

Planning Committee: 13 September 2016

Item Number: **12**

Application No: [W 16 / 1267](#)

Town/Parish Council: Kenilworth

Registration Date: 08/07/16

Case Officer: Helena Obremski

Expiry Date: 02/09/16

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1 Castle Hill, Kenilworth, CV8 1NB

Proposed conversion of existing dwelling to 2no. one bedroom apartments and 1no. two bedroom apartment. FOR Turlington (International) Ltd

This application is being brought to Committee because it is considered that, in view of the level of public interest in the proposal it is appropriate that it be considered and determined in that way.

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The application seeks to sub-divide the existing single dwelling into 3 apartments: the ground floor would provide a large one bedroomed flat and would require the installation of an internal door leading from the living room to an existing corridor and an internal door from the wet room to the bedroom; the first floor would be split into two apartments forming an "east wing" and "west wing". The east wing would benefit from one bedroom and would also have access to the second floor which is already split between the east and west wing. The west wing would benefit from two bedrooms and would have access to the second floor.

There would be no notable external changes to facilitate the proposed development. The only internal alterations are the installation of the internal doors to the ground floor apartment and the installation of the replacement staircases to access the second floor accommodation (office space), which the agent states were original features which have been removed. The apartments would be accessed via the existing hallway and landing which will provide a common area and the existing doors (other than one access per flat) would be sealed shut.

The applicant's supporting Design and Access Statement states that the *rationale behind the proposal is that the existing house is large (23 rooms) and was designed for an extended family of occupants and their resident servants which is no longer appropriate/viable. For a long period of its life (50+ years) the occupants of the house have only utilised some 25% of the house, resulting in areas being 'closed off' and rooms locked. This under occupation/utilisation has*

resulted in historic neglect and the house has fallen over the years into disrepair. The proposal will not only provide the means to rectify the historic neglect but will secure its optimum viable use and sustainable future protection with no harm to the heritage asset. It has been established, by consideration of the appeal decisions in 2012 and the Inspectors comments, that the house could easily be divided into separate apartments using minimalist intervention policies, and causing no demonstrable harm to this large Listed Building or the Conservation area setting. This proposal has taken into consideration the 2012 Appeals Inspector's comments and a total review of the reasons provided by Warwick District Council for the refusal of the 8th January 2016 application, which are now addressed.

The applicant intends to restore the property to its original 1901 form with no structural alterations. The proposal originally sought to also sub-divide the gardens, however, the red line site has been amended and there are no proposed alterations to the existing gardens.

THE SITE AND ITS LOCATION

The Wantage (No. 1 Castle Hill) is a large detached house set in large gardens which fronts the south side of Castle Hill. There are two road junctions 35 metres apart on the north side of Castle Hill opposite the site – High Street and Malthouse Lane. The house and gardens (listed as a locally important park and garden) stand on a sloping site which forms the northern ridge enclosing the valley of the Finham Brook. The rear garden boundary adjoins the northern part of Abbey Field a public open space straddling both sides of the Finham Brook. Abbey Fields is also a scheduled ancient monument associated with the site of Kenilworth Abbey.

The house dates from 1901 and both the house and garden are a fine and well preserved example of an arts and crafts house which have been in single ownership since built. The house has windows in all elevations taking advantage of an outlook across gardens to the rear, side and front. The listing description makes references to the floor plan of the principal rooms around the stair hall to the west, and a service room to the east with specific external and internal detailing including the windows and chimney pieces.

The site and its surroundings are all set within the Kenilworth Conservation Area, the focal points of which include Kenilworth Castle, Castle Hill, Abbey Fields and High Street. The Conservation Area statement for Castle Hill and Little Virginia (Area 9) describes Castle Hill and High Street as an east/west route from the castle. There is a specific reference to The Wantage as large arts and crafts house in its own grounds. It is highlighted that it is an important grade II listed building with gardens and boundary treatments which add to the character and appearance of the house.

