

Application No: [W 17 / 1114](#)

Town/Parish Council: Lapworth

Case Officer: Helena Obremski

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135 Chessetts Wood Road, Lapworth, Solihull, B94 6EL

Resubmission of W/16/2109: Demolition of existing residential dwelling and associated outbuildings for new detached dwellinghouse. FOR Mr Smith

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the demolition of the existing dwelling and replacement with a two storey detached dwelling. As part of the scheme, the existing outbuildings will be demolished, including a large detached garage to the rear of the application property.

During the course of the application, the design of the dwelling has been significantly amended to provide a two storey property, with loft accommodation served by two front facing dormer windows and rear cat slide roof. The dwelling would have a two storey front facing gable and would be constructed from matching bricks to nearby dwellings within the street scene. The roof tiles would be slate grey forticrete tiles. The property would have 5 bedrooms and would have driveway parking. There are no proposed alterations to the access arrangements. The dwelling has been also been considerably reduced in scale from the original proposal.

THE SITE AND ITS LOCATION

The application relates to a detached, two storey dwelling with driveway parking. The application site is positioned to the south west of Chessetts Wood Road and is located within the Green Belt.

The existing property is a two storey dwelling, with gable features over the existing first floor windows. The property benefits from white rough coated render and has white window frames and a modest front porch. The application property forms part of a row of similarly designed dwellings, however, the wider street scene is very mixed in terms of design and materials.

PLANNING HISTORY

There are a number of previous applications on this site, however, none are relevant to the assessment of this application.

RELEVANT POLICIES

- National Planning Policy Framework

Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- H13 - Replacement Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection - not in keeping with an historic and attractive street scene greater than 30% increase, inappropriate development in the green belt.

Environmental Protection: No objection.

WCC Ecology: Objection, requires submission of an initial bat survey prior to determination of the application.

WCC Highways: No objection.

Network Rail: No objection, recommends various advisory notes.

Open Space: No objection.

WCC Landscape: Objection, concern regarding the impact on existing vegetation and ground stability.

Public Responses: 7 Objections which include the following concerns:

- Design is out of keeping within the street scene
- Boundaries are marked incorrectly on the plans

- Concern regarding reducing the ground levels and impact which this could have on existing buildings and trees
- Overlooking, loss of privacy, loss of light
- Request for Construction Management Plan
- Concern regarding potential to install gates and associated impact on highway safety
- Harm caused to the openness of the Green Belt
- Overdevelopment of the site
- Lack of amenity space for the occupiers of the dwelling.

ASSESSMENT

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

- Principle of the Development - Impact on the Green Belt
- The impact on the Character and Appearance of the Area
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Ecological Impact and Trees
- Health and Wellbeing
- Other Matters

Principle of the Development - Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belts is harmful by definition. The NPPF and Local Plan policy H13 state that replacement dwellings within the Green Belt are appropriate, subject to the replacement not being materially larger than the existing dwelling and that it must not have a greater impact on the character and openness of the rural area.

There have been objections from the Parish Council and some members of the public that the proposed development would be harmful to the openness of the Green Belt, making reference to the development being more than 30% of the original dwelling. However, as set out above, the key test for proposals relating to replacement buildings is whether they are materially larger and whether they reduce the openness the Green Belt relative to the original building.

The proposed development of the site includes the consolidation of the built form, by removing all of the outbuildings and replacing this with one building. Due to their minor nature, the existing small sheds have not been included as part of the calculations as these are considered to have minimal impact on the openness of the Green Belt. However, the proposed dwelling would nevertheless be 29.8% larger than the existing built form on the site, which is contrary to the NPPF and Local Plan policy H13 because the replacement dwelling would be materially larger than the buildings they replace (in terms of gross floorspace).

It is therefore necessary to consider whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified. As previously stated, the proposal would consolidate the built form on the site which is considered to increase the openness of the Green Belt for the site and represents an improvement to the existing situation. The scheme has also been significantly reduced from the original scheme which was submitted and carefully designed to reduce the overall bulk and mass of the property. The first floor accommodation benefits from a cat slide roof at the rear which reduces the overall bulk of this part of the property. Furthermore, the front facing dormers have been reduced in scale, and height of the ridge line has been reduced. Therefore, the property has the impression of a two storey dwelling, whilst providing three levels of accommodation within the dwelling.

