

Planning Committee: 03 May 2005

Principal Item Number: 11

Application No: W 05 / 0277

Registration Date: 18/02/2005

Town/Parish Council: Kenilworth

Expiry Date: 15/04/2005

Case Officer: Steven Wallsgrove
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Land adjacent South View, Forrest Road, Kenilworth, CV8 1LT
Erection of detached bungalow. FOR Mr B Sullivan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council:- No objection.

WCC (Highways):- No objection subject to access conditions.

WCC (Archaeology):- Recommend an archaeological "watching brief" condition.

WCC (Ecology):- Welcome the 0.45 m protection zone for the existing trees but recommend a tree protection condition.

CAAF :- consider this is a good modern design appropriate to the location.

Councillor Blacklock:- Has requested that this application be considered by the Committee.

RELEVANT POLICIES

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

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV10 - Detailed Planning Applications within Conservation Areas (Warwick District Local Plan 1995)

PLANNING HISTORY

The present house was built in the 1950's, with various extensions being approved in the 1970's and 1980's.

There have been 4 subsequent applications for the erection of a dwelling on the present site, including the current application. The first of these, in 1997, was dismissed on appeal in June 1998, and the other two applications, in 2004, were also refused. All of the applications were for bungalows.

KEY ISSUES

The Site and its Location

The application site consists of the triangular western half of the curtilage of "South View", which has its access off Forrest Road but has a high retaining wall onto Borrowell Lane. There are mature trees above this retaining wall and the site has a low wall with a 1.8 m close boarded fence on the Forrest Road frontage, with overhanging vegetation.

Details of the Development

The proposal is to erect a flat roofed bungalow, which would be partly set into the ground at its eastern end and would cover almost all the site, excluding the area under the canopies of the trees on the Borrowell Lane side. It would be built in red brick with a copper faced fascia and a "green" roof. One parking space would be provided, which would be partly covered. A small patio would be provided at the eastern end.

Assessment

The principal issues in this case are the affect on the character of the Conservation Area, the affect on existing trees, and the affect on the amenities of the existing house.

The bungalow would be set into the ground at the end adjoining South View so that its finished floor level would be 2.5 m below that of the main part of the house. In visual terms, therefore, it would have little impact on this house, particularly since it would have a "green" roof which would have more of the appearance of a lawn than a hard surface.

The only external amenity area, however, is the small 6m x 4m patio which would lie below a retaining wall at the west end of the house, which would form the boundary between the existing and proposed new house.

In terms of the affect of the development on the mature trees, the normal standard that has been operated by the Council for many years is that hard surfaces (including buildings) should normally be at least 1 m clear of the canopy of a tree. There are circumstances, however, which can vary. This includes the species, since some trees are more affected by works, the method of construction, and the extent of the works. In the present case, the species are tolerant of works and the applicants propose to use piling techniques to minimise the physical impact on the rooting system. It is considered, therefore, that there is insufficient reason to justify a refusal on this ground.

The remaining issue is the affect of the proposal on the Conservation Area, which is centred on the Abbey Fields and extends to include Borrowell Lane. In this context, there is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area, and national guidance is given in PPG15: Planning and the Historic Environment.

The Inspector, in making his decision in 1998, described this part of the Conservation Area as being less dense (than the development on Abbey Hill) with some of the modern dwellings having open frontages with extensive hard surfacing. He went on to describe the site as having "an open, underdeveloped character and forms the last significant area of land at the level of Forrest Road." He commented that, through development, the site would become more urban and that "the open character of the appeal site and the tall trees in your clients garden form a significant contribution to this attractive transition between a residential frontage and one where views are more open." Other comments were on the particular details of that proposal. He considered that "the extension of the developed frontage, combined with the loss of significant natural features, would be detrimental to the appearance of the surroundings. The character of an important edge to a well used area of open space would not be preserved which, in my opinion, would be contrary to the Councils adopted policies."

I am of the opinion that the character of this part of the Conservation Area, as described by the Inspector, in one of wide, generally open, frontages onto Forrest Road with wide drives or hardstandings and low planting. The application site, while having a close-boarded fence on this frontage, still retains a landscaped character due to the overhanging vegetation. This pleasant character would be lost, with the brick wall and copper faced fascia standing up well above the fence and forming an intrusive, feature in this generally open character at the end of the houses.

On the Borrowell Lane frontage, there is a high retaining wall, with large trees on top and, again, a close-boarded fence which, in this case is set back slightly from the wall. This character of a screened garden, which forms a prominent view when approaching from the castle, would be lost with the erection of a bungalow on this site. In my opinion, the building would form a very prominent, and intrusive, feature in such views and would neither preserve nor enhance the character of this part of the Conservation Area.

RECOMMENDATION

REFUSE subject to the following reasons:

- 1 The application site consists of a restricted and very prominent site within the Kenilworth Conservation Area, which is further restricted by the large trees which stand at a high level above Borrowell Lane, all of which form part of the setting of the important Abbey Fields public open space which lies at the heart of the Conservation Area. The erection of a dwelling in the manner proposed on this site would result in a cramped and contrived form of development which would be seriously detrimental to the wide, open, frontages of the adjoining part of the Conservation Area. To grant consent, therefore, would be contrary to Policies (DW) ENV3, ENV6, and ENV8 of the Warwick District Local Plan 1995 and Policy DAP10 of the emerging Local Plan and Planning Policy Guidance Note 15: Planning and the Historic Environment.