

**Planning Committee:** 19 June 2018

**Item Number:** **12**

**Application No:** [W 18 / 0633 LB](#)

**Town/Parish Council:** Ashow

**Registration Date:** 03/04/18

**Case Officer:** Emma Spandley

**Expiry Date:** 29/05/18

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**Abbey Farm, Ashow Road, Ashow, Kenilworth, CV8 2LE**

Erection of a single storey extension to an existing annex to form a new dwellinghouse (Use Class C3). FOR Mr & Mrs Burdett

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT Listed Building Consent subject to the conditions listed at the bottom of the report.

**DETAILS OF THE DEVELOPMENT**

The proposed development is to create a separate dwelling by providing an extension to the existing annexe building.

- The existing outbuilding has a floorspace of approximately 75m<sup>2</sup>.
- The proposed extension would have a floor space of approximately 22.5 m<sup>2</sup>.

The site would then be sub-divided from the main Abbey Farm dwelling and garden with its own curtilage to create a separate dwelling.

This proposal differs from the most recent proposals which were refused for the reasons set out below by providing a revised and reduced scheme in order to seek to overcome the reasons for refusal.

**THE SITE AND ITS LOCATION**

The site forms part of the main dwelling known as Abbey Farm, a Grade II Listed Building within the Ashow Conservation Area and is located within the West Midlands Green Belt.

The proposal relates to the extension of an existing outbuilding to the side of the main dwelling currently used as an annex. This annex building is single storey and attached to the neighbouring dwelling, Daffodil Barn, that forms part of the original conversion and is in separate ownership.

To the rear of the annexe outbuilding is a large, open car port/garage building containing 3 bays and set back from the rear of the existing annex where it sits adjacent to the rear of the neighbouring attached property.

The garage building does not form part of the Listing as it was constructed after the date of the Listing of the property.

To the rear is the garden area serving Abbey Farm that rises from the level of the buildings.

The site of the garage is set below the level of the land to the side and rear and the garage is set within substantial retaining walls.

### **PLANNING HISTORY**

W/17/2145 & W/17/2146/LB - Conversion and extension of the existing garage/outbuilding and joining to the existing annexe building to create a new separate dwelling - Refused by Committee 28.02.2018.

W/17/0960 & W/17/0961/LB - Erection of a single storey extension to an existing annex to form a new dwellinghouse (Use Class C3) – Withdrawn 03.08.2017.

W/17/0212 - Proposed new dwelling in garden area of Abbey Farm – Withdrawn 29.03.2017.

W/16/1046 - Erection of a detached dwellinghouse (Use Class C3) – Refused 26.07.2016.

W/08/0900 - Erection of a garage / workshop / store building - Granted 04.08.2008

### **RELEVANT POLICIES**

- National Planning Policy Framework
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

### **SUMMARY OF REPRESENTATIONS**

**Ashow Parish Council:** Supports the application.

**Ward Councillor Trevor Wright:** Supports the application.

**Ward Councillor Pam Redfern:** Objects on the grounds of the impact on Listed Building & Conservation Area;

**WCC Archaeology:** No objection subject to condition requiring Written Scheme of Investigation to be submitted.

## **Public Response:**

### 9 letters of objections have been submitted:

- Siting within the grounds of a Listed Building and within a Conservation Area;
- The harmful impact on the setting of the Listed Building by sub dividing the plot further;
- The harm arising from the new boundary treatment to the setting of Abbey House;
- The harm arising from the parking of cars within the front garden to the Conservation Area and Listed Building
- The overdevelopment of the plot.

### 4 letters of support have been submitted:

- The applicants have been valued members of the community for over 30 years;
- Their existing house is not fit for their purpose and their proposals are modest.

## **ASSESSMENT**

### **History/Background**

Earlier planning applications have been submitted for new dwellings on land to the rear of the existing garage building, firstly a two storey dwelling that was refused on the grounds of the principle of development in the Green Belt and harm to the setting of the listed building. A later application for a single storey dwelling was withdrawn due to the impact on the openness of the Green Belt and the principle of development.

An application submitted in mid 2017 under reference W/17/0960 sought to provide an extension to an existing outbuilding currently used as an annex to create a self-contained dwelling. This application was subsequently withdrawn due to conflict with the Green Belt Policy.

