

**Planning Committee:** 25 February 2014

**Item Number: 14**

**Application No:** W 13 / 1775

**Town/Parish Council:** Kenilworth

**Registration Date:** 20/12/13

**Case Officer:** Emma Spandley

**Expiry Date:** 14/02/14

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**61 Common Lane, Kenilworth, CV8 2EQ**

Erection of a dwelling house within the garden of number 61 Common Lane.  
Resubmission of W/13/0957, approved 5th September 2013. FOR Ward Burges  
Ltd

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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 storeys from Highland Road and 2.5 storeys 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 from the rear 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 differences between the previous application for which planning permission was granted in 2013 (W/13/0957) and the current proposals are:-

- An increase in ridge height by 0.6 metres to accommodate the roof pitch of the dwelling being increased by 2.5 degrees.
- The insertion of a door and window at ground floor and two windows at first and second floor level on the western elevation.
- The insertion of 3 windows within the first and second floor levels within the eastern elevation; and
- The inclusion of steps down from the road level to the rear garden.

## **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).

W/13/1775 - Erection of a detached dwelling in the garden of No.61 Common Lane: Granted 5th September 2013.

## **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** - The proposed changes exacerbated earlier concerns, considering that:

1. The property would be shoe-horned in-between the existing house and the neighbouring property, with a detrimental effect to the street scene.
2. The proposed property is out of keeping with the surrounding area.
3. The revised roof pitch and increased ridge height exacerbates the adverse effect on the neighbouring property.
4. The change from a garage to study, with no space for any future garage facility, increased Members view that the proposal constituted over-development.
5. The new property would be detrimental to the amenity of 61 Common Lane.

**Public response** - 1 response received making comments regarding access to the site during construction; the impact on house values and the proposed building being higher than the existing neighbouring properties.

### **ASSESSMENT**

- The main considerations in assessing this application are the material differences between the current proposal relative to the approved scheme, however for completeness, this report also includes the other key considerations:-
  - The principle of development;
  - Siting and design;
  - Neighbours' amenity;
  - Highway safety;
  - Other matters: 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. More recently application W/13/0957 was granted for a detached dwellinghouse by Planning Committee on 4th September 2013.

Therefore the principle of a detached dwelling on this site is considered to be acceptable.

### **Differences between the previous application and the current proposals**

The differences between the previous application (W/13/0957) and the current proposals are:-

- An increase in ridge height by 0.6 metres to accommodate the roof pitch of the dwelling being increased by 2.5 degrees.

- A door and window at ground floor and two windows at first and second floor level on the western elevation.
- 3 windows within the first and second floor level within the eastern elevation; and
- The inclusion of steps down from the road level to the rear garden.

### **Siting and design**

Whilst the increase in ridge height is 0.6 metres, the highest point of the proposed dwelling will sit approximately 12 metres from the back of the footpath. Due to the mix in existing housing types, styles and ages within the surrounding area, the proposed increase in ridge height is not considered to have a harmful impact on the visual amenity of the street scene.

### **Neighbours' Amenity**

The siting of the proposed dwelling is similar to the siting of the previously approved dwelling and will not breach the 45 degree sightline when measured from adjoining properties or result in any significantly increased impact on the amenities of nearby neighbouring properties.

The additional windows within the side elevations will be required to be obscured glazed and the necessary separation distances to other surrounding properties and all window to window separation distances are met.

The revised design of the proposed dwelling will not have a significant impact upon the amenities of the occupiers of other surrounding properties.

Given that this is an infill dwellinghouse on a smaller plot it is considered prudent to remove permitted development rights relating to house extensions. Given the existing ability to erect garden buildings on this land it is not considered necessary to remove the future householders rights to do so, which are subject to more stringent height restrictions particularly 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. The 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.

