

**Planning Committee:** 28 April 2015

**Item Number: 14**

**Town/Parish Council:** Burton Green

**Case Officer:** Debbie Prince

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**Land at 3 Hodgetts Lane, Burton Green, Kenilworth, CV8 1PH**

Applications for Certificates of Appropriate Alternative Development.

LAND COMPENSATION ACT 1961, SECTION 17 AS SUBSTITUTED BY SECTION 63  
OF THE PLANNING AND COMPENSATION ACT 1991

1. The proposed raising of the roof of the existing dwelling by up to 0.6m to facilitate the provision of a loft conversion to provide additional living accommodation (to include 2 double bedrooms, 2 en suite bathrooms and a study area).
2. The demolition of the existing dwelling and its replacement with a 5 bedroomed detached property.

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These applications have been made by Mr and Mrs Cook, the owners of 3 Hodgetts Lane, a property which is being compulsorily purchased by HS2 Ltd.

**RECOMMENDATION**

Planning Committee are recommended to authorise officers to issue a Certificate of Alternative Appropriate Development for proposals 1 and 2 listed above to certify that planning permission would be granted subject to the conditions identified in respect of those proposals.

**BACKGROUND**

The proposals the subject of this report arise from legislation which has been enacted to facilitate the delivery of the HS2 proposal and in particular are designed to assist homeowners in realising an appropriate financial return upon the compulsory purchase of a property by, in this case HS2 Limited.

A Certificate of Appropriate Alternative Development does not comprise a planning permission and does not permit development to be undertaken. Rather, it is intended to identify development which is considered to be acceptable and likely to obtain planning permission (were an application to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

An application for a certificate can only be made by persons owning the land or property in question or the Authority making the compulsory purchase, in this case HS2. Where a Certificate is granted, it relates to the principle of a proposal only and for that reason the legislation does not require applicants to submit detailed plans.

Similarly, there is no requirement for the Local Planning Authority to undertake any consultation or publicity and the proposal should be considered under "normal" circumstances (i.e. without considering the HS2 proposal) taking into account relevant material considerations.

### **THE SITE AND ITS LOCATION**

The application property is a detached 1960's, 3 bedroomed bungalow with an attached garage, set within a sizeable plot on the west side of Hodgetts Lane in the village of Burton Green.

The village currently lies within the Green Belt however the emerging Local Plan proposes its removal. Hodgetts Lane has a diverse street scene, comprising of both one and two storey properties of various ages and designs.

The property is being compulsorily purchased by HS2 Ltd for the construction of the high speed railway line.

### **RELEVANT PLANNING HISTORY**

N/A

### **RELEVANT POLICIES**

- The 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)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- RAP3 - Replacement Dwellings (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)
  - DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
  - H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
  - CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
  - NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
  - NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
  - H13- Replacement Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 – Publication Draft)

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

### **SUMMARY OF REPRESENTATIONS**

N/A

### **ASSESSMENT**

**Proposal 1:** The proposed raising of the existing roof by up to 0.6 m to facilitate a loft conversion sufficient in size to provide 2 additional bedrooms ,2 en suite bathrooms and an office /study area.

#### The Principle of the Development

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

- Green Belt policy and the impact on the openness and rural character of the Green Belt
- Impact on the character and appearance of the area
- Impact on the living conditions of nearby dwellings
- Parking

#### The Impact within the Green Belt

As the property is located within a village in the Green Belt, under normal circumstances current policy allows for extensions up to 30% of the original dwelling. The property has already had a very modest kitchen extension to the rear, constructed under Permitted Development Rights some time ago. It is considered, that the extension of the property involved in raising the roof by 0.6m in addition to kitchen would not exceed 30% in total. The current proposal,

increasing the height of the original dwelling by 0.6 metres is not considered to have a significantly greater impact on the openness of the Green Belt and will not extend the visual impression of the built development nor substantially alter the character or design of the dwelling to an extent that would warrant refusal of any application. However, in the absence of detailed plans a condition is proposed to be added to the Certificate to ensure that this limitation is not exceeded.

#### The Impact on the Character and Appearance of the Area

In view of the very varied street scene it is considered that this proposal would be acceptable in principle providing materials matching the existing dwelling were used.

#### The Impact on Living Conditions of Nearby Dwellings

The application property shares its northern boundary with 5 Hodgetts Lane, which is one of a pair of two storey semi-detached houses. On the southern boundary lies 1 Hodgetts Lane, which is a detached bungalow. 3 Hodgetts Lane lies slightly forward of both properties, nevertheless it is considered that subject to conditions regarding the positioning and treatment of any new windows or rooflights, there would not be any unacceptable overlooking or adverse impact on the privacy of adjoining neighbours.

#### Parking

The proposals would not impact upon parking provision and do not increase the parking requirement.

#### **Conclusion**

It is considered that should a planning application be submitted in respect of this proposal, that planning permission would be granted for a proposal not exceeding an increase of 30% of the original size of the dwelling and that conditions would be imposed to control the facing and roofing materials of the proposal; any adverse impact on bats; the provision of 10% renewable energy/reduction in carbon emissions; and to control any first floor side facing windows proposed.

**Proposal 2:** The demolition of the existing bungalow and the erection of a modern detached, 5 bedroomed, 2 storey house.

#### The Principle of the Development

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

- Green Belt policy and the impact on the openness and rural character of the Green Belt
- Impact on the character and appearance of the area
- Impact on the living conditions of nearby residents

- Parking
- Energy efficiency

### The Impact within the Green Belt

Paragraph 89 of the NPPF states that the replacement of existing buildings is not inappropriate development within the Green Belt, provided that the new building is in the same use and not materially larger than the one it replaces. The proposals are for a replacement dwelling and therefore the new building would be in the same use as the existing bungalow. Whilst the proposal is for a two storey building to replace the existing single storey bungalow, there could be a corresponding reduction in footprint to compensate for the increased height. Provided the proposed dwelling was not materially larger than the existing building as discussed above, it is considered that the proposal would have no greater impact on the Green Belt.

### The Impact on the Character and Appearance of the Area

The street scene is made up of both single and two storey properties. Therefore it is considered that there would be no adverse impact on the street scene if the replacement dwelling were to be two storey.

The proposal would also be in accordance with the Council's current Local Plan Policy for replacement dwellings RAP3, as it would provide a contemporary energy efficient dwelling in place of a 1960's structure of no particular architectural merit, which currently does not add to the rural character of the area.

### The Impact on Living Conditions of Nearby Dwellings

The application property shares boundaries with two other residential properties. The new dwelling would need to be designed to have minimum impact on these neighbours' amenity.

### Parking and Highway Safety

It is considered, the plot is of adequate size to provide for off road parking in accordance with the Council's current parking standards together with a sizeable dwelling and adequate amenity space.

### Energy Efficiency

The proposal gives rise to an important opportunity to replace a 40 year old building with a much more energy efficient dwelling. The new property would need to be built in accordance with the Councils' sustainable building requirements as prescribed in policy DP13 and this is covered by condition.

