

Planning Committee: 15 November 2022

Item Number: 6

Application No: [W 22 / 0367](#)

Town/Parish Council: Rowington
Case Officer: Jonathan Gentry
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Registration Date: 08/03/22
Expiry Date: 03/05/22

Clinton House, Old Warwick Road, Rowington, Warwick, CV35 7BT
Proposed erection of single storey dwelling. FOR Mr & Mrs Joyce

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

Members are recommended to refuse the application for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

Planning consent is sought for the erection of a single storey dwelling to the east of the existing property within its current garden area. The scale, design, and position of the proposed dwelling mirrors that of the proposed incidental outbuilding deemed Permitted Development under Lawful Development Certificate application W/20/2085.

THE SITE AND ITS LOCATION

The application site relates to a detached property set within sizable grounds, sited to the northeast of Old Warwick Road to the east of the small settlement of Kingswood. The site forms one of a small number of loosely positioned properties that front onto this section of the Old Warwick Road. The Navigation Inn forms the adjacent site to the west of Clinton House, separated by a distance of approximately 60m from the existing dwelling, much of which is occupied by the large open parking area serving the Public House. The nearest neighbouring site to the east is that of Clinton Mews, a property set considerably further rearward from the highway and accessed via a private track that abuts the eastern boundary of the application site. Only one property lies directly opposite the application site, Manor House. The site is however washed over by the Green Belt.

PLANNING HISTORY

W/15/0110 - Erection of single storey rear extension to kitchen and adjoining single storey side extension to provide boot room - Granted

W/17/1423 - Outline application with all matters reserved except for access, for the erection of 1no. single storey dwellinghouse – Refused, Dismissed at appeal.

W/19/1040 - Application for a Lawful Development Certificate for proposed erection of single storey outbuilding – Withdrawn

W/20/2085 - Application for a Lawful Development Certificate for a Proposed Single storey outbuilding - Granted

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- H1 - Directing New Housing
- FW3 - Water Conservation
- CC1 - Planning for Climate Change Adaptation
- H15 - Custom and Self-Build Housing Provision
- H11 - Limited Village Infill Housing Development in the Green Belt

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Rowington Parish Council - Members support the application.

WCC Highways - No objection.

WCC Ecological Services - Object on the basis that insufficient information to demonstrate appropriate preservation of protected species has been provided.

WCC Landscape Team - Recommend condition to secure landscape scheme for replacement of trees to be removed.

Public Response - One neighbour comment received, citing concerns regarding the impact of the development on the Green Belt, and highlighting previous planning determinations on the site.

ASSESSMENT

The Principle of Development

The adopted Warwick District Local Plan 2011-2029 has a settlement hierarchy for the location of new housing to encourage sustainable patterns of development. Under Policy H1 housing sites have been identified and allocated. Policy H1 directs new housing to sites which meet the following criteria:

- a) Within the Urban Areas
- b) Within the allocated housing sites at Kings Hill Lane and Westwood Heath
- c) Within the boundaries of Growth Villages and Limited Infill Villages
- d) in the open countryside, subject to the following limitations:
 - 1. The site is adjacent to the boundary of the urban area or a growth village, and
 - 2. There is an identified housing need to which the proposed development can contribute, and
 - 3. The proposal is for a small scale development that will not have a negative impact on the character of the settlement and the capacity of infrastructure and services within the settlement, and
 - 4. The proposal is within a reasonable safe walking distance of services (such as school and shop) or is within reasonable safe walking distance of a public transport interchange providing access by public transport to services, and
 - 5. The proposal will not adversely affect environmental assets (including areas of ecological value, areas of high landscape value and designated heritage assets) unless these can be suitably mitigated in line with other policies in the Plan.

And finally,

- e) Elsewhere within the open countryside, subject to meeting one of the noted forms of development.

The application site is positioned within relative proximity to the Growth Village boundary of Kingswood, which follows the clearly defined feature of the Grand Union Canal, approximately 100m to the west of the application site at its closest point. Given that the application site falls clearly outside of the designated Growth Village Boundary, it is considered that for the purposes of the development plan, the site falls within the open countryside. While information submitted in support of the application seeks to establish that the site falls functionally within the village of Kingswood, for the purposes of Policy H1 the site can only be considered to fall within the open countryside.

As a result, only circumstances d) and e) of H1 are considered relevant to the proposed development. In this case, the proposed dwelling would not meet any of the specific forms of development defined under section e). It would not comprise

affordable housing, is not for a rural worker, does not relate to a heritage asset, or redundant building, and is not considered to be of very exceptional quality or innovative nature. In view of this, only point d) is viewed applicable to the proposed development. It is highlighted that any prospective development must achieve all requirements of this part of the policy in order to be viewed appropriate.

