

Planning Committee: 21 September 2005

Item Number: 19

Application No: W 05 / 1249

Registration Date: 27/07/05

Town/Parish Council: Kenilworth

Expiry Date: 21/09/05

Case Officer: Penny Butler

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68 Windy Arbour, Kenilworth, CV8 2BB

Conversion of existing garage to create a new dwelling FOR Mr J Insley

This application is being presented to Committee due to an objection from the Town Council having been received.

SUMMARY OF REPRESENTATIONS

Town Council: "The Committee agreed this was yet another case of squeezing in a garage development and recommend OBJECTION. Members consider the proposal to be a flagrant overuse of the site, altering the character and appearance of the surrounding area. Concerns were expressed about access on to Windy Arbour and parking provision."

Neighbours: One objection from no.4 Barford Mews. Changing the garage/store to a dwelling would significantly alter the character of this unique area, it may set a precedent for similar future applications, and would increase noise levels.

WCC Highways: No objection.

WCC Ecology: Bat notes recommended.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
Distance Separation (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

In 1980 an application for a detached two storey three bed dwelling (ref. W80/1348) in the rear garden of 68 Windy Arbour was refused on the grounds of overdevelopment, overshadowing of and loss of privacy to neighbours, inadequate access, and lack of amenity space for no.68. This was a larger

dwelling than the present garage and positioned closer to the existing dwelling.

Several applications were approved to extend the house subsequent to this refusal, and most significantly the erection of a detached garage and caravan storage building in the rear garden with first floor accommodation above (ref. W96/1411). An outline application (ref. W05/0249) was refused earlier this year for the conversion and extension of the existing outbuilding to create a new dwelling. The grounds were that the dwelling would have been sited close to 66 Windy Arbour in particular, and in the absence of full elevational details it would not have been possible to ascertain the impact of the new dwelling on residential amenity, privacy, or outlook of neighbouring properties.

KEY ISSUES

The Site and its Location

68 Windy Arbour is an attractive previously extended detached property with a rear garden over forty five metres in length. It has a large detached garage and caravan store at the end of this garden which has accommodation over, with the only window facing west directly towards the house and the rear of neighbouring property no.70 Windy Arbour. A roof light faces south towards no.66., which is an infill dwelling accessed from the same private single lane road running between no.68 and no.64 Windy Arbour. No.70 is a two storey dwelling with facing windows located approximately ten metres away from the southern site boundary. To the rear and east of the application site, and the existing garage building, are Barford Mews flats with facing windows over sixteen metres from the site boundary. The Mews have a communal drying area and garages immediately adjacent to the site. Barford Road is the cul de sac which ends at Barford Mews. The garden of no.72 adjoins the site to the north.

Details of the Development

It is proposed to divide the rear garden of no.68 with a diagonal boundary line leaving a garden approximately eighteen metres long. The distance between no.68 and the existing garage is twenty six and a half metres, well in excess of the recommended twenty two metres (Supplementary Planning Guidance-Distance Separation). The house would lose it's current garaging, but there is ample space on the front drive for several cars.

It is proposed to convert the existing garage/store into a separate two bedroom dwelling. No changes are proposed to the existing access, driveway or turning space. There would be no "rear" garden as such for the dwelling, but the plot is not insubstantial in that it would measure in excess of 20 metres square, thereby providing reasonable amenity space.

Assessment

It is considered that the main issues to be addressed are impact on the character and amenity of the surrounding area, and impact on neighbouring amenity.

The change in use of the garage would involve the replacement of the existing garage doors with full height windows and a door facing the driveway, new ground floor window on the east elevation, two new roof lights in the north roof slope, and three additional roof lights on the south roof slope. The elevational changes at ground floor will not impact on the character of the area as they will not generally be visible from off site due to boundary screening. The insertion of additional roof lights will change the character of the building from what appears currently to be a large ancillary outbuilding, to a domestic dwelling, but I do not consider this would cause serious harm to the area, given the existing infill dwelling (no.66) adjacent to the site which is already visible from the surrounding area.

The ground floor alterations would not harm neighbouring amenity as they would be screened by the existing boundary treatment. The new north facing roof lights overlook the garden of no.72 Windy Arbour and serve a bathroom and hallway. Given the nature of these rooms and the limited overlooking that would occur, subject to a condition for the windows to be obscure glazed in order to restrict overlooking, I consider the impact not so serious as to warrant refusal. There is one existing southern roof light and three proposed, which directly face the front elevation of no.66. This has facing first floor bedroom windows, however, the recommended Distance Separation Standard of 22 metres is provided, and it would be unreasonable and inconsistent to increase this requirement. The neighbour's concerns about increases in noise are noted, but it is not considered that this would be unacceptable given that the nearest dwelling is 18 metres away. There are no objections from the Highway Authority and given the current use of the building for garaging, there is unlikely to be significant additional traffic.

Overall, I consider the proposed change in use of the building would not appear to have a serious adverse impact on either the character of the surrounding area or neighbouring amenity, such that a refusal could be substantiated. The concerns of the neighbour regarding possible precedent are noted, however, any future applications must be judged on their individual merits.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (WA-05-02A; WA-05-08; WA-05-09), and specification contained therein, submitted on 27 July 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
 - 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows or roof lights other than those expressly authorised by this permission, shall be placed at any time in the north, south or east elevations of the dwelling. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.
 - 4 The two roof lights in the north elevation of the dwelling hereby permitted shall be obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties.
 - 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of residential amenity.
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