

Planning Committee: 17 December 2013

Item Number: **8**

Application No: W 13 / 1593

Town/Parish Council: Kenilworth
Case Officer: Penny Butler

Registration Date: 13/11/13
Expiry Date: 08/01/14

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57 Roseland Road, Kenilworth, CV8 1GA

Erection of two storey side and rear extensions, and single storey front, side and rear extensions to provide enlarged ground floor shop and two additional dwellings on the upper floors (making three dwellings in total) (Revised application to W/13/1165). FOR Mr A Sidhu

This application has been requested to be presented to Committee by Councillor Richard Davies.

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

This is a further revised application following the most recent refusal of permission for revisions to an approved scheme originally granted in 2009, which was renewed in 2013. The proposal is for two storey side and rear extensions, and single storey front, side and rear extensions to provide enlarged ground floor shop and two additional dwellings on the upper floors (making three dwellings in total). At first floor there would be two 1 bedroomed flats, and in the roof space there would be a further 2 bedroomed flat, whereas there is currently one 4 bedroomed flat existing. This is a reduction on the recently refused scheme which proposed three 2-bedroomed flats.

Following the previous refusal, the previously proposed first floor rear extension adjoining the boundary with no.55 has been removed. It is now proposed to alter the approved scheme by increasing the ridge height of the rear two storey wing to match the main roof, and to increase the height of the rear single storey wing by adding a dual pitched roof. A small area of new roof is also proposed on the lower flat roofed extension at the rear. Fenestration alterations are also proposed which consist of the insertion of an entrance to the upper floor flats on the front elevation adjacent to the boundary with no.55, removal of an approved raised fire escape, changes to roof light positions and window positions on the side elevation.

At ground floor the gross retail floor space would increase from 70sq.m to 211sq.m and would include a small office. At first floor there would be two 1 bedroomed flats, and in the roof space there would be a further 2 bedroomed flat, whereas there is currently one 4 bedroomed flat existing. The layout shows three parking spaces with turning space in the rear garden, accessed off the existing access from Mortimer Road, and three parking spaces on the frontage.

THE SITE AND ITS LOCATION

The application site is located at the junction of Roseland Road and Mortimer Road, on a corner plot at the end of a row of terraced dwellings fronting Roseland Road. This property is a larger version of the other houses in the terrace, as it is about half a storey higher. The building has been extended by a single storey side and rear extension with a flat roof, and an infill extension between this wing and the side boundary with a low lean to roof. The ground floor retail unit has a shop frontage at the side and rear.

On the opposite side of Mortimer Road is St Johns Middle School, with its sole vehicular access opposite the vehicular access into the rear garden of the application site. The applicants rear vehicular access is currently gated and located behind the end of the long rear wing. To the rear of the site is a shared private vehicular access to dwellings on Roseland Road and Council garage blocks, whilst the residential property on the other side of this access has a side gable facing the site and a tall conifer hedge along their side boundary. The adjoining neighbour (no.55) has an existing rear conservatory close to the side boundary with a pergola behind this.

The permission granted in 2013 is currently under construction. If this application is granted then the works will be completed in accordance with the current proposals.

PLANNING HISTORY

In 1973 a single storey flat roofed rear extension was added forming a long rear wing adjacent to the public footway, and at this time a single storey very low mono pitch roofed rear extension already existed. Permission was granted in 2009 (W/09/1502) for one and two storey extensions to increase the floor area of the shop to 180 sq.m and to create three flats (two 1 bedroom and one 2 bedroom), along with the provision of six parking spaces. This permission was renewed in May 2013 by Planning Committee (W/13/0314). Application W/13/1165 was refused by Planning Committee in October 2013 for further extensions, due to an adverse impact on neighbouring amenity.

RELEVANT POLICIES

- National Planning Policy Framework
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)

- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection.

