

Application No: [W 17 / 2145](#)

Town/Parish Council: Ashow
Case Officer: Dan Charles

Registration Date: 14/11/17
Expiry Date: 09/01/18

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

Conversion and extension of the existing garage/outbuilding and linking to the existing annexe building to create a new separate dwelling. FOR Mr & Mrs Burdett

This application has been requested to be presented to Committee by Councillor Wright and 5 letters of support have been received.

RECOMMENDATION

That planning permission is **REFUSED** for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposed development is to create a separate dwelling by providing a link from an existing outbuilding to connect it to an existing garage building both of which are within the curtilage of the main property, Abbey Farm. The garage building would have the frontage infilled to create additional living accommodation.

- The existing outbuilding has a floorspace of approximately 78m².
- The existing garage has a floorspace of approximately 58m².
- The proposed link would have a floor space of approximately 23m².

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

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 the neighbouring dwelling that forms part of the original conversion and is in separate ownership.

As a building which was present within the curtilage of a Listed Building at the time that Listing was originally confirmed, the annex outbuilding itself comprises part of that Listing.

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/17/0960 & 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
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)

- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Parish Council: No observations.

Ward Member Trevor Wright: Following a full of review of the documents and listening to the objections and counter objections raised at the Stoneleigh & Ashow Parish Council Meeting on Thursday 14/12/2017 who elected a neutral position I have considered the issues raised and my position is that on the condition that all of the pre-conditions and policies are complied with I am fully supportive of the planning application.

Ward Member Pam Redford: Planned extension infringes 30% rule. Also a question over visibility at the access.

WCC Highways: No objection subject to conditions.

WCC Ecology: No objection subject to conditions and notes.

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

Conservation Advisory Forum: The proposed alterations and extensions to the Listed Farmhouse and the later garage buildings are considered to be poorly designed, over large, and by more than doubling the domestic living area have a suburbanising effect upon the appearance of the curtilage listed buildings. The proposed alterations and extensions will have a harmful impact on the setting of the heritage assets and to the appearance of the Ashow Conservation Area.

Public Response: 12 Letters of objection and 5 letters of support received.

Grounds for Objection

- Contrary to Policy H11 of the Warwick Local Plan.
- In excess of the 30% increase for proposals within the Green Belt.
- No very special circumstances in Green Belt.
- New boundary and frontage parking would affect the setting of the Listed Building.
- Visibility Splays cannot be achieved.
- Harm to residential amenity of adjacent property.
- Design is inappropriate for the setting.

Grounds for Support

- Allows the applicants to remain in the village.
- No harm to the amenity of the local area.
- Applicants need ground floor living accommodation and to downsize.

1 letter of general support with no grounds cited.

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.

Principle of Development

The National Planning Policy Framework (NPPF) states that the construction of new buildings is inappropriate development in the Green Belt unless it is development falling within one of the various categories listed as exceptions. One such category is limited infilling in villages.

The Local Plan indicates that the site is within the Village Infill boundary, as defined on the Local Plans Proposals Map (No.5). Policy H11 identifies that limiting infill should be restricted to two dwellings, infilling a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the streetscene and subject to the site not forming an important part of the integrity of the village.

There is no definition of 'limited infill' within the Framework, however assessing the site 'on the ground' the plot forms an existing building located between existing residential properties. The existing building benefits from a street frontage and whilst there are no changes to the frontage of the existing building, it does generally conform with the basic principle of infill, albeit, the site does not infill an existing gap between built form as it is an existing building. Overall, the development is generally considered to comprise a limited infill development.

It is considered that the dwellinghouse would not be an 'isolated home' within the countryside as it would relate to an existing settlement. Paragraph 55 of the NPPF notes that where there are groups of smaller settlements, development in one village may support services in a village nearby.

Whether the proposal constitutes appropriate development in the Green Belt

The scheme would result in the creation of an infill dwelling within the Green Belt which in principle terms, is considered as infill development. However, the assessment must nevertheless also consider whether the proposed extensions and alterations to facilitate the development proposed would in themselves be appropriate within the Green Belt.

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 89 states that the extension of a building is acceptable where:-

“the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building”

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 result in a 104% increase.

Whilst the garage building currently exists and its conversion therefore would not materially impact on the openness of the Green Belt, by way of the proposals it will nevertheless form part of a significant extension to the annexe outbuilding as described above giving the impression of a large single building (to be used as a dwelling) rather than as is currently the case, 2 separate and distinct outbuildings.

The judgement to be made here is therefore whether in the circumstances of this case, that combination of proposals are contrary to national Green Belt policy which identifies that disproportionate additions to buildings are inappropriate development in the Green Belt.

Having considered this matter carefully, Officers consider that, by reason of the material changes to the visual impression of the building(s) within the site which will be read as a reduction in the openness of the Green Belt overall, the balance tips against the proposal which is therefore considered to comprise inappropriate development within the Green Belt which diminishes openness; conflicts with the purpose of including land in the Green Belt by encroaching upon the countryside; and to which there is therefore an objection in principle.

Whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

As indicated above, as the proposal does not fall within any of the categories of appropriate development within the Green Belt, it is considered to be

inappropriate development within the Green Belt by definition. In these cases, Paragraph 87 of the NPPF states that development should not be approved except in very special circumstances.

It is noted from letters of support and discussions with the applicant regarding the need for accommodation to be located at ground floor level and the limited ability to provide appropriate accommodation to suit the needs of the applicant within the existing building due to the Listed nature of the existing dwelling. Whilst these circumstances are understood, Officers do not consider them to be very special circumstances that outweigh the identified harm.

No very special circumstances have been submitted that are considered to outweigh the objection on Green Belt grounds.

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 link element of the proposal but I do not consider that in general terms, this would result in harm to the visual amenity. The conversion of the existing garage building would not be visible from the public domain so the harm to the character of the area would be acceptable in general terms.

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 link between the existing buildings and does not dominate or overpower the existing elements. 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 whereas the existing garage building is not.

It is considered that the proposed extension; the linking of 2 outbuildings to form a single dwelling along with the proposed installation of windows, doors, rooflights, and rainwater goods etc would result in an extensive single building and reflect an increasingly domestic style which represents an increasing diversion from the Listed outbuilding's original more simple appearance and character which would materially impact upon its character and appearance to an unacceptable degree. By virtue of the relationship of that altered and extended building to Abbey Farm House which is the primary Listed Building within the site, and which is located to the east at a distance of some 8 metres, it is considered that the proposals would also unacceptably impact upon the setting of that Listed Building.

The proposals are therefore considered to result in less than substantial harm to the character and setting of the Listed Buildings within the site which is to be weighed against any public benefits of the proposal, including securing its optimum viable use.

In this case, it is considered that the harm to the Curtilage Listed outbuilding and the setting of the Grade II Listed Farmhouse outweigh any public benefits which would arise from the proposals.

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 predominant built form of the development already exists on the site in the form of the existing outbuilding and the garage to the rear. The new element of built form in this case is the proposed link between buildings.

There are no windows proposed that would directly face neighbouring properties and due to the land levels, there would not be any resultant overshadowing or overbearing impact as a result of the development.

When assessing the proposal against the impact on the existing property at Abbey Farm, it is noted that there are side facing windows on both properties that would share a facing relationship. However, this is not an uncommon relationship between properties and I am satisfied that the development would not result in an unacceptable relationship between the properties.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments 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.

According to the proposed drawings, the existing vehicular access into the site shall be widened to 5m in width, to enable two vehicles to pass each other. The drawing also illustrates that visibility splays at the access will be improved, so that a distance of 25m shall be provided when measured 2.4m back from the edge of the carriageway.

The original response of the Highway Authority was one of objection due the proposed splays being insufficient for the speed of the road (60mph).

A speed survey submitted by the applicants was provided to demonstrate vehicle approach speeds along the highway to the site which it identifies as being 20mph in an Easterly direction and 22mph in a Westerly direction.

In considering the scheme, the County Highways Officer has also noted that the Ashow Road that was subject to the National Speed Limit (60mph) has now been reduced to 30mph as a result of a variation to the Traffic Regulation Order (TRO).

Due to the results of the speed survey together with the amendment to the TRO, the County Highways Officer is now satisfied that the detailed visibility splays of 25 metres are acceptable in this location and therefore raises no objection to the proposals.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The County Ecologist has assessed the information submitted with the proposal and raised no objection subject to the imposition of appropriate conditions and notes. I am therefore satisfied that the development would not have a detrimental impact on protected species.

Other Matters

Trees/Hedgerows

The location of the development is land laid to hardstanding and as such, the development would not have a detrimental impact on any trees or hedgerows within or on the boundary of the application site.

Archaeology

The County Archaeologist notes that the proposed development site is located within the probable extent of medieval settlement of Ashow (Warwickshire Historic Environment Record WA9486) and is located to the rear of the Grade II listed Abbey Farmhouse and Abbey House, a red brick house now divided into two dwellings probably dating to the 18th century. There is a potential for the proposed development to disturb archaeological deposits, including structural remains as well as other archaeological deposits such as pits, associated with medieval period and later occupation of this area.

The Archaeologist has raised no objection, subject to condition to secure archaeological work.

Conclusion

As set out above, it is considered that the proposal is unacceptable because it comprises inappropriate development in the Green Belt to which there is an objection in principle as no very special circumstances exist. The proposal also results in less than substantial harm to the character and setting of the Grade II Listed Building and the Curtilage Listed outbuilding which is not outweighed by any public benefits.

REFUSAL REASONS

- 1 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 floorspace 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.

- 2 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.
