

**Planning Committee:** 19 July 2022

**Item Number:** 11

**Application No:** [W 22 / 0511](#)

**Town/Parish Council:** Kenilworth

**Case Officer:**

James Moulding

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**Registration Date:** 23/03/22

**Expiry Date:** 18/05/22

**20 Siddeley Avenue, Kenilworth, CV8 1EW**

Erection of two storey side extension and front porch and canopy roof FOR Mr P Baker

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This application is being presented to Committee as more than 5 public responses object to the application. It is recommended for approval.

**RECOMMENDATION**

It is recommended Planning Committee grant planning permission for this application for the reasons set out in this report.

**DETAILS OF THE DEVELOPMENT**

This application proposes the erection of a two storey side extension and front porch and canopy roof.

**THE SITE AND ITS LOCATION**

The application site is a semi-detached property located in Kenilworth.

**PLANNING HISTORY**

W/22/0230 - Notification for prior approval for a proposed larger home extension for erection of single storey rear extension; 4.00m depth; 3.56m height and 2.40m to the eaves - PAN

W/22/0247 - Application for a Lawful Development Certificate for erection of rear dormer to facilitate loft conversion as shown on drawing no. 4039-06A submitted to the LPA on 10/02/2022 - LU

**RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- [Guidance Documents](#)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** No objection, concern raised about boundary

**WCC Ecology:** Objection pending photos to determine bat survey - disproportionate for householders.

**Public Response:** 7 objections regarding the following points;

- Loss of view
- Loss of light
- Size of extension
- Impact on neighbouring property values
- Imposing
- Terrace effect
- Out of character
- Loss of driveway utility
- Blocking windows
- Loss of privacy
- Disturbance

## **ASSESSMENT**

### BE1 Design

The NPPF (2021) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 130 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 130 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

The proposed first floor extension is sufficiently set down and set back from the principal elevation as set out in the Residential Design Guide SPD. The proposed first floor is also set away from the boundary by 1 metre as sited in the same guidance. The scheme has seen an amendment to the proposed roof to match the gable end on the existing property. It is considered that this appropriately respects the character of the street scene.

The proposed ground floor elements also comply with BE1. The proposed porch is within the 3 square metre size limitation set out by permitted development. It is the view of the Local Planning Authority that the lean-to roof integrates the garage into the front elevation with the proposed porch without causing harm to the street scene. The scale, massing, and architecture of the original dwellinghouse is respected in the proposal.

Public objections raised refer to the size of the proposed development and comment that it would be imposing within the street. It is also raised that this could lead to a terracing effect if other properties undertook the same development. However, the proposed development complies with the guidance and policy in place to combat these issues. Regarding size, the Local Planning Authority considers guidance to limit the first floor extensions to 2/3 the width of the original dwellinghouse is sufficient to prevent development of excessive scale. Regarding the terracing effect, the Local Planning Authority follows guidance requiring first floor extensions to be set at least 1 metre from the boundary to avoid this effect. It is the opinion of the Local Planning Authority that the proposed development complies with this guidance and is not excessive in scale in context of the original dwellinghouse.

It is considered that the proposal complies with Local Plan Policy BE1 and the Residential Design Guide SPD.

### BE3 Neighbouring Amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

Given the layout of the development site and neighbouring properties, the area of concern regarding the 45-Degree Guideline is to the front of the property with respect to the closest first floor window of its neighbour. It is the opinion of the Local Planning Authority that the proposed first floor extension does not breach the 45-Degree Guideline when measured from the centre point of this window. As no other element of the scheme threatens to breach this guidance the proposal is considered acceptable in terms of neighbouring amenity.

A wide range of objections have been raised by neighbours regarding the proposed development including objections regarding loss of light or loss of outlook. The Residential Design Guide SPD sets out the above 45-Degree Guidance to prevent development which may have a detrimental impact on the light and outlook of neighbouring properties. As it is considered that there is no breach of this guidance, the Local Planning Authority has no objections on these grounds. It should also be noted that side windows are not considered when evaluating this issue.

Regarding the access to the neighbouring driveway, it has been raised that the development will not leave enough space on the neighbouring property to

effectively use the driveway which would be walled in following development. The Local Planning Authority does not raise objection to the development on these grounds as a single storey extension could be erected under permitted development rights in this location without the need for consent.

Finally, objections have been made regarding a loss of privacy and for disturbance due to construction. As the proposed first floor extension has no windows it is considered that there will be no loss of privacy. Regarding construction disturbance, this cannot be considered as a reason for the Local Planning Authority to object as this is unavoidable.

It is considered that the proposal complies with Local Plan Policy BE3 and the Residential Design Guide SPD.

### Ecology

The County Ecologist has recommended that photos should be submitted in order to determine if a preliminary bat survey should be requested prior to the determination of the application. I have considered this request and note that the existing dwelling is located within a built up area with other dwellings in close proximity to the dwelling.

On this basis, I do not consider that it is appropriate or practicable to request a bat survey be submitted. In coming to this conclusion, I am mindful of the location of the property, the characteristics of the local area and the fact that bats are a protected species under separate legislation and there is a duty of care by the applicants to ensure protected species are not harmed by the proposal.

On the basis of the above, I consider that the imposition of an explanatory note regarding the applicant's responsibility with regard to protected species is sufficient in this case.

### **Summary**

The proposals are considered to have an acceptable impact on the character and quality of the street scene through the proposed layout, building materials and scale of the development. The proposals would also have an acceptable impact on the living conditions of neighbouring dwellings. The proposals are therefore in accordance with Local Plan Policies BE1 and BE3. It is recommended this application is granted.

### **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 4039-04E, and specification contained therein, submitted on 07/06/2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 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 BE1 of the Warwick District Local Plan 2011-2029.
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