Public response: Two letters of objection received from nos. 53 and 55 Roseland Road, raising the following concerns:

- Loss of light
- Noise and disturbance caused by the door to the flats being sited on the front elevation, leading to disturbance after shop hours
- Overbearing effect of further roof extension on the patio, conservatory, kitchen and dining room of no.55. This roof will not be subservient to the main roof, and will therefore be higher than the adjoining terrace of houses.
- Roof height to be increased from the approved height (W/09/1502) to that refused recently (W/13/1165)
- Provision of a pitched roof on the single storey rear extension, in place to the flat roof previously approved (W/09/1502). This appears to offer no obvious advantage over the flat roof, and will negatively impact on the open aspect of neighbouring back gardens. There is no objection to the increased floor area of the single storey extension, providing it is flat roofed.
- The application building is higher than neighbouring properties due to sloping land and the proposal is to the west of the gardens therefore afternoon sun will be affected.
- The approved works (W/09/1502) will negatively impact on amenity already therefore any increases along the length of the rear extension will exacerbate this
- Consideration should be given to the justification for the proposals when a more neighbourly alternative has planning permission and is already being built
- The 45 degree guideline policy advises the guideline should be applied from the nearest ground floor kitchen window within the conservatory, not the bedroom window set off the boundary.
- No objection to the repositioning of door and windows or internal alterations to layout. Their objection is to increases in height or size that will reduce amenity,

light or open aspect, and therefore solely relates to roof height and the pitched roof.

Councillor Richard Davies: Requests application is called in to Planning Committee so Members can decide if their reasons for refusal of the previous application in respect of unneighbourly and overdevelopment have been addressed. It is considered these have not been addressed and the neighbour makes justifiable comments as the proposal would lead to a loss of light to their property. Request Members conduct a site visit to assess the impact.

WCC Highways: No objection to amended plans subject to condition requiring the existing vehicular access on Roseland Road to the front of the site, including dropped kerb, to be widened to 7m.

WCC Ecology: Recommend bat, bird and newt notes.

Cultural Services (Open Space): No comments have been received in respect of this application. However, the following comments were received in relation to the previous application: "The additional residents will put extra pressure on existing public open space in the vicinity therefore a contribution is required to mitigate this impact. There are plans for improvements at St. John's open space therefore the contribution would contribute towards these".

Waste Management: No comments have been received in respect of this application. However, the following comments were received in relation to the previous application: "No objection provided the bin store is large enough to accommodate 3x 180lt and 3x 240lt wheeled bins and recycling containers for the 3 flats. There should be no steps between the store and collection point and a doorway wide enough to ensure ease of passage with the wheeled bins".

ASSESSMENT

Visual impact and design

Since there is an extant consent for changes to the building, the further impact of the current proposals must be considered. The main visual changes are the increases in roof height to the rear wings, as the fenestration alterations do not have a significant impact on the character of the property given it is being remodelled and is different to its neighbour. The ridge height of the two storey wing would be increased to the same height as the main roof, therefore it will not appear subservient in scale or design. The pitch of this roof will be steeper than the main roof, whilst the new roof to the single storey wing would have a lower pitch. It is not considered harmful for the main rear wing to have the same height as the main roof, given that this building is of individual design and use on a corner plot in the street scene. The differing roof pitches will give the building a varied character, and whilst this is not best practice in design terms, it is not considered so harmful as to warrant refusal. The addition of a pitched roof to replace a flat roof will have a beneficial impact on the street scene. The relocation of the entrance door to the

flats onto the front elevation has enabled the removal of the external staircase which will also have a positive impact on the street scene. The lack of subservience in the design of the approved extensions was considered acceptable as this building is already larger than those in the adjoining terrace and forms a landmark in the street scene. The entire building will be rendered which will ensure the extensions blend in successfully, and there are examples of rendering nearby including the corner plot opposite. Overall, the proposals have an acceptable impact on the external appearance of the premises and the street scene as a whole, and comply with Policy DP1 and the NPPF by achieving good design.

Impact on neighbouring amenity

In terms of neighbour impact, this focuses upon the adjoining dwelling (no.55) who has an existing rear conservatory adjoining the boundary, and at first floor, their nearest window is to a bathroom. The current proposals increase the impact on the light and outlook of this neighbouring dwelling by increasing the roof height of the rear wings. The ridge of the two storey rear wing would increase in height by 0.8m, whilst the single storey wing would increase by 0.3m at the eaves level and 2.1m at the ridge.

