

**Planning Committee:** 01 November 2006

**Item Number:**

**Application No:** W 06 / 1393

**Registration Date:** 06/09/06

**Town/Parish Council:** Cubbington

**Expiry Date:** 01/11/06

**Case Officer:** Rob Young

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**27 Kenilworth Road, Cubbington, Leamington Spa, CV32 7TN**

Erection of new dwelling and double garage after demolition of existing FOR Mr & Mrs Gardner

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

**SUMMARY OF REPRESENTATIONS**

**Parish Council:** No objection.

**Neighbours:** 4 letters of objection and 3 letters of support have been received.

Objections have been raised on the following grounds:

- the proposal represents overdevelopment of a restricted site;
- the buildings would be too close to neighbours and would infringe on their privacy;
- the development does not comply with the development plan for the area;
- the District has already exceeded the housing quota;
- the access road is very narrow;
- the emergency services would be unable to use the narrow driveway;
- pollution and noise would be caused by vehicles using the driveway which is within three feet of bedroom and lounge windows in No. 25 Kenilworth Road;
- the proposed garage is the same size and shape as the bungalow in the original planning application that was refused;
- the proposed garage could be converted to a bungalow at a later stage;
- the proposed bungalow and garage would be larger than the existing structures on the site;
- detrimental impact on the outlook from neighbouring dwellings;
- the bungalow runs across the full width of the short rear garden of No. 104 Dunblane Drive, making the occupiers of that property feel enclosed and boxed-in;
- the development will ruin views of the countryside from properties in Dunblane Drive;
- an en-suite bathroom window would face the properties in Dunblane Drive, detracting from the privacy of those existing dwellings and the proposed bungalow;
- the proposed double garage is significantly larger than the existing garage, resulting in increased traffic and noise pollution down the small access driveway, and disturbing neighbours by cars and headlights in the evenings/mornings;

- the Planning Committee and a Planning Inspector previously agreed that the plot of land was very small for 2 larger buildings when the previous application was rejected; and
- a site visit is requested.

The following comments have been made in support of the application:

- the property has now been empty for 2.5 years and the site is an eyesore;
- a new bungalow would bring life back to the site and give added security to the neighbourhood and enhance the appearance of the area;
- the driveway is of sufficient width for the proposed dwelling - fire engines, ambulances and skip lorries have been able to gain access up the driveway in the past;
- there will be no increase in traffic as the existing dwelling was accessed daily for 30 years, and the occupier of the adjacent property also parked their car in the garage on the site;
- the site was also used for parking a commercial vehicle for many years;
- planning permission was granted for a 3 bedroom bungalow and double garage in 1990;
- this is an excellent way to use a spare piece of ground which at the moment is going to waste; and
- the proposals will replace a derelict and overgrown bungalow and garages by neat and tidy replacements.

**James Plaskitt MP:** "My constituents Mr & Mrs Stone of 104 Dunblane Drive have contacted me to express their concern about the above application. You will recall that I wrote on their behalf in connection with a previous application W050786 for this site, which was rejected, with that decision being upheld on appeal.

It would seem to be inevitable that the concerns that were raised as a result of the previous application would once again be relevant this time round. I appreciate that this application differs from the previous one but nevertheless I hope the concerns expressed by my constituents will be given very careful consideration during the planning application process".

**Severn Trent Water:** No objection, subject to a condition on drainage works.

**WCC (Ecology):** If the existing garage to be demolished has roof space (i.e. a pitched roof), we recommend a bat survey is carried out prior to determination, as a bat roost may be permanently destroyed, otherwise a note relating to bats as protected species should be attached to any approval granted.

### **RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- Distance Separation (Supplementary Planning Guidance)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DP6 - Access (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

- Planning Policy Guidance Note 3 - Housing (Government Guidance).

## **PLANNING HISTORY**

In 1990 planning permission was granted for a replacement bungalow together with a double garage (Ref. W90/0172).

In 2004 an outline application was submitted for 2 bungalows on the site (following the demolition of the existing buildings) (Ref. W04/1779). This was subsequently withdrawn.

In 2005 outline planning permission was refused under delegated powers for two bungalows (Ref. W05/0014). This was on the grounds that the bungalow on the east side of the site would have an over-dominant effect on the adjoining properties, particularly Nos. 98 and 100 Dunblane Drive which have gardens of limited depth. The reason for refusal also cited increased noise and disturbance at the awkward entrance to the site and a potential hazard between pedestrians and vehicles using the site and conflict between vehicles using the access track if a vehicle was parked in front of the garage at No. 27a Kenilworth Road.

In July 2005 planning permission was refused by Planning Committee for two bungalows (Ref. W05/0786). This was on the grounds that the construction of the second bungalow would constitute unacceptable over-development of this site. That proposal was considered to result in a cramped and undesirable form of backland development with amenity space of a very restricted size, the use of which, together with the noise and disturbance of increased car movements onto the site, would adversely affect the enjoyment of neighbouring properties fronting both Dunblane Drive and Kenilworth Road.