The proposed dwelling is considered to accord appropriately with points 3 and 5 of the policy, in that it would comprise a generally small scale development that would not result in harm to its setting, or unacceptable impact to environmental assets. However, the proposed dwelling is not viewed to meet the other requirements of section d) for the following reasons.

The proposed dwelling is not considered to lie *adjacent* to the growth village. The word adjacent is not defined by the Local Plan and must be considered as a matter of fact and degree dependent on the specific circumstances of the proposal. The typical definition of adjacent is lying near or contiguous, although Case Law shows that adjacency does not directly equate to contiguous or abutting. In this case, the growth village boundary of Kingswood is positioned over 100m from the proposed dwelling, and separated by the Grand Union Canal as a clear visual demarcation, alongside the Navigation Inn and its associated area of hardstanding. A further treelined boundary further separates the existing Clinton House from the boundary of the Public House. While the site access lies just within the designated village speed limit zone, and within proximity of a handful of other sites, these factors are not viewed to effectively justify a direct adjacency to the village envelope of Kingswood.

The next point of consideration is whether the proposed dwelling would fulfil an identified housing need. Explanatory text of Policy H1 states that this need is likely to relate to the delivery of the overall housing requirement set out in this Plan and in this context a site is likely to contribute to need if the Council is unable to demonstrate a five-year supply of housing land. The site may also contribute to a more local housing need where this is demonstrated through an up-to-date Local Housing Needs survey.

While the Council is able to demonstrate a five-year land supply, during the course of the application an up to date Housing Need Survey for Rowington Parish was submitted for consideration, which included reference to the two bed bungalow sought by the applicants in the case of this proposal. It should be noted that the Housing Need Survey relates to Rowington Parish, within which the application site is located. However the settlement of Kingswood, within which it is contended the site should be considered, falls within Lapworth Parish. Notwithstanding this, it is accepted that the output of the survey highlights a need for a dwelling of the type and scale sought.

Information submitted to support the application highlights that the proposed development would comprise a self-build dwelling, thus filling the applicant's need to identify an appropriate self-build plot. While self-build housing is encouraged within the district, specific sustainable locations for the siting of such developments are clearly defined by Policy H15. The proposed dwelling is not considered to align with any of these locations. It is also noted that two housing allocations are defined

within Kingswood growth village boundary by the local plan. Policy H15 also sets out this support for self-builds 'subject to compliance with all other relevant policy requirements in the Local Plan and national policy including green belt', a consideration that will be reviewed further below.

Finally, Officers view that it has not been demonstrated fully that the scheme accords with point 4 in relation to accessibility. While the proposed dwelling would lie within relative proximity of essential services and public transport links in Kingswood, there is no current formal footpath access providing access into the village centre. While the submitted information highlights existing use of the grass verge between site frontage and highway as a common walking route, which is not disputed, such informal arrangement does not provide an appropriate safe access, particularly during darkness hours or when the verge is of poor condition. The busy nature of Old Warwick Road exacerbates this concern.

In view of the above assessment the proposed dwelling is considered to lie contrary to the provisions of Policy H1 in terms of siting. Permitting a single dwelling in an unsuitable location without evidenced justification would set a precedent and undermine the Council's housing strategy as comparable applications would be difficult for the Council to resist.

Section 38 (a) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan, unless other material circumstances indicate otherwise. Policy H1 of the adopted Development Plan clearly sets out locations where new housing in the district is to be directed and the application proposal does not accord with that plan. There are considered to be no material considerations whereby a departure from the Development Plan is warranted in this case.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

Policy DS18 of the Warwick District Local Plan 2011-2029 states that the Council will apply Green Belt policy in accordance with government guidance as set out in national policy.

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of green belts being their openness and their permanence.

Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt and Very Special Circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 149 outlines that a local planning authority should regard the construction of new buildings as inappropriate, with the exception of an explicit list of development forms. This includes the provision of limited infilling in villages, the only cited exception to which the proposed new dwelling could reasonably fall.

While the supplementary supporting information suggests that the development could be considered to comprise redevelopment of previously developed land. Officers do not agree with this assertion noting that the dwelling is to be positioned within an undeveloped garden of an existing dwelling. It is similarly viewed that the proposed development could not be considered to constitute limited infilling in villages. Notwithstanding the locational assessment carried out under Policy H1 that considers the site to lie outside of the growth village, the development is not considered to form a limited infill. Policy H11 of the local plan relates to limited village infill housing development in the Green Belt. This states such infill development will be permitted where the proposal 'comprises the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built-up frontage, which is visible as part of the street scene'. The proposed dwelling would fill an existing gap that fronts the public highway. However, the site does not form part of an otherwise largely built-up frontage, noting both the large gap between Clinton House and the Navigation Inn, and the considerable set back of neighbouring sites to the west, some 60m from the highway and accessed via private track. There is no discernible and widely visible built-up frontage to this part of the street scene, and the dwelling would lie partially in front of Clinton Mews, the nearest neighbouring site.

