

Planning Committee: 08 November 2023

Item Number: 5

Application No: [W 23 / 0740](#)

Town/Parish Council: Kenilworth
Case Officer: Jack Lynch

01926 456642 Jack.lynch@warwickdc.gov.uk

Registration Date: 21/09/23

Expiry Date: 16/11/23

4b Fieldgate Lane, Kenilworth, CV8 1BT

Proposed remodelling of existing dwellinghouse to include: Proposed infill extension at ground floor. Proposed erection of detached garage to rear. Proposed extension of block paving driveway. Proposed installation of solar array and roof lights. Proposed internal remodelling including garage conversion. Proposed revision to fenestration and replacement doors. Proposed rendering and stone/larch cladding. FOR Mrs. Sarjeant

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee are recommended to Grant planning permission, subject to the conditions at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the proposed remodelling of the existing dwellinghouse to include:

- Infill extension at ground floor.
- Erection of detached garage to rear.
- Extension of block paving driveway.
- Installation of solar array and roof lights.
- Internal remodelling including garage conversion.
- Revision to fenestration and replacement doors.
- Rendering and stone/larch cladding

SITE AND LOCATION

The application site relates to a two-storey detached dwelling, located within a private driveway off Fieldgate Lane, neighbouring 4a Fieldgate Lane. The application site is in the Kenilworth Conservation area, in Kenilworth Parish. The application site is not visible from Fieldgate Lane, however when approaching the application site, via the private road, there is a shared access/turning circle serving both the application site and neighbour (4a Fieldgate Lane). The arrangement of the access and landscaping in this location creates a very open environment. 4b Fieldgate Lane has an open frontage, with largely soft boundary treatments except for a small picket fence northeast of the site and a decorative wall to the South of the site, which has been screened with planting. The dwellinghouse itself, was

erected in the late 1960's. Its design is not one of significant architectural merit. It is largely constructed of brick, with white PVC cladding on the Southwest elevation and some tile cladding to the frontage at first floor level. The existing fenestration is unique in its arrangement with no uniformity. Defining features of the dwellinghouse include the dual pitched roof which slopes significantly to the frontage to ground floor level and the large chimney rising through it off centre. The application site was originally of the same style and appearance as the neighbouring dwelling, 4a Fieldgate Lane, however the neighbour has since completed various extensions (W/06/0836), removing their symmetry.

PLANNING HISTORY

Application site:

No relevant planning history

Neighbouring history relevant to this application:

W/06/0836 - 4a Fieldgate Lane – "Erection of extensions at ground floor and addition of roof terraces at first floor"

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)
- Kenilworth Neighbourhood Plan (2017-2029)
- KP13 - General Design Principles
- KP13M - Design Management in Fieldgate Lane

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council – Objection. Concerns include the proposed impact to the relationship between neighbouring dwellings, proposed external materials, impact to the amenity of neighbouring uses and impact to the character of the conservation area.

WDC Tree officer – No objection, subject to tree protection plan condition.

WCC Ecology – Following the receipt of photographs, requested to determine if bat survey required, it was recommended that a Preliminary Bat Roost Assessment

should be completed. Ecology objects to the application, without the completion of this report.

Public Response – Eight objections have been received from the public, within these objections, the concerns are:

- Overlooking from first floor windows,
- Render and cladding being out of keeping with the design of the street/neighbouring dwellings,
- Removal of symmetry between the design of 4a and 4b Fieldgate Lane,
- Installation of a wood burner,
- Footprint of the double garage.

ASSESSMENT

Design and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

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 199 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. 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 assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan 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 the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

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.

The Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Policy KP13 of the Kenilworth Neighbourhood Plan requires development proposals to be of a suitable layout, density, scale, height, massing, proportions, orientation, architectural detailing, materials and landscape which responds to the built form

of surrounding properties. Moreover, Policy KP13M should demonstrate regard to design principles including; common materials comprising of brick, render, tile, slate, thatched roofing, white pebbledash render, masonry and brick work.

An infill extension is proposed, to replace the existing central area on the ground floor that acts as an archway leading from the front to the rear garden of the dwelling. The proposed addition will form the new front entrance to the dwellinghouse, with a study to the rear. This extension will be glazed at the frontage minimising its impact. The proposed infill extension is considered to be an acceptable addition to the property, with it being a modest extension which both respects and enhances the existing property and its overall character.