In late 2017 an application was submitted (reference W/17/2145 & 2146/LB) which sought to erect a link extension to the existing annex building and to incorporate the existing garage building to create a new house.

The proposed development would create an extension to the existing annexe building as a link to attach it to the existing detached garage building at the rear. Whilst the link element itself would equate to an approximate 30% floorspace increase, the overall resultant floorspace of the extended building, including that of the existing outbuilding which is to be connected to the annexe building to form the new dwelling would have resulted in a 104% increase.

This application was refused by planning committee for the following reasons:-

*"The site lies within the West Midlands Green Belt. Paragraph 89 states that the extension of a building is not inappropriate development where the increase does not result in disproportionate additions over and above the size of the original building. The proposal seeks the extension of an existing outbuilding which connects to an existing garage building. The floor space of the proposed development would result in an increase well in excess of what is considered to be a proportionate addition to a building within the Green Belt. Due to scale of the increase, the proposal is considered to result in a disproportionate addition to a building within the Green Belt and is therefore contrary to Paragraph 89 of the NPPF. There are no very special circumstances that would outweigh the harm to the openness of the Green Belt; and*

*The works proposed will have negative impact on the character and setting of the Listed buildings within the site and are considered to result in less than substantial harm to those buildings. No public benefits sufficient to outweigh the identified harm have been demonstrated and therefore the proposal is contrary to Policy HE1 of the Warwick District Local Plan 2011-2029, guidance within the NPPF and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990."*

### **Impact on character of the local area and Ashow Conservation Area**

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

When viewed from the public highway to the frontage, it is noted that there would not be any discernible difference in the built form as the annex to the front of the site already exists and no changes to the frontage of this building are proposed. There will be oblique views of the proposed extension of the proposal but I do not consider that in general terms, this would result in harm to visual amenity.

The impact on the Conservation Area is assessed beyond the elements that are visible from the public domain and the intrinsic character of buildings that contribute to the Conservation Area setting must be assessed in their own right irrespective of the visual prominence of the works.

With regards to the Conservation Area impact, the proposed works are limited and the extension appears as a subservient addition to the existing buildings and

does not dominate or overpower. On this basis, the proposal is considered to preserve the character of the Conservation Area in this location.

One element that has the potential to create harm to the character and amenity of the Conservation Area is the sub-division of the plots to create the separate garden areas. As the site contains a Listed Building, there are no permitted development rights for means of enclosure. Any boundary treatment could be controlled by condition in the first instance and any future replacement would require planning permission. On this basis, I do not consider that the sub-division of the plot would result in demonstrable harm to the character of the local area or Ashow Conservation Area.

### **Impact on the character and setting of the Listed Building**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 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.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

In making the assessment, it is noted that the existing outbuilding/annex is considered to be a Curtilage Listed Building.

It is considered that the proposed extension is minimal, has been designed to match the existing building. The use of uPVC on this curtilage listed building is not acceptable, however, this can be controlled by a suitably worded condition.

The proposals are therefore considered to have a neutral impact on the character and setting of the Listed Buildings within the site in accordance with the NPPF paragraph 132 and Local Plan Policy HE1.

### **Conclusion**

The application is for an extension to an existing garage building / annexe which is located within the grounds of a listed farmhouse and associated curtilage listed buildings. The design of the proposed extension has been revised to reflect the character of the existing building and therefore will have a neutral impact on the setting of the listed building. Due to the location of the proposed extension only oblique views will be possible of the extension due to the dense shrub and tree planting along the road boundary and the existing buildings on the site obscuring views.

Therefore, the erection of the proposed extension is considered to be acceptable.

### **CONDITIONS**

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 No. 4578/11, and specification contained therein, submitted on 28th March 2017 . **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 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029. (CA). To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029. (LB). To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policies BE1 and BE4 of the Warwick District Local Plan 2011-2029. (Barn Conversions).
- 4 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 5 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029 / To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.

- 6 All rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011/ To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping which have been submitted and approved by the Local Planning Authority.

Details of hard landscaping works shall include boundary treatment, including full details of the proposed of walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

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