

**Planning Committee:** 31 March 2004  
**Application No:** W20040143

**Principal Item Number:** 04

**Town/Parish Council:** Kenilworth

**Registration Date:** 28/01/2004

**Expiry Date:** 24/03/2004

**Case Officer:** Steven Wallsgrove  
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**Land adjacent to 63, Common Lane, Kenilworth, CV8 2EQ**

Demolition of garage and erection of a two storey house

FOR Warwick Place Ltd

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This application was deferred at Planning Committee on the 10th March 2004 for a site visit. The following report is that previously considered since the only item in the addendum was a further letter from the adjoining neighbour drawing attention to an error in the street elevation.

**SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council :** Members objected as they considered the application to be unneighbourly overdevelopment through the overuse of infill.

**WCC (Highways) :** have no objection subject to vehicles being able to turn around within the site.

**Crackley Residents Association :** Refer to a previous refusal and comment that:-  
"This is a particularly sensitive area which borders Kenilworth Common, a nature reserve, and we would urge that very careful consideration be given to the application bearing in mind two specific points:

- (1) the close proximity of the proposed building to the adjacent property, which would be exacerbated by the steep fall of the land and, as a consequence of this
- (2) natural light would, to a very great extent, be blotted out, thus harming the pleasant character and openness of its present position in the road."

**Neighbours :** Four residents object as being unneighbourly, overdevelopment, will result in increased traffic, visually intrusive, alter character of area, and opposite the common. The immediate neighbour at No. 65, refers to the proposal as being bigger than the previous refusal, and will have a greater impact on the amenities of neighbours. It also refers to claimed inconsistencies, inaccuracies and omissions, rights to light, outlook, prominence of garage, problems during construction and noise (disruption during construction).

**RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)

**PLANNING HISTORY**

The present house was built in the early 1950's and has been the subject of 3 applications for extensions, the most recent being granted in January this year which included the bricking up of the side patio window. There has also been a previous application for a dwelling on this plot, reference W20011100 which was refused in November 2001 on grounds of unneighbourly impact for existing and future occupiers of the dwelling.

## **KEY ISSUES**

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

The plot lies between 63 and 65 Common Lane, opposite The Common, and is presently occupied by a detached double garage. The land falls from 63 to 65, where there is a 1.8 m close boarded fence on the boundary.

### **Details of the Development**

The proposal is to erect a two-storey house, with an attached garage and utility adjoining 65 Common Lane, on a plot 10.9 m wide. The layout plan shows the garage as being some 2.0 m from the side windows of No. 65 with the house being some 2.4 m from the side of No. 63. The floor level and eaves level would be below those of No. 63, but above those of No. 65, which is an unusual design with a long, curved eaves, dormer on the front. The plans have been amended to correct a discrepancy between the floor plans and the elevations.

### **Assessment**

The two main issues are the affect on the street scene and the affect on the neighbouring dwellings.

In terms of street scene, there is a wide variety of design of dwellings and a varied width, and shape, of plots. The proposed plot is stated as being 10.9 m wide while the remaining plot (No. 63) would be some 12.5 m with No. 65 being just over 12.0 metres and No. 67 some 13.5 m. I consider that the proposed plot width is acceptable since it is only marginally narrower than the other plots.

The very varied design of the dwellings on these plots, and in the wider area, also means that the proposed design would not stand out unacceptably, although it would have been preferable if the ridge line could have been reduced since it is shown as being level with No. 63, which stands on slightly higher ground.

The proposed dwelling, as with the refused design, will have some impact on the side windows of the adjoining dwellings but, it is considered, this impact will be significantly reduced. This is because, rather than having a two-storey wall some 3 m from the side windows of No. 65, it will have the side wall of the garage at 2 m with the roof rising up to the main house some 5 m away. Since the ground floor side windows of No. 65 already have a 1.8 m close boarded fence about 1 m away from them, the fence being almost up to the tops of those windows (due to the difference in ground levels) it is considered that the garage will not have an unreasonable affect.

The affect of the proposal on the existing dwelling on the plot (which is also owned by the applicants) will also be less since the planning permission recently granted on that house included the bricking up of the side patio window to the rear dining room. In addition, the other two ground floor side windows are only secondary windows to the front living room.

I am satisfied, therefore, that the proposal is an acceptable infill and will not have an unreasonable affect on either the street scene or the neighbours and is in accordance with both Local Plan policies and central government guidance.

### **RECOMMENDATION**

That planning permission be GRANTED, as amended, subject to sample materials and turning space conditions.

### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)