The proposed revision to fenestration, alters the position and size of numerous windows on all elevations of the dwellinghouse. The existing windows have no uniformity as present and are not traditional in appearance. The proposed alterations to the windows are considered appropriate based on the context of the site and it is considered that the proposed alterations would be comprised of taupe coloured UPVC windows which would be neutral in appearance. The revision to fenestration and alteration to existing windows is considered acceptable and both respects and enhances the existing property and overall character.

The proposed external garage is set to be located to the rear of the dwellinghouse on the Northern corner of the site. The proposed external garage will not be in a prominent position and will be built with materials similar to that of the dwellinghouse. The proposed garage is considered acceptable and both respects and enhances the existing property and overall character.

Eleven objections have been received. A key theme is reference made to the proposed materials. As noted above, the dwellinghouse is not one of significant architectural merit as existing, it neither conserves nor enhances the character of the designated heritage asset. The dwellinghouse is constructed with a variety of materials, largely brick, with tile cladding to the frontage and PVC cladding to the side (Southwest) elevation. The fenestration is not uniform in design with the garages fronting the dwellinghouse being green in appearance. The applicant seeks to introduce a render which will cover most of the exterior.

The dwellinghouse is surrounded by white rendered properties, namely 6 Fieldgate Lane, 6a Fieldgate Lane, 1 Fieldgate Lawn and 2 Fieldgate Lawn, all of which are clearly visible from the street. Moreover, the neighbouring dwellinghouse, 4a Fieldgate Lane, sought permission for the first floor of their dwellinghouse to be finished in white render in planning application W/06/0836, which was approved. Due to the number of neighbouring dwellings nearby that are completed in render, the proposed render for 4b Fieldgate lane would be appropriate. Furthermore, Policy KP13M of the Kenilworth Neighbourhood plan refers to design principles, noting that common materials include render and pebbledash render and as such the proposed render is deemed acceptable, will have minimal impact on the streetscene and therefore cannot be considered to harm the established character of the area.

Other additions, of which were subject to objection from the public, include the timber cladding to part of the principal elevation and part of the Southwest elevation, with decorative larch timber shutters on the windows at the frontage.

A stone cladding is proposed to be introduced on a small section of the ground floor principal elevation. In addition, the existing chimney will be reclad with a buff brick, which will match the materials of the proposed garage.

When assessing these additions, their appropriateness should be considered in comparison to the existing design. The existing dwellinghouse has cladding on multiple elevations, this includes a tile cladding and a white PVC cladding. Neither of which are sympathetic to the design of surrounding dwellings in the conservation area. The timber cladding and timber larch introduce uniformity in the cladding, introducing a more natural colour that is sympathetic to its surroundings in comparison to the existing white PVC cladding, green garage doors and tile cladding. It should also be noted that timber cladding is a notable feature of the principal elevation of nearby 21 Fieldgate Lane, which is in a visible location from the street.

The buff brick proposed for the existing chimney is a subtle alteration of the existing brick work that will be more in keeping with the proposed render for the dwellinghouse due to its lighter tone. Furthermore, the use of this brick for the proposed garage will ensure that the garage is in keeping with the main dwellinghouse. The stone cladding is a small addition that will only be on the ground floor of the principal elevation. Its appearance will be sympathetic to that of the rest of the dwelling.

Further to the above assessment, a key part of the assessment for this application is that it is well set back off the street and does not directly impact the conservation area. The conservation officer raised no objections to the proposed works in this instance stating, "The property is set well back, down a private drive, and not felt to impact upon the street scene of the conservation area, nor is it considered to be a particularly positive element within the conservation area itself."

In light of the above, due to the minimal contribution the existing dwellinghouse has on the designated heritage asset at present and how far it is set back off the road, combined with the appropriate materials proposed, the local planning authority consider the proposal will lead to less than substantial harm to the significance of a designated heritage asset. The public benefit of the proposal securing its optimum viable use, through improving the design of this dwellinghouse and improving its overall layout, would significantly out way any harm to the conservation area.

It is considered that the proposed alterations would be comprised of appropriate materials and is therefore in accordance with Local Plan Policy BE1, HE1 and Kenilworth Neighbourhood Plan KP13M and KP13.

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

Warwick District Local Plan Policy BE3 requires that development must 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 how extensions should not breach a 45-degree line taken from the nearest habitable room of the neighbouring property.