The context of the wider site is also a necessary consideration as part of the assessment of this application. Many of the other similarly designed properties along this part of Chessetts Wood Road have been previously extended and are larger than the application property. Furthermore, two large properties which are considered to be limited infilling have been approved and are being constructed to the south of the site. As a means of comparison, the proposed footprint of the replacement dwelling would be 156m², in comparison to the footprint of the approved dwellings to the south of the site which are 234m² and 236m². These properties also have third floor accommodation like the proposed replacement dwelling.

Furthermore, the overall bulk and mass of the approved dwellings in comparison to the replacement dwelling are considerably larger. Therefore, in the context of the wider site, the existing dwelling reads as significantly smaller than those in the wider area, and the replacement dwelling would provide a dwelling which sits more comfortably in this context. With this taken into consideration, combined with the fact that the built form on the site is consolidated which would improve the openness of the site, under this specific set of circumstances, there are considered to be very special circumstances sufficient to outweigh any minimal harm to the openness of the Green Belt as a result of the proposed development.

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2026 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps to be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

It is acknowledged that the property forms part of a row of similarly designed properties. However, this in itself does not preclude the site from development and its retention is not considered necessary for the protection of the character of the wider area. As the road bends to the north of the site, just some 100 metres from the application site, the character of the street scene changes, and there are a mixture of brick and rendered properties, some of which are detached, and some of which are semi-detached. They bear little resemblance to the application property, highlighting the varied nature of the wider area and street scene.

The proposed design of the replacement dwelling, being a two storey dwelling, sits comfortably within the street scene - the dwelling will be slightly higher than the neighbouring properties, however, there is considerable variation within the existing street scene, and the plots are well spaced, so that the dwelling would not appear awkwardly. The modest pitched roof dormer windows and two storey front gable feature take inspiration from other similar gable designs within the wider street scene. The proposed brickwork finish to the elevations and roof tiles can be conditioned so that a sample is provided to ensure that the most appropriate colours are chosen, to compliment the newly constructed brick properties next to the site.

Therefore, whilst concern has been expressed regarding the design of the proposed replacement dwelling, when taken in the context of the wider street scene, the proposed dwelling would not appear out of keeping and respects the character of the area. This generously sized plot is considered to be able to accommodate the proposed dwelling, which would still be smaller than some of the neighbouring properties within similar sized plots, and therefore is not considered to represent overdevelopment of the site. The development is therefore considered to be in accordance with Local Plan policy BE1 and the Residential Design Guide.

The impact on the living conditions of nearby dwellings

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. Development should not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

133 Chessetts Wood Road have objected to the proposed development because of the potential for loss of light, loss of privacy and increased levels of overlooking. All first floor side facing windows facing towards this property are proposed to be permanently obscure glazed and non opening - a condition is proposed to ensure that this remains as such in perpetuity. There would be one rear facing first floor window serving the replacement dwelling, however, this is considered to cause no additional overlooking than the existing arrangement between the properties. The proposed replacement dwelling will not conflict with the Council's adopted 45 degree guidance from any rear windows serving this neighbour's property owing to the orientation of the properties and distance between them. It is therefore considered that there would be no loss of light,

outlook or privacy to this neighbour's living conditions which would warrant reason for refusal of the application.

The limited infill dwellings to the south of the site are set at an angle from the proposed replacement dwelling. The dwelling serving Plot 1 which is closest to the application site will benefit from two first floor side facing windows which face towards the application site. One of these windows serves a bathroom and it is likely that this will be obscure glazed for mutual privacy. There will also be a side facing window which serves as a secondary window to a bedroom. The current scheme the subject of this report proposes two side facing first floor windows serving the replacement dwelling which would face towards this neighbour. One would serve an ensuite bathroom and will be conditioned to be permanently obscure glazed and non-opening. The other window would serve as the primary window for one of the bedrooms. Owing to the positioning of the proposed replacement dwelling and the neighbouring property, there would be no direct views between these first floor windows. Furthermore, there is a gap between these windows of 20 metres. There would also be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development. It is therefore considered that there would be no harm to the future occupiers of the property positioned to the south of the application site which would warrant reason for refusal of the application.

