

Planning Committee: 27 February 2018

Item Number: 17

Application No: [W 17 / 2429](#)

Town/Parish Council: Kenilworth

Case Officer: John Wilbraham

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Registration Date: 12/01/18

Expiry Date: 09/03/18

47b Fieldgate Lane, Kenilworth, CV8 1BT

Replacement house after demolition of existing bungalow FOR Mr Mike Hastings

This application is being presented to Committee as 5 letters of support have been received for the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to REFUSE planning permission, for the reasons stated in this report.

DETAILS OF THE DEVELOPMENT

The proposal is seeking permission to replace the existing bungalow with a new two storey dwelling.

THE SITE AND ITS LOCATION

The site is presently occupied by a detached bungalow and is located within a Conservation Area and the Urban Area of Kenilworth. The road is residential in nature with a mix of house types and styles.

PLANNING HISTORY

N/A

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)

- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- 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 (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Regretted that the new house was proposed to be nearer to the neighbour and felt that in such a Conservation Area it would be more neighbourly to position any new development within the footprint width of the old house

WCC Ecology: No objection, recommend bat, nesting bird and amphibian and reptile notes be attached

WDC Conservation Officer: The proposed design is architecturally more interesting and includes characteristic dormer windows and windows in gables. Proposal should be no wider than the existing building, and project no further forward into the front garden, and that it be pulled back from the boundaries to provide maintenance strips / visual break with neighbouring dwellings

Public Responses:

1 letter of objection received:

Concern about proximity of new dwelling and loss of amenity
Impact on the drains and manholes between the two properties

5 letters of support received on the following planning grounds:

Visual improvement to the area and Conservation Area
In-keeping with neighbouring properties
Well set out within plot
Improvement to highway safety

ASSESSMENT

Impact on the Conservation Area and surrounding area

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

Warwick District Local Plan Policy HE1 expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Warwick District Local Plan Policy HE2 states that new development should preserve or enhance the character or appearance of the 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.

The proposal seeks to replace an existing bungalow that has little architectural merit, with a replacement dwelling that is more in keeping with the character of the street. The replacement dwelling would be sited on a similar footprint to the existing property. There is an increase in the width where it extends towards the neighbour no. 47a and to the rear where a single storey element would infill what is currently a patio.

The design of the building is broadly an L-shape with the main bulk of the dwelling having a gabled end, dual pitched roof with a front gable feature and a rear two storey gable projection with a single storey flat roof element to the side. Along the southern side elevation, which runs parallel to the remaining bungalow no. 47a, is a one and a half storey element that has single storey height eaves and accommodation in the roof space. This element of the proposal would be forward projecting and incorporates the garage, the door for which would be located on the side elevation. This element extends backwards along the boundary with 47a, joining with the rear roof slope where a dormer window is positioned across both roof planes.

The reasoning for the design of this side elevation is that it creates a step up from the neighbouring bungalow to the main ridge height of the new dwelling without being visually dominant to the bungalow. I consider that by having the lower eaves to achieve this effect creates a contrived design that gives an unbalanced character to the dwelling due to the front gables being different heights, the main roof continuing down over the porch and resulting in a large expanse of roof along this side elevation that will be visible from the street. The rear dormer also appears to sit very awkwardly in the elevation being that it projects out further than the gable end of the main roof to link in with the roof of the side element.

By moving the forward projecting gable to the opposite side of the plot adjacent to the neighbouring bungalow, it creates a dominating effect on this property in the streetscene. The ridge line of the side element on the new dwelling would be 1.6m higher than the bungalow whilst the front wall would be set 1.8m further forward. There are a number of forward projecting gables in the street, one being the adjacent property to the application site.

This property is set back from the frontage of the bungalow and therefore its visual impact on the bungalow is lessened. The proposed design would be closer to the bungalow and whilst the eaves are set lower than the neighbour, the ridgeline is 1.6m higher. This combined with the forward projection will screen the bungalow when looking south towards it, whilst views northwards will see the bungalow visually dominated by the proposal.

