land.

In terms of the nearby examples which would influence the character of the nearby area and context of the application site, the agent had identified an example of what he considers to be backland development (7 Elmbank Road). However, this dwelling was granted permission in 1985, again well before the current Local Plan and introduction of the NPPF. Furthermore, this property has been designed to fit in with the street scene along Elmbank Road, and whilst set back further than others within Elmbank Road, the dwelling sits appropriately and forms part of the street scene. This is not considered to represent backland development.

There is a small cluster of residential properties to the west of the application site which the agent contends represents backland development. The bungalow which forms part of this cluster has permission dating from the early 1980s, however, the other dwellings must have been granted permission prior to this. These dwellings essentially benefit from their own small street scene, which is an extension of Malthouse Lane. It is not considered that this historic example of backland development sets a precedent for future development of this nature, and in any event each application has to be determined on its own planning merits

The agent contends that there are 34 example of backland development nearby to the site and that this forms part of the established character of the area. Officers disagree with this view and would only agree that there are 9 examples of true backland development within the given area the agent has chosen. There are however 240 properties within this large area identified by the agent, meaning that only 3.75% of properties represent backland development. 96.25% of properties have a traditional street frontage, and this is considered to be the well established character of the area.

As detailed above, the small number of backland sites are considered to be historic and there are material changes in circumstances, including the introduction of the NPPF and Local Plan policy H1 which seeks to protect garden land from incongruous and harmful development, since these approvals.

Notwithstanding whether the proposed development is considered to be backland development, the proposed footprint of the dwelling is far larger than any of the neighbouring residential properties, making the proposed dwelling appear incongruous and inappropriate in this location, thus failing to harmonise well with its surroundings.

The proposed siting of the dwelling is considered to be harmful to the character of the area. The proposed scale of the dwelling is also considered to be out of keeping and harmful to the area, representing overdevelopment of the site. The proposal is considered to represent backland development which does not harmonise well with the nearby streets. Therefore, the proposed development is considered to be contrary to Local Plan policy BE1 and KNDP policy KP13.

Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

KNDP policy KP13 states that heritage assets and their settings in the locality must be respected in accordance with their significance and must address the guidance provided in the Kenilworth Conservation Areas Design Guide. Policy KP13H defines the design management principles in High Street and recognises the importance of the 17th and 19th century properties as high value.

There have been objections from members of the public that the development will have a harmful impact on the Conservation Area.

The Conservation Officer has been consulted regarding the application and notes that,

"...the scheme is uncharacteristically large in terms of footprint for the Conservation Area and takes up substantial garden space in a back land plot. The surrounding properties on High Street (52-62 and the Stone House) are Grade II Listed, all with large rear garden plots which forms part of their

distinctive character and should be retained to protect the setting of Listed buildings. These green spaces also serve as an important break between the late C20 developments in the Berkeley Road/Elmbank Road area and the C18 properties on High Street."

As identified above, the proposed dwelling is considered to represent backland development which would be harmful to the character of the area. The Conservation Officer was consulted on the agent's contention that backland development forms part of the character of the area, but agreed with other Officers that High Street and the surrounding Conservation Area is characterised by dwellings with street frontages, as this existing streetscape undoubtedly forms an important and integral part of the Conservation Area's overriding character. The Conservation Officer also notes that the properties serving Fieldgate Lane/Fieldgate Lawn vary significantly in character and appearance from High Street and also disputes that this lies 'within the local vicinity' as the sites are located approximately 0.5 miles apart. The Conservation Officer identifies that the development would be harmful to the Conservation Area and setting of the listed building.

Under a previous application for a detached dwelling on the site which was refused (W/02/0686), the decision notice states, "it is considered that the proposal to build a large house of modern design, in a back land location in the Kenilworth Conservation Area, severing the garden of the adjoining Listed Building would fail to harmonise in scale and form with its surroundings and would fail to achieve a high quality of design and appropriate to the special character of the Conservation Area... The proposal would introduce modern development together with additional driveways, into a garden location to the rear of the existing house, would have an awkward juxtaposition in relation to properties in Elmbank Road, and would leave a much depleted garden to 52 High Street. For these reasons it is considered that the development would have a detrimental effect on the character and appearance of the Conservation Area".

