

Application No: W 11 / 1097

Town/Parish Council: Kenilworth
Case Officer: Erica Buchanan
01926 456529 erica.buchanan@warwickdc.gov.uk

Registration Date: 05/09/11
Expiry Date: 31/10/11

Land adjacent to The Gables, 122 Rouncil Lane, Kenilworth

Reserved Matters Application for layout, scale, appearance, details of access and details of landscaping in relation to the approved outline application W/09/1341 for the erection of a new dwelling on land adjacent to 122 Rouncil Lane FOR Mr S Thadwal

This application was deferred at Planning Committee on the 12 June 2012, to allow for neighbour consultation to the amended plans.

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

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Members originally considered the proposal with no objection however revisited the proposal and objected on the grounds of un-neighbourly, overdevelopment of the site, deleterious to the street scene and visually intrusive, overlooked the existing property. Concern was raised regarding ownership of some of the land that needed clarification. Consideration of the amended plans will be made to the June Committee

WCC Highways - No Objection. Subject to highway conditions and notes.

WCC Ecology : No Objection to the proposals. Require the attachment of a Nesting Bird Note, a Bat Note and a Reptile, Amphibian and Badger Note.

Severn Trent Water - No objection subject to submission and approval of a surface water and Fouls sewerage scheme.

Kenilworth Society - Objection

The proposed dwelling is significantly larger than that approved in 2004 and is taller than both neighbouring properties specifically due to the closeness as shown on the streetscene drawing. The size and style of the dwelling would be out of keeping with the neighbourhood. The elevations have a pseudo Edwardian appearance that is inappropriate to an edge of town location and adjacent to the green belt. The loss of the trees would make the dwelling visible from the adjacent field and public footpath providing an urbanization on the edge of Kenilworth.

It is not clear whether the indoor swimming pool forms part of the site, or remains as part of No. 122 Rouncil Lane.

Public Response:

Cllr R Davies - As Ward Councillor he has requested the application be brought to Planning Committee due to concerns raised on the impact of the proposal to No 120 Rouncil Lane to ensure that the views are heard at Committee.

4 neighbour objections have been received:-

- The proposal is not in line with the outline application, which was more modest design, significantly taller, being three storeys, than other buildings in the area, impact on streetscene, too large for plot in height and size, out of character of the area.
- The dwelling would appear incongruous in the street scene. The height, scale and massing of the proposed development would result in a cramped form of development exaggerated by a conical shape of the site.
- It would be detrimental to the amenities of neighbouring property in terms of loss of privacy not in accordance with the building line.
- Encroachment of existing Green Spaces between properties.
- No substantial change with the amended plans
- height of building exasperated with changing ground levels

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- National Planning Policy Framework
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

PLANNING HISTORY

Outline approval was granted in 1984 for a detached house and garage which was renewed in 1989. In 1996 this was changed to a detached dwelling with integral garage, and was renewed in 2001. Other applications for three and two dwellings on the same site have been refused. All previous permissions are unimplemented. Of relevance to the current proposal is an outline application that was granted in 2010 for a detached dwelling with all matters reserved (W/09/1341). Therefore the principle of development has been established.

KEY ISSUES

The Site and its Location

The application site is located within the residential area of Kenilworth on the west side of Rouncil Lane. The rear boundary of the site adjoins the Green Belt. The site comprises land in the ownership of the applicants and includes some

rear amenity space belonging to No.122 Rouncil Lane to facilitate the development. The application site is located on the northern side of the applicants two storey dwellinghouse, and the land is currently separated from the property by tall established hedges. The plot is located within a row of medium to large sized detached dwellings and bungalows set back from the road with parking in their front gardens.

The adjoining property to the north of the site is a dormer bungalow and is separated from the site by a low post and rail fence. The site is mainly a grassed area with field gates at the front with a dropped kerb. The Gables side boundary is very well screened from the application site and they have a large side extension with blank side elevation. The existing pool is to remain in the ownership of the applicants and does not form part of the development.

The application site has changing ground levels and as such the site survey has indicated the ground levels with the application property (122 Rouncil Lane) are placed at a higher level than that of the neighbouring chalet bungalow (no. 120 Rouncil Lane).

Details of the Development

The application is for the Reserved Matters pursuant to the outline consent W/09/1341 with the details for layout, scale, appearance, access and landscaping.

