

Planning Committee: 18 July 2023

Item Number: 5

Application No: [W 22 / 0471](#)

Town/Parish Council: Radford Semele
Case Officer: Michael Rowson

Registration Date: 03/08/22
Expiry Date: 28/09/22

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**Leasowe House, Southam Road, Radford Semele, Leamington Spa, CV31
1TY**

Erection of two dwellings at The Leasowes (following demolition of two existing dwellings) within a redefined curtilage; new internal access driveway; garage and plant room. FOR Mr & Mrs B Bains

This application is being referred to Planning Committee due to an appeal Against the non-determination of the application within the statutory 8 week period being lodged with the Planning Inspectorate.

In this case, Members are not being asked to determine the application as this is now in the hands of the Planning Inspectorate. The proposal in front of Members is for consideration of the decision that would likely have been made by the LPA if it had been in a position to formally determine the application.

The decision made by Planning Committee will thereafter guide the submissions on the appeal and will form the basis of the Council's case at the appeal.

RECOMMENDATION

It is recommended that the Planning Committee refuse the application.

RELEVANT PLANNING HISTORY

W/90/1005 - Conversion of existing single dwelling into 3 separate dwelling units by alteration to existing roof pitch to provide bedroom accommodation - **GRANTED**

W/91/0342 - Conversion of existing single dwelling into 3 separate dwelling units by alteration to existing roof pitch - **GRANTED**

W/93/1100 - Insertion of 5 dormer windows and 3 velux windows - **GRANTED**

W/21/1364 - Application for a Lawful Development Certificate for existing use of land as part of the domestic garden of Leasowe House and Leasowe Cottage as identified in plan PF/10589.01 Rev B - **REFUSED**

W/22/0493 - Extensions to two existing dwellings at The Leasowes (Leasow House and Leasow Cottage) comprising part two storey, part single storey side

and rear extensions and additional front dormer windows – **GRANTED** on 25/04/2023

W/22/1574 - Application for a Lawful Development Certificate seeking confirmation that the land edged blue on Dwg No. PF10589.01 Rev C is garden land in association with the domestic use of Leasowe House and Leasowe Cottage - **REFUSED. Currently under assessment by PINS.**

THE SITE AND ITS LOCATION

The site is located to the east of Radford Semele village and is accessed off Southam Road, via a private driveway. The site is outside of the Radford Semele village boundary and is not within the Green Belt, therefore the site is situated within the open countryside.

The site contains a brick built, two storey building which has historically been extended and subdivided to create two dwellings, known as Leasowe House and Leasowe Cottage.

There are three distinct garden areas for the two dwellings- one large area to the west of Leasowe House, one to the east of Leasow Cottage and another area to the rear of Leasowe Cottage. A swimming pool and surrounding hardstanding is positioned to the north.

To the north and west of the subject properties, and at a lower site level, is an open field, measuring approximately 8 acres. The field is surrounded by trees and contains a single storey barn building to the east. The use of that land has been the subject of two Certificate of Lawfulness applications. Officers concluded that the submitted evidence did not demonstrate that on the balance of probabilities, the site had been used as a domestic garden for a period of 10 years. The applicant has submitted an appeal to the planning inspectorate in relation to the most recent decision. As such, that land is not considered to be land within the domestic curtilage of the dwellings nor a domestic garden and is therefore greenfield land.

DETAILS OF THE DEVELOPMENT

The application proposes demolition of the existing dwellings and erection of two new dwellings, alongside a new internal access driveway, and a detached garage and plant room building.

The larger of the two dwellings would be positioned predominantly to the west of the domestic curtilage of the existing dwellings, on the neighbouring field, although a portion of the new curtilage would be within the garden area. The smaller of the two dwellings would be positioned within an area which is considered to be the residential curtilage of Leasowe House.

The larger of the two proposed dwellings would be a two storey building facing south. It would have a hipped roof behind a parapet and a projecting two storey gable end section providing an entrance. A single storey element with a flat roof would project away from the western end of the building at approximately 45 degrees and would provide an indoor swimming pool and gym area. Internally, the

building would provide six bedrooms with dressing rooms and bathrooms at first floor level.

The boundaries of the residential curtilage of that dwelling would be formed by a ha-ha, a sunken ditch with an external wall which gives the occupier the illusion of an unbroken, continuous rolling lawn whilst providing a boundary to the site.

A single storey garage building would be positioned to the east of the main dwelling and would provide parking for four cars and a plant room. An area forward of the larger dwelling would be used as a parking forecourt, with a new vehicle access linking to the existing driveway.