As a result of this assessment, the proposed dwelling is considered to comprise inappropriate development in principle. Its visual and spatial implication on the existing open garden area is also noted, resulting in an appreciable loss of openness in comparison to the existing, open arrangement of the site.

Submitted information references the Lawful Development Certificate for a detached outbuilding of the same scale, design and position as the proposed dwelling granted in 2021. While it is accepted that a structure of comparable spatial and visual implication to the Green Belt could be constructed at the site, it is noted that this building would comprise an incidental outbuilding, to be used in direct association with the existing dwelling. It does not set precedent for creation of a new dwelling on the site. As a result, it does not comprise a valid fallback position in relation to the proposed scheme under this submission, as it would not provide a comparable form of development. In addition, the LDC approved outbuilding does not feature the same extent of domestic adjunct in the form of parking/hardstanding or separate domestic paraphernalia associated with a separate dwelling.

Previous application W/17/1423 in relation to outline permission for a new dwelling on the same site area as proposed in this instance was dismissed at appeal on the basis that it would comprise inappropriate development.

No very special circumstances to clearly outweigh the identified harm to the Green Belt by way of inappropriate development have been demonstrated. As a result the proposed dwelling is considered to lie contrary to Policy DS18 and the NPPF.

Design and impact on the street scene

Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. Policy NE4 states that new development will be permitted that positively contributes to landscape character.

The proposed dwelling would be of single storey dimensions, limiting its immediate visual implication upon the street scene. While it would adopt a considerable footprint area that exceeds that of Clinton House, the layout of the dwelling in two interlinked sections would screen this spatial extent from public viewpoints to a fair extent.

The site's broader context is characterised by buildings of somewhat varied character and design, although traditional forms do predominate. Notwithstanding this, it is noted that there is no strong defining building character to the site that would lie contrary to the submitted dwelling design. The linear, gabled form of Clinton Mews. The proposed dwelling is not viewed to result in an over-dominant or overbearing form that results in visual harm to the street scene.

Following revisions to the designation boundary, the site does not fall within the nearby Canal Conservation Area. The WDC Conservation Officer commented on the scheme, observing that the proposals are not considered to cause any adverse harm to the setting of this designated heritage asset, nor the Grade II listed Kingswood Manor House to the south of the site.

Generally appropriate landscaping features have been proposed to surround the proposed dwelling, and traditional facing materials in the form of brick roof tiles have been illustrated. In the event that I was minded to recommend approval of the scheme, the submission of sample material details via pre-commencement condition could ensure appropriate quality and finish to the structure. In addition, in accordance with comments of the Landscaping Officer, a condition to secure landscaping details including replacement tree planting could be secured via condition.

In view of the above considerations the proposed development is viewed to accord with the provisions of Policy BE1.

Impact on residential amenity

Policy BE3 of the Local Plan seeks to ensure that development does not adversely impact on the amenities of neighbours and also provides adequate levels of amenity for future occupiers of the development.

Neighbouring Amenity

The proposed dwelling would not lie in breach of the 45-degree guideline taken from the nearest windows serving habitable rooms of the adjacent neighbouring properties Clinton Mews and Clinton House, the existing dwelling. Similarly, the

single storey form and position of the structure leads to an assessment that the development would not result in the generation of material harm to amenity by way of loss of light or outlook from these sites. Finally, the position and height of proposed fenestration ensures that no material harm by way of overlooking or loss of privacy would be generated by the development.

An appropriate level of private outdoor amenity space well above WDC guidance would be retained to the rear of Clinton House despite the loss of some existing garden area to accommodate the new dwelling. Distance separation significantly in exceedance of WDC guidance would be retained to Manor House opposite the Old Warwick Road frontage of the proposed dwelling to the east.

Given these considerations, the proposed layout is considered acceptable, and is not viewed to result in the generation of material harm to the amenity of any neighbouring sites.

Future Occupiers

All habitable rooms within the proposed development would benefit from an acceptable level of natural light and outlook, being served by appropriate window openings.

The proposed dwelling includes provision of private outdoor amenity space to both its front and rear taken from the existing garden of Clinton House. This exceeds the WDC guidance figure of 40sq m for a dwelling of this scale.

As a result of these considerations, overall, the development is considered to comply with Policy BE3 in terms of impact on amenity to neighbouring properties and the amenity of the future occupiers.

Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

Access to the driveway and parking area shown to the frontage of the new dwelling would be achieved through a short spur of the existing road access to Clinton House.

