

Planning Committee: 07 November 2017

Item Number: 7

Application No: [W 17 / 1721](#)

Town/Parish Council: Rowington
Case Officer: Dan Charles

Registration Date: 15/09/17
Expiry Date: 10/11/17

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

Proposed erection of new dwelling FOR Mr Jinks

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

RECOMMENDATION

That planning permission is GRANTED subject to conditions.

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of a two storey detached dwellinghouse on an area of land currently used for car parking associated with the existing dwelling.

The dwelling is proposed to be constructed in the style of a coach house. The building frontage has a simple gable facing the street scene with two ground floor openings and a window at first floor. The fenestration is limited to the front and rear elevations with the main access door to the side. The first floor accommodation is supplemented through the use of rooflights.

The dwelling has a gross footprint of 63.6m² and an overall gross floorspace of 127.2m² with a height to eaves of 4 metres and an overall ridge height of 6.8m. The building is also to be partially cut into the site.

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 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. Directly opposite the site is the Grade II Listed Fleur de Lys Public House and to the rear of the public house is the Stratford upon Avon Canal.

Lowsonford is identified within the Local Plan as a Limited Growth Village.

The site lies within the West Midlands Green Belt.

PLANNING HISTORY

W/17/0079 - Erection of new dwelling – Withdrawn 29.06.2017.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
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011 - 2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Open Space (Supplementary Planning Document - June 2009)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Rowington Parish Council - Objects - The Parish Council objects to this application which is in a Conservation Area, Green Belt and is sited opposite two Listed Buildings.

Concerns are raised regarding the hedgerow within the site. Additionally, the proposed new dwelling is not in keeping with the surrounding area.

Canal and River Trust - No comment to make.

Inland Waterways - No comments to make.

WDC Conservation - Following amendments to front elevation - No objection.

WCC Highways - No objection subject to condition to secure parking area prior to the first occupation of the dwelling.

Public Response - 2 letters of objection received stating proposal is unwanted infill development, would harm the Conservation Area and Listed Buildings, design is not in keeping with the area and a lack of car parking.

ASSESSMENT

History/Background

Application reference W/17/0079 which proposed the erection of a two storey, five bedroom dwelling, was withdrawn following discussions with Officers regarding the scale and appearance of the dwelling and the detrimental visual impact on the character and setting of the Conservation Area and nearby Listed Building, known as the Fleur de Lys Public House due to the closure of an important visual gap through the site.

The current application is for a reduced scale of development on the site to address the previous concerns. The key element of change is the reduction in the overall plan width of the proposed dwelling to create a visual gap through the site.

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.

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 include features which 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 that is proposed to sit between existing dwellings and has a frontage addressing the road. In respect of criteria a) and b), Officers are satisfied that the development complies with Policy H11.

Subject to an acceptable assessment against criteria c), Officers are satisfied that the development complies with the limited infilling criteria defined within H11 and would be acceptable in principle.

Impact on character of surrounding area and Lowsonford Conservation Area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

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 HE2 (protection of conservation areas) states 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. The existing area is an open, gravelled area used for car parking. In this respect, the character of the land is not reflective of the local street scene insofar as it does not form an integral element of the property and does not appear as a single, well-established garden area associated with the dwelling that is characteristic of the local area.

The dwelling has been reduced in scale since the original submission following guidance from the Conservation Officer. The revised design ethos now seeks the provision of a building designed to reflect the character of a simple coach house with a simple plan form 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 buildings location on the site creates a simple design that forms a simple appearance when viewed from the public domain. The location of the building to the side of the plot also retains an important visual gap that connects the Listed Public House with the wider open countryside.

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.

In Officers opinion, the proposed dwelling would sit comfortably on the site and whilst it would create a new building on the open area of land, it is amalgamated comfortably into the landscape and any material impact on the openness in this location is modest.

Subject to the sensitive use of materials and large scale details, whilst the proposed dwelling will reduce the visual gap, the proposed development is considered to preserve the character of the Conservation Area and the wider area such that criteria c) of H11 is achieved.

Impact on the character and setting of nearby Listed Buildings

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.

There are two Listed Buildings within the vicinity of the site frontage, namely the Fleur de Leys Public House and a dwelling known as Old Timbers that sits to the south of the public house. 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 previous scheme submitted proposed a dwelling that spanned almost the entire width of the infill plot. In assessing this previous scheme against the setting of the Listed Building, objection was raised on the basis that the proposed dwelling would sever an important link between the Listed Building and the wider option countryside beyond by severing important views through the site.

This revised scheme seeks permission for a dwelling with a much narrower plan form and is designed to replicate the appearance of a coach house style building. The important element is that the siting of the proposed dwelling to the edge of the plot retains the important visual gap within the street scene that provides an open aspect through the site that is an important element of the setting of the Listed Building.

Impact on the amenity of 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 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.

Access and Parking

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 retains sufficient parking and turning space for both the new property and the existing dwelling on the site.

Other Matters

Trees and Hedgerows

The current site is an open area of hardstanding with a hedgerow interspersed with trees intersecting the site that currently forms the boundary to the rear garden of Low Beams. The proposed development would result in the removal of a section of this hedge to facilitate the new dwelling. In this respect, Officers note that there will be a loss of some trees and hedgerow.

However, this can be adequately mitigated for through a condition to secure replacement planting be carried out. Subject to this condition Officers consider that the proposed development can be satisfactorily provided on the plot without harm. The provision of a detailed landscaping scheme would mitigate the loss of the existing species and also increase the potential for new trees and hedgerows leading to a net gain in biodiversity.

Ecology

Due to the open nature of the plot, there is no harm to protected species. The development also has the potential to enhance habitats for protected species.

Open Space

The additional residents brought into the area by this application will put more pressure upon existing open space, both in the locality and the wider district in relation to destination parks.

As set out in HS4 of the Warwick Local Plan 2011-2029, a contribution is required in order to mitigate the impact of this additional use. The contribution rates are set out in the subsequent 'Open Space Supplementary Planning Document' and its associated guidance, 'Developer Contributions for commuted payments for new provision/enhancement of open space'.

On the basis of the above, the Open Space team have requested a contribution of £2,526 based upon a net gain of 3 bedrooms @ £842 per room.

The contribution will be put toward the development objectives of local open spaces within approximately 500m (10 minute walk) of the development where these open spaces have development plans and projects in need of funding. As the District Council does not control open space within the village of Lowsonford, the contribution will be put toward open space improvements as identified by the local Parish Council.

This contribution 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, including 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 scheme is considered acceptable having regard to the character of the local area and Lowsonford Conservation Area, 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) 10594-(20)M-101-B, and specification contained therein, submitted on 17 October 2017. **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 shall be carried out only in strict accordance with sample details of the facing and roofing materials which 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 in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 No development shall be carried out on the site which is the subject of this permission, 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 HE2 of the Warwick District Local Plan 2011-2029.
- 5 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
 - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 - 2011.
- 6 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until details of 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. In particular 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.

- 7 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.
- 8 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.
- 9 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 extension or addition shall be erected or constructed to, any dwelling(s) 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. Therefore, no additional development is to be carried out without the permission of the local planning authority in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 10 The soft landscaping works as detailed on the approved plans shall be completed in all respects within the first planting season following the first use of of the dwelling save that the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and

species to those originally required to be 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.

- 11 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.
- 12 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.
