

Planning Committee: 04 September 2013

Item Number: 14

Application No: W 13 / 0957

Town/Parish Council: Kenilworth

Case Officer: Liam D'Onofrio

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Registration Date: 11/07/13

Expiry Date: 05/09/13

61 Common Lane, Kenilworth, CV8 2EQ

Proposed additional dwelling house within the garden of number 61 Common Lane. FOR Mr & Mrs Sage

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a new detached 3-bedroomed dwellinghouse by sub-dividing the northeastern part of garden land belonging to 61 Common Lane. The proposed dwellinghouse will be accessed from Highland Road and will be split into three levels, appearing as 1.5 storey from Highland Road and 2.5 storey from the lower garden level. The proposed dwelling will measure 7.5 metres wide by 13 metres deep and will have a ridge height of 8.4 metres or 4.9 metres when measured from Highland Road.

The application is accompanied by a Sustainability Statement and Design and Access Statement, which states that the house appears as a bungalow from Highland Road to complement the streetscene.

THE SITE AND ITS LOCATION

The application site relates to the northeastern part of garden land belonging to an existing bungalow (No.61 Common Lane) that occupies a corner plot east of the junction with Common Lane and Highland Road. There is a significant drop in levels between Highland Road and the site with only the top of the bungalow's roof visible from this streetscene. The site is within a residential streetscene within the urban area of Kenilworth.

PLANNING HISTORY

W/95/1226 Erection of a detached dwelling: Granted February 1996

W/00/1569 Variation of condition 1 (time limit) of W/95/1226 to extend permission for a further 5 years for the erection of a dwelling and garage fronting Highland Road: Granted December 2000.

W/05/1880 Variation of condition 1 (time limit) of W00/1569 to extend permission for a further 5 years for the erection of a dwelling and garage fronting Highland Road: refused February 2006 (Due to the current housing moratorium in force within the District at that time).

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)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Objection. The property would be shoe horned in between the existing house and the neighbouring property to the detriment of the streetscene. The property is out of keeping and over-development. The new property would be detrimental to the amenity of No.61 Common Lane.

WCC Highways - No objection, subject to conditions.

ASSESSMENT

The main considerations in assessing this application are as follows:

- The principle for development;
- Siting and design;
- Neighbours' amenity;
- Highway safety;
- Other matters of landscaping, ecology and sustainability.

Principle

Planning permission was granted and renewed for a detached dwellinghouse on this site under planning applications W/95/1225 and W/00/1569 respectively. The applicant sought to renew the permission again under W/05/1880, however planning permission was refused due to a housing moratorium in force across the district at that time.

Policy UAP1 of the Warwick District Local Plan 1996-2011 states that residential development will be permitted on previously developed land and buildings. Following the previous applications Planning Policy Statement 3: Housing (PPG3) was updated to advise that garden land was no longer to be regarded as previously developed land. PPS3 has since been replaced by the National Planning Policy Framework April 2012, which states at paragraph 53 that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. This does not preclude the use of garden land for infill residential development where it can be successfully accommodated into the existing pattern of development without creating a contrived design solution. The proposed use would also be compatible with surrounding uses and provide a good quality, sustainable residential environment, with access to local shops and services. The scheme is therefore considered to be acceptable in principle.

Siting/design

In terms of siting, the proposed dwellinghouse will sit appropriately within the existing pattern of development with an active street frontage. The proposed dwelling will be viewed as 1.5 storey within the Highland Road streetscene and will provide adequate gaps between built form and the side boundaries to avoid appearing cramped within its plot. Although the plot width is clearly narrower than some other surrounding properties the scheme is considered to be well-proportioned and will assimilate well into the existing streetscene. The design is appropriate and there is a good mix of dwelling house types, styles and ages, thus allowing some design flexibility for the proposed property.

The scheme is therefore considered to provide an acceptable design solution and subject to agreeing external materials the scheme is not considered to have a harmful impact upon the visual amenity of the streetscene.

Neighbours' Amenity

The proposed dwellinghouse will not breach the 45-degree sightline when measured from adjoining properties. There is one upper side-facing window, which may be conditioned to obscure glaze to avoid any overlooking impact.

Following sub-division of the plot it is considered that No.61 will retain an adequately sized garden area and existing parking spaces accessed from Common Lane.

The necessary separation distances to other surrounding properties and all window-to-window separation distances will be met and the scheme is not

considered to result in any significant impact upon the amenities of the occupiers of other surrounding properties.