The guidance within the 45 degree guideline states that this will normally be taken from the nearest window in the original face of the building, but that individual site circumstances will continue to be taken into account. In practice where properties have been extended, including by way of fully glazed extensions, the 45 degree line is taken from the face of the extension, therefore in this case there is no material 45 degree breach as the neighbours nearest window is to a bathroom. The neighbours conservatory, and therefore their internal (original) openings into the house, will suffer a further loss of light and outlook, particularly as the proposals are sited on the western side of this neighbour and will therefore affect afternoon sun light. However, it is not considered that the impact of the proposals would be so harmful as to justify refusal on the grounds of harm to neighbouring amenity. The differing levels at the rear exacerbate the impact of the proposals on the neighbours, but given there is no material breach of the 45 degree guideline this is not considered unacceptable. No side facing windows are proposed to overlook this neighbour on the amended plans. On the opposite side of the road is the school which will not be affected by the additional side windows. The proposal is therefore considered to comply with Policy DP2 and the Residential Design Guide.

Impact on highway safety and car parking

There have been no changes made to the access and parking arrangements proposed under the previous application, which were accepted by the Highway Authority and Members, and it is considered that the proposals will not conflict with Policies DP6 or DP8.

Other matters

An air source heat pump would generate the required renewable energy for the proposals, and would be sited in the bin store, separated from the neighbouring property by the rear office extension. Severn Trent Water previously requested a condition requiring the details of the disposal of surface water to be agreed. A contribution towards improvements to public open space can be required by condition.

SUMMARY/CONCLUSION

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of parking or amenity which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

