

**Planning Committee:** 10 September 2019

**Item Number:** 8

**Application No:** [W 19 / 0879](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** George Whitehouse

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**Registration Date:** 23/05/19

**Expiry Date:** 18/07/19

**24 Fishponds Road, Kenilworth, CV8 1EZ**

Erection of a part first floor front extension, part two storey rear and single storey rear extensions with associated pitched roofs. FOR Mr Scott & Mrs Jones

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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

It is recommended that the Planning committee grant this application for the reasons set out in this report.

**DETAILS OF THE DEVELOPMENT**

Erection of a part first floor front extension, part two storey rear and single storey rear extensions with associated pitched roofs.

**THE SITE AND ITS LOCATION**

24 Fishponds Road is a detached dwelling on the North West facing side of the road. The dwelling as existing has a two storey flat roofed element and a single storey rear extension. The dwelling is not within Flood Zone 2 or 3.

**PLANNING HISTORY**

BC/05/01809/BN: Single storey extension to form shower room and toilet.

**RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)
- Neighbourhood Plan

- Kenilworth Neighbourhood Plan

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** COMMENTED that whereas they had no reason to object, they were concerned to ensure compliance with the 45° rule.

**Warwickshire County Council Ecology:** Requested notes relating to protected species.

**Public:** 5 objections based on loss of amenity, loss of light, loss of privacy, loss of outlook, flooding, drainage, parking, light pollution, not strictly compliant with the residential design guide, contravention of Distance Separation Standards, contravention of 45-degree guideline, not subservient to the main dwelling.

## **ASSESSMENT**

### Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all nearby uses and residents, including in terms of light, outlook and privacy. The Council's Residential Design Guide SPG provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property. In this case since part of the proposals include a two storey element the 45 degree guideline was measured from the midpoint of the first floor window and the 1/4 of the ground floor window of number 22 Fishponds Road and the midpoint of the ground floor window from number 26 (due to the element alongside number 26 being single storey). This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

There is no breach of the 45 degree guideline from either immediate neighbour.

Concerns have also been raised regarding the distance separation between the proposals and the neighbours to the rear. However, the distance separation is the 22m required by the residential design guide.

Objectors are concerned that the 22m distance separation should be drawn from the ground floor single storey rear extension of number 6 Willoughby Avenue. The plans have been amended to reduce the size of the first floor rear extension by 0.5m in order to ensure a minimum 22m separation distance from the rear first floor window in then extension and the window in the rear of the extension to 6 Willoughby Avenue.

It has also been suggested that the minimum separation distance should be 27m since one of the neighbours immediately to the rear has a rear dormer. However, two storey dwellings with a dormer window are not considered to be three storey dwellings for the purpose of the Distance Separation Guidelines and this is consistent with previous decisions.

As the proposals comply with the 45 Degree Guideline and Distance Separation Guidelines, it has been concluded that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for neighbours. The proposals therefore comply with Local Plan Policy BE3.

### Design

The proposals are considered to represent a subordinate addition to the dwelling. The proposed pitched roofs are set down from the main roof ridge and the front first floor extension is suitably set back from the main gable front wall. The first floor front extension also represents an improvement to the street scene by removing the existing section of flat roof at first floor. The rear extension is significantly lower than the roof of the original dwelling and is not visible within the street scene nor is it significantly visible from public vantage points.

The original property was built 0.89m from the common boundary with number 22 and the extension follows on the same building line. Whilst this means the extended dwelling is not set 1m from the side boundary, the proposals do not encroach on the boundary any more than the existing layout. Therefore it would be unreasonable to insist on the extension being set off the boundary by 1m since the proposals do not result in any further terracing effect compared with the existing situation.

It is considered local plan policy BE1 is complied with.

### Parking

No additional car parking spaces are required to be provided under the adopted Parking Standards since the bedroom numbers increase from 4 to 5, both of which would require 3 parking spaces. In any case, 3 cars can fit on the driveway off street and therefore it is considered Local Plan Policy TR3 is complied with.

Concern has been raised regarding the size of the office and whether this would generate additional car movements to the site. The office is appropriately sized for modern home working; it is not significantly larger than the existing home office and is not of a commercial size. It is not considered the additional space of the home office above that of the existing will result in additional car movements to and from the site nor will the development result in the need for additional parking. The parking provided on the site is sufficient to comply with TR3

### Summary

In summary, the proposed development complies with local plan policy BE1 since it represents a subservient form of development that is easily read as an extension and that positively contributes to the street scene. Furthermore local plan policy BE3 is complied with along with the Council's Residential Design Guide.

## **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 drawings, and specification contained therein, submitted on 01/08/2019 & 30/08/2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
  - 3 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 BE1 of the Warwick District Local Plan 2011-2029.
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