

Planning Committee

Wednesday 7 October 2020

A meeting of the above Committee will be held remotely on Wednesday 7 October 2020, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor Boad (Chairman)
Councillor Morris (Vice Chairman)

Councillor M Ashford
Councillor V Leigh-Hunt
Councillor R Dickson
Councillor N Murphy
Councillor T Heath

Councillor N Tangri
Councillor O Jacques
Councillor J Kennedy
Councillor J Weber

Agenda

Part A – General

1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. Site Visits

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

Part B – Planning Applications

To consider the following reports from the Head of Development Services:

4. **W/20/0260 - Orchard House, Old Warwick Road, Lapworth**
(Pages 1 to 5)
5. **W/20/0486 - 49 St Michael's Road, Saltisford, Warwick**
(Pages 1 to 5)
6. **W/20/0668 - Old Beams, Lapworth Street, Bushwood, Lowsonford**
(Pages 1 to 14)
7. **W/20/1004 - 8 Avon Road, Kenilworth**
(Pages 1 to 6)

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting remotely by joining the remote meeting through their personal device on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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For enquiries about specific reports, please contact the officers named in the reports.
You can e-mail the members of the Committee at
planningcommittee@warwickdc.gov.uk

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our website on the [Committees page](#)

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prior to the meeting, by telephoning (01926)
456114

Planning Committee: 07 October 2020

Item Number: 4

Application No: [W 20 / 0260](#)

Town/Parish Council: Lapworth

Case Officer: Jonathan Gentry

01926 456541 jonathan.gentry@warwickdc.gov.uk

Registration Date: 05/03/20

Expiry Date: 30/04/20

Orchard House, Old Warwick Road, Lapworth, Solihull, B94 6LD

Erection of part single storey and part two storey rear extension and erection of front porch together with alterations to fenestration and facing materials FOR E
Lynch

This application is being presented to Planning Committee due to an objection from the Parish Council having been received and the application being recommended for approval.

PLANNING HISTORY

W/19/1771 - Proposed extension to form access from bedroom over garage to main house, and proposed porch over main front door - Withdrawn

THE SITE AND ITS LOCATION

The application site, Orchard House is a sizable detached property positioned on the north side of Old Warwick Road, Lapworth. The rear boundary of the site abuts the Canal Conservation Area boundary, but the property does not lie within this designation. The property is flanked by neighbouring dwellings Mountside, a new build detached dwelling to the west, and No.1 Harborough Cottages to the east.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a part two storey, part single storey rear extension and a front porch. The application of render to part of the property is also proposed.

The proposed scheme has been significantly revised during the course of the application with the rear extension reduced in depth and increased in width to span the rear elevation of the dwelling.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets

- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council - Members object to the application on grounds of overdevelopment.

WCC Ecological Services - Request photos to assess the necessity of pre-determinative bat survey.

Public Response - One objection has been received on grounds of loss of light and amenity to neighbouring property, loss of rural and open countryside landscape, and overdevelopment of the property.

ASSESSMENT

Design and impact on the street scene/ adjacent Conservation Area

Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted Residential Design Guide SPD also sets out design principles which development proposals will be expected to comply with.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed rear extension will not be visible in the street scene, and as such will have no notable impact upon Old Warwick Road. It will, however, be widely visible from neighbouring properties. Lapworth Parish Council have objected to the proposal on the grounds of overdevelopment. Officers consider that the extension, while significant in scale, has been designed in order that it generally harmonises and accords with the design principles of the existing property. The extension is not considered to dominate the existing dwelling, and is considered to read as a proportionate addition. It has also been detailed appropriately, adopting similar materials to the existing.

A neighbour objection comment received states that the extension would result in a loss of the rural and open character of its setting. However, the property does not lie within a designated Conservation Area, and is positioned within a row of linear development along Old Warwick Road. Considering the existing property, and those in its immediate vicinity, Officers do not consider that the extension would constitute a development harmful to the character of the area.

The porch addition at the frontage of the dwelling will be visible from the street scene, but is considered to adopt an appropriate design and scale and will sit comfortably on the property.

Other proposed revisions to the property comprise the addition of render to the first floor forward elevation, alongside reconfigured central fenestration. A number of nearby properties within the street scene feature render finishes, and as such this proposal is considered acceptable in this instance, with a mind to the visual amenity of the sites setting. The revised front window design at first floor is also viewed acceptable in design terms.

The rear boundary of the site abuts the designated Canal Conservation Area. It is considered that the proposed additions to the property, which is set forward a considerable distance from the rear boundary, will result in no notable impact on the Conservation Area. No material harm to the character or significance of the area is identified as a result of the development.

The development is therefore viewed to accord with the guidance set out in the Council's Residential Design Guide and Policy BE1 of the Local Plan.