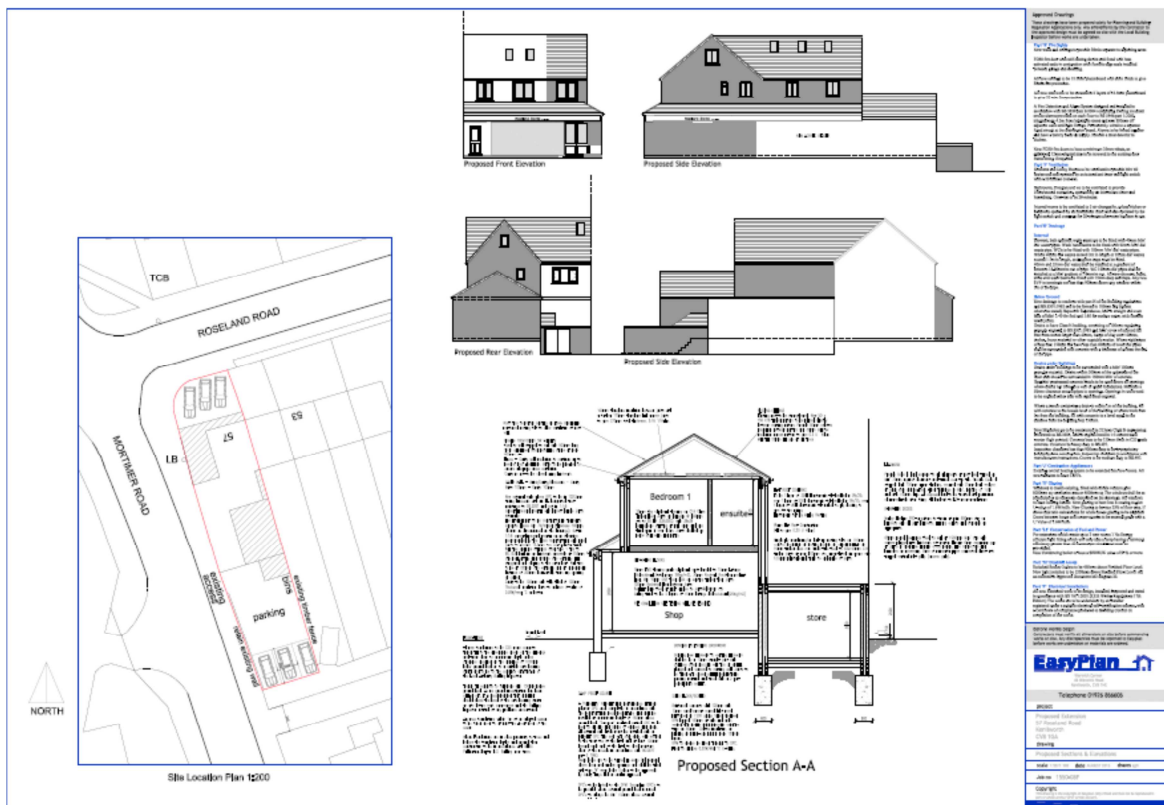
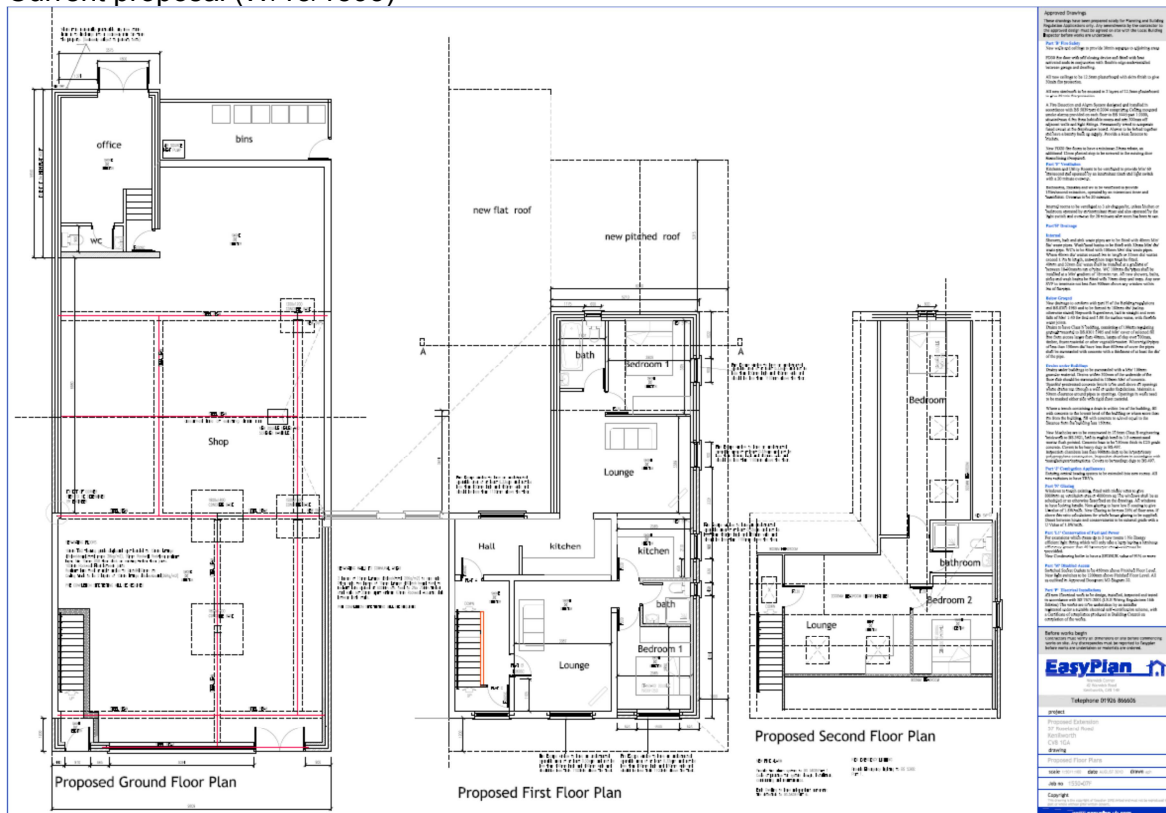
- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (1550-8F and 1550-07F), and specification contained therein, submitted on 13 November 2013. **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.
- 3 Details of the means of disposal of storm water from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON :** To ensure satisfactory provision is made for the disposal of storm water and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011.
- 4 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.

