

**Planning Committee:** 20<sup>th</sup> February 2007

**Item Number:**

**Investigation Number:** ENF 022/03/07

**Town/Parish Council:** Kenilworth

**Case Officer:** Martin Perry  
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**Rear of 9 School Lane, Kenilworth CVB8 2GU**

Erection of a brick building with timber balcony.

Property Owner/Developer Mr K Cockell

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This matter is being presented to Committee in order to request that enforcement\_action be authorised.

**SUMMARY OF REPRESENTATIONS**

In May 2006 it was brought to the attention of the enforcement section that a brick building was being constructed to the rear of the property. The matter was investigated and resulted in a retrospective application being made and planning permission granted for a car port and cycle and storeroom.

In January 2007 it was reported that the building was not being constructed in accordance with the approved plan as the roof line had been extended, a timber balcony constructed on the rear elevation and car parking provision omitted.

The owner/developer of the site, Mr Cockell, has been informed that as the present structure is not in accordance with the approved plans it is unauthorised and does not benefit from planning permission.

**RELEVANT POLICIES**

[DW] ENV3 Development Principles [Warwick District Local Plan 1995]

[DW] ENV6 Protection and Enhancement of Conservation Areas [Warwick District Local Plan 1995.

DP1 Layout and Design [Warwick District Local Plan 1996 – 2011 Revised Deposit Version]

**PLANNING HISTORY**

W04/1345 granted permission for the site to be redeveloped with conversion of existing buildings and the erection of new dwellings.

W05/1260 granted permission for the erection of 3 flats as an amendment to W04/1345.

W06/0429 refused permission for the erection of a detached house to the rear of the site.

W06/1039 granted permission for the erection of a car port, cycle store and store at the rear of the site to serve the residential development.

## **KEY ISSUES**

### **The Site and its Location**

The site lies opposite the Fire Station and is to the rear of the approved residential development. The land is elevated and falls away onto the riverside walk public open space. Due to the ground levels, the building is single storey to the front and two storey at the rear which faces the Conservation Area.

### **Details of the development**

The development consists of some elements of the building approved as a car port and store. It is to the approved height, on the same footprint with supporting walls but now has an extensive roof structure which overhangs the front, rear and the sides of the building.

At the rear, a timber first floor balcony, supported from ground level, has been incorporated under the extended roof and low walls have been erected to the front. Windows and doors have been incorporated into the front and rear elevations and the finished building is no longer designed or built for the parking of vehicles.

### **Assessment**

The principal issues in this case are the impact of the building on the setting of the adjoining Conservation area and that the building no longer provides car parking facilities for the development site as a whole.

The car port/store development subject of W06/1039 would have increased the total parking provision to 11 spaces.

The development of the main site subject of W04/1345 and W05/1260 required the provision of 10 parking spaces. The present structure has reduced the open parking spaces to 9 and as it does not include parking provision it has resulted in the loss of one space. Whilst this is not welcomed, in my view, it would not warrant the taking of enforcement action in itself

When viewed from Riverside Walk the building, which stands adjacent to the boundary of the Conservation Area, forms an incongruous feature and is at variance with the established pattern of development in the area.

In particular, the first floor level balcony feature, with its potential for use by the development residents as a viewing platform, does not enhance or have regard for the character and appearance of the adjoining Conservation Area and could be seen as intrusive and overbearing.

### **Justification for Enforcement Action**

When the plans for the original structure were approved, they were subject to negotiated amendments to ensure a relatively unobtrusive building was sited in this rear part of the site close to the boundary with the Conservation Area.

As built, it is considered that the structure has been made significantly more prominent and appears intrusive within a rear garden/curtilage area where more "low key" buildings are generally the norm and, therefore, harms the setting of the Conservation Area.

## **RECOMMENDATION**

That enforcement action be authorised requiring the demolition of the whole of the building with all materials to be removed from the site. The period of compliance to be 2 months.

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