

Planning Committee: 02 November 2005

Item Number: 22

Application No: W 05 / 1645

Registration Date: 03/10/05

Town/Parish Council: Wasperton

Expiry Date: 28/11/05

Case Officer: Martin Haslett

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Erection of a replacement dwelling with conservatory, reposition of vehicular access FOR Mr and Mrs I Drury

SUMMARY OF REPRESENTATIONS

Parish Council: "The drawings are not dimensioned and the scale of the current application is in conflict with the scale on the approved application (W05/0089) giving a 100% variance in size. Are the plans mislabelled for scale or has one been reduced or enlarged?"

On the planning application the details of sections 1 and 2 have been transposed, and section 14 has not been completed when vehicle access is clearly being altered.

Boundary treatments, especially against Donnington (easterly neighbour) which were included in the previous application (W05/0089) have been removed from this application.

The proposed new access may make entry/egress difficult/dangerous and will adversely impact on neighbours opposite who are obliged to park on the carriageway. The removal of substantial and established hedgerow and trees on all boundaries is unneighbourly and undesirable, especially as retention of same was an important element of the previous appeal success. Loss of trees within the site. The footprint has been increased over the approved plans by increasing the depth of the proposed building."

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) H9 - Open Countryside (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)

RAP4 - Replacement Dwellings (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

There have been three previous applications for replacement dwellings on this site, the first being withdrawn and the second refused, following a members' site visit. The third (W05/0089) was an amended design, showing a lower form of development, which was considered by the Committee in April 2005, when the recommendation was that permission be granted. However, permission was refused on grounds of failure to harmonise with the surroundings and the unneighbourly impact the proposals were considered to have on the adjoining property, *Donnington*. This decision was the subject of an appeal and the Inspector allowed the appeal and granted planning permission on 9 August 2005. The appeal decision letter is attached as appendix 1.

KEY ISSUES

The Site and its Location

The present bungalow lies in the middle of a hedged plot in the middle of the village and is about 1.0 m above the road level. The adjoining property, *Donnington*, is also a bungalow and also stands above the road. Both properties are well screened from general public view due to the ground levels, the hedge, and the height of the dwellings themselves. Both of these properties lie outside the Conservation Area, the boundary of which follows their front boundary hedges and then turns up the edge of the access track to the west of the application site.

Details of the Development

The form of the building is basically unchanged from the appeal decision, although the plans and elevations have been re-drawn, which has resulted in some minor changes and a very slight increase in size (but not height).

The major change to the built form is the addition of a conservatory onto the rear elevation, contained within the 'T' shape of the approved building. An addition such as this always requires permission as permitted development rights do not apply before the building is occupied, but additionally, in this case, the Inspector removed permitted development rights for extensions, so such additions will always require a specific grant of permission.

The second significant change is the re-positioning of the access from the road. It is currently in a position central to the site and is proposed to be moved to the side of the site adjoining *Donnington*. This change would allow for a parking area on the land adjoining the boundary, together with the removal of an existing tree.

Assessment

The minor changes brought about by the re-drawing of the plans are insufficiently material to merit a fresh grant of planning permission, but the issues of the conservatory and the re-positioned access are important. Each of these needs to be considered in the light of the impact on the street scene

(including impact on the adjoining conservation area) and the impact on the adjoining dwelling.

The conservatory, being at the rear and contained within the 'T' shape of the approved buildings, would have very little impact upon either the street scene or the neighbours. It would be visible from the fields to the rear of this part of the village, but I do not consider that the impact of this comparatively small and 'lightweight' structure would be sufficiently serious as to merit a refusal of permission.

The second major change is the re-positioning of the access. This is work which could be done without the need for planning permission, either before the construction of the new house, or afterwards, as the road through the village of Wasperton is not a classified road and no permission is needed to alter a domestic access onto it. Although the moving of the access itself may be of comparatively little consequence, the resulting construction of a parking area and the loss of a tree may have some impact on the adjoining residents at *Donnington*. The works to construct the parking area and the removal of the tree would also be ones which could be done without planning consent (since the tree is not protected) so it is difficult to raise objection to them. I have, nevertheless, requested the applicant to reconsider this part of the scheme so as to retain the tree and re-introduce some additional landscaping along the boundary with Donnington.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above. The conditions imposed by the Inspector at the appeal will need to be repeated on this permission.

RECOMMENDATION

GRANT subject to the following 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 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the

site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, 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.

- 4 The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works shall have been given to the Warwickshire Museum as the nominated representative of the District Planning Authority. During the construction period the developer shall afford access at all reasonable times to representatives of the Museum and shall allow them to observe the excavations and record items of interest and finds. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan.
 - 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A, B, C, D or E of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of residential amenity.
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