

**Planning Committee:** 23 November 2005

**Item Number:** 07

**Application No:** W 05 / 1660

**Registration Date:** 04/10/05

**Town/Parish Council:** Whitnash

**Expiry Date:** 29/11/05

**Case Officer:** Sarah Laythorpe

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**19 Banquo Approach, Warwick, CV34 6GB**

Erection of a conservatory (Retrospective Application) FOR Mrs. Wright

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This item is being reported to committee to request authorisation for enforcement action.

**SUMMARY OF REPRESENTATIONS**

**Neighbours:**

17 Banquo Approach - support the application. Find the conservatory unobtrusive and it does not detract from their enjoyment of house or garden.

11 Banquo Approach - do not object. The conservatory has no impact on the row of terraced houses, no sun to the gardens anyway as they are north facing, 6ft fences between all properties reduce the effect of the 45 degree code being breached, other properties in the street have successfully obtained planning permission for conservatories, other properties within Warwick Gates of a similar set-up did not have Permitted Development Rights removed and have successfully built conservatories.

14 Banquo Approach - do not object. No loss of privacy, no loss of view, no loss of light as properties face north.

**Town Council:** Object on the grounds of the 45 degree guideline.

**RELEVANT POLICIES**

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

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

**PLANNING HISTORY**

W20000070 - Condition 22 of the original application for this property states that 'no development shall be carried out which comes within Part 1 (Classes A & B) of Schedule 2 of the General Permitted Development Order, without the prior permission of the District Planning Authority.'

W041992 - This was also a retrospective application for the same rear conservatory which was refused in January, 2005. This application is the re-submission of the refused conservatory with the addition of three neighbour letters stating their support to this application. An appeal was lodged against this refusal, but was outside the requisite period for the appeal to proceed and was treated as withdrawn by the inspectorate.

N.B. There are other conservatories erected without planning permission at 11 and 14 Banquo Approach which constitute potential enforcement items.

## **KEY ISSUES**

### **The Site and its Location**

The application site relates to a 2-storey end-of terrace property located within the Warwick Gates development. The row of terraced properties (containing four dwellings - 11-19 Banquo Approach) is a familiar feature which is repeated throughout the Warwick Gates development. The rear elevation of the property is north-facing.

### **Details of the Development**

The conservatory, which is the subject of this planning application, is located at the rear of the property and is 4.1 metres by 4 metres and is 2.1 metres high to the eaves and 3 metres high to the ridge. The conservatory is glazed with a dwarf wall and is located adjacent to the 6ft wall which is situated between 17 and 19 Banquo Approach. Planning permission is required only since permitted development rights have been removed on this terrace of properties, primarily due to the restricted size of the plots.

### **Assessment**

Due to the proximity of 17 Banquo Approach to the application site, the conservatory significantly breaches the Council's adopted Supplementary Planning Guidance on the 45 Degree Guideline. The conservatory consequently has an unacceptable overbearing effect on the principal lounge window of 17 Banquo Approach which is situated close to the boundary of the two properties. Furthermore, the proposed conservatory has significantly reduced the daylight entering the lounge window and unacceptably harms the outlook enjoyed by the occupants of 17 Banquo Approach and future occupiers of this property. The retention of this conservatory would therefore be unneighbourly and contrary to the aforementioned policies.

## **RECOMMENDATION**

That planning permission be REFUSED for the reason below and that enforcement action be authorised to have the conservatory removed with a compliance period of three months.

Policy (DW) ENV3 of the Warwick District Local Plan requires all development proposals to achieve a high standard of design which harmonises with its surroundings. This is reflected by Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version) which states development will only be permitted which positively contributes to the character and quality of its environment and does not have an adverse effect on neighbours' amenities. The District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The application site relates to a 2-storey end-of-terrace property located within the Warwick Gates development. Due to the proximity of 17 Banquo Approach to the application site, this proposed development significantly breaches the Council's adopted Supplementary Planning Guidance on the 45 Degree Guideline. The conservatory consequently has an unacceptable overbearing effect on the principal lounge window of 17 Banquo Approach which is situated close to the boundary of the two properties. Furthermore, the proposed conservatory has significantly reduced the daylight entering the lounge window and unacceptably harmed the outlook presently enjoyed by the occupants of 17 Banquo Approach. The retention of this conservatory would therefore be unneighbourly and contrary to the aforementioned policies.