

**Planning Committee:** 23 June 2021

**Item Number:** 6

**Application No:** [W 20 / 1991](#)

**Town/Parish Council:** Bishops Tachbrook  
**Case Officer:** Emma Booker

**Registration Date:** 09/03/21

**Expiry Date:** 04/05/21

01926 456521 Emma.Booker@warwickdc.gov.uk

**34 Oakley Wood Road, Bishops Tachbrook, Leamington Spa, CV33 9RW**

Erection of a single storey rear extension, new front porch and carport infill extension and a garage conversion. FOR Mr Steven Mortimer

-----

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

**RECOMMENDATION**

The application is recommended for APPROVAL subject to conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The applicant seeks to obtain planning consent for a series of alterations to the property at ground floor level. The carport/undercroft is proposed to be infilled with matching brickwork to create a garage and utility. A flat roof extension to the front elevation of the garage will attach this building to the main property. The garage is proposed to be converted to a workshop.

A flat roof extension to the front of the property will attach to the side of the porch to create a larger garage.

A further single storey rear extension is proposed at the rear of the property. At the request of Officers, its depth has been reduced to 3.0 metres along the shared boundary with 36 Oakley Wood Road due to a breach of the 45 degree line.

**THE SITE AND ITS LOCATION**

The application property is a semi-detached dwelling located on the west side of Oakley Wood Road, just outside the boundary of the conservation area. The front elevation is characterised by buff brick and render. The windows are white upvc and the roof is covered with brown, concrete, profiled tiles. The property benefits from off-street parking for at least two vehicles and a modest front lawn area. The streetscene is varied in character.

**PLANNING HISTORY**

Planning permission was granted for a porch extension in 1975 (ref: W/75/1078).

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE3 - Amenity
- BE1 - Layout and Design
- HE1 - Protection of Statutory Heritage Assets
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE4 - Landscape
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)

## **SUMMARY OF REPRESENTATIONS**

**Bishops Tachbrook Parish Council** – Object, consider that the rear extension would have an unacceptable impact on the amenity of 36 Oakley Wood Road due to a breach of the 45 degree line.

**WCC Ecology** – Advisory notes related to the protection of nesting birds, amphibians (specifically Great Crested Newts), reptiles, and hedgehogs should be attached. Advise that any existing trees / hedgerows to be retained, and which could be impacted on by the proposed works, should be protected through by a suitable RPA.

**Public Response** – Neutral comment received from 32 Oakley Wood Road;

- Concerned with the works to the north elevation, queried whether the foundations encroach into the neighbour's property.
- Advised that access to the garden would be required at all times.
- Concern raised over the shared garage roof, queried whether this would be rebuilt as a separate roof for the conversion or converted.

## **ASSESSMENT**

### **Impact on the character and appearance of the Conservation Area**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that in considering whether to grant permission for developments affecting listed buildings or their setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 193 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.

Policy HE1 of the Warwick District Local Plan 2011-2029 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 that harm or loss.

Bishops Tachbrook is a village which was extended significantly in the 1960's and 1970's and the Conservation Area gives protection to the core of the original village. The application site is located at the boundary of the conservation area and the buildings located within it are traditional cottage-style properties. The application site is a semi-detached dwelling built in the 60s/70s. Its character is a stark contrast with those located in the conservation area. There are two Grade II listed buildings (Willow Cottage and 30 Church Hill) in relatively close proximity to the site located to the north. However, as set out in the Heritage Statement submitted with the application, the application site is not considered to contribute significantly to the setting of these buildings. It is therefore agreed that the proposals will have an acceptable impact on the setting and significance of these listed buildings.

It is considered that the extensions to the rear of the property will not contribute nor impact on the character of the conservation area as they will be obscured from view by the existing property and its neighbour.

Given the modest nature of the proposals to the front elevation of the property, Officers consider that the development will not have an adverse impact on the conservation area. The proposed alterations to the porch (moving the door to the front) are considered to improve the appearance of the property's front elevation and will not result in an overly prominent elevation when observed from the conservation area. The small, flat roof extension and works to convert the undercroft feature to a garage are considered to create a more consolidated elevation and are therefore considered to improve the character of the property as whole and therefore positively impact on the adjacent heritage asset.

Bishops Tachbrook Parish Council consider that the works to the front of the property will not result in harm to the conservation area.