The smaller of the two dwellings, referred to as 'The Coach House' would be positioned to the south east and would consist of a single storey bungalow facing south. The building would have a jerkinhead roof and a projecting open porch. Internally, it would provide two bedrooms alongside a kitchen and a living room. Parking for two cars is illustrated in front of that dwelling.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- H13 - Replacement Dwellings in the Open Countryside
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW3 - Water Conservation

Radford Semele Neighbourhood Plan 2019-2019

- Policy RS6 - Conserving and Enhancing Radford Semele's Landscape Character

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: No objection – the LPA should satisfy itself that the works proposed are suitable for the location and are not visually intrusive.

Lead Local Flood Authority: Advises against approving the application until additional information is received.

WCC Ecology: No objection, subject to conditions

Waste Management: No objection.

Environmental Health Officer : No objection, subject to a condition relating to installation of electric vehicle recharging points.

Tree Officer: No objection, subject to a condition.

Highways Authority: No objection

Public Response: One comment received from a member of the public commented that they would object to any unnecessary tree or hedge removal and they were concerned regarding the demolition of a relatively new large house in good condition on the grounds of waste of resources and the impact on climate change.

ASSESSMENT

Principle

The proposal involves demolition of the existing dwellings and erection of two replacement dwellings in a different location and curtilage on the site. The site is within open countryside, therefore Local Plan Policy H13 (Replacement Dwellings in the Open Countryside) is relevant. The policy states that *'any replacement dwelling must not be materially larger than the existing dwelling and have no greater impact on the character and openness of the rural area'*. Whilst not stated within the policy, it is generally considered that a maximum increase of 5% over existing development is appropriate.

The proposal includes one large dwelling and one smaller coach house dwelling, as well as a garage and pump room building for the large house. Assessment of whether the dwellings are materially larger than those existing requires comparison of the existing and proposed floorspace. The existing GIA of the buildings measures 908.3sq.m, whilst the proposed floorspace is approximately 1350.7sq.m, indicating an increase in floor area of 48.7%, which is clearly materially larger than the existing dwellings and far exceed the 5% figure stated above.

Planning consent W/22/0493 gave planning permission for the extension of both existing dwellings. Should those extensions be built, the floor area of the dwellings would be 1272.9sq.m. The proposal would be 6.1% larger than the resulting extended property, again greater than the 5% figure.

The existing buildings measure approximately 2,737m³ and the proposed buildings would measure approximately 6,589m³, a 140.7% increase in volume. When compared with the consented scheme for the extended buildings (resulting volume approximately 4,043m³), the proposal would represent a 63% increase.

However, it is considered that application W/22/0493 was submitted to increase the notional floorspace of the dwellings to enable a more favourable 'fall-back position' comparison for this assessment and it is noted that that application was submitted at the same time as this application. Furthermore, those consented extension plans include disproportionate rooms and poor layout, which, when combined with the submission date, indicates that the applicant may have no intention to build those extensions such that the scheme has no reasonable prospect of being implemented.

Whilst it is considered that there is limited prospect of the extensions consented under W/22/0493 being implemented due to the reasons stated above, there is a planning permission in place which must be considered. However, those extensions are not existing and even if they were built, the replacement house would still be more than 5% larger than those extended dwellings in terms of floor space and approximately 63% larger in terms of volume. This enlargement is considered to be material in the context of LP Policy H13 therefore the application fails to comply with this policy.

The supporting documents submitted by the applicant include a statement from Counsel which interprets LP Policy H13 in terms of what 'materially' means in the assessment of whether a replacement dwelling is 'materially larger'. It concludes that the 40% figure stated within the explanatory text is not determinative. That document states that the Council should consider the design, scale and context as part of its assessment of materiality. It is considered that this assessment is already included explicitly in the policy, where it states that the replacement house should have *no greater impact on the character and openness of the rural area*. This will be assessed below.

The concept of 'openness' has spatial and visual aspect. The existing development is predominantly two storey, and whilst not rectangular in plan, is not spread widely across the site. The existing curtilage is positioned to the east of the land under the applicant's ownership, close to the access road for the site and the neighbouring farm, sitting close to the tree line along that boundary. The neighbouring field, which is not considered to be within the existing curtilage, is open and undeveloped, with only grassland and surrounding trees as features.

As discussed above, the proposal would greatly increase the floor area of development, with a far greater area of single storey development across the site due to the inclusion of the single storey coach house, the swimming pool element of the large house and the vehicle garage. The greater spread of development, when compared to existing, would result in a more sprawling development, which would reduce the openness of this open countryside site.