Officers consider that in terms of the site context, very little has changed and whilst the proposed dwelling has been repositioned on the site, the same principles of the development and associated harm identified in the previous appeal still carries considerable weight. The development is still considered to be at an awkward juxtaposition in relation to the surrounding properties and is considered to be out of scale and character with the Conservation Area. Officers recognise that 52 High Street would be left with a larger garden than that which was previously proposed. However, as the Conservation Officer has identified, the garden area on which the proposed dwelling would sit acts as a visual relief between the modern and historic, listed properties. This encroachment on the garden of 52 High Street is considered to be harmful to the setting of the listed building.

It is therefore considered that the proposed development would cause harm to the setting of the listed building and Conservation Area. The harm identified is considered to be less than substantial. Members of the public identify public benefits of the proposed development as: contributing to the housing requirement for the district, payment of the New Homes Bonus, payment of additional council tax and contributing to an increased amount of spending in High Street; and that the property would be sustainable.

Officers recognise the need for housing. However, this would provide only one additional unit, which is considered to provide limited benefits. The financial benefit of spending on the high street within the local area whilst welcomed, is not considered to be so beneficial that this would outweigh the harm caused. Furthermore, the contributions of a New Homes Bonus and payment of additional council tax would not be material planning considerations. Officers also welcome the sustainable nature of the development. However, it is not considered that the sustainability credentials of the development (or the combined benefits proposed) would outweigh the significant harm to the Conservation Area and setting of the listed building.

The proposed development is therefore considered to be contrary to Local Plan policies HE1 and HE2 and KNDP policies KP13 and KP13H.

Archaeological Impact

WCC Archaeology have commented on the application and note that the proposed development is located within an area of significant archaeological potential, within the extent of the medieval settlement at Kenilworth. Numbers 52 and 54 High Street Kenilworth are a later 18th century Grade II Listed Building. There is a potential for the proposals to impact upon archaeological deposits, including structural remains, boundary features and domestic refuse pits, associated with the occupation of this area during the medieval and later periods.

WCC Archaeology therefore recommend a condition requiring a Written Scheme of Investigation (WSI), programme of archaeological evaluative work and associated post-excavation analysis and Archaeological Mitigation Strategy. This is considered to be acceptable and could be added if the application were being approved.

The development is therefore considered to be in accordance with Local Plan policy HE4.

Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwelling

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

KNDP policy KP13 states that impact on residential amenity of existing and future residents must be assessed and addressed.

Impact on Neighbouring Residential Amenity

There have been objections from members of the public that the proposed development would result in a loss of privacy, outlook and light, and cause visual intrusion. Concern is also raised regarding proximity of the development to the boundaries shared with neighbouring properties. Letters of support state that the development would have an acceptable impact on neighbouring properties.

The proposed dwelling would sit immediately at the end of the rear garden of 22 Elmbank Road. The proposed dwelling would sit at an angle to this neighbour, with mainly the side elevation facing towards the rear of 22 Elmbank Road. There would be no windows which would face towards this neighbour's property. At the closest points, the proposed dwelling would be 15 metres from the rear of 22 Elmbank Road, meeting the Council's minimum distance separation of 12 metres for this arrangement.

There are properties located to the east of the proposed dwelling along Elmbank Road which would sit further forwards than the application property, at a 90 degree angle. In the main, the proposed dwelling is single storey and has the impression of a bungalow. There would be views from the rear elevation of the property at first floor, however, these will not directly overlook any of the neighbour's properties. There would be obscure views of the garden serving 20 Elmbank Road, but they would be over 20 metres away. There would be no first floor views of the properties to the east of the site.

