

Planning Committee: [25 April 2023](#)

Item Number: 8

Application No: W 23 / 0089

Town/Parish Council: Whitnash

Case Officer: James Moulding

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Registration Date: 03/02/23

Expiry Date: 31/03/23

83 Whitnash Road, Whitnash, Leamington Spa, CV31 2HB

Proposed minor repairs to specific areas of the timber framing, relaying of a single storey mono pitched roof, improvement of drainage of paving to the east, raising and renewal of the modern flat roof to improve internal headroom and associated adjustments, renewal of the modern stair balustrade, plastering over of modern decorative internal masonry, renewal of bathroom fittings, internal and external redecoration FOR Mr Raynor

This application is being presented to Committee as more than 5 public responses support the application in addition to support from the Town Council and it is recommended for refusal.

RECOMMENDATION

It is recommended Planning Committee refuse to grant planning permission for this application for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

This application proposes minor repairs to specific areas of the timber framing, relaying of a single storey mono pitched roof, improvement of drainage of paving to the east, raising and renewal of the modern flat roof to improve internal headroom and associated adjustments, renewal of the modern stair balustrade, plastering over of modern decorative internal masonry, renewal of bathroom fittings, internal and external redecoration.

THE SITE AND ITS LOCATION

The application site is located in Whitnash Conservation Area. 83 Whitnash Road is a Grade II listed, timber framed, semi-detached thatched cottage circa C17. It is two storey with several additions circa C19.

PLANNING HISTORY

The addition of a two storey rear extension - pre 1990.

W/22/0958 & W/22/0959/LB – Minor repairs to specific areas of the timber framing. Relaying of a single storey mono pitched roof. Improvement of drainage of paving to the east. Raising and renewal of the modern flat roof to improve internal headroom and associated adjustments. Renewal of the modern stair

balustrade. Plastering over of modern decorative internal masonry. Renewal of bathroom fittings. Internal and external redecoration. – Withdrawn.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Whitnash Neighbourhood Plan (2011-2029)
- W3 - Protecting Local Heritage and Identifying a Local Heritage List
- W4 - Building Design Principles

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Support;

- Application seems necessary to prevent water damage and further rotting to existing building.

Conservation: Objection to increased height of two storey rear extension;

- Harm to listed asset - Increase in eaves height above that of the original dwelling eaves, it would no longer be subservient and would now overwhelm the original dwelling.
- Proposal would have a harmful impact on the conservation area by overwhelming the core of the historic cottage and undermining the character and significance of this important piece of heritage within the area.
- Benefits are considered to be small when weighed against the harm to the building and would be private rather than public.
- No objection to other proposed internal and restorative works.

WCC Ecology: Objection pending photos to determine need for preliminary bat survey - disproportionate for householders, explanatory note attached.

Public Response: 7 Support comments raising both material and non-material planning considerations (summarised below):

- Preservation of historic asset
- No impact on conservation area - development at rear
- Allows property to be more useable for domestic purposes
- Sympathetic to historic nature of the building
- Improvements to sustainability - insulation

ASSESSMENT

BE1 Design, HE1 Impact on Heritage Asset, & HE2 Impact on Conservation Area

The NPPF (2019) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 130 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 130 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

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) 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.

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. This is supported by Policy HE1 of the Warwick District Local Plan 2011-2029 which 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.

Whitnash Neighbourhood Plan Policy W3: Protecting Local Heritage and Identifying a Local Heritage List, states that the renovation or alteration of buildings or structures identified on the Local Heritage List should be designed sensitively, and with careful regard to the heritage asset's historical and architectural interest and setting.

Whitnash Neighbourhood Plan Policy W4: Building Design Principles, states that all new development proposals and particularly those within or in close proximity to Whitnash Church Green and Chapel Green Conservation Area are encouraged to demonstrate how they have taken into account the following issues; new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings, and that building alterations or extensions particularly in the Conservation Area should be sensitive to the local context in terms of materials, design, colour scheme, scale and structure.

Both Officers and the Conservation Officer raise objection to the proposed increase in height of the existing two storey rear extension. The proposed extension would raise the eaves of the rear extension above that of the original dwellinghouse. This would contravene Local Plan Policy BE1 by way of the extension no longer being subservient to the original dwellinghouse. The proposed flat roof would also contravene the Residential Design Guide SPD which states that two storey flat roofed extensions are not considered acceptable or appropriate.