The existing dwellings are two storeys in height, with first floor accommodation within the roof space. Although it is noted that the replacement dwelling would be at a lower site level than the existing development, the replacement large dwelling would be taller. The maximum height of the existing dwellings is 6.80m, reducing to 3.70m at the eaves, whilst the proposal would measure 10.60m to the ridge and 7.80m to the top of the parapet, representing a significant increase in height and bulk of development. Furthermore, the principal elevations of the building would be over 44 metres wide, with little architectural differentiation, resulting in a bulky building which would appear far more dominant within the landscape when combined with its increased height and siting.

The design and siting of the larger house is such that it is clearly intended to be imposing and it is considered that the resulting domestic paraphernalia and surrounding boundary ha-ha would have additional impact on the openness of the surrounding open countryside. Whilst it is noted that the boundary trees would limit the visibility of the proposal from the public realm, the openness of the site would be detrimentally impacted nevertheless.

The coach house dwelling proposed would be a modest bungalow and would be acceptable in its own right in the context of LP Policy H13. However, when assessed alongside the other elements of the proposal, it would add to the cumulative harm to openness as identified above.

In conclusion, by reason of an unacceptable increase in total floorspace, height, width and bulk, alongside siting of the main dwelling more centrally within the site, the proposal would result in a materially larger and more dominant main dwelling on the site whilst the layout of development on the site would result in an unsatisfactory degree of sprawl, resulting in harm to the openness of the rural area. The proposal is therefore considered to be contrary to Local Plan Policy H13.

Design and impact on the surrounding landscape

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.

Warwick District Council's Local Plan 2011 - 2029 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 requires development to be constructed using 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.

Policy NE4 (Landscape) states that development should positively contribute to landscape character. Amongst other things, development proposals are required to demonstrate that they consider their landscape context, including natural

character and avoid detrimental effects on features which make a significant contribution to the character of an area. Policy RS6 (Conserving and Enhancing Radford Semele's Landscape Character) states all new development must protect, conserve, or enhance the area's landscape character by, amongst other things, screening urban forms of development.

The character of the surrounding area is rural, with only sporadic development, including the farmstead and associated dwellings to the east. The site is surrounded by mature trees which limit views into the site from the public realm. As a result, the proposed dwelling would not be highly visible from outside of the site or alongside any other development in a traditional street scene relationship. The development consists of two individually designed dwellings, with the appearance of a large, imposing main dwelling and a modest coach house.

It is considered that the massing of the main building is poorly articulated, lacking symmetry, with unattractive large single storey, flat roofed elements. However, the surrounding tree line would prevent any views of the building or resulting harm to the area, preventing harm to the character of the area, whilst the main dwelling would be sited in the centre of the large field, ensuring it would not appear cramped in context.

The coach house would be modest in scale and acceptable in appearance considering there is limited development in the immediately surrounding area. The two dwellings would have a complimentary appearance due to the manor house and coach house designs.

The materials used would include block and render walls and tile roof. These materials are considered acceptable considering the individual design of the buildings. Had the application been otherwise acceptable, conditions requiring submission of a sample materials and a hard and soft landscaping plan would have been attached to ensure an acceptable appearance.

Due to the presence of the perimeter trees, there would be little impact on the appearance of the surrounding landscape. The County Landscape Officer has been consulted and raised no objection to the scheme. Had the application been otherwise acceptable, a condition requiring submission of details of hard and soft landscaping would have been attached to ensure a satisfactory appearance.

In summary, it is considered that, subject to conditions, the proposal is acceptable in terms of its design and impact on the landscape. The proposal is therefore considered to comply with the above referenced policies.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development that has an unacceptable adverse impact on the amenity of nearby uses and residents will not be permitted.

The closest residential neighbours are located to the north east of the site and the closest point of the proposed curtilage would be approximately 85.0m distant from

that neighbour with hedges and trees intervening. Considering the two storey height of the proposed development, the separation distance and intervening features, it is considered that there would be no harm to neighbouring living conditions. The proposal is therefore considered to comply with the above stated policy.

Amenity for future occupiers

The Residential Design Guide SPD sets out the minimum requirements for private amenity space. The large dwelling would require a garden area of 60sq.m and the bungalow would require a garden area of 40sq.m. These areas have been exceeded at both proposed dwellings.

Internally, all habitable rooms would have an acceptable level of light and outlook. It is therefore considered that the proposal complies with Policy BE3 in this regard.