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. Furthermore, 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 proposed rear extension is of considerable scale, spanning the width of the main building with a depth of approximately 6 metres at two storey level, and 6.9 metres at single storey. Despite the proportions of the extension, it has been designed in order that it would not breach the 45-degree guideline from the nearest windows serving habitable rooms to neighbouring properties at ground or first floor level. While consideration is given to neighbour consultation response comments that state the proposal would result in a loss of light to this property, compliance with WDC guidance informs assessment that the proposal is not considered to result in material harm to neighbouring amenity by way of loss of outlook or creation of an over dominant structure. As a result of its position, the extension would also not breach the 45-degree line to the adjacent neighbour to the east of the dwelling.

Two side facing windows at first floor level on the existing property have been detailed within the scheme, which face towards the private amenity space at the rear of neighbouring property, Mountside. However, these have been annotated within the submitted scheme as obscure glazed, meaning that potential for overlooking and loss of privacy is avoided. No other fenestration proposed is considered to result in material harm to neighbouring amenity in this way. For avoidance of doubt, imposition of a planning condition that requires these windows to adopt appropriate obscure glazing prior to occupation is considered necessary. One neighbour comment received stated that Orchard House is

subject to a covenant that precludes the installation of windows to its western elevation. While Officers have seen no evidence to suggest that this is or is not the case, covenants are not a material planning consideration, and should be considered separately to the planning process.

The proposed porch structure is not considered to result in any harm to neighbouring amenity.

No other properties are viewed to be materially impacted as a result of the scheme, and it is therefore considered that the proposals are in accordance with Local Plan Policy BE3.

Parking

The existing property features four bedrooms. The Warwick District Parking Standards SPD outlines that any property with four or more beds should include provision for three spaces. The proposed extension would not create any additional bedrooms, although the internal existing layout would be reconfigured to move two rooms into this space.

While the proposed addition of a front porch would slightly reduce the available hardstanding parking area to the frontage of the side, it is considered that the remaining area could comfortably accommodate the required three spaces.

The proposal is therefore considered to be in accordance with Local Plan Policy TR3.

Ecology

The Ecologist at Warwickshire County Council has recommended that a pre-determinative bat survey is carried out pending submission of further imagery. However, after visiting the application site, Officers assess that the dwelling's roof is in an excellent condition, with no clear gaps or potential access points for bats observed.

On this basis, it is not considered appropriate or practicable to request a bat survey be submitted. In coming to this conclusion, Officers are mindful of the location of the property, the characteristics of the local area and the fact that bats are a protected species under separate legislation and a duty of care by the applicants to ensure protected species are not harmed by the proposal. It is therefore considered an explanatory note in relation to the applicant's responsibility with regard to protection of the noted species is proportionate and appropriate in this instance. The proposal is therefore considered to be in accordance with Local Plan Policy NE2.

CONCLUSION

It is considered that the proposed development suitably aligns with the relevant guidance and policy considerations. On the basis of the this, the proposal is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on the 6th February 2020, approved drawing '19/002/JN' submitted on the 5th March 2020, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 Prior to the occupation of the development hereby permitted, the western facing, first floor window within the rear extension shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
 - 4 With the exception of the proposed render, all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 07 October 2020

Item Number: 5

Application No: [W 20 / 0486](#)

Town/Parish Council: Warwick

Case Officer:

George Whitehouse

01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 26/05/20

Expiry Date: 21/07/20

49 St Michaels Road, Saltisford, Warwick, CV34 5RS

Demolition of an outbuilding and erection of single storey rear extension FOR

Janine Letts

This application is being presented to Planning Committee because the application property is owned by Warwick District Council.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal seeks permission for the erection of a single storey rear extension following demolition of the existing garage.

THE SITE AND ITS LOCATION

The application site relates to an end of terrace, two storey dwellinghouse, located on St Michaels Road, Warwick. The property is set back from the road behind a front garden and at the rear, the property benefits from a decent sized garden with timber fence on both sides. The property is in Flood Zone 3 and therefore appropriate Flood Risk Assessment has been carried out accordingly.

PLANNING HISTORY

There is no relevant planning history for the site.

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- [Guidance Documents](#)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection.

WCC Highways: No objection. The proposal will increase the property from three to four bedrooms, therefore one additional parking space would be required. There is parking to the rear of the property and it is considered that there is sufficient capacity on street to accommodate the additional requirement without affecting the safety or capacity of the Highway Network.

WCC Ecology: Recommended photos to be sent to determine whether initial bat survey is required.

WCC Local Lead Flood Authority: No objection.

