

Planning Committee: 19 March 2013

Item Number: 8

Application No:W13 / 0023

Town/Parish Council: Kenilworth
Case Officer: Liz Galloway

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Registration Date:09/01/13

Expiry Date:06/03/13

41 Clinton Lane, Kenilworth, CV8 1AS
Erection of a rear conservatory FOR Mr & Mrs King

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

RECOMMENDATION

Planning committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The applicant seeks to construct a single storey rear conservatory.

THE SITE AND ITS LOCATION

The application property is a mid terraced dwelling which lies within a row of five other residential properties. It is located to the west of Clinton Lane and is situated within the Conservation Area.

PLANNING HISTORY

W78/0362 - Granted on 18th May, 1978 for hard standing and a vehicular access

W08/0406 - Granted on 7th May, 2008 for a rear dormer window

W12/1448 - Withdrawn on 9th January, 2012 for erection of a single storey rear extension

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council:- Object to the application as it constitutes a serious loss of amenity to one neighbour's property and, from the available drawings, the same potential to the other neighbouring property. They were also concerned at the creation of an alleyway effect.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- The impact on the street scene
- The impact on the Conservation Area
- The impact on the living conditions of nearby dwellings
- Renewable Energy

The impact on the street scene

The proposed extension will be situated on the rear of the property and will have no serious or detrimental impact on the street scene of Clinton Lane. Furthermore, the proposed rear conservatory will not be overly visible to any other public highway, therefore, the proposed extension complies with Warwick District Council Local Plan Policy DP1.

The impact on the Conservation Area

The application property is a mid terraced dwelling situated within a row of five properties and is located within the Conservation Area. The street scene, in which the property lies, contains a variety of dwellings and commercial buildings. Both of the neighbouring properties either side of the application site have been altered and contain uPVC windows.

As the dwelling is not a Listed Building and contains existing uPVC windows, it is considered that the addition of a brick and uPVC conservatory would not adversely affect the character or appearance of the existing dwelling. Therefore, it is considered that the proposed single storey rear conservatory broadly complies with Warwick District Local Plan Policy DAP8.

The impact on the living conditions of nearby dwellings

The Kenilworth Town Council previously commented on application no. W12/1448 with concern that the neighbour may suffer from loss of amenity and that there was potential for overlooking, therefore, the Town Council sought guidance and clarification on these aspects. Due to these comments, application no W12/1448 was withdrawn and amended plans have now been received showing a conservatory which has been reduced in size and which now contains side facing obscure glazing and non-opening windows, thus reducing the impact on the neighbouring dwelling.

The Town Council have now objected to this application and have introduced a new objection relating to an alleyway effect.

Following a site visit by the case officer, it was assessed that there would be no major overlooking due to the use of obscure glazing on the side elevation of the

proposed conservatory, however, there was previously concern that the extension in its present form, had a depth that did impact on the next door neighbours rear kitchen window, and this issue has also been addressed and the depth of the conservatory has been reduced by 1 metre.

Number 39 Clinton Lane lies on the southern boundary immediately adjacent the proposed extension. The rear window belonging to number 39 is not the only window allowing light into this habitable room and that there is a further window on this neighbours side elevation which benefits from a significant amount of sunlight throughout the day. It is, therefore, considered that the use of obscure glazed windows on the side elevation of the extension and a depth of not greater than 3 metres in depth, that the application should be granted. Although it is considered that the proposed extension will conflict with the 45 degree guideline in relation to this neighbours rear window in this instance, the presence of large side patio doors which benefit from a significant amount of sunlight, would alleviate the potential for a major loss of light into this room. More importantly though, is the fact that obscure glazing and non-opening windows on the side elevation of the conservatory which will face this neighbour, will be used. Therefore, it is considered that this neighbour will not suffer from loss of light, outlook or privacy and that the development would broadly comply with Policy DP2 of the Warwick District Local Plan.

Number 43 Clinton Lane lies adjacent the northern boundary of the application site and has one rear facing window which is set back from the application property and one side and one rear window in an existing rear wing extension. The proposed extension will not lie immediately adjacent these habitable windows and, therefore, it is considered that in relation to windows belonging to habitable rooms at 43 Clinton Lane, the proposal would meet in principle, the Councils adopted 45 degree guideline and would comply with Warwick District Local Plan Policy DP2.

Renewable Energy

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables in accordance with Policy DP13 and the associated SPD would not be appropriate.

Waste and recycling equipment

The site has satisfactory recycling and waste storage facilities and a plot size to support any increase in waste disposal needs.

Conclusion/summary of decision

In conclusion, the proposed single storey rear conservatory is acceptable in terms of its character and appearance within the street scene and does not significantly impact on the amenities of surrounding neighbours or the Conservation Area such as would support a reason for refusal in accordance with Warwick District Council Local Plan Policies DP1, DP2, DP3, DP12, DP13, DAP8 and DAP9.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 2012.046 1A, and specification contained therein, submitted on 9th January, 2013. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
 - 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
 - 4 Prior to the occupation of the development hereby permitted, the conservatory windows in the South elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON :** To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
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