Given that this is an infill dwellinghouse on a smaller plot it would be prudent to remove Class A permitted development rights relating to house extensions. Given the existing ability to erect garden buildings on this land under Class E it is not considered necessary to remove the future householders rights to erect garden buildings, which are subject to more stringent height restrictions where within 2 metres of the property boundary.

Highway Safety

The proposed dwelling will provide an off-street driveway area suitable for parking two cars in accordance with the Council's Vehicle Parking Standards SPD. An integral garage space is also provided. The County Highway Engineer has raised no objection to the scheme, subject to conditions to ensure that an appropriate access crossing and driveway gradient is achieved.

A further condition is suggested to ensure that off-street parking is available prior to first occupation of the dwellinghouse and retained thereafter.

Landscaping/Ecology

The site is a mature residential garden and an apple tree will be removed to facilitate the scheme. The Ecologist has raised no objection but has suggested that a fruit tree is planted in a suitable location in the garden of the new dwelling. This can be controlled by condition and is consistent with the aims of conserving and enhancing bio-diversity within the NPPF 2012. A condition is recommended to protect existing trees on site during the construction period.

The Ecologist has suggested nesting bird and reptile/amphibian notes be applied as the site is located near to a Local Nature Reserve/Local Wildlife Site. The site is within an area well used for foraging bats and the Ecologist has suggested that a bat box be incorporated into the new building, which can be controlled by condition.

Sustainability

In order to meet the required 10% renewable energy requirement set out in SPD Sustainable Buildings the applicant has opted for 10 solar PV panels on the rear (southeast) roof slope. This element can be successfully controlled by condition.

Other matters

An open space contribution is required in accordance with the Council's Open Space SPD, which can be secured through condition.

CONCLUSION/SUMMARY

In the opinion of the Local Planning Authority, the proposed development is of an acceptable standard of design which would not cause unacceptable harm to the streetscene in which the site is located and will not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal is therefore considered to comply with the policies listed.

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(s) 1312/P/01; 1312/P/02; 1312/P/03; 1312/P/04; 1312/P/05; 1312/P/06, and specification contained therein, submitted on 10th July 2013. **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.
- 3 The development shall be carried out only in full accordance with sample details of the external materials which have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 5 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and

specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

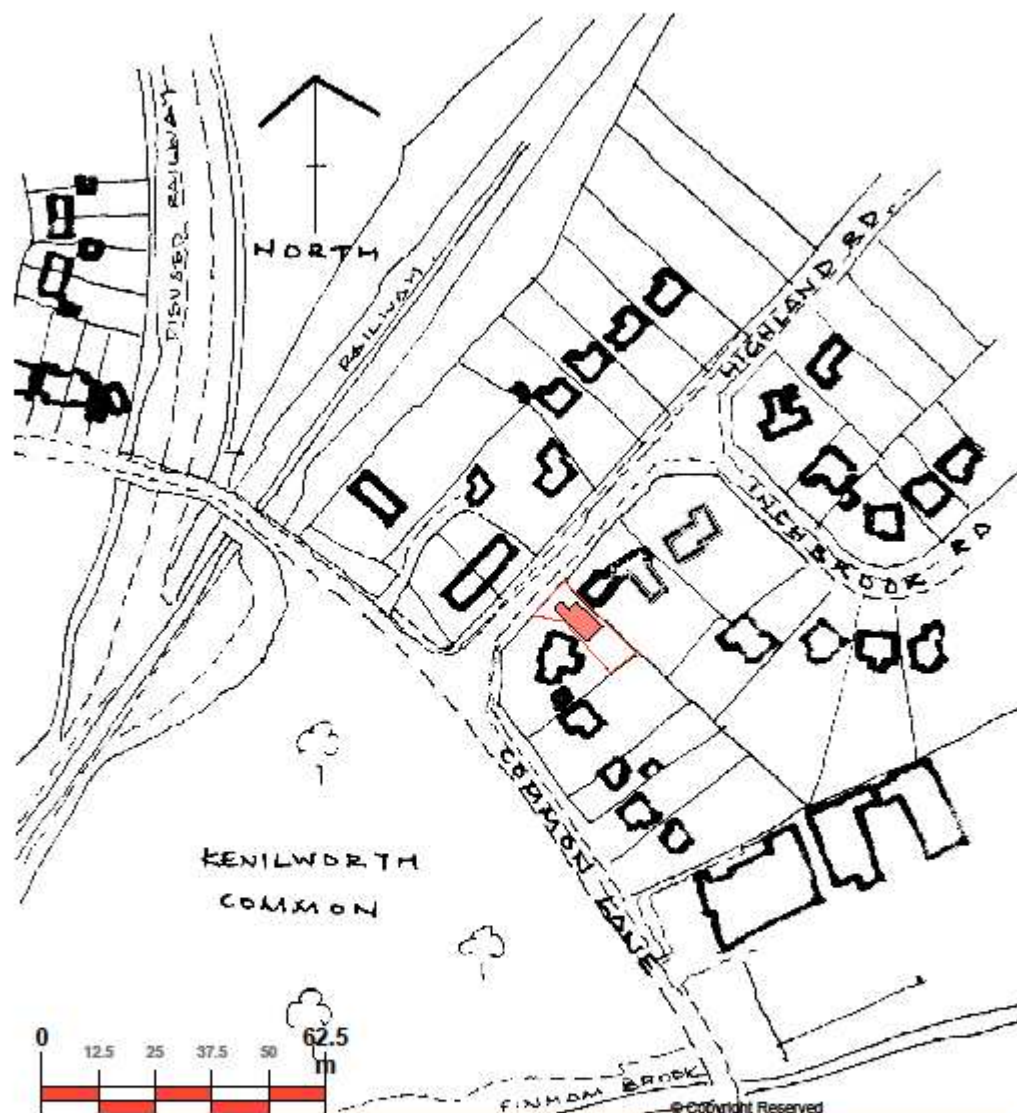
- 6 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full 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 to direct run-off 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 dwellinghouse 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 similar size and species, unless the local planning authority gives written consent to any variation. 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby approved shall not be occupied unless and until a scheme for the provision of a bat boxes to be erected on dwellinghouse hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location and timing of works. Thereafter, the bat box shall be installed and maintained in perpetuity. **Reason :** In the interests of minimising the impacts on biodiversity and providing net gains in biodiversity in accordance with the National Planning Policy Framework