Public Response: One objection has been received from No.47 - *"My property is next to the proposed demolition of outhouse, the wall of which is also my boundary wall. There is no reference to this and I want reassurance that my wall will be replaced with a new wall of equal height. The door of the proposed extension is less than 500mm from my property and therefore does not conform to current building regulations As the residents of 49 St Michaels Road all smoke and stand at their current back door to smoke I believe that they would then stand there and I would have the smell of smoke drifting over my property something that I object to very strongly especially if my grandson is in the garden. I have no objection to the plans being reversed so the doorway faces away from my property and the boundary wall is replaced with another brick wall of equal height or the extension is moved slightly to back up to the boundary and the doorway faces up St Michaels Road"*.

ASSESSMENT

The demolition of the detached garage does not require planning permission and therefore this aspect of the proposal will not be assessed in this application.

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

- Design and the impact on the character and appearance of the area;
- The impact on the living conditions of neighbouring dwellings;
- Development in areas at risk of flooding;
- Parking
- Biodiversity

Design

Section 7 of the National Planning Policy Framework (NPPF) places significant weight on requiring good design which is a key aspect in achieving sustainable development. New development should positively contribute towards making places better for people.

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design.

The proposed rear extension is of a modest size and design which will not be visible from the streetscene and it is therefore considered that the proposed extension would be acceptable in design terms and would comply with Policy BE1.

Amenity

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of a neighbouring property. This serves to protect against loss of light and outlook.

The proposed rear extension would breach a 45-degree sightline taken from the nearest window in the rear elevation of No.47 St Michael's Road. However, the existing garage along that boundary already breaches the 45-degree line. The point at which the proposed extension projects further to the rear is some distance from the affected window. Furthermore, there would only be a limited increase in the eaves height compared with the existing structure. Therefore, it is considered that the proposal would not result in a material loss of light or loss of outlook compared with the existing situation.

There is no conflict with the 45-degree line in relation to the other neighbour at No.51 St Michael's Road.

Members in the EDDM meeting requested that the applicant commits to replacing the boundary wall in the location of the garage to be removed, it is considered necessary to impose this replacement boundary treatment as a condition of the approval in order to ensure the development has an acceptable impact on the privacy of the neighbours which can be ensured through properly securing the boundaries.

Based on this it is considered that the proposal will not have an unacceptable impact on the neighbouring properties in terms of loss of light or outlook and having regard to Policy BE3.

Flooding

Local Plan Policy FW1 requires any new development that lies in an area of flood risk to be designed to be flood resilient.

The Flood Risk Assessment which accompanied the application sets out that the proposed development will be designed to be flood resilient. This can be secured by condition. Furthermore, the Local Lead Flood Authority are satisfied with the information provided and have no objection. It is therefore considered that the development is in accordance with Local Plan Policy FW1.

Parking

As the development creates an additional bedroom (from 3 to 4), the Council's Parking Standards SPD would require 3 off street parking spaces, one more than the current requirement.

Having carried out the site visit, it is considered that there is sufficient capacity in the street to accommodate the additional requirement. Furthermore, it is also noted that no objections have been received on grounds of parking. Therefore the proposals are in accordance with Local Plan Policy TR3. WCC Highways has been consulted following the Extended Delegated Decision meeting. The highways authority do not object to the proposals and consider that there is sufficient capacity on street to accommodate the additional requirement without affecting the safety or capacity of the Highway Network.

Ecology

With regard to the comments of WCC Ecology, it is not considered that a bat survey would be appropriate. This is because the site is situated within an urban area and the existing building has a flat roof which is not ideal for bat roost and the building could be demolished without the need for planning permission. Of course, bats are protected by other legislation and the decision not to require a bat survey does not take away the applicant's legal requirement to notify Natural England in the event that bats are found during the course of development. The proposed development is considered to comply with Local Plan Policy NE2.

SUMMARY / CONCLUSION

For the above reasons it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 20107-002, 20107-003 & 20107-004, and specification contained therein, submitted on 27 Mar 2020. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall not be occupied unless and until a boundary wall or fence has been constructed in the position of the existing garage in accordance with details that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the

locality and to protect the privacy of adjacent residents, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

5 The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) dated April 2020 and in particular the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than existing floor level of the dwelling.
- Flood resilient measures such as raised socket points, sealed ducts and solid floor finishes.
- Resident flood plan

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

REASON : To protect the development from the risk of flooding, in accordance with Policy FW1 of the Warwick District Local Plan.

Planning Committee: 07 October 2020

Item Number: 6

Application No: [W 20 / 0668](#)

Town/Parish Council: Rowington
Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 30/04/20

Expiry Date: 25/06/20

**Old Beams, Lapworth Street, Bushwood, Lowsonford, Henley-in-Arden,
B95 5HJ**

Erection of new dwelling FOR Mr P Jinks

This application is being presented to Planning Committee due to the number of objections and an objection from the Parish Council having been received and the application is recommended for approval.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of a 3 bedroom, two storey detached dwellinghouse on an area of land currently used for car parking within the garden of the existing dwelling known as Old Beams.

The proposed dwelling is to be constructed of a combination of brick and timber frame design with a gable feature to the front and two side facing gabled dormers.