There has been an objection from a member of the public that the development would leave little amenity space for the occupiers of the dwelling. However, the proposal also includes the removal of the existing outbuildings, consolidating the built form on the site. There would be an ample size garden for the occupiers of the dwelling to enjoy which is a similar size to the gardens serving some of the nearby properties.

It is therefore considered that the proposed replacement dwelling would cause no additional harm to neighbouring residential amenity than the existing dwelling, and that the proposal is in accordance with Local Plan policy BE3 and the Residential Design Guide.

Car Parking and Highway Safety

There have been a number of objections received which raise concerns regarding the impact which the proposed development would have in terms of highway and pedestrian safety. Many of the objectors make reference to the fact that the application site is on a dangerous bend, and that the development to the south of the site is already causing harm to highway safety. One objector makes reference to the fact that the owners of the site could install gates which could impede highway safety, requesting a condition to limit the occupiers from doing this and also request a condition requiring a Construction Management Plan.

There are no proposed alterations to the access or parking arrangements for the site and ample parking to meet the Council's adopted Vehicle Parking Standards can be achieved within the site boundaries. WCC Highways have no objection to the proposed development. They consider that the proposal will cause no harm to pedestrian or highway safety. Neither WCC Highways or Environmental Protection have requested a condition for the applicant to provide a Construction Management Plan. Officers note that there is ample space within the site boundaries to store materials and for large vehicles to park to the front of the

dwelling. It is therefore not considered necessary for a condition for a Construction Management Plan as part of the proposal.

As previously stated, there are no changes to the access arrangements. The applicants could currently install a gate (subject to height restrictions) which would limit access to the site without planning permission, which would be the same arrangement as for the proposed dwelling. Therefore, the neighbour's request for a condition limiting the installation of a gate is not considered to be reasonable.

The development is not considered to cause harm to highway or pedestrian safety and is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

Drainage and Flood Risk

No information has been provided in reference to sustainable drainage within the site boundaries. However, the development will consolidate the built form on the site, thus increasing opportunities for appropriate surface water drainage. Therefore, further information in reference to this matter is not considered necessary.

Ecological Impact and Trees

WCC Ecology have objected to the proposed development and have requested that an initial bat survey is carried out prior to determination of the application. They note that there are bat records in the surrounding area. However, as no evidence of bats have been found on site, a bat note which is considered to be appropriate to ensure the protection of bats will be added, which are protected under separate EU legislation.

WCC Landscape object to the development because they are unsure of the impact which the proposed development will have on trees and hedges on the site. A neighbour has also raised a similar concern. The applicant has confirmed that they intend to keep the existing hedge and tree along the shared boundaries. They have stated that prior to commencement of works on site, any roots will be carefully exposed and a mini-piled solution will be used to obviate any potential damage to the hedge if it proved necessary. However, none of the existing trees and hedges have protected status. Furthermore, none are considered to provide amenity value within the street scene and could be removed at any time by the applicant. It is therefore not considered necessary to provide any additional information in reference to the protection of trees or hedges.

Health and Wellbeing

The proposed development will provide a new dwelling which will meet the needs of a growing family.

Other Matters

There have been objections raised by members of the public and WCC Landscape that the development could impact on the ground stability and affect nearby buildings. However, this would be a matter which would be dealt with by Building

Regulations and cannot be assessed as part of this application. The applicant has however confirmed that as part of the construction package, the foundations will be designed by a Structural Engineer to ensure that their design and depth ensure that there would be no surcharging of any adjacent land irrespective of its reduced level.

There has also been concern raised that the site boundaries marked on the location plan are incorrect. However, the agent has provided a copy of the title deeds which show the location plan to be correct.

Network Rail have been consulted and have no objection to the proposed development. They have provided a number of advisory points which will be added as a note to the permission.

CONCLUSION

The proposed development will provide a replacement dwelling which consolidates the built form on this site within the Green Belt. Very special circumstances have been presented which are considered to be sufficient to outweigh any harm to the openness of the Green Belt. The proposed dwelling responds well to its surroundings in design terms and would not have a detrimental impact on the wider area. The development should therefore be approved.

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 280D and 281C, and specification contained therein, submitted on 7th November 2017. **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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011 - 2026.
- 4 Prior to the occupation of the development hereby permitted, the first floor side windows in the northern elevation and the first floor window to the southern elevation serving the ensuite bathroom 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 window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
