

**Planning Committee:** 19 June 2018

**Item Number: 11**

**Application No:** [W 18 / 0632](#)

**Town/Parish Council:** Ashow

**Registration Date:** 03/04/18

**Case Officer:** Emma Spandley

**Expiry Date:** 29/05/18

01926 456553 emma.spandley@warwickdc.gov.uk

**Abbey Farm, Ashow Road, Ashow, Kenilworth, CV8 2LE**

Erection of a single storey extension to an existing annex to form a new dwellinghouse (Use Class C3). FOR Mr & Mrs Burdett

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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission subject to the conditions listed at the bottom of this report.

**DETAILS OF THE DEVELOPMENT**

The proposed development is to create a separate dwelling by providing an extension to the existing annexe building.

- The existing outbuilding has a floorspace of approximately 75m<sup>2</sup>.
- The proposed extension would have a floor space of approximately 22.5 m<sup>2</sup>.

The site would then be sub-divided from the main Abbey Farm dwelling and garden with its own curtilage to create a separate dwelling.

This proposal differs from the most recent proposals which were refused for the reasons set out below by providing a revised and reduced scheme in order to seek to overcome the reasons for refusal.

**THE SITE AND ITS LOCATION**

The site forms part of the main dwelling known as Abbey Farm, a Grade II Listed Building within the Ashow Conservation Area and is located within the West Midlands Green Belt.

The proposal relates to the extension of an existing outbuilding to the side of the main dwelling currently used as an annex. This annex building is single storey and attached to the neighbouring dwelling, Daffodil Barn, that forms part of the original conversion and is in separate ownership.

To the rear of the annexe outbuilding is a large, open car port/garage building containing 3 bays and set back from the rear of the existing annex where it sits adjacent to the rear of the neighbouring attached property.

The garage building does not form part of the Listing as it was constructed after the date of the Listing of the property.

To the rear is the garden area serving Abbey Farm that rises from the level of the buildings.

The site of the garage is set below the level of the land to the side and rear and the garage is set within substantial retaining walls.

### **PLANNING HISTORY**

W/17/2145 & W/17/2146/LB - Conversion and extension of the existing garage/outbuilding and joining to the existing annexe building to create a new separate dwelling - Refused by Committee 28.02.2018.

W/17/0960 & W/17/0961/LB - Erection of a single storey extension to an existing annex to form a new dwellinghouse (Use Class C3) – Withdrawn 03.08.2017.

W/17/0212 - Proposed new dwelling in garden area of Abbey Farm – Withdrawn 29.03.2017.

W/16/1046 - Erection of a detached dwellinghouse (Use Class C3) – Refused 26.07.2016.

W/08/0900 - Erection of a garage / workshop / store building - Granted 04.08.2008

### **RELEVANT POLICIES**

- National Planning Policy Framework
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)

- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Ashow Parish Council:** Supports the application.

**Ward Councillor Trevor Wright:** Supports the application.

**Ward Councillor Pam Redfern:** Objects on the grounds of:-

- The sub division of the plot;
- The impact on Listed Building & Conservation Area;
- Impact on the Green Belt

**WCC Archaeology:** No objection subject to condition requiring a Written Scheme of Investigation to be submitted.

**Ecology (WCC):** No objection subject to conditions and notes.

**Highways (WCC):** No objection subject to conditions.

#### **Public Response:**

9 letters of objection have been submitted raising issues which are summarised below:

- Siting within the grounds of a Listed Building and within a Conservation Area and the Green Belt;
- The harmful impact on the setting of the Listed Building by sub dividing the plot further;
- The harm arising from the new boundary treatment to the setting of Abbey House;
- The harm arising from the parking of cars within the front garden to the Conservation Area and Listed Building
- The overdevelopment of the plot.
- The extra traffic resulting in noise and disturbance.
- The blocking of the access to the garage to the rear by the extension and the risk of further extensions into the garage building to create a large bungalow.

4 letters of support have been submitted:

- The applicants have been valued members of the community for over 30 years;
- Their existing house is not fit for their purpose and their proposals are modest.

## **ASSESSMENT**

### **History/Background**

Earlier planning applications have been submitted for new dwellings on land to the rear of the existing garage building, firstly a two storey dwelling that was refused on the grounds of the principle of development in the Green Belt and harm to the setting of the listed building. A later application for a single storey dwelling was withdrawn due to the impact on the openness of the Green Belt and the principle of development.