The proposed dwelling is to be served by the access to the existing dwelling and this access would be shared between the properties.

THE SITE AND ITS LOCATION

The application site lies in an elevated location between two existing dwellings within the village of Lowsonford.

The character of the area is defined by well-spaced, detached dwellings of individual design. The site is located within the Lowsonford Conservation Area and directly opposite the site is the Grade II Listed Fleur de Lys Public House.

The site is washed over by Green Belt. Lowsonford is identified within the Local Plan as a Limited Growth Village.

PLANNING HISTORY

W/17/1721 – Erection of new dwelling – Granted 08.11.2017

W/17/0079 - Erection of new dwelling – Withdrawn 29.06.2017

W/12/0125 - Erection of two storey extension to side and rear – Granted 20.06.2012

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- H0 - Housing
- H1 - Directing New Housing
- H11 - Limited Village Infill Housing Development in the Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Lowsonford Parish Council: Objection - Old Beams is within the Lowsonford Conservation Area. It is in one of the most prominent parts of the village, directly opposite the Grade II listed Fleur de Lys Public House. The proposed dwelling and garage are considered both too large and overbearing.

Removal of ancient hedgerow and loss of habitat has already taken place without any permission.

There is damage to the environment and a huge impact to the street vista. The houses in this location are characterised by being widely spaced and often have green spaces between them.

There is no green space left at all around Old Beams now on either side.

This application does not preserve the sense of open space, in such a rural location. It represents urbanisation and should be refused.

Furthermore, the Parish Council has noted and supports the submission from WCC relating to the visual impact of the proposal on the character and setting of the Conservation Area, and the need to maintain views from the pub to the wider landscape beyond, which are important considerations.

The cumulative effect of the increased footprint of the building, together with sunroom and detached garage, creates an 'overdeveloped' feel which is not in keeping with the general character of the village and does not maintain a visual gap through the site. The visual gap appears to have been reduced by more than half from the previous proposal due to the increase of built form. Regardless of the roof height or materials used, the additional built form still serves to close this gap.

WCC Ecology: Recommend ecological appraisal to provide biodiversity enhancements.

WCC Landscape: Visual gap appears reduced. Recommend tree protection and landscape scheme.

WCC Highways: No objection.

WCC Archaeology: Recommend Written Scheme of Investigation.

Inland Waterways Association: No objection.

Canal and River Trust: No comment.

Public Response: A total of 9 letters of objection have been received on the following grounds:

- Overdevelopment in rural village.
- Could result in traffic difficulties.
- Additional car usage.
- Vista within Conservation Area will be damaged.
- Modern design not in keeping.
- Will have urbanising impact.
- Out of scale and spirit with village.
- Harm to wildlife habitats.
- Loss of hedgerow.
- Harm to Grade II Listed Building opposite site.
- Loss of visual gap.
- Does not in any way ensure a satisfactory relationship between the proposed development and adjacent land and buildings.

ASSESSMENT

History/Background

The initial planning application for a new dwelling at this site submitted in 2017 (ref: W/17/0079) was withdrawn following discussions with Officers regarding the scale and appearance of the dwelling and what was considered to be a detrimental visual impact on the character and appearance of the Conservation Area and setting of the Listed Building, known as the Fleur de Lys Public House, due to the closure of an important visual gap through the site.

The revised application sought permission for a reduced scale of development on the site to address the previous concerns. This was subsequently granted by Planning Committee and the decision issued on 8 November 2017.

The application now under consideration seeks revisions to the approved scheme to increase the scale of the development. Through the course of the application, the scheme has been the subject of ongoing negotiations between the applicant and Officers to achieve a scheme that is considered acceptable.

Principle of Development

Lowsonford is identified as a Limited Infill Village under Policy H1 of the Warwick District Local Plan. This policy allows for some development within these locations where it is acknowledged that there is potential for a small level of growth that will support the services in nearby growth villages. A dwelling in this location has been granted planning permission under the provisions of the adopted Local Plan.

Whether the proposal constitutes appropriate development in the Green Belt, and if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states that development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that the construction of new buildings in the Green Belt are inappropriate but lists limited infilling in villages as an exception.

The site lies within the West Midlands Green Belt and Paragraph 89 allows for limited infilling within the Green Belt where this complies with Local Plan Policies.

Policy H11 of the Warwick Local Plan refers to limited infill housing sites within the Green Belt and allows for developments within identified Limited Infill Villages where the following criteria are met;

- a) the development is for no more than two dwellings;

- b) the development comprises the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene; and
- c) the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

The proposal is for a single dwelling which is proposed to sit between existing dwellings and has a frontage addressing the road. The proposed dwelling has been designed to be subservient in scale to the host dwelling and the adjacent property. The dwelling appears in the street scene as a coach house set against the side boundary of the property with a visual gap between the proposal and the host property. Officers are satisfied that the development complies with Policy H11 and the proposal is considered to constitute appropriate development in the Green Belt.

