

Planning Committee: 21 February 2006

Item Number: 05

Application No: W 05 / 2014

Registration Date: 14/12/05

Town/Parish Council: Kenilworth
Case Officer: Penny Butler

Expiry Date: 08/02/06

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47 Malthouse Lane, Kenilworth, CV8 1AD

Erection of a replacement dwelling FOR Mrs A Sumner

This application has been requested to be presented to Committee by Councillor Ann Blacklock.

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Neighbours: Three letters of objection, including properties either side. No.49 objects to loss of light and loss of privacy from proposed side windows and increased use of side areas. This neighbour would be supportive if the proposed roof line was no higher than existing, and if the side boundary was screen fenced. No.45 objects to loss of outlook at front and rear of dwelling, overlooking from side windows, and devaluation of property. Taken in context with the recently erected replacement dwelling at no.43, the proposal would create a 'tunnel effect', resulting in the impression of overdevelopment and loss of the detached appearance of the dwellings. The application site is higher than this neighbour so all the above effects are increased. Also concerned that the proposed floor plan is confusing and that a later change of use may occur. Remaining objection comments that the proposed "out of balance" dwelling is worse than the out of character replacement recently allowed at no.43.

WCC Museum (Ecology): Pre-determination bat survey recommended. Existing trees/hedgerows should be preserved if possible with a buffer zone.

RELEVANT POLICIES

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

PLANNING HISTORY

Since permission for the existing bungalow was approved in 1953, there has been no planning history on the site.

KEY ISSUES

The Site and its Location

The application site currently consists of a detached hipped roof bungalow with projecting front gable end, a detached garage to the side and a tarmaced front drive

with turning area. There are a number of tall mature trees in the front garden, a sparse hedge screen on the northern side boundary, and a fenced/hedged boundary to the south side. The land drops from the neighbours to the north to the neighbours to the south by several metres, although the site itself is level.

Malthouse Lane is very mixed in character, there are a range of periods and styles of dwelling, with both bungalows and two storey dwellings. The new dwelling would not project significantly forwards of the general building line between no.49 and no. 43, and is set back 12 metres from the front boundary.

Details of the Development

It is proposed to replace the existing bungalow with a part one storey and part two storey five bedroom dwelling arranged around a small central front courtyard. Two garages would be provided at either end of the U-shaped dwelling, and there would be a small rear conservatory positioned centrally.

Assessment

I consider the main issues to be impact on the amenity of neighbouring dwellings and impact on the character of the surrounding area.

The northern neighbour (no. 49) projects slightly further forwards, and is a bungalow with roof space accommodation. It is on land approximately 0.3m higher, with five south facing side windows. There are two obscure windows to a bathroom, two bedroom windows towards the rear (the room also has a rear window), and a side kitchen window towards the front. The kitchen also has a front window, but light from this is restricted by the large trees in the front garden. The side kitchen window is most affected, and as such this part of the replacement dwelling is single storey and following negotiation the ridge line has been lowered so that it is no higher than existing. The current view from this neighbours window is above the sparse boundary hedge in front of the applicants gable end, with sky also visible above the ridge of the house. The proposal would extend further forwards than the existing building, as such part of the open outlook would be lost. The architect has provided a section through the site demonstrating a comparison of the existing and proposed ridge lines, and the BRE (Building Research Establishment) guideline is met which is used for assessing loss of light to side windows. Given that the ridge height will be no higher than the existing and the fact that the window is not the primary source of light to the room, on balance, the impact on this neighbours light and outlook is considered acceptable. Subject to details, the boundary treatment can be controlled and required to be retained at all times thereafter.

The southern neighbour (no.45) has a large attached single storey garage on this side of the plot, and is on land approximately 0.3m to 0.5m lower. The proposed replacement dwelling is two storey on this side of the plot, taking into account the height of the neighbouring dwelling. The proposal extends 7.5 metres forwards of the neighbours garage, the first 3.0 metres of which is two storey, and the building then drops to a single storey lean to roof above the garage. The proposal does not breach a 45 Degree Guideline from this neighbour due to the position of their garage, and as such it is not considered that refusal could be justified on grounds of loss of light, outlook or amenity. This neighbours comments are noted with regard to the cumulative impact that this proposal, in addition to the replacement dwelling built on the other side to them will have, but given the width of their plot and the compliance with the 45 Degree Guideline, it is not considered that the harm would be so great as to warrant refusal.

The loss of the existing bungalow would not cause serious harm to the existing character of Malthouse Lane as it is not an outstanding building, while the new dwelling has been designed to take account of the heights of the neighbouring properties, and is set 1.8 metres off the side boundaries. The materials can also be subject to samples to ensure a high quality development.

The bat survey recommended by WCC Ecology is noted, however, as planning permission is not required for the demolition of the existing dwelling it is not considered reasonable to make this a pre-determination requirement, when it could be made a pre-commencement condition. Impact on property values is not a planning matter. Concerns raised over the possible use of the building as two separate dwellings would be subject to planning permission for a change of use, and judged against the relevant policies at such a time. Part of a dwelling can be used as 'granny annexe' type accommodation, providing it is used in a manner ancillary to the main dwelling by persons living as a single family unit.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s), and specification contained therein, submitted on 21 December 2005 (floor plans) 24 and 27 January and 7 February 2006 (elevations) 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.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **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.
- 4 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 other than those expressly authorised by this permission, shall be placed at any time in the side elevations or roof slopes of the dwelling. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.
- 5 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority. Before the development hereby permitted is occupied, the boundary treatments shall be erected in full accordance with said approved plans and shall thereafter be maintained in the positions shown unless otherwise agreed in writing by the District Planning Authority. **REASON** :

To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.

- 6 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.

- 7 No work of any kind shall be begun on the site until protective fence(s) around the trees being retained, have been erected. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the proposed development is of an acceptable standard of design which would harmonise with the character and appearance of its surroundings and does 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.