An application submitted in mid 2017 under reference W/17/0960 sought to provide an extension to an existing outbuilding currently used as an annex to create a self-contained dwelling. This application was subsequently withdrawn due to conflict with the Green Belt Policy.

In late 2017 an application was submitted (reference W/17/2145 & 2146/LB) which sought to erect a link extension to the existing annex building and to incorporate the existing garage building to create a new house.

The previous development would have created an extension to the existing annexe building as a link to attach it to the existing detached garage building at the rear. Whilst the link element itself only equated to an approximate 30% floor space increase, the overall resultant floor space of the extended building, including that of the existing outbuilding which was to be connected to the annexe building to form the new dwelling would have resulted in a 104% increase.

This application was refused by planning committee for the following reasons:-

*"The site lies within the West Midlands Green Belt. Paragraph 89 states that the extension of a building is not inappropriate development where the increase does not result in disproportionate additions over and above the size of the original building. The proposal seeks the extension of an existing outbuilding which connects to an existing garage building. The floor space of the proposed development would result in an increase well in excess of what is considered to be a proportionate addition to a building within the Green Belt. Due to scale of the increase, the proposal is considered to result in a disproportionate addition to a building within the Green Belt and is therefore contrary to Paragraph 89 of the NPPF. There are no very special circumstances that would outweigh the harm to the openness of the Green Belt; and*

*The works proposed will have negative impact on the character and setting of the Listed buildings within the site and are considered to result in less than substantial harm to those buildings. No public benefits sufficient to outweigh the identified harm have been demonstrated and therefore the proposal is contrary to Policy HE1 of the Warwick District Local Plan 2011-2029, guidance within the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990."*

## **Principle of 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 application property is located within the Green Belt. The National Planning Policy Framework (NPPF) states that the essential characteristics of the Green Belt are openness and permanence. The NPPF states that, inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 87). Paragraph 89 of the NPPF states that extensions or alterations to a building provided that it does not result in disproportionate additions over and above the size of the original building are an exception and therefore appropriate development in the Green Belt. This is echoed in Policy H14 of the Local Plan, which states that any additions which represent more than a 30% increase on the gross floor area of the property are likely to be considered disproportionate.

The existing floor area of the annexe is some 75m<sup>2</sup>; the proposed extension adds 22.5m<sup>2</sup> of floor area which equates to a 30% increase in the gross floor area. This revised proposal no longer seeks to join two buildings together as was previously the case which resulted in both Green Belt and heritage impacts but rather now provides a separation of 0.6 metres.

Therefore, the proposed extension complies with Policy H14 of the Local Plan and the NPPF in so far as the extensions will not represent a disproportionate addition to the application property.

## **Sustainable development**

The Local Plan indicates that the site is within the Village Infill boundary, as defined on the Local Plan Proposals Map (No.5). Policy H11 identifies that limiting infill should be restricted to two dwellings, infilling a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene and subject to the site not forming an important part of the integrity of the village.

There is no definition of 'limited infill' within the Framework, however assessing the site 'on the ground' the plot forms an existing building located between existing residential properties. The existing building benefits from a street frontage and whilst there are no changes to the frontage of the existing building, it does generally conform with the basic principle of infill, albeit, the site does not

infill an existing gap between built form as it is an existing building. Overall, the development is generally considered to comprise a limited infill development.

It is considered that the dwellinghouse would not be an 'isolated home' within the countryside as it would relate to an existing settlement. Paragraph 55 of the NPPF notes that where there are groups of smaller settlements, development in one village may support services in a village nearby.

### **Impact on character of the local area and Ashow Conservation Area**

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

When viewed from the public highway to the frontage, it is noted that there would not be any discernible difference in the built form as the annex to the front of the site already exists and no changes to the frontage of this building are proposed. There will be oblique views of the proposed extension of the proposal but I do not consider that in general terms, this would result in harm to visual amenity.

The impact on the Conservation Area is assessed beyond the elements that are visible from the public domain and the intrinsic character of buildings that contribute to the Conservation Area setting must be assessed in their own right irrespective of the visual prominence of the works.

With regards to the Conservation Area impact, the proposed works are limited and the extension appears as a subservient addition to the existing buildings and does not dominate or overpower. On this basis, the proposal is considered to preserve the character of the Conservation Area in this location.

One element that has the potential to create harm to the character and amenity of the Conservation Area is the sub-division of the plots to create the separate garden areas. As the site contains a Listed Building, there are no permitted development rights for means of enclosure. Any boundary treatment could be controlled by condition in the first instance and any future replacement would require planning permission. On this basis, I do not consider that the sub-division of the plot would result in demonstrable harm to the character of the local area or Ashow Conservation Area.

