

Application No: W 11 / 0846

Town/Parish Council: Kenilworth
Case Officer: Liz Galloway

Registration Date: 29/07/11

Expiry Date: 23/09/11

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63A Common Lane, Kenilworth, CV8 2EQ

Retention of a two storey dwelling (Amended Design) (Retrospective Application)
FOR Warwickshire Homes Limited

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

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection

Members OBJECTED to the proposal on the grounds that they considered the application to be:

Overdevelopment of the site.

Unneighbourly due to its proximity to the neighbour's boundary.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

W01/0100 - Refused for erection of a detached dwelling with integral garage

W03/1804 - Pitched roof over existing single storey front extension

W04/0143 - Refused for demolition of garage and erection of a two storey house

W05/0960 - Refused for demolition of garage and erection of a two storey house (amended design) - **Allowed on Appeal**

W06/0085 - Granted for erection of extension over garage on North West elevation

W08/1476 - Not Lawful Development for erection of an extension after completion of approved dwelling - The implementation of the building operations shown on the drawings would be lawful only if the new dwelling is completed in accordance with the terms of application and only if it is built in accordance with the conditions of the Inspectorate's planning permission, dated 5th December 2005, and the samples approved in the discharge of condition letter dated 24th July 2009.

Permission granted to fell a Weeping Willow after Appeal in 2010

KEY ISSUES

The Site and its Location

The application property is a detached dwelling with integral garage which has not been fully constructed and is not yet occupied as a residential dwelling. This dwelling lies between numbers 63 and 65 Common Lane, opposite Kenilworth Common with ground levels falling from numbers 63 to 65.

Details of the Development

The development is the subject of a full planning application for a erection of a two storey dwelling which was previously allowed on appeal including a retrospective single storey rear extension. The retrospective single storey extension is the main reason for the application being re-submitted with some minor changes such as a front window to replace the garage door, the insertion of two larger patio doors and extra window on the rear elevation.

In terms of scale, there will be no increase in building size, except for a modest extension proposed on the side of the building to provide a kitchen area. In terms of materials, there will be no alteration to the main part of the building and the retrospective extension has been constructed using matching materials.

Assessment

The assessment of this application requires the following issues to be addressed:-

- Impact on amenities of adjoining properties
- Renewable energy matters
- Impact on the street scene
- Impact on the adjoining Vehicle parking standards

Impact on the Amenities of adjoining properties

In terms of overall impact, following the Inspectors reasoning, it is considered that the scheme to change the design of the existing property is not so harmful that a refusal of permission on grounds of amenity, could be substantiated. No objections have been received from any of the adjoining residential properties and there will be no conflict with the Councils adopted 45 degree guideline to any adjacent neighbours. Furthermore I consider that subject to an obscure glazing condition imposed on the first floor side facing windows in the North West and South East elevations, there would be no loss of privacy by reason of overlooking.

In summary, the key conclusions on the impact of the development on residential amenity are that since the main dwelling house which was approved on appeal, lies immediately in front of the two side facing windows belonging to neighbour number 65, it is considered that the introduction of a modest extension situated in the proposed position would not significantly impact on the light entering these rooms. Therefore, I do not consider that any of the changes, would cause significant harm to any adjoining properties in relation to loss of light, outlook or privacy.

Renewable Energy matters

The relevant policy framework at the local level is provided by the approved SPED on Sustainable Construction which amplifies policies DP12 and DP13 of the Warwick District Local Plan. The policy requirement is for a minimum of 10% of the energy demand for the development to be met from renewable sources.

In summary, therefore, whilst renewable energy sources do not feature in this application, it must be considered that the dwelling has been constructed under the previous policies and allowed on appeal and as such, the proposed increase in that scheme would only include the single storey element of the application. Considering the fall back position, renewable energy would not normally be feasible for the modest extension proposed.

Impact on the street scene

Policy DP1 of the Warwick District Local Plan seeks to promote development which positively contribute to the character and quality of its environment. The single storey extension will have no significant impact on the existing street scene as it lies behind an existing garage and will not be significantly visible within the immediate location as the scale, in relation to the allowed dwelling, will be minimal.

Vehicle Parking Standards

The scale of parking is proportionate to the size of the uses and there is plenty of provision for 2 cars which meets the Vehicle Parking Standards for a residential property. In conclusion, therefore, in terms of parking provision the development and the level of off-street parking provision is seen as consistent with the objectives that underpin relevant national and local policy guidance.

Waste and recycling equipment

The site has satisfactory recycling and waste storage facilities and a generous plot size to support any increase in waste disposal needs.

Policy Context

Although the planning policy guidance has changed since the dwelling was allowed on appeal and this development would normally no longer be acceptable as it is contrary to Policy UAP1, I consider that the applicant would have a realistic baseline fall back position in this case and could potentially build the single storey rear extension using permitted development rights upon first occupation of the dwelling.

In conclusion, the proposals for a detached dwelling house and its retrospective single storey side extension are considered acceptable.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted shall be retained strictly in accordance with the details shown on the approved drawings 2491/02 Rev B, 08.6519.1103 Rev B, 08.6519.1102 Rev B, and specification contained therein, submitted on 4th July, 2011 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 2 Prior to the occupation of the development hereby permitted, the first floor side facing windows in the North West and South East elevations 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 window(s) shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.
