

Planning Committee: 24 July 2012

Item Number: 16

Application No: W 12 / 0653

Town/Parish Council: Barford
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Registration Date: 31/05/12
Expiry Date: 26/07/12

7 Mill Lane, Barford, Warwick, CV35 8EJ

Retention of a two storey rear extension (Retrospective Application) FOR Mr
Rodney Barnes

This application is being presented to Committee due to the number of supporting letters received. Planning Committee also considered this development on May 22nd where it authorised enforcement action be taken.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the refusal reasons listed below.

DETAILS OF THE DEVELOPMENT

The proposal is a retrospective application to retain the two storey rear extension to a mid terraced property. This extension extends the full width of the dwellinghouse measuring 4.7m wide, the extension is 7.4m high with an eaves height of 4.7m and 3m in depth. The extension has been constructed adjacent to the party boundary with No. 9 Mill Lane and is set back approximately 2m from the party boundary with No.5 Mill Lane due to the joint rear access. Work has currently ceased on the extension pending the outcome of the application and the upper floors and windows are in place however the ground floor area has still to be completed.

THE SITE AND ITS LOCATION

The property is a mid terraced two storey inter-war dwelling, located on the eastern side of Mill Lane, within Barford village. The property is constructed of red brick, rough cast pebble-dashed and painted cream, with traditional red /brown roof tiles to pitched roof. To the front of the dwelling is a substantial entrance porch which is constructed of red brick and has a mono pitched tiled roof. Access to the rear is via a side under cover alley which leads to a long rear garden backing onto properties fronting Hemmings Mill.

PLANNING HISTORY

There are no previous applications relating to the site however Planning Committee authorised enforcement action on 22 May 2012 for the removal of the two storey rear extension the subject of this application. However this application was submitted before the enforcement notice was served.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Barford Sherbourne & Wasperton Joint Parish Council : No Objection.

Neighbour responses

60 letters of support have been submitted with the application - 58 of which are via a "round robin" letter having no objection to the extension and support the proposal, neighbouring properties have also stated that the proposal is not too overbearing or results in loss of light.

1 letter of objection, loss of light and out of character with the area.

ASSESSMENT

The main issues relevant to the consideration of this application are:

- Impact on the character of the area
- Impact on the amenities of neighbouring properties
- Other matters

Impact on the Character of the Area

The property is a two storey mid terraced dwellinghouse in a primarily residential area; some properties in the area and specifically to the rear of the terraced properties have been extended with single storey rear extensions. The two storey rear extension can be clearly seen from a public viewpoint due to the road configuration. It is considered that due to its size massing and layout the extension does not make a positive contribution to the character of the area and is contrary to policy DP1 of the District Wide Local Plan 1996 to 2011 which requires development to positively contribute to the character and quality of its environment through good layout and design. Furthermore Paragraph 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that is out of character with the area.

Impact on the Amenities of Neighbouring properties

Policy DP2 of the District Wide Local Plan 1996-2011 and the adopted Residential Design Guide (April 2008) prepared in accordance with Policy DP1 indicates that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and does not provide acceptable standards of amenity for future users or occupiers of the development.

The two storey extension is constructed immediately adjacent to the boundary with No.9 Mill Lane, which has windows at both ground and first floor which are the primary source of light to habitable rooms. The extension as constructed breaches the 45 degree guideline from these windows at a depth of only 0.6m (projecting 2.4m in total beyond this point) and consequently the extension by reason of its depth of projection, height and close proximity to the party boundary, results in serious demonstrable harm to the living conditions of the occupiers of No.9 Mill Lane through the introduction of an undesirable overbearing impact, increased visual intrusion and loss of light. Whilst the occupier of no. 9 has written in support of the application consideration has to be given to any future users of the property and the harm that results from the extension.

The extension as constructed is set back from the party boundary with No.5 Mill Lane, however it still breaches the 45 degree guideline from the nearest habitable room windows within the rear elevation of No.5 Mill Lane at a depth of 2.8m. Given this separation distance and the presence of an intervening pedestrian access way and outbuilding, the resultant adverse impact upon the living conditions of the occupiers of No.5 Mill Lane is potentially limited. However, the extension is located directly to the south of No.5 and consequently given its orientation and depth of projection, adverse impact on the living conditions of the occupiers of No.5 Mill Lane will result through increased visual intrusion, loss of light and overshadowing.

Sustainable Building

Policy DP13 of the Warwick District Plan 1996-2011 and the Sustainable Buildings SPD requires 10% of the predicted energy requirements to be produced on site from a renewable energy source. Although an energy statement has been submitted as part of the application there are no proposals on how the development would comply with the policy requirement. This matter could however be dealt with by condition were the recommendation to grant permission.

CONCLUSION/SUMMARY OF DECISION

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

It is considered that the two storey rear extension has a detrimental impact on the amenities of the neighbouring properties due to its size, layout and massing and is considered an unacceptable form of development in this modest row of terraced properties contrary to.

REFUSAL REASONS

- 1 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development. The Council have also adopted Residential Design Guide as Supplementary Planning Guidance

which provides guidance as to what constitutes an unacceptable adverse impact on amenity in terms of loss of light and visual intrusion.

The two storey rear extension due to its size, layout and massing has a significant detrimental impact on the living conditions of the occupiers of both adjacent properties in terms of loss of light and visual intrusion. Furthermore, the extension is visible from a public viewpoint and due to its scale in relation to the surrounding properties does not make a positive contribution to the character of the area. The development is thereby considered to be contrary to the aforementioned policies and guidance.
