

**Application No:** [W 21 / 0066](#)

**Town/Parish Council:** Kenilworth  
**Case Officer:** Andrew Tew

**Registration Date:** 13/01/21  
**Expiry Date:** 10/03/21

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**Little Fieldgate, 55 Fieldgate Lane, Kenilworth, CV8 1BT**

Demolition of existing bungalow and erection of 1no. two storey dwelling FOR Mr R Davis

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

**RECOMMENDATION**

The application is recommended for refusal.

**DETAILS OF THE DEVELOPMENT**

The application seeks the demolition of an existing bungalow and erection of 1no. two storey dwelling.

**THE SITE AND ITS LOCATION**

The application site consists of a bungalow, likely built in the 1960's/70's, with gardens to the front and rear, in Kenilworth Conservation Area. The property is in a poor state of repair.

Grade II listed Fieldgate House sits to the north of the application site. Map regression indicates that the site is within the historic garden and original curtilage of Fieldgate House. Fieldgate Lane has a mixed character in terms of overall design, comprises of large, detached houses set within extensive grounds and gardens. Houses to the north section of Fieldgate Lane are noticeably modern when compared with Arts and Crafts style thatched properties at Nos 33-45 (odds).

**PLANNING HISTORY**

The site has no relevant planning history.

**RELEVANT POLICIES**

- National Planning Policy Framework

The Current Local Plan

- H1 - Directing New Housing
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets

### Kenilworth Neighbourhood Plan

- Policy KP12: Parking Standards
- Policy KP12: General Design Principles
- Policy KP13M - Design Management in Fieldgate Lane
- Policy KP15: Environmental Standards of New Buildings

### Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** – No objection

**WDC Conservation** - Objection. The proposal is considered harmful to setting of the Grade II Listed Building and Conservation Area.

**WCC Ecology** – No objection.

**WCC Highways** - No objection

**Conservation Advisory Forum** - The proposal is more in keeping with the street scene than the current bungalow, but exhibits no discernible character, particularly the North elevation and the views from the Listed Building. Brick piers should be rendered. Overall, not a cohesive design.

**Public response** - 5 No. Support, 2 No. Object, 1 No. Neutral

Support comments are thus:

- Sympathetic design and size
- Enhance area
- Size similar to other properties
- Long distance away from LB
- HIA completely vindicates development
- Department For Levelling Up, Housing and Communities would support

Objection comments are thus:

- Inconsistent plans - location of proposed garage
- Damage to foundations of No. 57
- Restricted garage maintenance for No. 57
- Ground water, damp risk, surface water

- Boundary trees outside of site area
- Proposed dwelling too tall
- Existing bungalow well maintained at point of sale
- Amended design too large still
- Disagree with HIA

Neutral comments suggest the rear balcony will overlook property at rear and be visible from the listed Fieldgate House.

## **Assessment**

### Design

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide 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.

The proposal will introduce a modern, two-storey, 5 bedroom dwelling with double garage in place of a modest bungalow. The proposed dwelling would be a mix of render and facing brick, with stone lintels and plain tiles.

Map regression indicates that the site is within the historic garden and original curtilage of Fieldgate House. reinforced by the property's name, "Little Fieldgate". The existing bungalow appears subservient to Fieldgate House with limited public views of it from the surrounding area. The proposed dwelling is a significantly larger footprint and two stories in height. It would be highly visible from the corner of Fieldgate Lane and Beehive Hill looking south. It is therefore considered that it fails to respect surrounding buildings in terms of scale, height, form and massing

The development is therefore considered to conflict with the NPPF, Local Plan policy BE1 and Neighbourhood Policy KP13.

### Impact on Heritage Assets

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. Section 66 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty Act to have special regard to the desirability of preserving a LB or its setting.

