Planning Committee: 09 June 2010 **Item Number:**

Application No: W 10 / 0409

Registration Date: 29/03/10

Town/Parish Council: Lapworth **Expiry Date:** 24/05/10

Case Officer: Penny Butler
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21 Station Road, Lapworth, Solihull, B94 6LW
Erection of rear conservatory. FOR Mr D Whyte

This application is being presented to Committee due to an objection from the Parish Council having been received.

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Object. Unneighbourly development potentially conflicting with 45 degree rule and exceeding 30% increase bearing in mind previous development.

WCC Ecology: Recommend nesting bird, reptile and amphibian notes.

RELEVANT POLICIES

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
- DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

2004- Single and two storey rear extensions approved.

KEY ISSUES

The Site and its Location

The application property is a semi-detached two storey house sited within a row of five similar dwellings on the western side of Station Lane. The property backs onto the railway line and lies opposite Lapworth Pre School, near the middle of Lapworth village which is in the Green Belt. The property has good sized front and rear gardens.

Details of the Development

A single storey rear conservatory is proposed adjacent to the side boundary with the adjoining neighbour. Both neighbours have added single storey lean to

extensions on the original rear elevation astride the shared boundary, and two storey extensions each side creating a U shaped pair of dwellings.

Assessment

Since the property is sited within the Green Belt, then policy RAP2 which limits extensions to dwellings applies. The aim of this policy is to limit encroachment on the openness of the rural area and to protect the original scale and character of dwellings. Where dwellings are clearly sited within the built up area of a village this policy is not generally strictly applied, and I see this as such a case. The proposal plus existing extensions would exceed the advised 30% limit on extensions to dwellings, but since the plot is bounded at the rear by the railway, within a closely developed part of the village, and the proposed design is clearly subservient to the dwelling, I consider the increase to be acceptable. The scale and character of the original dwelling would not be seriously affected as the proposed conservatory is lightweight and clearly subsidiary to the house. I therefore consider the impact on the openness of the Green Belt to be minimal, and the impact on the scale and character of the original dwelling to be small.

The neighbour impact of the proposal would be upon the adjoining neighbour (no.19), as the extension would not project past an existing rear projecting utility room adjacent to the boundary with the other neighbour (no.23). The adjoining neighbour has patio doors close to the boundary and there is a 1.8m high side boundary fence between the dwellings. The proposed extension projects 3m to the rear, which is 1.3m past a 45 degree guideline taken from the centre point of this window. The uppermost 0.5m of the side wall of the conservatory would be visible above the boundary fence, which would consist of high level glazing. Above this, the hipped roof of the conservatory would slope up and away from this neighbour. It is worth noting that permitted development rights allow extensions up to 3m deep on attached dwellings, which is the same depth as the proposed conservatory. Consent is required in this case as the proposed extension is to be attached to an extension and not the original rear elevation. The impact on the neighbouring dwelling arising from the 3m projection of the conservatory is the same as that deemed acceptable under permitted development rights, and on this basis, I consider the proposal to have an acceptable neighbour impact. In addition, the use of glazing at high level and a roof which slopes down to the boundary further minimise the harm.

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)

(2010/03/23), and specification contained therein, submitted on 29 March 2010 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

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 development respects the scale, design and character of the original dwelling and does not harm the general openness or rural character of the green belt within which the property is situated. In addition, it is considered to 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.