The proposal is considered acceptable and meets the criteria of the NPPF and Policy HE1 of the Local Plan.

#### Design and impact on the character of the streetscene

Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the streetscene is respected. BE1 states that in order to

do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

The proposed extensions and alterations to the front of the property are in keeping with its character and will not appear incongruous within the streetscene. The flat roof extension at the front brings the front wall in line with the existing porch, this extension will therefore not appear overly prominent. The Parish Council have commented that *'the enclosure of the open carport under the first floor and the alterations to form a utility room, garage and workshop was considered to be a reasonable proposal.'*

At the rear, the extension reads as a subservient addition to the property and, although modern in appearance, respects the character of the original property. The applicant proposes to build the extensions with matching brickwork and roof tiles which are considered an appropriate choice of materials.

The proposals are considered to harmonise with the character of the property, constitute good quality design and will not result in harm to the streetscene. The application is therefore considered to comply with Policy BE1.

#### Impact on neighbouring properties and the current and future occupiers of the development

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.

Bishops Tachbrook Parish Council objected to the original submission on the basis that the extension would adversely impact on the amenity of 36 Oakley Wood Road. The original scheme proposed an extension that was 3.30 metres in depth and breached the 45 degree line when taken from no.36's rear patio doors. Officers agreed that the development would be harmful to neighbour's amenity and requested that the depth of the extension be reduced to 3.0 metres.

The Parish Council were consulted upon the receipt of the amended plans which reduced the depth of the single storey extension to 3.0m and maintained their objection on the basis that the extension would breach the 45 degree line.

As the amended extension is only 3m in depth along the shared boundary with 36 Oakley Wood Road, this element of the proposal would otherwise be permitted development under the Government's impact based permitted development rights if it were amended to be entirely separate from the converted garage. On the basis of this scenario, which would present a 3 metre wall along the boundary with the neighbour, Officers consider that the impact of the proposed extension would not warrant the refusal of planning permission in this particular case.

The extensions and alterations to the undercroft, rear detached garage and porch are not considered to harm the amenity of the adjacent properties.

All habitable spaces in the proposed property are provided with sufficient sources of natural daylight and outlook. The site includes a generous rear garden which will not be unacceptably reduced in area by the development.

In light of the above, the development is considered to have acceptable impact on amenity and to fully comply with Policy BE3 of the Local Plan.

#### 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.

The development is not considered likely to result in increased demand for off-street parking. The extension at the front of the property is not considered to reduce the size of the driveway to the extent that it would no longer be large enough to accommodate the same number of parked vehicles. Officers note that no objections have been received on parking grounds. The proposal is considered to comply with Policy TR3 of the Local Plan.

#### Ecology and trees

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 have recommended that a series of advisory notes are attached to any approval granted in light of records in the surrounding area. Officers consider this approach acceptable for the scale of the development. The proposal is considered to comply with Policy NE2.

Local Plan Policy NE4 seeks to ensure that significant landscape features are protected from harm, this includes assets such as trees which are considered to have amenity value.

There are no trees or vegetation planted in close proximity to the development, an advisory note related to this matter, as recommended by Ecology, is therefore not considered appropriate or necessary.

#### Other matters

A comment has been received from the occupier of 32 Oakley Wood Road raising concerns that the development may encroach into the adjacent property boundary. They have highlighted that the roof of the first floor extension and the foundations beneath the supporting pillars already overhang the boundary. The plans provided show that the entirety of the development proposed will be contained within the site boundary. The agent has also signed 'Certificate A' on the application form to certify that the proposals will be built exclusively on land within the ownership of the applicant. Officers therefore raise no concerns in relation to this matter.

The neighbour also raises concerns related to obstruction of access to their garden during the construction period. This is a civil matter not relevant to Planning and has not been considered as part of the assessment of this application. It's not clear from the proposed plans whether the applicant intends to replace the existing garage roof as part of the works. Retention of the current roof or replacement are both considered acceptable from a planning perspective. This matter should be settled between both parties and would usually involve a party wall agreement being signed.

### **Summary/Conclusion**

The application is acceptable and considered to comply with Local Plan Policies HE1, BE1, BE3, TR3 and NE2. 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) 14/01/2020 06 A, 14/01/2020 07 A, 14/01/2020 08 A, 14/01/2020 09 A, and specification contained therein, submitted on 21st April 2021. **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 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.

-----