

**Planning Committee:** 29 January 2019

**Item Number:** 9

**Application No:** [W 18 / 2057](#)

**Town/Parish Council:** Ashow  
**Case Officer:** Liz Galloway  
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**Registration Date:** 31/10/18  
**Expiry Date:** 26/12/18

**Avon Cottage, 10 Church Road, Ashow, Kenilworth, CV8 2LE**  
Erection of replacement greenhouse FOR Mr N Collett

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

### **RECOMMENDATION**

Planning Committee is recommended to refuse planning permission for the reasons set out at the end of this report.

### **DETAILS OF THE DEVELOPMENT**

This application is for the erection of a new greenhouse with a footprint of 24.47m<sup>2</sup> comprising a reclaimed low level brick wall and painted (Woodsage RAL 7032) aluminium frame with toughened glass. The proposed greenhouse will replace an existing greenhouse which has a footprint of 4.32m<sup>2</sup>.

### **THE SITE AND ITS LOCATION**

The application relates to a small Grade II listed timber framed cottage situated on the northern edge of the village which lies adjacent to the River Avon. The property is also situated within the Conservation Area and is washed over by Green Belt.

### **PLANNING HISTORY**

W93/1221/LB - Demolition of part of internal walls and brick facing to fireplace, alterations to elevations including new and replacement windows; refurbishment - Granted

W97/1174 - Erection of sandstone gate pillars 1.550mm and oak gate within existing driveway - Granted.

W08/1336 and W08/1337LB - Erection of a single storey side extension - Refused.

W09/0052 and 0053LB - Erection of a single storey side extension - Granted.

W09/0672 - Removal of condition of planning permission W09/0052 for the erection of a single storey side extension without compliance with condition 6 (energy requirement) - Granted.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H14 - Extensions to Dwellings in the Open Countryside (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)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)

### **SUMMARY OF REPRESENTATIONS**

**Stoneleigh Parish Council:** Support

**Public Response:** 17 letters of support have been received on the following grounds:

- Sympathetic within the setting;
- Positive aspect;
- Avoids the coalescence of urban conurbations;
- No threat to the Green Belt;
- Sympathetic size for the plot;
- Enhances the Conservation Area, garden and cottage;
- In keeping; attractive high-quality greenhouse; sympathetic to area and setting
- Very secluded setting with little/no impact on others.

**WCC Ecology:** Recommend reptile, amphibian and badger notes.

### **ASSESSMENT**

#### **Impact on the setting of the Listed Building and Conservation Area**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 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. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

The Conservation Officer has objected to the proposal. It is considered that the erection of the proposed greenhouse within the curtilage of the Grade II Listed Cottage, dating from the 17th Century and situated within the Ashow Conservation Area would have a harmful impact on the heritage assets by reason of its size and scale. The proposal seeks to replace an existing 4.32m<sup>2</sup> greenhouse with a 27.47m<sup>2</sup> greenhouse which would result in a structure which would increase the cumulative impact of later additions to the extent that the modern elements would visually compete with the Listed Building resulting in a greater sense of massing around the Listed Building. This is considered to be harmful to setting of the Listed Building and the character and appearance of the Conservation area.

The harm is considered to be less than substantial but there are considered to be no public benefits which would outweigh the harm.

Whether the proposal is inappropriate development in the Green Belt and, if so, whether the harm by reason of inappropriateness and any other harm identified is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development sought.

The Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate. An exception to this as set out in para 145 of the NPPF is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The new greenhouse is five times the footprint of the existing greenhouse and it is considered that this goes well beyond what can reasonably be described as 'not materially larger'.

An essential characteristic of Green Belts is their openness. By introducing additional built form to the existing residential curtilage, the openness of the Green Belt would be reduced. That reduction will occur in this case primarily given the strong sense of openness around the appeal property. As there would be a significant erosion of the Green Belt's openness there would be in fact a material conflict with the Framework.

The proposed building is therefore considered to constitute inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness.

The Framework makes it clear that substantial weight is given to any harm to the Green Belt and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

It is considered that there are no very special circumstances in this case which outweigh the harm identified.

The proposal is therefore contrary to the Framework and Local Plan Policy DS18.

#### Impact on Neighbour Amenity

There will be no breach of the 45 degree line as a result of the proposal and there will therefore be no material harm to neighbours by reason of loss of light or outlook.

#### Ecology

Warwickshire County Council Ecology recommend nesting bird, reptile, amphibian, badger and pollution prevention notes.

#### Parking

It is considered that there is sufficient off-street parking to the front and side of the property.

### **Conclusion**

It is concluded that the proposal constitutes inappropriate development in the Green Belt and would be harmful by definition and by reason of harm to openness. There are considered to be no very special circumstances which outweigh this harm. The proposal would also be harmful to the setting of the listed building and the character and appearance of the conservation area.

### **REFUSAL REASONS**

- 1 The proposed greenhouse would constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness. In the opinion of the LPA, no very special circumstances exist which would outweigh the harm identified.

The proposed development is therefore considered to be contrary to the NPPF and Policy DS18 of the Warwick District Local Plan 2011-2029.

- 2 The proposal relates to a Listed Building within a Conservation Area. In the opinion of the LPA it is considered that the proposed replacement greenhouse would be harmful to the character, appearance, significance and setting of the listed building and the character and appearance of the Conservation Area by reason of its scale and size.

The harm is less than substantial but there are considered to be no

public benefits which outweigh the harm identified.

The development is thereby considered to be contrary to Policy HE1 of the Warwick District Local Plan 2011-2029.

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