Design and impact on visual amenity and the character of surrounding area and Lowsonford Conservation Area

Section 12 of the NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan requires development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Warwick District Local Plan Policy HE1 (Protection of Heritage Assets) states that development will be expected to respect the setting of Conservation Areas and important views both in and out of them.

The distinctive built form in this location is of widely spaced detached dwellings on sizeable plots creating a sense of low density built form that retains a spacious character of development that reflects the rural nature of the village.

Following guidance from the Conservation Officer, the previously approved dwelling was reduced in scale from that which was originally proposed. The revised design now proposed seeks to enlarge the scale of the approved dwelling to provide improved living accommodation.

As before, the key design ethos is a simple coach house design under a gabled roof. The frontage has been designed to replicate the openings of a coach house style building with infill glazing to retain the original plan form. This simple frontage together with the building's siting creates a simple design forms when viewed from the public domain.

The key elements of the change are an increase in the plan depth of the dwelling, the erection of a single storey lean-to element to the side (southern) elevation, the erection of two side facing dormers to the north elevation and a low profile garden room is also proposed to the rear.

The scheme has been the subject of negotiation between the applicant and Officers to reduce the overall projections to the side to be within the existing roof plane on the northern elevation to retain the visual gap through the site that was sought on the earlier scheme. In addition, the omission of the first floor dormer element on the southern elevation retains the visual gap between the proposed dwelling and the adjacent neighbour to the south. The detached car port building to the front of the dwelling originally proposed as part of this application has also been omitted.

These revisions have been assessed by the Conservation Officer and in their current form are considered to retain the important visual gaps that connect the Listed Public House with the wider open countryside and retain the character and appearance of the Conservation Area. No objection is raised to the revised proposal.

Subject to the sensitive use of materials and large scale details, the proposed dwelling is considered to preserve the character and appearance of the Conservation Area in this location and is therefore accords with Policy HE1 of the Local Plan.

It is also considered appropriate to removed permitted development rights from the new dwelling in order that the Local Planning Authority can retain control over any future additions or alterations in the interests of the character and appearance of the Conservation Area.

Impact on the setting of the Listed Building

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

The key Listed Building is the Fleur de Leys Public House that is directly opposite the site on the other side of the public highway. The previously withdrawn scheme proposed a dwelling that spanned almost the entire width of the infill plot which was considered to sever an important link between the Listed Building and the wider open countryside beyond.

This scheme follows on from the earlier approved, revised scheme and seeks permission for a dwelling which retains the narrower plan form and is designed to retain the appearance of a coach house style building. It is noted that the proposal now includes side facing dormers to provide improved accommodation at first floor. These were reduced during the course of the application so that they are set within the roof span to retain the visual gaps through the site. The side projection at first floor level on the southern elevation was omitted from the scheme as a result of these negotiations.

The important element is that the siting of the proposed dwelling retains the important visual gap within the street scene by providing an open aspect through the site that is an important element of the wider setting of the Listed Building.

The scheme, as amended, is considered to retain the importance visual gaps that form part of the historic setting of the Fleur de Leys Public House.

These revisions have been assessed by the Conservation Officer and in their current form are considered to retain these important visual gaps that connect the Listed Public House with the wider open countryside and no objection is raised to the revised proposal.

The scheme is therefore considered to preserve the character and setting of the Listed Building and therefore accords with Policy HE1 of Local Plan.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

Whilst the proposed development is in close proximity to the neighbouring properties, the side to side relationship and predominantly front and rear facing windows would not have a harmful impact on the adjacent properties by virtue of overlooking. The dormer to the side faces onto the blank gable wall of the existing dwelling

The side to side relationship also ensures that there is no harm to neighbouring properties from an overbearing impact and no part of the proposed dwelling breaches the 45 degree line as drawn from neighbouring properties.

The proposal is therefore considered to accord with Policy BE3 of the Local Plan.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

All primary rooms within the proposal have access to acceptable levels of light and outlook via appropriately sized windows. In addition, the external amenity space proposed is significant.

The proposal is therefore considered to accord with Policy BE3 of the Local Plan.

Parking & Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The site has an existing access to the highway that serves the current dwelling. It is proposed to retain this access and use it for access to the new dwelling. There is sufficient visibility at the access in both directions. The scheme also proposes sufficient parking and turning space for both the existing and proposed dwellings in accordance with the Council's Parking Standards SPD.

The proposal is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/ Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The County Ecologist has recommended that ecological enhancements are secured to ensure no net biodiversity loss. The predominant area of the land is currently hardstanding so the biodiversity is limited. The proposal would provide an enhanced level of landscaping and additional planting and Officers are satisfied would result in a biodiversity net gain.