Layout and Design

The proposed new dwelling is a two storey substantial detached dwelling that is set back from the road with a long front garden. It would be set back from no 122 and in line with the neighbouring property (no 120). Amended plans were submitted which reduced the height of the proposed dwelling and the style of the front to give a more traditional two storey appearance.

The general layout in streetscene is one of large detached residential properties of various styles with houses adjacent to bungalows and therefore it is considered that the proposed new dwelling is considered to be in keeping with the character of the area and streetscene.

The proposed dwelling is located within a large curtilage and the proposal is set back over 30 metres from the highway and is 30 metres from the open fields at the rear of the curtilage. The dwelling respects the location, scale and massing of the surrounding properties within the existing residential street scene and does not impact on the openness of the adjacent Green Belt to the rear of the property.

It is considered that the proposal meets the requirements of Policies DP1 of the Warwick District Local Plan 1996-2011 and the Council's Residential Design Guide.

Amenity

Consideration of the proposed new dwelling is whether it would harm the amenity of the neighbouring properties. The property most affected by the proposal is no 120 which is a chalet bungalow. This property is set at an oblique angle to the application site and there is a distance of 3.5m from the nearest

edge of the proposed dwelling to the boundary with No.120 and it is considered that the neighbouring property will not be adversely affected by loss of light, outlook or privacy.

Although the proposed dwelling would be set at a higher level than the neighbouring property in addition there is a first floor window of no 120 facing the application site, however this is a secondary window to a habitable room and it is considered that due to the space separation it is considered that the neighbouring property will not be adversely affected by loss of light or outlook. The proposed dwelling would have three windows facing no 120, two at first floor level which are proposed to be obscure glazed and fixed and a ground floor window it is therefore considered that the proposed dwelling would not harm the privacy of the neighbouring property.

In terms of impact on the applicants dwelling, due to the distance separation and the fact that the proposed dwelling is set back from this property and there are no windows facing the proposed dwelling, the proposal would have minimal impact on this property in terms of loss of light, privacy and outlook.

It is considered that the proposal is an acceptable form of development that does not harm the amenities of the neighbouring property and that the proposal meets the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

Access

The existing access will be utilised to provide a domestic access for the new detached property. There is ample off street car parking provided in the front amenity space and therefore the proposal meets the Council's minimum car parking requirements in accordance with the Vehicle Parking Standards SPD. A new permeable driveway is proposed to be laid at the front of the detached property and it will be porous to minimise the surface water runoff and would also provide adequate turning area so vehicles can ingress and egress the site in a forward gear. The proposal is considered to comply with Policy DP8 of the Warwick District Local Plan 1996-2011 and the Vehicle Parking Standards SPD. Whilst concern has been raised by neighbouring residents that the rear would be used for garaging and parking this can be controlled by removing permitted development rights so that any application could be properly assessed.

Landscaping

The proposal seeks to retain the majority of the established existing landscaping to the south side of the frontage. A tree survey has been undertaken on behalf of the applicants. There are no Tree Preservation Orders on the site and the tree survey sets out recommendations for which trees need to be removed and which trees can be protected and retained and these are set out in the survey. In total 6 trees are proposed to be removed with 5 trees to be retained and protected from the development.

Renewable resources

The application has been submitted with a sustainability statement and it is proposed to provide 5kw Air Source Heat Pump which will meet the requirements for the provision of 10% of the predicted energy requirements from renewable sources in accordance with Policies DP12 and DP13 of the

CONCLUSION/SUMMARY OF DECISION

In the opinion of the District Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents. The development does not adversely affect the openness and rural character of the adjacent green belt. The proposal is therefore considered to comply with the policies listed.

RECOMMENDATION

GRANT subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawings 548.02D, 548.03D, and specification contained therein, submitted on 05/09/11 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 2 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **REASON** : To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to satisfy Policies DP9 and

DP11 of the Warwick District Local Plan 1996-2011.

- 4 The development hereby permitted shall not be commenced unless and until the means of vehicular access to the site has been provided in full accordance with details to be submitted to and approved in writing by the local planning authority and thereafter the means of access shall be kept available for use by vehicular traffic at all times unless otherwise agreed in writing by the local planning authority. **REASON :** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

 - 5 None of the dwelling(s) hereby permitted shall be occupied unless and until the car parking provision for that dwelling(s) has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling(s) and thereafter those spaces shall be retained for parking purposes unless otherwise agreed in writing by the local planning authority. **REASON :** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

 - 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON :** This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
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