

Planning Committee: 01 February 2006

Item Number: 04

Application No: W 05 / 1769

Registration Date: 26/10/05

Town/Parish Council: Norton Lindsey

Expiry Date: 21/12/05

Case Officer: Martin Haslett

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Walnut Cottage, Main Street, Norton Lindsey, Warwick, CV35 8JA

Alterations and extensions to existing dwelling, including new pitched roof at first floor level incorporating an additional bedroom plus a new staircase to the second floor
FOR A Bullock

This application is reported to Committee because of the unusual relationship between the application property and its neighbours and to give Committee members the opportunity of considering the objections raised.

SUMMARY OF REPRESENTATIONS

Parish Council: comment that 'The extension, though modified, will still reduce the sunlight to the neighbour's garden.'

Neighbours: 2 objections, on grounds of loss of light to house and garden, loss of privacy from the velux windows, boundary wall would be very imposing and there would be a sense of enclosure both to the house and garden. The 45 degree code would be infringed and the development would be unsuitable in a conservation area. Three neighbours have written in support of the application.

RELEVANT POLICIES

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

PLANNING HISTORY

In recent years there have been two applications relevant to the current case, both of which were refused.

Application W04/195 showed a first floor extension over the single storey rear wing, with the wall of the rear wing slightly raised and the ridge of the roof being brought up to a height 1m below the height of the main house roof.

Application W04/1947 showed a similar rear extension, but with the roof ridge lowered so as to be 2m lower than the original.

Both applications were the subject of considerable local objection, and the Parish Council commented that the proposals would reduce light into the adjoining garden. In both cases the decisions were taken under delegated powers.

KEY ISSUES

The Site and its Location

Walnut Cottage is set back from the road with another property, The White House, forming the frontage to Main Street. The side wall to Walnut Cottage runs along the garden boundary to The White House, along much of the length of the garden, so that the view from The White House is considerably restricted by the presence of Walnut Cottage along its boundary. This impact is reduced by the fact that Walnut Cottage consists of a two storey building in that part closest to the road, but with a long, flat-roofed, single storey extension to the rear part. This means that the impact on The White House is reduced by the existence of only a single storey extension along much of the length of the garden.

Details of the Development

It is proposed to build a first floor extension over two-thirds of the length of the flat-roofed wing so as to form additional bedroom accommodation. The ridge of the roof of this extension would be 1m lower than the existing roof and the remaining part of the flat roof would be given a lantern roof, to improve light and improve the design. The first floor roof extension would be set in from the boundary, behind a parapet wall, built on the existing wall.

The proposal differs from the earlier refused ones on a number of respects: for example, the extension would only occupy two-thirds of the length of the existing flat roof; and the roof would be set in behind a parapet wall (hence removing it slightly from the boundary).

The roof (on the neighbour's side) would have 3 obscure-glazed roof lights, to illuminate the staircase and the en-suite bathroom. The new bedroom would have conventional windows looking over the remaining flat roof and another over the garage and driveway, and not leading to any significant overlooking of neighbours.

The extension would be built of brickwork, painted to match the existing cottage, with roof tiles also to match.

Assessment

The unusual relationship between Walnut Cottage and its neighbour mean that any extensions to the application property are likely to have an impact on The White House. The two previous applications were considered to have such a serious effect as to merit a refusal of permission under delegated powers, but in the current case the decision is thought to be more evenly balanced.

The issue to be considered is whether the proposals would have such a serious impact on the enjoyment of The White House as to merit a refusal of permission, taking into account the reasonable aspirations of the applicants and the impact on the conservation area. It should be noted that the proposal is to the south of The White House and therefore more likely to cause loss of light.

There is no doubt that the proposals would have some impact on The White House, in terms of some loss of light to the house and to the garden and that the extension at first floor level would have some visual impact on views from rear windows of the house and on the garden. However, the impact is reduced, when compared to the previous applications by the reduction in length of the extension and by setting it a little off the boundary. Furthermore, the extension would be some distance from the windows of The White House and the impact on it would thereby be lessened.

There are other factors to consider. The current long flat roof is out of character with the conservation area and, in addition, the applicants might reasonably want to replace it with something more durable. To deny the applicants any form of extension might be considered unreasonable, and could be a position difficult to defend at any appeal. Given this position, it might be helpful to consider whether the current proposal is the minimum which might meet these requirements.

Any pitched roof to cover the existing would have some impact on the adjoining property and the current proposal might be considered as an opportunity to re-roof the rear wing and gain some first floor accommodation. It may therefore be considered as a reasonable compromise in this unusual situation. If permission is granted, permitted development rights for the addition of windows in the north elevation (adjoining The White House) should be removed.

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 4496/01 and specification contained therein, submitted on 26 October 2005, 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 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 north elevation of the extension. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.

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, in a conservation area, is of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and 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.