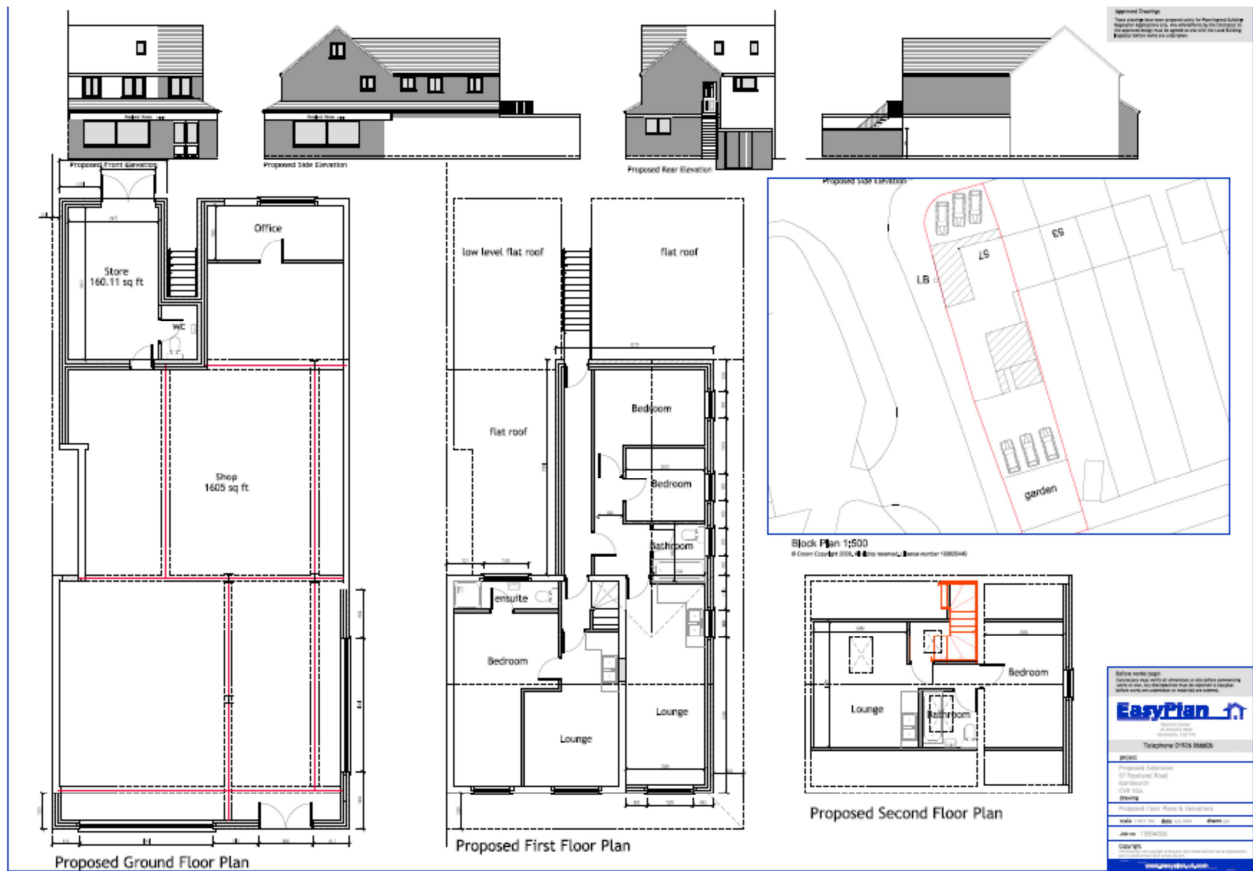
REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 5 The development hereby permitted shall not be occupied until the existing vehicular access to the front of the site from Roseland Road, including dropped kerb has been widened to 7 metres (i.e. to the edge of the applicants boundary, as measured from the near edge of the public highway carriageway). **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 6 The parking areas hereby permitted shall be surfaced, with a permeable material and available for use prior to the occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 7 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