The distance from the rear of properties fronting onto High Street to the front of the proposed dwelling is, at the closest points 40 metres. This is well above the Council's required distance separation for this relationship.

However, the proposed site layout means that the access and driveway to the site would pass immediately adjacent to the private amenity area for 52 High Street. The Council's adopted Residential Design Guide states that in assessing proposals, consideration should be given to privacy, outlook, noise in relation to the provision of private outdoor amenity areas. The development would result in a substantial driveway running the length of the garden for 52 High Street which would seriously detract from the quiet enjoyment of this space, providing noise disturbance from the unfettered movements of vehicles passing along the access route. Whilst the current owners of 52 High Street (who have made this application) may be satisfied with this arrangement, the Council has a duty to protect the living conditions for any future occupiers of the properties who may not find this reasonable.

Members of the public have raised concerns regarding disruption from construction works such as noise, dust, dirt, debris, traffic restrictions and construction traffic. However, these impacts would be temporary and the construction works would be dealt with by Building Control.

Living conditions for the future occupiers of the dwellings

The proposed dwelling is considered to provide adequate light, outlook and privacy to all of the habitable rooms. The development would provide an adequately sized garden which meets with the Council's minimum required

private outdoor amenity size standards, as would the proposed garden for 52 High Street,

It is considered that the proposed development would have a harmful impact on neighbouring residential development, by virtue noise and disturbance to the occupiers of 52 High Street from the proposed access and driveway. The development is therefore considered to be contrary to the Residential Design Guide, Local Plan policy BE3 and KNDP policy KP13.

Parking and Highway Safety

There have been objections from members of the public that access from Elmbank Road is inadequate for the purposes of a new dwelling. However, WCC Highways have assessed the proposed access (which is an existing access to the rear of 52 High Street), and they have no objection to the proposal.

The development would provide adequate parking for both the existing and proposed dwelling in accordance with the Council's Vehicle Parking Standards, which is also required by the KNDP.

The development is therefore considered to be in accordance with Local Plan policy TR1 and TR3 and KNDP policy KP12.

Waste Management

Waste Management have no objection to the proposed development and it is noted that waste and recycle storage can be accommodated within the site boundaries.

The Council's guidance note on refuse and recycling storage states that in accordance with British Standard 5906:2005 residents should not be required to move any 2-wheeled container more than 15m from the point of storage to the point of collection. Furthermore, the guidance note also confirms that storage areas for residential dwellings should be sited so that the occupiers are not required to carry waste more than 30m from an external door to the point of storage.

The future occupiers of the dwelling would be required to move their waste 55 metres from the front door to the bin storage area next to the proposed site access. This is considerably more than the recommended distance of 30 metres. Furthermore, if the bin storage was moved closer to the dwelling, this would then mean that the occupants would be required to move their waste storage further on collection day, which would also conflict with the relevant guidance.

The proposal is therefore considered to conflict with Local Plan policy BE1 as it fails to provide sufficient waste management and would also conflict with Local Plan policy BE3 as it fails to provide convenient waste storage options which could affect levels of amenity for the future occupiers.

Trees

Concern has been raised by members of the public regarding the impact on trees as a result of the proposed development. As the site is located within the Conservation Area, trees within and adjacent to the site boundaries have protected status, and there are a number of TPO trees in and around the site.

The Council's Tree Officer has been consulted on the application and has stated that the Arboricultural Impact Assessment provided is thorough and competent. However, the Tree Officer has requested some additional details which has been requested from the agent. Members of the committee will be updated on this matter prior to the meeting.

Ecology

Objections raise concerns regarding the impact of the proposed development on wildlife.

WCC Ecology have assessed the application and the Preliminary Ecological Appraisal which was provided as part of the application. They agree with the findings in the report and the methodology used to carry out the study. WCC Ecology recommend various conditions which could be added if the application were being approved.

The proposed development is therefore considered to be in accordance with Local Plan policy NE2.

Other Matters

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities for the new dwelling. A condition could be added to secure this if the application were being approved.