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 Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the 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. The explanatory text for HE1 clarifies that in considering applications relating to designated heritage assets and Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

WDC Conservation have been consulted and have no objection to the demolition of the existing building, which is not considered to contribute towards the appearance or character of the Conservation Area. However, the existing house is single storey, hidden from public view due to tree coverage and does not in any way compete with the listed building to the north – Fieldgate House. In addition, although it is recognised that the majority of dwellings on Fieldgate Lane are two storey in height and set within extensive grounds, the proposed height and scale, combined with the proximity to the listed building, would arguably compete with the prominence of the heritage asset and affect its immediate setting. Map regression indicates that the site is within the historic garden and original curtilage of Fieldgate House and open views exist from the courtyard of the listed building to the application site.

The agent has been informed of the concerns and submitted a redesigned scheme to attempt to address concerns with the height, scale and mass of the proposed dwelling. This comprised of moving the proposed dwelling from the side boundary with the listed building, reducing and rendering the rear, flat roofed element and rebuilding the front gate piers in reclaimed brick. Reference is made to 55a Fieldgate Lane as justification for the significant increase on size, and although this may have been located within the historic curtilage of the LB, this is set further away from the heritage asset with lower overall height and low eaves. A Heritage Impact Statement accompanying the amendments concluded "*the proposals will*

*result in no harm – substantial or less than substantial - to the character, setting or significance of any adjacent heritage assets”*

The amended proposal is considered to do little to reduce the overall bulk, height or mass of the proposed replacement. WDC Conservation have been consulted on the amended design and view the reduction as insufficient to address concerns in relation to height, massing and bulk. Noting it is still a substantial house located in the direct setting of a Grade II listed building and within its historic curtilage.

The proposal is considered harmful to both the setting of the Grade II listed building and Conservation Area. Although this harm is considered to be less than substantial, there are no public benefits to outweigh this with no clear or convincing justification presented, contrary to the aforementioned policy and legislation. The development is therefore considered to conflict with the NPPF, Local Plan Policies HE1 and HE2 and Neighbourhood Policies PM13M and KP14.

#### Impact on the Living Conditions of Neighbouring Dwellings

The design has taken into account the 45 degree sight line of adjacent properties and does not create a breach. It also accords with requirements of the Residential Design Guide in terms of separation distances.

Comments from neighbours suggest the balcony at rear will overlook the neighbour at rear, but taking size of the garden into account, the separation distance is sufficient.

There has been an objection in regard to potential foundation damage and restriction of space for garage maintenance at no. 57. As the proposed development is within the red line of ownership, these are civil matters.

As such, the proposal would have an acceptable impact on the living conditions of neighbouring dwellings and accords with Local Plan Policy BE3.

#### Car parking and highway safety

The existing dwelling has parking for 3 vehicles and the requirement for parking remains unchanged, therefore the proposal meets the Council's minimum car parking requirements in accordance with the Vehicle Parking Standards SPD.

WCC Highways have been consulted and have no objections, subject to a condition on the gates opening 6m away from the highway.

As such, the proposal would have an acceptable impact in relation to car parking and highway safety and accords with Local Plan Policies TR1 and TR3.

#### Ecology

A bat survey report was submitted with the application which has been considered by the County Council Ecologist. The Ecologist has recommended that a number

of conditions are attached to any forthcoming permission to ensure the protection of bats.

Subject to the imposition of these conditions, the proposals would have an acceptable ecological impact. As such, the proposal accords with Local Plan Policy NE2.

Trees

WDC’s Tree Officer has been consulted and raises no objection, subject to a condition on the provision of a method statement and tree protection plan, to address concerns for site access during construction.

**Other Matters**

In relation to comments from Kenilworth Town Council, water optimisation will be achieved via condition.

Objections in regard to ground water and surface water would be dealt with by condition.

Objections in regard to damp is outside of the remit of planning.

**Summary**

The proposal is considered harmful to both the setting of the Grade II Listed Building and Conservation Area. Although this harm is considered to be less than substantial, there are no public benefits to outweigh this with no clear or convincing justification presented, contrary to the aforementioned policy and legislation. Therefore, it is recommended the application is REFUSED.

**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.

The proposal is considered harmful to both the setting of the Grade II listed building and Conservation Area. Although this harm is considered to be less than substantial, there are no public benefits to outweigh this with no clear or convincing justification presented, contrary to the aforementioned policy and legislation. No public benefits have been identified to outweigh this harm.

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