The proposal is therefore considered acceptable having regard to Policy NE3.

Trees/ Hedgerows

The current site is an open area of hardstanding. It is therefore considered that the proposed development can be satisfactorily provided on the plot without harm to the existing boundary hedges and trees. The provision of a landscaping scheme would also increase the potential for new trees and hedgerows leading to a net gain in biodiversity.

Archaeology

The proposed development lies within an area of significant archaeological potential; A probable medieval roadside settlement which lies on the eastern edge of former Common Land at Bushwood (Warwickshire Historic Environment Record MWA9455) which was in use as such during the medieval to post-medieval periods. The proposed development is located directly opposite the Grade II Listed Fleur de Lys Public House, a 15th Century timber framed building with later additions. The site also lies adjacent to a former smithy, known as Old Beams, which is shown on an 1847 tithe map for the Parish of Rowington. There is therefore a potential for archaeological deposits associated with activity from at least the medieval period and later to survive across this area. Any such deposits may be disturbed by the proposed development. The County Archaeologist has therefore recommended that Archaeological works are secured by condition.

Waste Storage

Adequate space is available within the site for storage of bins and the site would be subject to the normal kerbside collection.

Sustainable Energy Matters

A key element of the proposal is the energy efficiency of the proposed dwelling. The applicants have provided details of the energy efficiency measures proposed with the dwelling which include very high levels of energy efficiency through the use of high levels of insulation and air tightness to reduce the demand for energy at source.

In addition to this fabric first approach, the scheme also proposes further energy saving measures such as a heat recovery system and the use of an air source heat pump. The result is that the scheme will not be reliant on oil-fired central heating to provide heating for the proposed dwelling.

Other matters

Water efficiency and an EV charging point to satisfy Policies FW3 and the Air Quality SPD can be secured by condition.

Conclusion

Officers have considered the proposed development against the Policies of the Warwick Local Plan. Having assessed the site specific details of the proposal, Officers are satisfied that the scheme complies with Policy H11 of the Warwick Location Plan, specifically criterion c) which seeks to ensure that the site does not harm the integrity of the village where it's loss would have a harmful impact upon the local character and distinctiveness of the area.

The objections received have been duly noted and acted upon. As amended, it is considered that, on balance, the proposal is considered acceptable having regard to the impact on the character of the local area and Lowsonford Conservation Area, the impact on the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties and the impact on highway safety. Officers are also satisfied that the scheme would not result in harm to protected species.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 19-194.JIN-01 Rev C, 19-194.JIN-02 Rev C, 19-194.JIN-03 Rev C, 19-194.JIN-04/0 Rev C, 19-194.JIN-04/1 Rev C, 19-194.JIN-05 Rev C, 19-194.JIN-06 Rev C, 19-194.JIN-07 Rev C and 19-194.JIN-08 Rev C and specification contained therein, submitted on 25 August 2020. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 and HE1 of the Warwick District Local Plan 2011-2029.
- 3 No part of the development hereby permitted shall be commenced until details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the Local Planning Authority and thereafter, the development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

5 No development shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents

REASON: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

6 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

7 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. (CA). To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. (LB). To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policies BE1

and BE4 of the Warwick District Local Plan 2011-2029. (Barn Conversions).

- 8 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until tree and hedge protection in accordance with British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Lowsonford Conservation Area has been provided on site and shall be retained for the duration of the development. In addition, no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE1 of the Warwick District Local Plan 2011-2029.
- 9 No development above slab level shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 10 The existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for the first 5 metres of its length. **REASON:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029.
- 11 The development shall not be occupied until a turning area has been provided within the site so as to enable a car to leave and re-enter the public highway in a forward gear and thereafter shall be retained in perpetuity. **REASON:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029.
- 12 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029
- 13 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 14 Noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters,

thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwellinghouse hereby permitted. **REASON:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties.
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Planning Committee: 06 October 2020

Item Number: 7

Application No: [W 20 / 1004](#)

Town/Parish Council: Kenilworth

Case Officer: Emma Booker

01926 456521 Emma.Booker@warwickdc.gov.uk

Registration Date: 02/07/20

Expiry Date: 27/08/20

8 Avon Road, Kenilworth, CV8 1DH

Erection of front and rear dormers and installation of rooflight to facilitate loft conversion FOR Mr & Mrs Seaber

This application is being presented to Planning Committee due to an objection from the Town Council having been received and the recommendation being one of approval.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the erection of 3no. dormer windows, two within the south-east facing roofslope and two within the north-west facing roofslope. A rooflight is also proposed to be installed between the two dormers within the north-west facing roofslope. The floor plans illustrate that two bedrooms, a study and two ensuites will be created at first floor level. The south-east facing roofslope is considered to form part of the principal elevation of the dwelling. The proposed dormers have a flat roof and will be faced with black fibre cement cladding. Grey upvc windows are proposed to be fitted within the dormers.