2012.

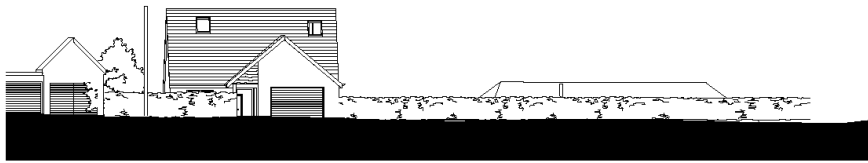
- 8 No use of the development hereby permitted shall commence unless and until an access for vehicles has been constructed to the site not less than 3 metres wide or greater than 5 metres wide at any point in accordance with standard specification of the highway authority. The gradient of the access shall not be steeper than 1 in 12 for a distance of 7.5 metres, as measured from the near edge of the of the public highway carriageway. **REASON:** To ensure that a pavement and verge crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 9 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 Classes A, Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON :** To retain control over future development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby approved shall not be occupied unless and until the areas indicated on the approved drawings for vehicular manoeuvring space and parking have been completed and made available for use. Thereafter these areas shall at all times be kept free of obstruction and be available for those purposes. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 11 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) the upper floor window to be formed in the side (southwest) facing elevation of the dwellinghouse hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 12 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 windows or openings, (apart from any shown on the approved drawings) shall be

formed in the side-facing elevations hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

- 13 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All 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 (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 14 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
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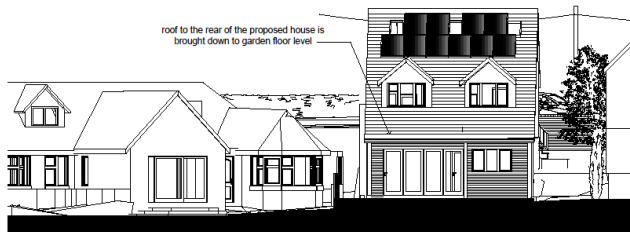
Martin Smith Architect Ltd Chartered Architect		23 Birmingham Road, Stoneleigh, CV8 3DD. 02476 690906 e-mail: architect_smith@yahoo.co.uk	
client	Mr and Mrs Sage 61 Common Lane Kenilworth.CV8 2EQ.	scale:	1:1250 date: July 2013
title	Planning Application for Infill Dwelling. Site Location Plan.	drawing number	amendment
		1312/P/07	



HIGHLAND ROAD ELEVATION



ELEVATION FROM THE GARDEN of No 61
COMMON LANE



ELEVATION FROM THE GARDEN of No 61
COMMON LANE
(looking towards Highland Road)



EAST ELEVATION FROM THE GARDEN

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© Copyright Reserved		A-mail: martin.smith@btinternet.com	
client	Mr and Mrs Sage 61 Common Lane Kenilworth CV8 2EQ	scale	1:100
date	June 2013	drawing number	1312/P/05
title	Proposed Elevations. Planning Application for new house.	amendment	