## **Impact on the character and setting of the Listed Building**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

In making the assessment, it is noted that the existing outbuilding/annex is considered to be a Curtilage Listed Building.

It is considered that the revised proposals provide an extension which is now minimal and has been revised to match the existing building. The use of uPVC on this curtilage listed building whilst proposed is not acceptable, but can be controlled by a suitably worded condition.

The proposals are therefore considered to have a neutral impact on the character and setting of the Listed Buildings within the site in accordance with the NPPF paragraph 132 and Local Plan Policy HE1.

## **Impact on adjacent properties**

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.

The predominant built form of the development already exists on the site in the form of the existing outbuilding and the garage to the rear. The new element of built form in this case the proposed extension has a small floor area.

There are no windows proposed that would directly face neighbouring properties and due to the land levels, there would not be any resultant overshadowing or overbearing impact as a result of the development.

When assessing the proposal against the impact on the existing property at Abbey Farm, it is noted that there are side facing windows on both properties that would share a facing relationship. However, this is not an uncommon relationship between properties and I am satisfied that the development would not result in an unacceptable relationship between the properties.

## **Highway Safety & Parking**

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The Highway Authority were previously consulted on the previous application W/17/2145, for the conversion and extension of the existing outbuilding and garage. The Highway Authority originally objected, based on the provision of inadequate visibility splays.

A speed survey was submitted as part of an earlier application W/17/0960, which sets out that the 85%ile speed of vehicles was 20 mph. An amendment to the existing Traffic Regulation Order (TRO) has also been approved which reduced the speed limit in Ashow from the National Speed Limit to 30mph.

Taking all of the above into account, the Highway Authority raise no objection to the proposals subject to conditions securing the visibility splays and the surface bound materials.

Parking for the annexe is to the front of the existing building, and is provided in a manner which accords with Policy TR3 and the Vehicle Parking Standards SPG.

## **Impact on Ecology/Protected Species**

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The County Ecologist has assessed the information submitted with the proposal and raised no objection subject to the imposition of appropriate conditions and notes. I am therefore satisfied that the development would not have a detrimental impact on protected species.

## **Other Matters**

### Trees/Hedgerows

The location of the development is land laid to hardstanding and as such, the development would not have a detrimental impact on any trees or hedgerows within or on the boundary of the application site.

### Archaeology

The County Archaeologist notes that the proposed development site is located within the probable extent of medieval settlement of Ashow (Warwickshire Historic Environment Record WA9486) and is located to the rear of the Grade II

listed Abbey Farmhouse and Abbey House, a red brick house now divided into two dwellings probably dating to the 18th century. There is a potential for the proposed development to disturb archaeological deposits, including structural remains as well as other archaeological deposits such as pits, associated with medieval period and later occupation of this area.

The Archaeologist has raised no objection, subject to a condition to secure archaeological work.

## **Conclusion**

The application proposes an extension to an existing building located within the Green Belt. National policy states that extensions are required to be proportionate. Local Plan policy H14 states that a 30% increase in the gross floor area of an existing building is not considered to be disproportionate. The proposed extension represents a 30% increase on floor area of the existing property and is considered acceptable. Furthermore, the site is located within a limited growth village which means isolated dwellings will not be formed within the green belt, in accordance with paragraph 55 of the NPPF.

The sub division of the plot is considered acceptable together with the extensions and the impact on the setting of the listed building will be neutral.

In overall terms, the revised proposals are considered to have overcome the previous reasons for refusal and it is recommended that planning permission be 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 No. 4578/11, and specification contained therein, submitted on 28th March 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 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029. (CA). To ensure a high standard of design and appearance for

this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. (LB). To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029. (Barn Conversions).

- 4 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 2011-2029.
- 5 The development hereby permitted shall not commence unless and until two weeks' notice in writing prior to the commencement of the development works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be completed in full accordance with the approved details. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 6 No part of the development hereby permitted shall be commenced until a scheme for the provision of bird boxes to be erected on trees/buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 7 The existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **REASON:** In the

interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 8 The development shall not be occupied until visibility splays have been provided to the existing vehicular access to the site and the existing vehicular access has been widened and laid out in accordance with drawing No. 4578/11. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 9 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works in the approved application documents. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 10 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029 and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
- 11 All rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029 and to ensure a high standard of design and appearance for this curtilage Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted. **REASON:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
-