The proposal has been amended since the original submission. As originally submitted, a single large elongated box dormer was proposed within the south-east facing roofslope. This was considered to be contrary to the Residential Design Guide SPD and has been omitted and replaced with two smaller dormers and a rooflight.

THE SITE AND ITS LOCATION

The application property is a detached bungalow sited on a corner plot at the junction with Avon Road and Archer Road. The front door to the property faces Avon Road, however, it is considered that the south-east facing elevation reads as the principal elevation of the property. Vehicular access to the site is onto Archer Road and the driveway is large enough to accommodate at least 2 parked cars. The character of the property comprises a red/brown facing brick and brown concrete roof tiles, the windows and doors are made from white upvc. There is also a prominent and bespoke chimney attached to the principal

elevation. The dwelling also benefits from a flat roof double garage attached to the south-west elevation.

PLANNING HISTORY

None.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Kenilworth Neighbourhood Plan (2017-2019)
- Parking Standards
- General Design Principles
- Environmental Standards of New Buildings

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council - Objection - the proposal will be clearly visible from the street and conflicts with the Residential Design Guide. It is requested that the applicant addresses matters relating to the environmental impact of the development in reference to Policy KP15 of the Neighbourhood Plan.

WCC Ecological Services - The property appears to be well-sealed and in good condition thus a bat survey is not considered necessary. Advisory notes relating to the protection of bats and nesting birds should be attached to the decision.

Public Response - The neighbours at No.10 raise concern that due to the respective location of theirs and the application property, the proposed dormer additions could result in a loss of privacy to their back garden, kitchen-diner and lounge, and ask that this impact be assessed and taken in to consideration. Amended drawing to replace the dormer in the study with a rooflight welcomed.

ASSESSMENT

Design and the impact on the character and appearance of the area

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and also through good design.

Kenilworth Neighbourhood Plan Policy KP13 requires development proposals to achieve a standard of design that is appropriate to the local area and demonstrate regard for the site characteristics and surrounding built form.

Kenilworth Town Council have submitted an objection to the proposed development on the basis the design of the dormers does not comply with Policy KP13 and the Residential Design Guide SPD. The Town Council has highlighted that the property is on a prominent site and the dormers will be clearly visible from the street due to their proximity to the ridge line.

The Residential Design Guide SPD states that proposals which seek to introduce long horizontal box dormers will not be supported because they are not traditional elements of the district's towns. This statement is supported by a diagram which depicts a dormer that fills the majority of the width of the roofslope with its roof close to the ridge line.

When assessing the impact of the proposal in terms of design, it is important to have regard to extensions which can be erected through the use of the bungalow's permitted development rights. 8 Avon Road benefits from Schedule 2, Part 1, Class B permitted development rights which permit the erection dormers provided that are faced with matching materials and do not;

- exceed the height of the highest part of the existing roof,
- extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway,
- increase the volume of the original roofspace by more than 50 cubic metres.

It is therefore important to consider that despite the Residential Design Guide SPD stating that long horizontal box dormers will not be supported, dormers of this design and scale may be erected without planning permission at certain dwellings, including at 8 Avon Road, in the event that they satisfy the above limitations. On this basis, it is considered that it would be unreasonable to refuse planning permission for the proposed rear dormer due to non-compliance with the Residential Design Guide SPD. If amended to omit the proposed cladding the long horizontal box dormer could be built prior to the implementation of a planning permission. The proposed cladding is not considered harmful given that both the Avon Road and Archer Road streetscenes already comprise a variety of materials including wooden and upvc cladding. The impact of the proposed rear dormer on the character of the Avon Road streetscene is therefore considered acceptable.

The design of the front dormer has been amended since the original submission of the application to omit the elongated box dormer and instead propose two smaller dormers. The revised design of the front dormers are considered to comply with the Residential Design Guide SPD. The flat roof design is considered appropriate at this property because the dormers will be read in conjunction with property's existing flat roof double garage. Also, Flat roof elements already form a part of the original character of the bungalow and it is considered that the proposal achieves the desired consolidated appearance and successfully responds to the prevailing character of the streetscene which already comprises dormers of flat roof design. The proposal is therefore considered to satisfy the criteria of Neighbourhood Plan Policy KP13. Officers acknowledge that the

property is sited on a prominent corner plot meaning that the dormers will be visible, they are however considered to have an acceptable visual impact and constitute good quality design, and therefore the visibility of the dormers is not considered a cause for concern.

The proposed rooflight and grey upvc is considered to have an acceptable visual impact on the character of the dwelling and streetscene. A condition will be attached to the decision to secure the use of a rooflight which does not protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof. This will ensure that the rooflight does not appear overly dominant within the roofslope. Grey window frames already contribute to the character of the streetscene as are installed at 10 Avon Road, it is therefore considered that this element of the development will not appear out of keeping. Nevertheless, it is important to highlight that the applicant may change the colour of the windows under permitted development.