The Highways Authority were consulted on the application, advising that having undertaken a full assessment of the proposal, the existing access is suitable to accommodate the additional vehicle movements associated with the proposal without affecting the safety or capacity of the highway. In view of this, no objection was issued.

In addition, the proposed site layout would provide appropriate parking capacity for the two vehicle provision specification set out by the WDC Parking Standards SPD for a dwelling of this size. The installation of an EV charge point as an

appropriate form of type 1 mitigation specified by the WDC Air Quality SPD could be secured via planning condition.

Overall, the proposal is considered to accord with Policy TR1 and TR3 and will not give rise to highway safety concerns.

Ecology and biodiversity

Policy NE2 of the Local Plan seeks to protect designated biodiversity assets and protected species, ensuring they are not adversely impacted by development proposals. Policy NE3 states that development will be permitted provided that it protects, enhances and / or restores habitat biodiversity.

Construction of the proposed dwelling and its associated landscaping would result in the loss of an area of existing garden space associated with Clinton House. A detailed Ecological Assessment was submitted to support the application, alongside a Biodiversity Impact Assessment calculation. The consultee Ecologist commented on the application, raising a number of queries in relation to the submitted information. This included the following feedback:

- *The (Ecological Assessment) report does not carry out newt survey work but confirms presence of Great-crested newts in one pond on site and assesses that it is highly likely they are also present in a second pond while not assessing other surrounding ponds due to access issues. This is a major impact that may be caused by the development and rightly the report identifies that a Natural England licence will be required for these works, as without which it is highly likely an offence will be committed.*
- *In terms of mitigation and compensation for the impact upon Great-crested newts the report proposes we follow District Level Licencing (DLL) measures, and does not make further recommendations on measures to avoid risk of harm, and to enhance the site, or mitigate for the loss of habitat. District Level Licencing is still not currently in operation in Warwickshire and so the report needs to be revised to reflect that currently the course of action for Great-crested newts remains as previously. A method statement including reasonable measures of avoidance and detailed survey work will be required as part of the licencing application for this site.*
- *The (BIA) metric appears to show a loss.*
- *The metric appears to list some hedgerow to be created but this is missing some information*

While some additional ecological information has been received in response to the queries raised, the Ecologist has noted that several matters remain outstanding. As a result, Officers must conclude that it has not been appropriately demonstrated that the scheme would appropriately protect the and mitigate for the presence of protected species in line with the requirements of Policy NE2. With mind to these considerations and the lack of further information to appropriately demonstrate otherwise, it is assessed that the proposal would not align with the provisions of Policy NE2.

It was however noted that the illustrated loss of 0.19 units within the submitted Biodiversity Impact Assessment could be offset through the purchasing of units from a compensation scheme via a contribution and appropriately secured via condition. This element of the assessment would therefore accord as necessary with Local Plan Policy NE3.

Other matters

Were permission to be granted, a condition is recommended in relation to water efficiency to meet the requirements of Local Plan Policy FW3.

The proposals make adequate provision for the storage of refuse.

Were permission to be granted, a condition is recommended to require the submission of a sustainability statement to meet the requirements of Local Plan Policy CC1.

SUMMARY/CONCLUSION

The proposal is considered to be unacceptable in principle and comprise inappropriate development in the Green Belt for the reasons set out above.

The details submitted in support of the application have been carefully considered against relevant local and national policy considerations, and these are not viewed to appropriately justify or mitigate the impacts of the development refusal as set out above.

It is therefore recommended that planning permission should be refused.

REFUSAL REASONS

- 1 Policy H1 of the Warwick District Council Local Plan 2011-2029 sets out the circumstances in which housing development will be permitted. H1(c) cites one such circumstance as being within the boundaries of Growth Villages and Limited Infill Villages, listed within the policy and as shown on the Policies Map.

Although Kingswood is one of the identified Growth Villages listed at Policy H1, the site is located outside of the established village boundary as identified on the Policies Map. In addition, the development would not fulfil an identified housing need, or provide safe access to services. Accordingly, the principle of new residential development cannot be considered to be acceptable having regard to the provisions of Policy H1 of the Local Plan.

For these reasons the proposal is therefore contrary to the aforementioned policy.

- 2 The NPPF and Policy DS18 of the Warwick District Local Plan state that construction of new buildings should be considered to constitute inappropriate development, with the exception of an explicit list of development forms.

The proposed new dwelling is not viewed to meet any of the outlined exceptions to inappropriate development established by the NPPF. In the opinion of the Local Planning Authority, the proposed development constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the aforementioned policies.

- 3 Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity.

It has not been appropriately demonstrated that the scheme would appropriately protect the and mitigate for the presence of protected species in line with the requirements of Policy NE2.

Therefore, in the opinion of the Local Planning Authority the proposed development would cause unacceptable harm to protected species. The development is thereby considered to be contrary to the aforementioned policy.