Current proposal (W/13/1593)



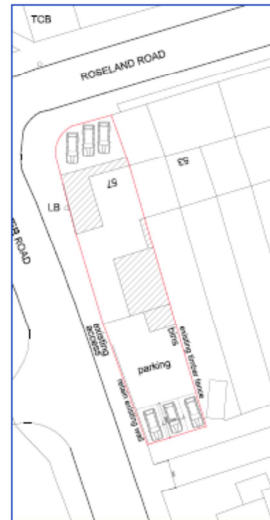
Extant permission (W/09/1502)



Refused scheme (W/13/1165)



Site Location Plan 1:1250



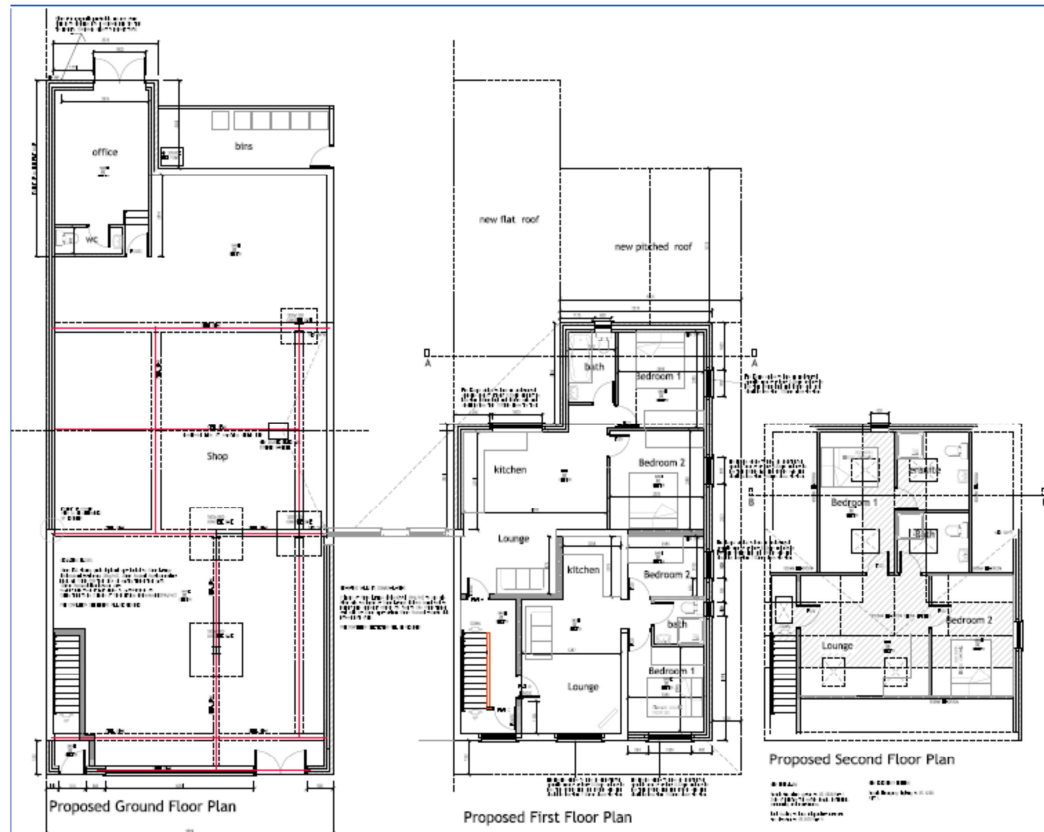
Block Plan 1:200

Approved Drawing
This drawing is an approved drawing of the proposed scheme. It is a copy of the original drawing and is not to be used for any other purpose without the written consent of the planning authority.

Site Plan
The site plan shows the proposed scheme and its location within the site. It includes the following information:
- The proposed scheme
- The existing buildings
- The existing roads
- The existing boundaries
- The existing trees
- The existing utilities
- The existing drainage
- The existing parking
- The existing landscaping
- The existing other features

Block Plan
The block plan shows the proposed scheme and its location within the block. It includes the following information:
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