### **Health and Wellbeing**

N/A

### **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, & 1341/P/08 and specification contained therein, submitted on 20th December 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

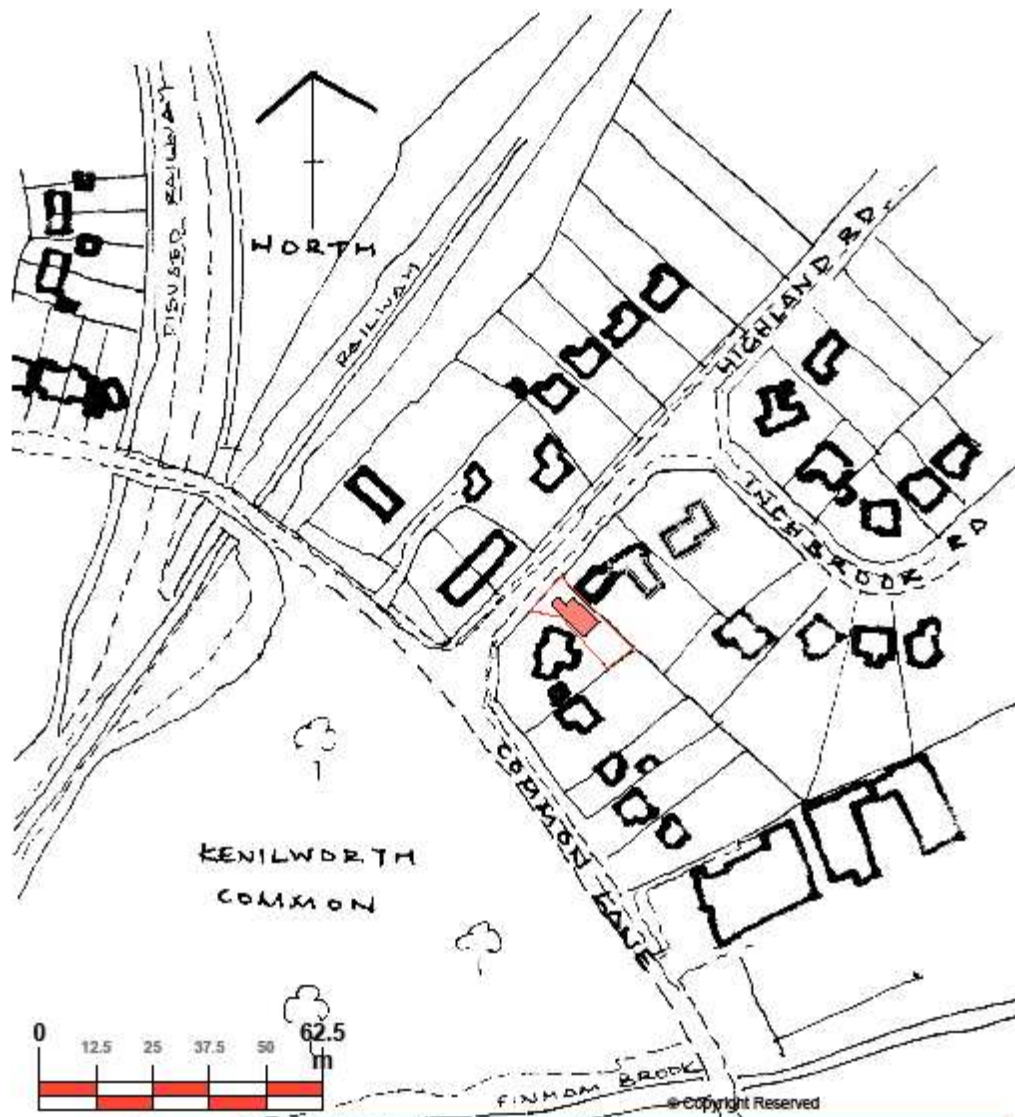
Warwick District Local Plan 1996-2011.

- 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 windows to be formed in the side (southwest) and (northeast) facing elevations 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