The Conservation Officer has been consulted and confirmed that whilst the proposal would be more architecturally interesting than the current property, amendments should be made to ensure the proposal is not overly dominant in the plot. These include reducing the width to no more than the current bungalow, ensuring it projects no further forward than the existing property and maintaining visual breaks between the neighbours.

Amended plans have been requested to address these design concerns but none have been forthcoming. The current design, whilst accepted as being more interesting than the existing bungalow, is not considered to be one that suits the character of the Conservation Area. The contrived design, especially the southern side element, creates an unbalanced property that appears to be overly large for the plot. As such the proposal is considered to be contrary to Policies HE2 and BE1 of the Local Plan.

Impact on adjacent properties

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.

The neighbour to the south, no 47a, has three windows in the northern elevation facing towards the existing bungalow. These windows serve bathrooms and a utility which are not classed as habitable rooms. This neighbour has raised concerns regarding the impact on their amenity which is considered to arise from the increased height and creation of first floor accommodation. The two first floor windows on the rear elevation of the new dwelling both serve bedrooms and they would have oblique views across the neighbouring property and down the garden. Given that the area is a residential street there is already a degree of overlooking of gardens from other properties and I do not consider the proposal would give rise to such unacceptable overlooking of the neighbour such as to justify a refusal of planning permission.

The neighbouring property no. 49 has a number of side facing windows that look over the site of the proposed dwelling. Most of these windows serve non-habitable rooms, however one on the ground floor serves a study which is classed as a habitable room. Whilst the 45-Degree Guideline and Distance Separation Guidelines do not apply to side facing windows, it is still necessary to consider the impact on such windows, particularly where they are the only source of light and outlook for the room in question.

The existing bungalow already impacts on this window. However given that it is a single storey structure, the overall mass of built form that the window looks out onto is relatively limited. The proposal introduces a two storey rear gable in front of this window and also brings it closer by 0.8m. The window is south facing and it is considered that the design of the proposal would exacerbate the current impact to this window leading to an even greater loss of light and overbearing impact on this habitable room. Amended plans have been requested to address this problem but have not been forthcoming.

Based on this I consider the proposal to be an unneighbourly form of development that will have a detrimental impact to this property and is therefore contrary to Policy BE3.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. 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.

The existing property is a 4 bedroom dwelling that requires 2 parking spaces in-line with the Authority's parking standards. The replacement dwelling would have 5 bedrooms which still only require 2 spaces be provided. The submitted plans show that space for at least 4 cars would be provided to the front of the dwelling and space to manoeuvre to enable vehicles to exit in a forward gear. Based on this I am satisfied the proposal accords with Policies TR1 and TR3.

Other Matters

Ecology

The application was submitted with a bat survey which has been assessed by the County Ecologist. They have raised no objection to the proposal and suggested that a number of informative notes be attached. Based on this advice I consider the proposal will not have an adverse impact on protected species.

Conclusion

The design of the proposal is not considered to be an enhancement to the Conservation Area or wider streetscene due to the contrived design, specifically the one and a half storey element along the southern elevation. The design creates an unbalanced property that appears to be overly large for the plot and also causes an unacceptable overbearing and loss of light impact to the neighbouring property no. 49. As such the proposal is considered to be contrary to Policies HE1, HE2, BE1 and BE3 of the Local Plan.

REFUSAL REASONS

- 1 The design of the proposal is not considered to be an enhancement to the Conservation Area or wider streetscene due to the contrived design, specifically the one and a half storey element along the southern elevation and the rear dormer position. The design creates an unbalanced property that appears to be overly large for the plot. The proposal is therefore contrary to Policies HE1, HE2 and BE1 of the Warwick District Council Local Plan 2011-2029.
- 2 The proposed replacement dwelling by virtue of its size and proximity is considered to cause an unacceptable overbearing and loss of light impact on the side facing study window of the neighbouring property

no. 49 which is contrary to the provisions of Policy BE3 of the Warwick District Council Local Plan 2011-2029.
