

Planning Committee: 01 May 2012

Item Number: 14

Application No: W 11 / 1444

Town/Parish Council: Kenilworth
Case Officer: Heidi Antrobus
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Registration Date: 10/01/12
Expiry Date: 06/03/12

15 Convent Close, Kenilworth, CV8 2FQ

Detached double garage and rendering to garage and whole house and construction of a terrace to the rear of the property. FOR Mrs H Sibbick

This application is being presented to Committee due to an objection from the Parish/Town Council having been received.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council : Objects to the amended proposal (which involved the removal of the dormer window). The objection states that members object to the gross intrusion of privacy upon the neighbouring property created by the layout of the proposal and the topography of the site. Members commented that whilst primarily a building regulations issue, they sought assurance from officers that subsidence and movement factors had been taken fully into consideration.

WCC Ecology : No Objections. Require the attachment of a Bat Note, Nesting Bird Note and a Reptile Note.

Neighbour Comments : Comments on the Amended Plans (with the removal of the dormer): Three Objections received one from No 6 Windmill Close, No 11 Windmill Close and No 12 Windmill Close.

No 11 Windmill Close and stated that their property is directly south below 15 Covent Close. They note the modifications but still object and state the application will have a significant impact on them stating this would be more pronounced when viewed from our ground floor floor. Their other objections relate to loss of light, intrusion and loss of privacy, character of the area and safety due to land instability.

No 12 Windmill Close stated that they wish to register their continued objections to the proposed development. They state that their property adjoins the applicants at the south west corner: there is a direct sightline from their ground floor into the neighbours upstairs rooms and from their upper floor into their garden and ground floor rooms. No 12 Windmill Close stated that they objected to the original application because of loss of privacy that would ensue from the proposed development. Following the amendment to the plans (which was the removal of the dormer window on the rear of the property) the issue of loss of privacy relating to the elevation of the pathway on the south side remains. The existing path is at a level so that the hedge provides an adequate screen; the proposed path will allow direct vision over the hedge into my garden and ground

floor rooms. As before, the proposed rendered finish is out of keeping with the neighbouring properties as the house is situated in an elevated position will be visible from some distance and so stand out being quite obtrusive.

One objection received from No 6 Windmill Close in relation to the consultation on the amended plans submitted for this application. There is concern at the height and width of the proposed path at the rear of the property is not made clear. It would appear, judging by the photograph of the south-east of the house, that it would be raised seven bricks, that is, approximately half a metre, to the same level as the proposed terrace on a previously declined planning application. That being the case, we reiterate the comments made in our letter of 30 January, 2012, paragraphs three and five. The intrusive nature of a pathway higher and wider than that already existing cannot be over-emphasised. No 6 Windmill Close comments on the garden and rear of 10 Windmill Close would be completely overlooked by anyone on the proposed path with a subsequent unacceptable loss of privacy at 10 Windmill Close.

RELEVANT POLICIES

- Distance Separation (Supplementary Planning Guidance)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

The application site has previous planning history as follows:

W/88/1296 - Erection of a conservatory - Granted.

W/11/0623 - Erection of a double garage and terrace to the rear - Refused.

KEY ISSUES

The Site and its Location

The application site is a detached property accessed from a shared driveway off Convent Close. The property has off street parking and an existing small integral double garage. There are a mixture of properties ranging from bungalows to two storey dwellings along Convent Close. The application site is on significantly higher ground than the neighbouring properties located to the south on Windmill Close. Due to the location of the property on higher ground elements of the property are visible from the majority of surrounding properties. There is a tall hedge located to the south of the property and various forms of fencing and landscaping around the property. The site is not a Listed Building and is not within a Conservation Area. The property is located within the urban residential area of Kenilworth.

Details of the Development

Detached double garage and rendering to garage and whole house and construction of a terrace to the rear of the property.

Assessment

The main issues relevant to the consideration of this application are:

- The Design and Layout
- Impact on the living conditions of the neighbouring properties
- Ecology
- Renewable Energy

Assessment

Design and Layout

There are various elements of the proposals which fall within the scope of permitted development and therefore do not require planning permission. These include the construction of a porch on the north elevation, the conversion of the existing garage to an extended kitchen and utility room, the replacement of the existing conservatory with a new conservatory of more permanent construction.

The proposed double garage will be incorporated into the steep site that has a change in levels to the west side of the existing property to be located on the existing driveway. The garage will have a width of 7 metres and a depth of 5.9 metres with a pitched roof construction. The garage will be constructed from materials to match the existing dwelling. The location of the garage has been amended from the previous planning application ref W/11/0623 to address the previous concerns raised and the garage has been moved forward to the north which is further into the curtilage of the site by 2.5 metres to the to address the previous concerns. There is considered to be no impact on the street scene as the property is set back and located off a lengthy drive way off Convent Close.

It is considered that the proposals area in accordance with Policy DP1 of the Warwick District Local Plan 1996 - 2011 and the Council's Residential Design Guide.

Impact on the living conditions of the neighbouring properties

The property is located on a prominent elevated site and the property has substantial existing overlooking due to its elevated position from all the surrounding properties. The proposed garage has been set 2 metres further into the site and the dormer window has been removed.

Four letters of objection have been received, three from residents from Windmill Close and one from Kenilworth Town Council. Kenilworth Town Council object to the amended plans as they state that they are a gross intrusion of privacy upon the neighbouring property created by the layout of the proposal and the topography of the site.