Conclusion

The proposed dwelling is not considered to be acceptable in principle as the development is not considered to harmonise well with the existing character of the area, which would be contrary to Local Plan policies H1 and BE1 and KNDP policy KP13. The development would also have a harmful impact on the setting the listed building and Conservation Area, which is contrary to Local Plan policies HE1 and HE2 and KNDP policies KP13 and KP13H. Furthermore, the proposal is considered to have an adverse and unneighbourly impact on the occupiers of neighbouring residential properties, which would be contrary to Local Plan policy BE3 and KNDP policy KP13. The development also fails to provide adequate waste storage options which is contrary to Local Plan policies BE1 and BE3. The application should therefore be refused.

REFUSAL REASONS

- 1 Warwick District Local Plan 2011 - 2029 Policy H1 states that housing

development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing.

It is considered that the proposed development would not reinforce, or harmonise with the established character of the street and locality by virtue of a lack of street frontage and inappropriate scale. The proposal is considered to represent backland development which is out of keeping and harmful to the character of the area.

The proposal is therefore considered to be contrary to the aforementioned policy.

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. The policy requires development to harmonise with or enhance the existing settlement in terms of physical form, and to reinforce or enhance the established urban character of streets.

Kenilworth Neighbourhood Development Plan 2017 - 2029 policy DP13 states that development proposals should achieve a standard of design that are appropriate to the local area and demonstrates that there is a positive response to the site characteristics and surroundings in terms of the proposed layout, density, building scale, height, proportions, massing, orientation, architectural detail, materials and landscape.

It is considered that the proposed development would not respond positively or harmonise with the established character of the street and locality by virtue of a lack of street frontage and incongruous scale. The excessive scale and footprint of the proposed development is considered to represent overdevelopment of the site. The proposal is considered to represent backland development which is out of keeping and harmful to the character of the area.

The development is thereby considered to be contrary to the aforementioned policy.

- 3 Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

KNDP policy KP13 states that impact on residential amenity of existing and future residents must be assessed and addressed.

The proposed access arrangement would result in undue noise and disturbance to the occupiers of 52 High Street which emanate from the unfettered movements of vehicles using the access. Due to the close proximity of the access running alongside 52 High Street, it is considered that the proposal would be unneighbourly as it would disrupt the enjoyment of the quiet private amenity space associated with 52

High Street where it is not unreasonable to expect such enjoyment.

The proposal is thereby considered to be contrary to the aforementioned policy.

- 4 Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

KNDP policy KP13 states that heritage assets and their settings in the locality must be respected in accordance with their significance. Policy KP13H defines the design management principles in High Street and recognises the importance of the 17th and 19th century properties as high value.

The proposed development would be seriously detrimental to the setting of both the listed building and the Conservation Area as a whole, by reason that the proposed dwelling fails to harmonise well with and preserve the established character of the Conservation Area. The scale of the proposed development would also be harmful to the established character of the Conservation Area and the development would be positioned on garden land which forms part of the distinctive character and setting of the nearby listed buildings.

The harm identified is considered to be less than substantial, however, there are no public benefits identified which would outweigh this harm.

The development is thereby considered to be contrary to the aforementioned policies.

- 5 The Council's guidance note on refuse and recycling storage states that in accordance with British Standard 5906:2005 residents should not be required to move any 2-wheeled container more than 15m from the point of storage to the point of collection. The guidance note also confirms that storage areas for residential dwellings should be sited so that the occupiers are not required to carry waste more than 30m from an external door to the point of storage.

The future occupiers of the dwellings would be required to move their waste 55 metres from the front door to the bin storage area at the front of the site. This is considerably more than the recommended distance of 30 metres. 55 metres is an unreasonable distance to expect occupants to transport waste to be collected.

The proposal is therefore considered to conflict with Local Plan policy

BE1 as it fails to provide sufficient waste management and would also conflict with Local Plan policy BE3 as it fails to provide convenient waste storage options which could affect levels of amenity for the future occupiers.