In December 2005 a subsequent appeal against the above refusal was dismissed. The appeal was dismissed on the grounds that: (a) occupiers of the proposed bungalows would suffer a serious lack of privacy due to the substandard separation distance between the two proposed properties; and (b) the proposed additional dwelling would be contrary to the Council's Supplementary Planning Document on 'Managing Housing Supply' (which had been adopted following the Council's decision on the application). On other matters, the Inspector concluded that those proposals would have an acceptable impact on the character and appearance of the locality and on the living conditions of neighbouring dwellings. He further concluded that the access arrangements would be acceptable.

## **KEY ISSUES**

### **The Site and its Location**

The application site comprises a bungalow and detached garage set behind the frontage development on Kenilworth Road. The existing bungalow is vacant and in a poor state of repair. The site is accessed from Kenilworth Road by a driveway between Nos. 25 and 27a Kenilworth Road. The site is within a predominantly residential area and is surrounded by the gardens of dwellings in Kenilworth Road and Dunblane Drive.

## **Details of the Development**

The proposal is to demolish the existing bungalow and garage / shed and to erect a replacement bungalow and detached double garage. The replacement buildings would occupy a similar footprint to the existing structures and would be served by a new turning head off the existing access drive from Kenilworth Road.

The proposed bungalow would measure 13m wide by between 7.2m and 9.1m deep. It would have a hipped roof with an eaves height of between 2m and 2.3m and a ridge height of 4.3m. The eaves height varies due to the changes in ground levels.

The proposed detached garage would measure between 6.1m and 7.5m wide by 6.1m deep. It would have a hipped roof with an eaves height of between 1.7m and 2.2m and a ridge height of 4.3m. As with the bungalow, the eaves height varies due to the change in ground levels.

## **Assessment**

I consider the main issues relevant to the consideration of this application are as follows:

- the impact on the living conditions of neighbouring dwellings; and
- the impact on the character and appearance of the area.

### Impact on the living conditions of neighbouring dwellings

The proposed replacement bungalow and double garage would occupy similar positions to the existing structures on the site. Both of the proposed buildings would be approximately 1m taller than the existing structures, and the proposed bungalow would have a larger footprint, including a greater depth at the end nearest to the adjacent dwellings in Dunblane Drive. Furthermore, the adjacent dwellings in Dunblane Drive have short rear gardens. However, the proposed bungalow would be set 1.5m further away from the adjacent dwellings in Dunblane Drive than the existing bungalow, and the proposed garage would be no nearer to those dwellings than the existing garage / shed. The separation distances would exceed the minimum specified in Supplementary Planning Guidance, with the proposed buildings being 15m from the rear elevations of the dwellings in Dunblane Drive. The adjacent dwellings in Kenilworth Road have significantly longer rear gardens and the separation distance from those properties would be 25m. Therefore I am satisfied that the proposals would not result in significant loss of light or loss of outlook for neighbouring dwellings.

I do not consider that the proposals would result in unacceptable loss of privacy for neighbouring dwellings. The windows in the rear elevation of the proposed bungalow are no nearer to the boundary than the windows in the rear of the existing bungalow. A condition is recommended to ensure that the en-suite window in the side elevation facing the properties in Dunblane Drive is obscure glazed. In view of the fact that all of the windows are at ground floor level and set away from the site boundaries, I consider that normal boundary treatments will adequately preserve the privacy of neighbouring dwellings. The application proposes to provide a new boundary fence along the boundary with the

properties in Dunblane Drive and a condition is recommended to deal with this issue.

I do not consider that the proposed new dwelling will result in an increase in noise and disturbance for neighbouring dwellings. There is already a dwelling and garage on the site and the application does not propose an increase in the number of units. There is therefore no reason to believe that there would be a material increase in activity on the site compared with the situation prior to the current dwelling being vacated. Similarly, there will be no material increase in the use of the driveway.

For the above reasons, I am of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. I also note that in the recent appeal decision the Inspector concluded that the previous proposal for two bungalows would have an acceptable impact on the living conditions of neighbouring dwellings.

#### Impact on the character and appearance of the area

I am of the opinion that the proposals would have an acceptable impact on the character and appearance of the area. In terms of siting and massing, the proposed bungalow and garage would have a similar impact to the existing structures on the site. Moreover, in design terms they would represent a significant improvement.

#### Other matters

The proposal would be in accordance with the 'Managing Housing Supply' Supplementary Planning Document as it is for a one-for-one replacement of an existing dwelling.

As the proposal is for a one-for-one replacement of an existing dwelling there will be no material change in vehicle movements on and off the site. Therefore I consider that the existing access drive is adequate to serve the proposed dwelling.

A condition is recommended to require a bat survey to be carried out prior to any demolition works being carried out.

### **RECOMMENDATION**

GRANT, subject to the conditions listed below.

### **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 377/10, and

specification contained therein, submitted on 6 September 2006, 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 Local Plan Policy ENV3.

- 3 Details of the means of disposal of storm water and foul sewage 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 foul sewage.
- 4 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 constructional 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 ENV3 of the Warwick District Local Plan.
- 5 A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan.
- 8 No demolition works shall be carried out on the site which is the subject of this permission, until a bat survey has been carried out and the results

(including any proposed mitigation measures) have been submitted to and approved in writing by the District Planning Authority. Any mitigation measures shall be implemented in accordance with the approved details before any demolition works are carried out. **REASON** : The proposals may result in a bat roost being permanently destroyed.

### **INFORMATIVES**

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, 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.

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