

Planning Committee: 20 February 2007

Item Number: 14

Application No: W 06 / 1967

Registration Date: 18/12/06

Town/Parish Council: Blackdown

Expiry Date: 12/02/07

Case Officer: Jo Fitzsimons

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The Orchard, Sandy Lane, Blackdown, Leamington Spa, CV32 6RD
Erection to a ground floor extension to side of dwelling FOR Mr C Shea

This application is being reported to the Planning Committee as the Section 106 requires an amendment.

SUMMARY OF REPRESENTATIONS

Old Milverton & Blackdown Parish Council : No objection.

WCC Ecology: Recommend bat notes.

RELEVANT POLICIES

- (DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
- (DW) ENV3 - Development Principles (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).
- DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)
- RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 Revised Deposit Version)
- (DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

PLANNING HISTORY

There have been a number of planning applications on this site:

W88/1436 - Erection of 8 dwellings with garages - Refused.

W90/0443 - Replacement dwelling (outline) - Refused.

W93/0080 - Erection of a bungalow with integral garage - Granted.

W94/0929 - Erection of a detached double garage - Refused.

W94/1193 - Use of land as residential curtilage - Refused.

W94/1288 - Erection of a detached garage - Granted.

W01/0250 - Erection of a bungalow and detached garage - Refused.

W05/1539 - Erection of a rear extension - Granted.

The application for a bungalow was granted in 1993 and as part of the permission, 'Permitted Development' rights were removed and the property given a relatively small garden curtilage area with the rest of the site being designated as an orchard. The development was also subject to a Section 106 agreement which states the owners covenant with the Council:

"Not to carry out any building works operations or other development upon the property the effect of which would be to increase the overall volume of the building comprised in the development."

KEY ISSUES

The Site and its Location

The site is located off Sandy Lane, quite close to the roundabout junction with Leicester Lane and Lillington Road. It is within the designated Green belt and is screened by mature hedges and trees and therefore is not visible from Sandy Lane. There are some other properties across the road which are also screened by mature hedging and trees.

Details of the Development

The proposal seeks to erect a side extension to provide a new bedroom and en-suite area.

Assessment

I consider the main issue relating to this application to be the impact on the Green Belt.

Impact on the openness of the Green Belt

Whilst located within the Green Belt, the proposal relates to a modest extension, which together with the previous extension granted in 2005 would be within the Council's current policy guideline of 50% floor increase for properties within such designated areas set out in the existing 1995 Warwick District Local Plan. In principle, I am therefore of the opinion that the development is acceptable.

Furthermore it is designed so as to be in proportion with the original building and therefore it respects the character of the original building by retaining its visual dominance. I am therefore of the opinion that this proposal would not cause harm to the openness of the Green Belt and would not thereby represent inappropriate development.

In recommending grant for this application, the Section 106 agreement (detailed above) will need amending in order to allow the extension to be built. I am of the view that this is acceptable in the context of the present local plan policies set out above.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

1. GRANT subject to the following conditions
2. AGREE an amendment to the existing Section 106 agreement to allow the extension, the subject of planning permission W06/1967 to be built.

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 number 895/1 and specification contained therein, submitted on 18 December 2006 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.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **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.

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 does not prejudice the openness and rural character of this green belt area and is considered to comply with the policies listed.