PLANNING HISTORY

W/16/0018 & W/16/0019/LB Conversion of existing house into two apartments: Refused 31/03/16 and 03/03/16 respectively.

W/11/0236 conversion of house into four apartments: Refused 07/06/12. Appeal dismissed 03/09/13.

W/11/0237/LB Works to facilitate the conversion of existing house into four apartments: Refused 06/06/12. Appeal dismissed 03/09/13.

W/11/0424 & W/11/0287LB Appeals against refusals of planning permission and listed building consent for the erection of a new dwelling and the demolition the existing garage were dismissed.

W/04/0508 & W/04/0510LB – Planning permission refused for erection of a 2.5 storey detached dwelling and formation of access through existing boundary wall.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- 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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE5 - Locally Listed Historic Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection, the Council regrets the failure to retain the property as a single domestic dwelling house and understands that the present proposal would not prevent conversion back to one house should that possibility arise. The Town Council would object to alterations to the gate piers and front boundary wall. The Town Council expects that a number of conditions will be applied to ensure the quality and integrity of the conversion and also to ensure the restoration of the locally-listed garden.

WCC Ecology: No objection.

WCC Archaeology: No objection.

WCC Highways: Objection, limited width of access could cause cars to swing across the carriageway, resulting in conflicting vehicular movements within the public highway. The existing gates would not allow sufficient length available to allow a vehicle to pull off the carriageway to allow the drive to open the gates to allow entry to the site.

Conservation Area Forum: No objection, CAF very much regrets the building will be split up, but they wish to take a pragmatic approach and agree this is a much-improved scheme, with no unacceptable harm caused to the listed building, and it could easily be reversed back to a single dwelling; it was also noted that the locally listed garden will not be sub-divided. It is vital to prevent any future development that would negatively impact the listed building or its setting and as such it is recommended a condition be included on any approval requiring the restoration and retention of the gardens, without subdivision.

Overall, CAF commends the owners for looking at the building more sympathetically.

Historic England: Objection, the sub-division of the property is not acceptable and no evidence has been produced to suggest that it is necessary in order to secure the future of the house. The property is capable of residential occupation without the need to bring it up to current building regulation requirements. The works to be approved must include the apparently unconsented internal works which obviously have an impact on the significance of the building which should thus be removed and also the proposed sub-division. No case has been made as to the necessity of dividing the house.

Public Responses: one letter received which supports the application, this is a detailed and well thought-out design which answers previous objections. The proposal only includes minimal structural changes, maintaining the architectural integrity of the property.

ASSESSMENT

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

- The principle of the development;
- The impact upon the character and appearance of the area/heritage asset;
- The impact upon the living conditions of nearby dwellings;
- Car parking/highway safety;
- Flood risk;
- Renewable energy;
- Ecological impact;
- Health and Wellbeing

Background

The previous scheme to convert the house into four apartments was refused and dismissed at appeal in September 2013 (W/11/0236). In the appeal decision, the Inspector noted that the ambition of the design and the largely unaltered quality and consistency of its execution, mark the building out as a notable example of its type and as an illustration of the type of residence favoured at the time by a "comfortably-off family of advanced taste".

The Inspector concluded that the harm to the significance of the heritage asset would not be outweighed by the public benefits (NPPF paragraph 134) and the scheme was contrary to Policies DAP4, DAP8 and DAP11. The vertical and horizontal splitting of the house were defined as inherently harmful to the integrity of the listed building.

A less intensive scheme for the splitting of the dwelling into two apartments was also refused by the Council earlier this year (W/16/0018). The case officer identified the sub-division of the property again as harmful to the integrity of the listed building, and pointed out the sealing off and removal of doorways, additional doorways, and the loss of the utilitarian service area to the eastern

side of the house would be harmful. The case officer concluded that the horizontal splitting, including the internal works which collectively and would individually harm the integrity of the listed building and would not be outweighed by the public benefits.