In the comments from the Conservation Officer, it is viewed that the existing extension would not be granted in its current form but that its existence is currently felt to be inert, however the increase in height would compound and increase the harm. The Conservation Officer goes on to say;

As stated previously, this proposed extension would result in an increase in roof height and massing which would further increase the impact of the extension upon the listed building, resulting in a two storey, flat roof extension which overwhelms the rear elevation and now sits above the eaves. Whilst the present extension is certainly not ideal, it at least sits low enough to be subservient to the historic core of the house.

It is the view of the Local Planning Authority that the proposed extension would contravene Whitnash Neighbourhood Plan Policies W3, W4, and Local Plan Policy HE1 by way of overwhelming the original property through increasing the eaves height of the extension above that of the original dwelling which would not respect the scale or the heritage asset's historical and architectural interest. The proposed two storey flat roofed rear extension is felt to create less than substantial harm to the character and significance of the listed building.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Any benefits of this proposal are felt to be private in nature. There are no public benefits to outweigh the harm that has been identified.

The property also sits within Whitnash Conservation Area. To this point, the Conservation Officer also feels that the proposal would contravene Local Plan Policy HE2 by having a direct harmful impact upon the conservation area through overwhelming the core of the historic cottage and undermining the character and significance of this important piece of heritage within the area.

The Local Planning Authority shares the view of the Conservation Officer that the other works proposed, such as the recovering of the porch, and the internal works could be acceptable if considered separately.

It is the view of the Local Planning Authority that the proposed development would contravene Whitnash Neighbourhood Plan Policies W3, W4, Local Plan Policies BE1, HE1, HE2, and the Residential Design Guide SPD and that there are no public benefits which would outweigh the harm.

In making this assessment, I have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

BE3 Neighbouring Amenity

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. Furthermore, the Residential Design Guide Supplementary Planning Document includes the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

No element of the scheme including the two storey rear extension would result in a breach of the Residential Design Guide SPD 45-degree guideline to windows serving habitable rooms of adjacent properties. As a result the proposed scheme is not viewed to result in the generation of material harm by way of loss of light or outlook. It is also not considered to generate any additional overlooking over and above what is already existing.

It is considered that the proposal would be in accordance with Local Plan Policy BE3 and the Residential Design Guide SPD.

Ecology

The County Ecologist has recommended that photos should be submitted in order to determine if a preliminary bat survey should be requested prior to the determination of the application. I have considered this request and note that the existing dwelling is located within a built up area with other dwellings in close proximity to the dwelling.

On this basis, I do not consider that it is appropriate or practicable to request a bat survey be submitted. In coming to this conclusion, I am mindful of location of the property, the characteristics of the local area and the fact that bats are a protected species under separate legislation and there is a duty of care by the applicants to ensure protected species are not harmed by the proposal.

On the basis of the above, I consider that the imposition of an explanatory note regarding the applicant's responsibility with regard to protected species is sufficient in this case.

Parking and highway safety

Policy TR3 of the Warwick Local Plan seeks to ensure parking provision associated with development proposals is reflective of the local area and is in accordance with the Parking Standards SPD.

The proposed works would not result in the creation of any additional bedroom spaces, and the required parking provision at the site would not change, in line with the WDC Parking Standards SPD.

No highway implications are therefore noted as a result of the proposed development. The development is viewed to appropriately accord with Local Plan Policy TR3.

SUMMARY/CONCLUSION

For the reasons outlined above, Members are recommended to refuse permission for the proposed works.

REFUSAL REASONS

- 1 Policy HE1 of the Warwick District Local Plan 2011-2029 and the NPPF state that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Neighbourhood Plan Policies W3 and W4 set out a number of design characteristics that should be upheld to retain the unique features and character of both the Whitnash Conservation Area and locally listed heritage assets.

In the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the significance of the listed building and conservation area by reason of raising the height of the two storey rear extension. This addition is viewed as inappropriate in terms of scale, subservience, and failing to enhance or preserve the historic architectural features of the listed building. No public benefits have been identified to outweigh this harm.

The development is thereby considered to be contrary to the aforementioned policies.

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good design. The Council has also adopted The Residential Design Guide as a Supplementary Planning Document (SPD).

In the opinion of the Local Planning Authority, the proposed increase in height of the existing two storey rear extension with a flat roof constitutes poor design, failing to respect the scale, design and character of the original property. As proposed, the eaves of this extension would be raised above the eaves of the original dwellinghouse, resulting in the

extension no longer being subservient to the main dwellinghouse. Additionally, the proposed two storey flat roof would contravene the Residential Design Guide SPD. The extension is not considered to harmonise with the character of the existing dwelling nor the streetscene, nor add to the overall quality of the area.

The proposal is therefore contrary to the NPPF, Policy BE1 and the Residential Design Guide SPD which promotes good design.
