

**Planning Committee:** 03 August 2005

**Item Number:** 09

**Application No:** W 05 / 0806

**Registration Date:** 03/06/05

**Town/Parish Council:** Stoneleigh

**Expiry Date:** 29/07/05

**Case Officer:** Penny Butler

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**251 Cromwell Lane, Burton Green, Kenilworth, CV8 1PN**

Use of lower ground void for storage and kitchen. FOR Mr J Evans

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

### **SUMMARY OF REPRESENTATIONS**

**Parish Council:** "The Parish Council questions if this application conforms to the restrictions imposed on Greenbelt areas. Planning permission was granted twelve months ago (W2004/0600) for this property to be extended. That application increased the footprint of the property by approximately 35 percent and the floor area by 120 percent. This further application increases the floor area by a total of 150 percent i.e. two and a half times bigger than the original building and has gone from a single storey bungalow to a three storey house.

The ground works at the rear of the property to achieve the lower ground floor have significantly altered the aspect of the land to surrounding properties with concerns regarding soil retention and potential future drainage problems. The District Council should note that work appears to have commenced prior to adjudication of this application."

Additional comments: "The Parish Council asks for a site visit of the entire planning committee so that the impact of the land changes may be properly assessed. It is the view of the Parish Council that the applicant should be made to restore the land to its original condition. This application for a lower ground floor should be rejected - if the footings and walls are allowed to stand in order to provide provision of the original extension, then the void should be backfilled to ensure that it cannot be utilised at a later date."

**Neighbours:** One letter of objection from the adjacent neighbour (no. 249). Earthworks at the rear of the dwelling have dramatically altered the garden, creating a dangerous drop of 4-6 feet down the side of their property, and an increase of 4-5 feet at the lower end of the garden, creating potential drainage issues. A landscape assessment is requested. The proposed extension, in addition to previous approved extensions, would exceed District Council guidelines, and the total scheme should be considered as one application. The extension underway is on the boundary which is not in keeping with the surrounding area, and means that the neighbour could not reconstruct their

garage. Construction works have been carried out at unsocial hours and for a period of over one year. The Party Wall Act has not been complied with.

## **RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)  
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)  
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)

## **PLANNING HISTORY**

There have been two previous applications on the site for extensions. A single storey garage extension was approved in 1981, and various ground and first floor extensions including dormer windows were approved in 2004 (W04 / 0600).

## **KEY ISSUES**

### **The Site and its Location**

The site is within the built up area of ribbon development along Cromwell Lane, which is in the Green Belt. The property is a detached bungalow with large front and rear gardens, with land levels which drop significantly towards the end of the garden. There are two metre high fences along each side boundary, and a thick tree and shrub screen on the rear boundary, with woodland beyond screening views from open countryside to the east.

### **Details of the Development**

During construction of the approved rear extension, it was discovered that in order to comply with Building Regulations, the footings for the single storey rear extension had to be excavated some way below what was previously envisaged, due to the significant drop in land levels towards the rear. It is now proposed to use the space within the exposed foundations, below the ground floor extension, as a basement area accessed internally. Amended drawings have been received showing the land levels to be reinstated in the rear garden, in front of the new basement level. The top of the re-graded land would be 1.5 metres higher than the area that has been excavated, and would re-grade back into the natural ground level 7.0 metres from the extension.

## **Assessment**

The dwelling is located in the Green Belt, therefore, policies (DW)H14 and RAP3 apply which seek to restrict the size of extensions to rural properties in order to protect the character and openness of the Green Belt. Under policy (DW)H14 an increase in the original floor area of a property of more than fifty percent is not normally considered appropriate. The previous approved extensions more than doubled the floor area of the original modest bungalow, but the main extension in the foot print of the dwelling was to the rear, which is not visible from the open countryside and the resulting dwelling was not considered to be overly imposing in design or character within the surrounding area, or to prejudice the "openness" of the green belt which is very mixed in character with many substantially extended properties.

Land at the rear of the dwelling previously stepped down significantly so that the bungalow was in an elevated position. The proposed use of the lower ground floor void area would result in a further increase of the floor area of the dwelling, however, the utilisation of this space does not physically extend the bulk of the building. Physically the rear of the building is not extended, but the removal of the adjacent land in front of the extension, and the increased depth of the building, result in the appearance of a partially two storey dwelling when viewed directly from the rear. From the front of the dwelling the appearance is not altered.

The reinstatement of the ground level immediately adjacent to the extension means that from the rear garden the reinstated land will obscure views of the lower part of the basement level. This would give a very similar appearance to what was previously approved with the lowest visible part of the extension 0.3 metres lower than the previous approval. This very minor visible change would not in my opinion have a substantial impact on the openness of the Green Belt, which is the main issue to be addressed, and I also consider that the change would not seriously harm neighbouring amenity.

The Party Wall Act and timing of construction works are not planning matters.

## **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

## **RECOMMENDATION**

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) no.BR-25/2/04-03 Rev.A, and specification contained therein, submitted on 13 May

2005, and amended plans submitted on 21 July 2005, 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 Local Plan Policy ENV3.

- 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.  
**REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.