Whilst the current scheme for three rather than two dwellings, there are much fewer alterations needed to facilitate the separation of the dwelling. The scheme must however overcome the previous refusal reasons and Inspector's decision, which are a material consideration.

The Principle of the Development

Policy UAP1 states that residential development will be permitted on previously developed land and buildings within the confines of the urban area. However, the National Planning Policy Framework (NPPF) 2012 states (para.49) that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites against their housing requirement. In terms of the most recent evidence of housing need, the Council cannot currently demonstrate a five year supply. Accordingly, only limited weight can be afforded to Policy UAP1, and in these circumstances the NPPF requires applications to be considered in the context of the presumption in favour of sustainable development. This states at paragraph 14 that where the development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

The principle of the development is therefore considered to be acceptable, so long as the benefits of the scheme would outweigh any harm caused to the property or wider area, which will be discussed below.

The impact on the Character and Appearance of the Area/Heritage Asset

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.

Paragraph 132 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 134 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.

Historic England have objected to the proposed development as the sub-division of the property is not acceptable and no evidence has been produced to suggest

that it is necessary in order to secure the future of the house. They suggest that the property is capable of residential occupation without the need to bring it up to current building regulation requirements. They determine that the works to be approved must also include the apparently unconsented internal works which have an impact on the significance of the building, and should be removed. They conclude that no case has been made as to the necessity of dividing the house.

House

The proposed sub-division of the house into three apartments is considered to be less intrusive than previous schemes owing to the very limited internal alterations which could generally be reversed in order to convert the property back into a single dwelling in the future.

The sub-division of the property would require the sealing shut of some of the existing doors and the addition of two new doorways within the ground floor flat. It was considered necessary to have additional doorways, otherwise the occupants of the ground floor flat would be required to exit the property at the rear to access the eastern part of the property from the western section. This was not considered to provide a satisfactory standard of living conditions for the future occupants of the property. This resulted in careful design to ensure that no important historic features would be lost as a result of the additional doorways which have been specifically positioned to minimise the harm which this would have to the integrity of the listed building.

It is acknowledged that the flow and original domestic layout of the property with the grand residential western side and eastern service side with tradesman's entrance, etc. would be altered and will have an impact on the listed building.

The applicant has provided details for how soundproofing would be achieved between the apartments to meet Building Regulations. This requires only the painting of some of the walls of the listed building in Envirograf water based paint, which would not harm the character or integrity of the listed building.

The Planning Inspector determined that the harm caused to the listed building for the sub-division of the property into four apartments (one more than the current proposal) would be considered as less than substantial. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The best use is considered to be the original and intended use as a single family dwellinghouse. However, the property has not been used as such for a number of years, leading to the deterioration of the condition of the property. Whilst Historic England's comments are noted in relation to the lack of evidence presented to clarify that the retention of the property as a single unit is not feasible, it has to be accepted that the property needs a significant amount of renovation. The sub-division would not harm the fabric of the listed building and the concerns of the previous case officer and the Planning Inspector are considered to have been overcome. The proposal provides a way forward to

secure its future so that it is restored and repaired, and could be easily converted back into one unit if the opportunity ever presented itself. The additional two units will provide public benefit of providing additional homes, as well as bringing the building back into beneficial use and the renovation would improve the wider appearance of the Conservation Area. Therefore, the public benefits are considered to outweigh the harm which the proposed development would cause to the integrity of the listed building.

Garden

The red line site plan has been amended to include the entire plot, rather than sub-dividing the garden which is within the locally important park and garden list and forms part of the whole listing of the site. The application will be conditioned to prevent sub-division of the garden.

The Conservation Officer has commented that the gardens should be protected and also refurbished. The Town Council has also requested that the gardens are restored. However, as the agent has confirmed that the garden maintenance will be shared by the owners of the proposed residential units and there will be no alterations to separate or divide the garden area, it is not considered reasonable to request further details in relation to this matter.

The scheme is considered to have a limited visual impact upon the existing building and is not therefore considered to affect the visual amenity of the streetscene or setting of the Conservation Area in accordance with Policy DAP8.