For reasons discussed above, it is considered that the proposal satisfies the criteria of LP Policy BE1 and NP Policy KP13.

Impact on neighbouring properties

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property. This serves to protect against loss of light and outlook. Kenilworth Neighbourhood Plan Policy KP13 supports this policy by requiring development proposals to give regard to the impact on the residential amenity of the existing and future residents.

The proposed development is considered to have an acceptable impact on the amenity of the adjacent neighbours. Windows installed within the north-west facing dormer will be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.70 metres above the floor of the room in which the window is installed. This will be secured via condition. Windows within the north-east facing elevation will provide views over the property's front garden, driveway and the public highway, the impact of these windows is therefore considered acceptable.

The neighbour at No.10 Avon Road has raised concerns that the front dormer could impact on the privacy of their back garden, kitchen-diner and lounge. The front dormers, within the south-eastern roof slope, are in excess of 18.0 metres from the north-western boundary of 10 Avon Road which is considered to be adequate in order to protect the privacy of the neighbour's private amenity space. By way of comparison, on new housing developments, as a general rule, it is considered that a distance of 11.0 metres between windows and the boundary of the neighbour's private amenity space provides adequate privacy. The proposed development therefore far exceeds this expectation. In addition, the Residential Design Guide SPD stipulates that in order to protect privacy new windows at first floor level which face windows serving a neighbour's bedroom at first floor level should be a distance of 22.0 metres apart. The proposed dormer

windows within the south-eastern roofslope of the application property will be at least 25 metres from the side elevation of No.10, it is therefore considered that the dormers will not unacceptably impact on the amenity of the neighbours.

At first floor level at habitable rooms are considered to be provided with adequate outlook and light. The Agent has provided a section drawing to illustrate that the study will be provided with an outlook as it will be possible to gain views out of the rooflight when standing inside the room.

The proposal is acceptable and in accordance with Local Plan Policy BE3 and Kenilworth Neighbourhood Plan Policy KP13.

Parking

Local Plan Policy TR3 states that development will only be permitted that makes provision for parking which does not result in on-street car parking detrimental to highway safety. Development will be expected to comply with the parking standards set out in the most recent Parking SPD.

Kenilworth Neighbourhood Plan Policy KP12 states that development proposals should incorporate parking and cycle spaces at or above the numerical and design expectations set out in the Parking Standards.

The proposal seeks to increase the number of bedrooms in the property from 3 to 5. The adopted Parking Standards SPD requires an additional parking space for this increase (from 2 to 3). Officers consider that the property's driveway is large enough to accommodate 2 parked cars meaning that any additional demand for parking generated by the development would need to be accommodated within the street. At the time of the Officer's site visit there was ample capacity within Avon Road and Archer Road for on-street parking. To add to this no objections have been received from neighbours on parking grounds, and it was therefore not considered necessary to request that the applicant carry out a parking survey. The proposed development is therefore considered to meet the criteria for Policies TR3 and KP12.

Ecology

Local Plan Policy NE2 seeks to protect species of national and local importance for biodiversity and geodiversity. The policy stipulates that development will not be permitted that will destroy or adversely affect protected species.

Ecological Services requested photographs of the property to assess the need for a bat survey, once received the Ecologist confirmed that the roof slopes with interlocking tiles show to be well-sealed and a bat survey would not be necessary. Instead it is considered appropriate to attach advisory notes relating to bats and nesting birds which Officers consider acceptable for the scale of the development. The proposal is considered to comply with Policy NE2.

Other matters

As part of their objection, Kenilworth Town Council refer to Policy KP15 of their adopted Neighbourhood Plan. Kenilworth Town Council "*requests that the*

applicants address matters relating to the environmental impact of the development with the aim of the resulting property, in its entirety, having an improved energy efficiency and water efficiency, where affected, compared to the existing property." Policy KP15 encourages applicants to adopt higher environmental standards of building design and energy performance. Given that the policy seeks to *encourage* rather than require additional sustainability measures, this is not something that can be insisted upon. It is also acknowledged that the scale of the development is small and it is therefore considered that it would be unreasonable to insist on the provision of such information from the applicant.

Summary/Conclusion

The application is acceptable and considered to comply with Local Plan Policies BE1, BE3, TR3 and NE2 and Neighbourhood Plan Policies KP13 and KP12. The application is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 002E, and specification contained therein, submitted on 27th August 2020. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029 and Policy KP13 of the Kenilworth Neighbourhood Plan 2017-2029..
- 3 The rooflight hereby permitted shall not protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof. **REASON:** To secure a satisfactory form of development in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029 and Policy KP13 of the Kenilworth Neighbourhood Plan 2017-2029.