Parking and Highway Safety

Policy TR1 (Access and Choice) of the Warwick District Local Plan states that development will only be permitted if it provides safe, suitable and attractive access routes for pedestrians, cyclists and vehicles. Amongst other things, development proposals are expected to not be detrimental to highways safety.

Policy TR3 (Parking) of the Warwick District Local Plan states that new development will only be permitted that makes adequate provision for parking. The Council's adopted Parking Standards SPD provides additional guidance in this regard.

In terms of access, the main access point from the highway would be maintained and it would still serve two dwellings. The Highways Authority have been consulted and raised no objection.

In terms of parking, the large house requires three car parking spaces to comply with the SPD. A garage for four cars has been included on the plans, and a large forecourt has also been included. The coach house requires two parking spaces to comply with the Parking SPD and two car parking spaces are shown on the plans.

Had the application been otherwise acceptable, a condition requiring the installation of one Electric Vehicle Charging Point per dwelling would have been secured by condition, in compliance with WDC's Air Quality & Planning SPD, and as recommended by the Council's EHO.

It is therefore considered that the proposal complies with the above referenced planning policies.

Impact on ecology and biodiversity

The National Planning Policy Framework (NPPF) places significant weight on the protection and enhancement of biodiversity and geodiversity, stating at Paragraph 180(a): *If significant harm to biodiversity resulting from a development cannot be*

avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity.

Policy NE3 of the Local Plan (Biodiversity) 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.

WCC's Ecology team were consulted and requested the submission of a bat emergence survey and details of a biodiversity net gain across the site. They have received the requested documents and raised no objections, subject to conditions regarding submission of a detailed schedule of habitat and species enhancement measures to result in a biodiversity net gain; a combined ecological and landscaping scheme; and a schedule of bat mitigation measures. Had the application been otherwise acceptable, conditions to this effect, alongside the requested notes, would have been attached.

It is therefore considered that the proposal complies with the above detailed policies.

Impact on trees

Policy NE4 (Landscape) states that development should positively contribute to landscape character. Amongst other things, development proposals are required to demonstrate that they consider their landscape context, including natural character and avoid detrimental effects on features which make a significant contribution to the character of an area.

The proposal would involve the removal of several trees. WDC's Tree Officer was consulted and has concluded that the survey, analysis and impact assessment submitted were acceptable. They suggested a condition be attached requiring submission of an arboricultural method statement and a tree protection plan. Had the application been otherwise acceptable, this condition would have been duly attached to ensure compliance with the above referenced policies.

Other matters

Waste and recycling

The garden areas of both dwellings are considered adequate in scale to ensure suitable arrangements for storage of bins. The Waste and Recycling team were consulted and raised no objection to the proposal.

Sustainability

A member of the public has commented that the demolition of a relatively new house would be a waste of resources. This is recognised as a valid concern, however, there is currently no specific policy in the development plan which allows for the assessment of this.

Had the application been otherwise acceptable, a condition requiring submission of a Sustainability Statement would have been attached to ensure compliance with Policies CC1 and CC3 of the Warwick District Local Plan.

Flooding and Water efficiency

The Lead Local Flood Authority have requested the submission of additional information. As the application site is within Flood Zone 1 and has no known drainage issues, it is considered that had the application been otherwise acceptable a suitably worded condition could have been attached to ensure submission of those details.

To ensure compliance with FW3 of the Warwick District Local Plan, had the application been otherwise acceptable, a condition would have been attached requiring the development to meet a water efficiency standard of 110 litres / person / day.

CONCLUSION

The proposal is considered unacceptable as it proposes replacement dwellings which would be materially larger than the existing ones and would have a greater impact on the openness of the rural area, in conflict with LP policy H13. It is therefore recommended that Planning Committee resolves to object to the proposal on those grounds and confirm that had the Committee been determining the application planning permission would have been refused for the following reason.

REFUSAL REASONS

- 1 Policy H13 of the Warwick District Local Plan 2011-2029 states that any replacement dwelling in the Open Countryside must not be materially larger than the existing dwelling and have no greater impact on the character and openness of the rural area.

In the opinion of the Local Planning Authority, the proposed dwellings would be materially larger than the existing dwellings. The proposal would also, by way of an unacceptable increase in total floor space, volume, height, bulk, width and site coverage, alongside siting of the large dwelling more centrally within the site, result in a materially larger

and more dominant development, resulting in harm to the openness of the rural area.

The development is thereby considered to be contrary to the aforementioned policy.