The impact on the living conditions of nearby dwellings

The proposed conversion of the single dwellinghouse into three apartments is not considered to result in any significant impact upon the amenities of the occupiers of surrounding properties.

Car Parking and Highway Safety

The Highway Authority have objected to the proposed development as the limited width of access could cause cars to swing across the carriageway, resulting in conflicting vehicular movements within the public highway. The width of the access for this development should be 5 metres for a distance of 7.5 metres as measured from the near edge of the highway. The existing access measures 2.8 metres wide. Furthermore, the Highways Authority also object to the development as the existing gates would not allow sufficient length available to allow a vehicle to pull off the carriageway to allow the driver to open the gates to allow entry to the site. The gates should be located at least 5 metres from the edge of the highway and the existing gates are located 2.8 metres from the highway.

Under application W/11/0236 for the separation of the dwelling into four units (one more than the current proposal), The Highways Authority objected to the proposed development due to the same reasons as listed above. However, the Planning Inspector determined that any widening of the access would be harmful as the gates are an important design feature which add to the street scene. The

Inspector concluded that given the relatively small number of vehicles currently involved and the minor status of the road, the retention of the existing opening would be consistent with the spirit of the guidance of *The Manual for Streets*, so long as vehicles can exit the site in a forward gear.

Furthermore, the Highway Authority for application W/16/0018 determined that as that application proposed fewer apartments than the previous application, and it is not apparent that any material considerations related to access have changed, the Highway Authority on balance saw no reason to dispute this conclusion and raise no objection.

Therefore, although the Highway Authority's concerns are noted, as the Planning Inspectorate determined that more intensive scheme would not present danger to vehicular or pedestrian safety and there were no objections to a similar scheme, it is not considered reasonable to refuse the application based on these circumstances. A condition will be implemented to ensure that vehicles can leave the site in a forward gear.

There is sufficient space within the grounds to accommodate off-street parking in accordance with the Council's Vehicle Parking Standards SPD.

Flood Risk

The site is within flood zone 1 and as such no flood risk issues are raised.

Renewable Energy

The applicant has considered and discounted a number of renewable technology options due to the sensitive nature of the site. The applicant concludes that the most suitable option would be an air source heat pump, which could be housed at lower levels to be hidden from view externally and could work efficiently for three dwellings as apartments without much noise disturbance to the occupants.

The applicant suggests that alternatively the provision of secondary glazing of a type appropriate to the dwelling would give great benefit to energy use and also to sound protection. The existing roof space could also benefit by rigid or additional loose insulation. The provision of renewable technology, improved insulation or a mixture of both could be secured by condition to ensure compliance with the Policy DP13 and the associated SPD.

Ecological Impact

County Ecology have raised no objection as there are no external changes proposed to the building that would affect protected species.

Health and Wellbeing

No issues of health or well-being are raised, however, the proposal will provide additional homes.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the public benefits created by providing two additional residential units, securing the future of a designated heritage asset and improving the appearance of the Conservation Area would outweigh the harm caused to the integrity of the listed building as a result of the proposed sub-division of the single dwellinghouse into three apartments. There would be no detrimental impact caused to neighbouring residential amenity or highway safety as a result of the proposed development and therefore, the development is considered to be in conformity Local Plan policies and the NPPF.

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 amended drawings 1411-P-04_A, 1411-P-05_A and 1411-P-06_A ,and specification contained therein, submitted on 26th August 2016. **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 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority.

If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings and to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP13; DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed additional internal doors and their openings and additional staircases to the second floor at a scale of 1:5 (including details of materials) 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

- 5 There shall be no sub-division of the gardens outlined in red on the updated Location Plan submitted to the Local Authority on 2nd August 2016. **REASON:** To ensure the protection of the integrity and setting of the Listed Building and for the protection of the garden which is identified on the locally important park and garden list, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

- 6 The development shall not be commenced until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear, and thereafter the turning area shall be retained at all times. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