One letter of objection from No 10 Windmill Close who are located directly behind 15 Convent Close and they are objecting on loss of light, Intrusion, Loss of Privacy, Character of the Area and Safety / Stability of the land.

One letter of objection from No 12 Windmill Close was submitted to the original proposal which included a dormer window on the rear. The plans were then amended by the applicant to remove the proposed dormer window. The amended plans were re consulted on and No 6 Windmill Close then submitted an objection along with the receipt of a 2nd objection from No 12 Windmill Close.

No 12 Windmill Close states that they are objecting to the construction of the double garage and that the higher land level will result in the loss of privacy and stating that people will be able to look over the hedge into their downstairs rooms and back garden. They also object to the rendering finish as they state that it is out of keeping with other properties in the area and will be highly visible on the skyline. These people also objected to the dormer window which has now been removed from the scheme. No letter was received from No 12 Windmill Close in relation to the amended plans.

No 6 Windmill Close and they have concern at the height and width of the proposed path at the rear of the property. The intrusive nature of a pathway higher and wider than that already existing cannot be over- emphasised. No 6 Windmill Close comments on the garden and rear of 10 Windmill Close would be completely overlooked by anyone on the proposed path with a subsequent unacceptable loss of privacy at 10 Windmill Close.

The objections to each of the matters have been addressed below

- Loss of Privacy

No.10 and No.12 Windmill Close has objected on the loss of privacy that the proposals will have on their property, No.10 is located 17.5 metres away and No.12 is located over 23 metres to the south west rear of No 15 Convent Close. No 12 Windmill Close is actually located behind the rear of the neighbouring property of No 16 Convent Close. There is 23 metres diagonally from the rear of the proposed garage of No 15 Convent Close to the rear elevation of No 12 Windmill Close and there is 26 metres diagonally between the rear elevation of No 15 Convent Close and No. 12 Windmill Hill. There is an existing 3 metre hedgerow which acts as boundary treatment between the application site and the properties on Windmill Close. The proposed garage is 17.5 metres from the rear of the actual property of No 10 Windmill Close and the garage is located on higher ground and is set back 4.5 metres into the curtilage of 15 Convent Close.

The distance separation guidance set out within the Residential Design Guide SPG suggests a distance of 22 metres between the front and back of two storey properties. The actual separation distance from No 12 Windmill Close to the

single storey garage is 23 metres, there is 22.5 metres from No 11 Windmill Close and 17.5 metres from No 10 Windmill Close and the garage is of single storey and does not contain any habitable rooms. The applicants have amended the plans to address the concerns by the removal of the dormer window.

It is considered that the distance is acceptable and meets the requirements of the Council's Residential Design Guide and accords with Policy DP2 of Warwick District Local Plan 1996-2011.

- Loss of Privacy/ Intrusion

Neighbours have objected to a loss of privacy from the proposed terrace and proposed dormer window. The Town Council have also objected on the basis that the proposals are overbearing. There is an existing 3 metre hedgerow which acts as boundary treatment between the application site and the properties on Windmill Close. The area between the application site and this boundary is currently unused, uneven and has differing levels with an approximate 1.5 metre drop in levels. However, it is possible to walk along the upper part of this elevation which is currently paved to a rather poor standard.

The proposed terrace will not be on higher ground level than existing and will have a border to the hedgerow consisting of a painted steel balustrade between facing brick piers. Having visited the site, I do not consider there to be a detrimental loss of privacy from the above terrace beyond what currently exists. Furthermore, the existing hedgerow acts as a substantial screening buffer and the proposed garage will be set back 4.5 metres within the curtilage

It is considered the proposals are in accordance with Policy DP2 of the Warwick District Local Plan 1996 - 2011.

- Impact on the Character of the Area

All of the objections have raised concerns that the proposals are out of character with the area. The addition of render to the property can be undertaken without the requirement for planning permission as it falls outside of a Conservation Area and is not a Listed Building. Therefore, taking into account the proposals which we have control over (the proposed double garage and terrace area) the proposals are not considered to be out of character with the surrounding area and the proposals are considered to be in accordance with Policy DP1 of the Warwick District Local Plan 1996 - 2011.

- Safety

Various concerns have been raised relating to subsidence on the application site and surrounding properties due to the geological make up of the land. This is a matter to be considered during building regulations and can not be taken account of at the planning stage. Should there be any problems with subsidence, subsequent appropriate mitigation measures would need to be put in place to protect the properties in Windmill Close from any further subsidence.

- Other Considerations

Comments received from neighbours noted that the description of works was misleading given that it only related to the erection of a double garage. I can confirm that the description of works was as stated as the remainder of the proposals fall within the scope of permitted development and as such are outside the scope of this report.

Ecology

WCC Ecology have no objections to the proposal. Due to records in the surrounding area they require the attachment of a Bat Note, Nesting Bird Note and a Reptile Note.

Renewable Energy

The proposals are of a minimal scale and do not require the provision of renewable energy. Therefore it is considered that the proposals meet the requirements of Policies DP12 and DP13 of Warwick District Local Plan 1996-2011 and the Sustainable Buildings SPD.

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 application form, site location plan and approved drawing(s), Drawing No. 2 Rev A and Drawing No. 1 submitted on the 12th March 2012 and specification contained therein, 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.