This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses. The same policy provides a design framework on distance separation. The guidance sets out to limit the potential for over-development, loss of privacy and dominance over adjoining dwellings and secure a reasonable standard of amenity and outlook for local residents. Policy BE3 also requires that all development should ensure that acceptable standards of amenity space are provided for existing and future occupiers of the development site.

The proposed infill extension is to be erected in the existing gap on the ground floor of this dwelling and as such will not cause any harm to the amenity of neighbouring uses.

The proposed garage is located on the Northwest corner of the site in the rear garden. The garage is single storey with a dual pitched roof. Its ridge height is 4 metres, and it has an eaves height of 2.5 metres. The garage is beyond the rear garden of all surrounding dwellings. It neither generates harm through being overbearing or unneighbourly and would not result in material harm to neighbouring amenity by reason of loss of light, outlook, or privacy.

Objections have been received, raising concerns over the installation of windows to the side elevations of the dwellinghouse. The Distance Separation Guidelines state that the sides of two-storey dwellings with a blank side elevation should have a minimum distance of 12 metres from the back of nearby dwellings. In this case, the Northeast elevation has a blank first floor elevation and the Southwest elevation has got a first-floor window serving a bedroom. The site to the Northeast is 42 metres from the dwellinghouse. Further, the side elevation's windows do not directly overlook the private amenity space of 4a Fieldgate Lane and as such this would not cause any harm to amenity.

Regarding the window on the Southwest elevation, we would take into consideration the distance separation guidance on dwellings' rear elevations that face each other. This requests that dwellinghouses that have rear elevations should have distance separation of 22 metres to prevent an overbearing and unneighbourly impact. In this instance, the property to the Southwest of the site is 25 metres from the dwellinghouse and 14 metres from the boundary fence that shares the rear boundary of 8 Fieldgate Lane. Based on this distance, the impact the proposal will have on the amenity of current and future occupiers is considered acceptable, with adequate private amenity space present and in accordance with the requirements set out within the Residential Design Guide SPD.

Overall, with a mind to the above noted considerations, it is considered that the proposal would not result in material harm to neighbouring amenity by reason of loss of light, outlook, or privacy and as such is in accordance with guidance set out in the Residential Design Guide and Local Plan Policy BE3.

Ecology

Local Plan Policy NE2 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the

nature conservation value or scientific interest of the site and its contribution to the wider biodiversity objectives and connectivity.

The County Ecologist requested clear photographs of the application property so that an assessment could be made as to whether the proposed works should be carried out under the supervision of an ecologist. Upon receipt of photographs of the application site, the County Ecologist requested that a Preliminary Roost Assessment should be completed. The planning officer has considered this request, and note that the existing dwelling is located within a built up area with other dwellings in close proximity. It is also noted that the only works that will impact the roof are the proposed installation of roof lights and solar panels which could be carried out without the need for planning permission.

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 a duty of care by the applicants to ensure protected species are not harmed by the proposal.

Further to this, there are a number of trees that surround the application site. The Tree Officer consulted on this application noted that whilst no trees would appear to be directly affected by the proposal the site logistics may require that tree protection measures to be put in place.

A condition has been applied to this application to ensure details are provided on how all the retained trees within the site are to be protected from harm during the development.

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.

Highways and Parking

Local Plan 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 SPD.

The development does not create any new bedrooms. The dwellinghouse has sufficient space for 3 cars to comfortably park which is the number of spaces required from the SPD.

It is noted from the plans provided that there is sufficient space within the curtilage of the dwellinghouse for three vehicles and is thus considered acceptable as it is in accordance with the Parking Standards SPD and Local Plan Policy TR3.

CONCLUSION

The proposal is considered to constitute good quality design, does not result in material harm to amenity of neighbouring uses. The proposal is not to cause any harm to the significance of a designated heritage asset. As such, the proposal is

in accordance with the aforementioned policies, and it 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 drawings, DR-22.705-A-200-P3, DR-22.705-A-201-P2, DR-22.705-A-202-P1, DR-22.705-A-203-P2 and DR-22.705-A-204-P1 and specification contained therein, submitted on 21/09/2023, 25/10/2023 & 30/05/2023. **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 Prior to the commencement of the development hereby approved (including all preparatory work), a sufficiently detailed and proportionate Tree Protection Plan and Arboricultural Method Statement, together referred to as the scheme of protection, that will detail how all the retained trees within the site, where they might be impacted by the development, are to be protected from harm during the development shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan should be overlaid upon the approved plan of the development.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection.

Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those shown on drawing number DR-22.705-A-203-P2. **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.