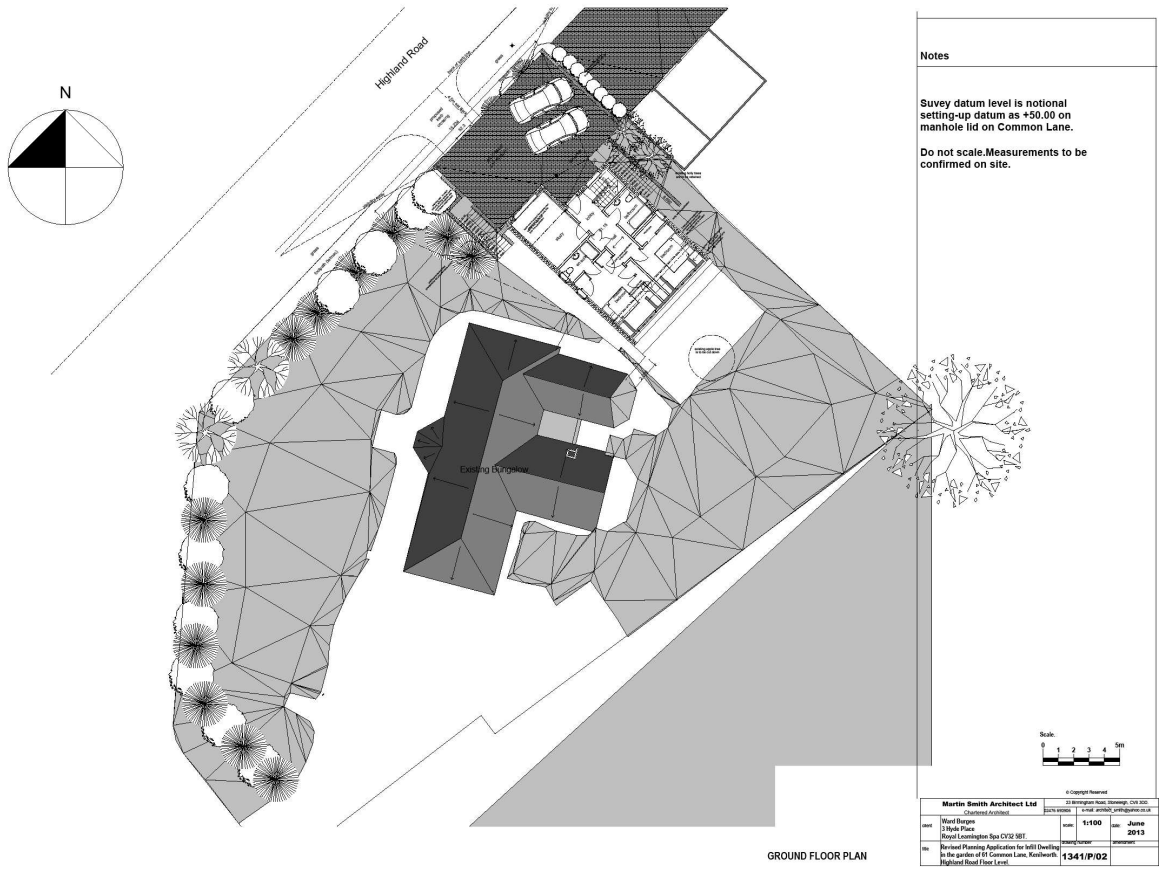


manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

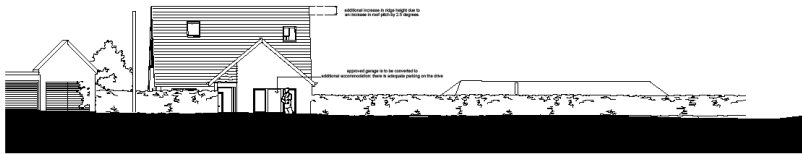
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client	Ward Burges 3 Hyde Place Royal Leamington Spa CV32 5BT.	scale:	<b>1:1250</b>
		date:	<b>Dec 2013</b>
title	Planning Application for Infill Dwelling. Site Location Plan within the garden of 61 Common Lane.	drawing number	<b>1341/P/07</b>
		amendment	



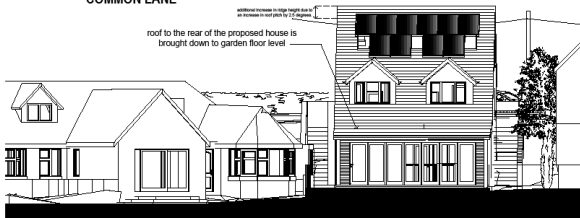
GROUND FLOOR PLAN



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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date:	Proposed Elevations. Revised planning application for new house, garden of 61 Common Lane.	drawing number:	1341/P/05
		date:	Dec 2013
		revision:	