

**Planning Committee:** 14 December 2005

**Item Number:** 15

**Application No:** W 05 / 1807

**Registration Date:** 31/10/05

**Town/Parish Council:** Barford

**Expiry Date:** 26/12/05

**Case Officer:** Martin Haslett

01926 456526 planning\_west@warwickdc.gov.uk

**Mallards Reach, Barford Road, Barford, Warwick, CV35 8BZ**

Erection of house and garages, after demolition of existing FOR Ms K Samrai

---

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

**SUMMARY OF REPRESENTATIONS**

**Parish Council:** objection:

'it is not satisfied that a case has been made for the demolition of the present building. (Vide W05/1808CA)

-The architecture of the new building is unappealing, it appears "institutional".'

**WCC(Ecology):** recommend pre-determination bat survey, as the buildings could provide bat roosts, also recommend bird and badger notes.

**RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)
- The site is within the Barford conservation area , but outside the village envelope as set out in the Warwick District Local Plan, 1995.

**PLANNING HISTORY**

The house appears to have been built in the 1950s and was subsequently extended with the construction of a garage. There is no other significant planning history until earlier this year when applications for planning permission and conservation area consent were made for the demolition of the existing building and its replacement with a new, larger house. The applications were refused for the following reasons:

W05/1450:

*The site lies within a Conservation Area and it is considered that the development proposed would prejudice the Planning Authority's policy for the preservation and enhancement of the character and appearance of such areas by reason of the inappropriate design, articulation and scale of the replacement building compared with the existing dwelling, thereby conflicting with the objectives of Warwick District Local Plan policies (DW) ENV6 and (DW) ENV8 and emerging policy DAP10 of the first deposit version of the Local Plan (1996-2011).*

W05/1451CA:

*Policy (DW) ENV7 of the Warwick District Local Plan and emerging policy DAP11 of the first deposit version of the Local Plan (1996-2011) state that permission for the demolition of non-listed buildings which contribute to the overall character and appearance of a Conservation Area will not normally be granted. In the opinion of the District Planning Authority, this property does make such a contribution and the replacement is not considered to be better than, or equal to, the quality of the existing building and, therefore, to permit its demolition would conflict with these policies.*

## **KEY ISSUES**

### **The site and its Location**

Mallard's Reach is situated immediately to the north of Ryland Road and occupies a large site, with many trees, extending from the road down to the River Avon, with its side boundary adjoining the rear gardens of houses in Ryland Road. The dwelling is set well-back from the road and is largely screened by a fence and vegetation. The building is in the form of a bungalow with dormer windows into the roof area, where there are 2 bedrooms and a bathroom.

### **Details of the Development**

It is proposed to demolish the house and replace it with a 2-storey house of substantial size, situated on a plot approximately coincidental with the existing, but the slightly different footprint of the new building would necessitate the removal of 5 existing trees. The details of the design have been the subject of negotiations with the Conservation Architect, following the previous refusal and these have resulted in plan and elevational changes intended to reduce the overall impact of the building.

The house would have an L-shaped ground plan and be in traditional styling, with a pediment to the front elevation and classical window details. Although the footprint of the new building would be similar to the existing, the use of a full first floor has the effect of considerably increasing the overall accommodation. The house would have 5 bedrooms, all en-suite, a gymnasium and a 3-car garage. The arrangement of roofs has been amended since the previous application and the ridges of the various roof elements are set at different levels so as to reduce the overall bulk of the building.

### **Assessment**

The issues to be considered in this case are the contribution that the existing building makes to the conservation area and whether the replacement building is of sufficient quality to ensure that the character or appearance of the conservation area is preserved or enhanced by the proposals.

The existing building is comparatively modern and is built in a style which reflects its 1950s date. This part of the conservation area has a mixture of styles, with some older buildings, but with the 'modern' buildings of Ryland Road being the predominant element. Although not unpleasant, the building at Mallard's Reach makes comparatively little contribution to the conservation area, because of its design and styling and the fact that it is little seen from the road. On this issue, I therefore conclude that the loss of the existing building would not have so serious an impact on the conservation area as to merit a refusal.

The replacement building, due to its height and massing will be more visible to the public, but its traditional design and detailing would be more in character with the conservation area than the existing building. The screening to the road, in the form of the boundary treatment and landscaping will remain and the new building would therefore be seen through it. Taking into account the styles seen in the wider conservation area of Barford, I consider that the proposed new dwelling will protect and enhance the character of the conservation area, in accordance with policy. In these circumstances I cannot agree with the objection of the parish council.

The removal of 5 existing trees is of minimal impact in the overall context of this site which has so many trees, which will remain. The final issue relates to the comment of the County Ecologist who requests a pre-determination assessment for bats. This was not requested in the context of the previous application and only came to light during processing of the current application. It was not therefore requested in pre-application discussions and as bats are already protected by other legislation, I consider that this issue can be covered by a condition on the permission.

### **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 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 3 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 2526/01F and /02A and specification contained therein, submitted on 31 October 2005, 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 Local Plan Policy ENV3.
- 4 The existing trees and shrubs (except where shown to be removed) shall be retained in accordance with BS 5837:2005 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority.

Any trees removed without consent, or dying or being severely damaged, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. Before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 5 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.

### **INFORMATIVES**

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development is of an acceptable standard of design which is in keeping with the architectural and historic character of the Conservation Area within which the site is located. The proposal is therefore considered to comply with the policies listed.

-----