

**Application No:** W 11 / 0614

**Town/Parish Council:** Budbrooke

**Case Officer:** Penny Butler

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**Registration Date:** 31/08/11

**Expiry Date:** 26/10/11

**The Cottage, Church Lane, Budbrooke, Warwick, CV35 8QL**

Erection of a rear two storey extension, porch and erection of 1.8m high boundary fence. FOR Mr A Davies

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

**SUMMARY OF REPRESENTATIONS**

**Budbrooke Parish Council:** (Initial comments) PC object on grounds that the proposals include the opening up of a new access which the PC consider is dangerous and prefer the original access. The build is too large and out of proportion with the existing dwelling. PC also believe that development on the site was halted as it didn't comply with the previous application and that current footings may not coincide with the original application. Finally, there is also a 6ft fence on the property which the PC do not believe has relevant planning permission and would like this looking into.

(Further comments) PC objections remain as last time. Also object to height of fence, it is frontage and inappropriate for the openness of the countryside. The proposed access is dangerous and PC also question use of the birthing shed, it appears as though it is being used as a dwelling.

**Public response:** One nearby resident supports the proposal (The Vicarage). Whilst the proposed extension is quite large compared to the original dwelling, it will not adversely impact on the surrounding area as views of the property are restricted. A great deal of care has been taken making the extension fit in with the existing building and it will be a great improvement which will preserve the property and allow it to continue to be used for a long time.

**WCC Ecology:** The bat survey found no evidence of bats so no further work or mitigation is required, however, a bat note is recommended, in addition to a nesting bird note.

**RELEVANT POLICIES**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Planning Policy Guidance 2 : Green Belts
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

- Residential Design Guide (Supplementary Planning Guidance - April 2008)

## **PLANNING HISTORY**

In 2007 an application for a large side extension, with a higher ridge line than the existing cottage was withdrawn (W07/0015). Later that year a smaller scheme for a single storey side extension was approved (W07/0471).

## **KEY ISSUES**

### **The Site and its Location**

The application property is an isolated cottage within the Green Belt, sited close to a road junction on a country lane. It adjoins arable land.

### **Details of the Development**

The proposal is for a side extension, with the same dimensions as the 2007 consent, but with accommodation provided within the roof space through the addition of two new dormers windows. Two dormers windows are also proposed on the existing house and a new vehicular site access, which do not require consent. A 1.8m high boundary fence has been added to the application since being submitted, and the application re-advertised, since this has already been erected. A new porch and porch canopy are also proposed.

### **Assessment**

This was originally a small two storey cottage which had been extended by a lower 1.5 storey extension to the field side. This extension is 'original' for planning purposes, having been carried out, according to research, prior to 1 July 1948. The 2007 consent created an L shaped dwelling and was implemented through the construction of foundations. These foundations were originally in the incorrect location but were rectified. However, the approved drawings of the extension were inaccurate and a survey now shows the original house to have been drawn higher than it actually exists. This falsely gave the impression that the extension would have had a lower ridge line than the adjoining part of the house, when in fact the height of the approved extension would have resulted in a continuous ridge height. Despite this error, the dimensions of the approved extension can be implemented as shown on the approved plans, and a continuous ridge line could be built as the extension has been implemented by the construction of foundations. The approved scheme did not provide proposed first floor plans, though it is clear that such accommodation could have been provided due to the height of the extension.

The current scheme does propose first floor accommodation and adds two small dormers windows to serve it. These are discrete in size and in my opinion do not significantly affect the bulk of the extension. The approved extension increased the original floor area of the house by about 50%, and was compliant with the current policy for extensions at this time. This did not take into account any first floor volume, which takes the increase to about 80%.

The current proposal has the same dimensions as the extant consent, but now that the existing house has been drawn correctly, the proposed plans show a continuous ridge line from the lower part of the existing house. Given that the volume of the current proposal is the same as the extant consent there would be no further harm to the openness of the rural area or to the character of the dwelling. The fact that the proposed design is significantly better than the extant

permission does carry substantial weight and in this case, given the fall back position of the extant consent, I consider the current scheme to be preferable in visual terms. I consider that the fallback position of the extant consent, and the vastly improved design of the current scheme, combine to carry significant weight in this case, and constitute very special circumstances which outweigh the harm to the Green Belt.

Since there are no neighbours the remaining issue is the 1.8m high fence which has been installed along the highway, adjoining the public footpath. Prior to the installation there was a post and rail fence, but given the proximity of the house to the road this provided very little privacy. The fence lies between lengths of hedge more than 2m high so in terms of enclosure, it does not appear unnaturally high or overbearing on the highway, and on this basis I consider there to be no serious detriment to the character of this area or the rural setting.

3.12 sq.m of solar pv panels are shown proposed on the southern elevation of the extension, and the applicant also sets out their intention to provide a ground source heat pump system in the adjacent field (which will require a separate planning application since it is outside of the curtilage of the dwelling). The solar panels are certainly likely to provide substantially more than 10% of the energy needs of the whole dwelling, but no specific details of the kW rating of the panels have been provided therefore a condition is required for details to be submitted for approval.

A bat survey was submitted following a request from the County Ecology team. This found no bats so the application can proceed with the inclusion of an advisory bat note.

### **RECOMMENDATION**

GRANT, subject to the conditions listed below.

### **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (273-03A received on 10 May 2011. 273-04 received on 18 July 2011. 273-02B received on 21 July 2011), and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be

first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

### **INFORMATIVES**

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the fall back position of the implemented extant consent, and the improved design of the proposed scheme, combine to constitute very special circumstances which outweigh the harm to the Green Belt, within which the property is situated. The proposal is therefore considered to comply with the policies listed.

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