

Planning Committee: 20 February 2007

Item Number: 4

Application No: W 05 / 0501

Town/Parish Council: Kenilworth

Case Officer: Penny Butler

01926 456544 planning_west@warwickdc.gov.uk

Rear of 12, Amherst Road, Kenilworth, CV8 1HA
Erection of a detached dwelling for Applestone Homes Ltd

This minor amendment is being presented to Committee due to the number of objections received.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection.

Neighbours: Five letters of objection have been received on the grounds of level access paving areas at the rear having been constructed with full foundations, onto which it is believed extensions will be added under permitted development rights; Any further extension of the approved dwelling would impact on the privacy of number 10 and 14, and these paving areas reduce the potential for planting considerably. The Committee should consider removing permitted development rights from the dwelling in order that future changes are subject to consideration through the normal planning process.

The additional roof lights are out of character with the area, give the building a three storey appearance and bulk, and reduce the privacy of neighbours. Also, by enabling the creation of additional rooms, the potential number of occupants is greater, with a subsequent increased need for parking.

Comments are also made on the approved planting scheme which has not yet been implemented. Neighbours also draw Committees attention to a minor amendment previously approved under delegated powers which angled the dwelling on the plot towards number 14 at the rear, which has had a significant impact on neighbours and the street scene.

RELEVANT POLICIES

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Three applications in 2004 and 2005 for a new dwelling were refused on the grounds of over-development, failure to harmonise with the surroundings and neighbour impact. Permission was then granted by Committee in 2005 (25th May). Subsequent minor amendments already approved under delegated powers in February and May 2006 include redesigned elevations and the repositioning of the building on the plot (by angling the front elevation 4 degrees to the north).

KEY ISSUES

The Site and its Location

The dwelling is nearing completion, on part of the formerly substantial rear garden of 12 Amherst Road.

Details of the development

The amendments proposed to the approved dwelling are:

- Level access paving areas to rear
- Reorientation of front porch canopy
- Two new roof lights to front and rear
- Repositioning of one approved rear dormer and roof light
- Alternative window design

These changes have been implemented on site and the request for their approval as a minor amendment is “retrospective”.

Assessment

The objections of the neighbours are noted, however, the changes that are being applied for would not require planning permission if they were implemented once the building becomes a dwelling house, i.e. once it has been occupied. Permitted development rights were not removed by Committee from the dwelling when it was originally given consent in 2005, and cannot be removed retrospectively. If permission is not granted for the proposed changes, and the house was altered to ensure compliance with the previously approved plans,

then the proposals could be implemented at a later date as stated above.

The proposed paving areas to the rear are not considered to cause serious harm to neighbouring properties, and it would be unusual for a dwelling to have no hard standing at the rear. The two new roof lights to the front and rear are positioned high in the roof so would not reduce privacy for neighbours, and they are not an uncommon domestic feature. These roof lights could not provide further habitable accommodation in the roof space as there is a maximum height of two metres measured externally above the first floor windows, because the dwelling itself is only one and a half storeys high. The repositioning of a rear dormer and roof light, and the alternative window design, will not result in any material increase in overlooking. The change to the roof of the front porch causes no serious harm.

The previous approved amendment which angled the dwelling 4 degrees to the north was not considered to have a serious adverse impact on neighbours or the street scene. This change was considered to be within the scope of the "minor amendment" procedure and was approved under delegated powers. The standard condition that was imposed by Committee requiring a landscaping scheme states that it shall be submitted and approved before works commence (this was done in February 2006) and completed not later than the first planting season following the completion of the development. As the development has not been completed, this condition cannot yet be enforced, but the enforcement team have been made aware of this situation so they can take the appropriate steps if it becomes necessary.

RECOMMENDATION

That the proposed amendment be APPROVED.