

**Planning Committee:** 23 April 2019

**Item Number:** 5

**Application No:** [W 18 / 2086](#)

**Town/Parish Council:** Kenilworth

**Case Officer:**

George Whitehouse

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**Registration Date:** 25/01/19

**Expiry Date:** 22/03/19

**36 Waverley Road, Kenilworth, CV8 1JN**

Proposed single storey rear extension for replacement sun room FOR Mr & Mrs  
Clarke

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

**RECOMMENDATION**

**Grant**

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for a single storey courtyard infill extension.

**THE SITE AND ITS LOCATION**

36 Waverley Road is a semi-detached house within the Kenilworth Conservation Area. The property has a single storey modern extension with attached glazed and dwarf brick wall conservatory. Whilst the site is situated within the conservation area, the form of the rear of these particular dwellings is not a traditional Victorian terrace layout (i.e. narrow rear wing and narrow courtyard to the side).

**PLANNING HISTORY**

W80/1300 - Refused for the conversion of two garages to form bungalow at Bertie Road (appeal dismissed).

W81/0130 - Refused for the erection of a detached house.

W17/0359 - Refused for the replacement of a single storey rear extension.

W17/2017 - Refused for the erection of a replacement sun room.

**RELEVANT POLICIES**

- National Planning Policy Framework
- [The Current Local Plan](#)
- 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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** - Objection based on loss of light and outlook to the neighbouring dwelling.

**Warwickshire County Council Ecology** - We recommended that any retained trees / hedgerows that could be impacted by the works and storage of materials should be protected through by a suitable RPA. Recommended notes related to protected species.

**Public** - 1 objection based on loss of light and outlook.

## **ASSESSMENT**

Impact on the amenity of neighbouring uses.

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPG provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property. This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

There is a breach of the 45 degree line from the rear ground floor window of the neighbour on the infill side. However, the design has a two metre eaves height and glazed roof which slopes away from the neighbour and therefore the impact of the extension will be similar to that of a boundary wall which could be erected under permitted development. As a result it is considered an acceptable balance is struck between allowing the applicant flexibility to extend the property and protecting the amenity of the neighbouring occupiers. In addition to this the proposals replace a lawful existing sun room of a similar size and consequently the impact would not be materially different from the current situation.

The proposals are therefore not considered to result in material harm by reason of loss of light or outlook and are therefore considered to comply with Local Plan Policy BE3.

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Local Plan Policy HE1 states that, where 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, including securing its optimum viable use.

The development replaces an existing conservatory/sun room which is in need of replacement. The design ties in to and improves the quality of the conservation area through its use of materials and overall design. The structure is predominantly glazed which gives views to the original property from the rear and the original historic layout from plan view. This is further supported with the stance of no objection from the Conservation Officer.

As a result, it is considered that there would be no harm to the conservation area and that the proposals comply with Local Plan Policy HE1.

### Ecology

Warwickshire County Council Ecology have requested a root protection zone (RPZ) around any trees affected by the development. However after carrying out a site visit, it is clear that no trees are likely to be affected by the works. Nevertheless an explanatory note reiterating the BS 5837:2012 'recommendations relating to tree care and development' has been appended as a precautionary measure, along with the recommended bat and bird notes.

### **Summary**

It is considered that the proposals will not lead to a significant level of harm to the amenity of neighbouring uses over and above that of the existing conservatory and when considering the permitted development fall-back. In addition to this the design of the proposal is compliant with Local Plan Policies HE1, BE1 and NE2. Therefore it is recommended that planning committee grant this application.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 3032 02, and specification contained therein, submitted on 29/10/2018 and approved drawings 3032-01B and 3032-03B and specification contained therein, submitted on 15/02/2019.  
**REASON :** For the avoidance of doubt and to secure a satisfactory form

of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.

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