Planning Committee: 08 December 2010 **Item Number:** 13

Application No: W 10 / 1060

Registration Date: 12/08/10

Town/Parish Council: Baginton **Expiry Date:** 07/10/10

Case Officer: Jo Hogarth
01926 456534 planning_east@warwickdc.gov.uk

18 Coventry Road, Baginton, Coventry, CV8 3AD
Proposed rear extension FOR Mrs E Kurzberg

This amended application is being presented to Committee due to an objection from the Parish Council having been received. It was deferred at the last Planning Committee meeting on 10 November 2010 to allow for public speaking.

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Baginton PC objects to this application as it does not comply with the 45-degree rule and will have a serious effect on the light reaching the ground floor window of the neighbour at no.17. The plan also breeches Building Regulations as glass is within 1m of the boundary.

The PC is also mindful that the wall between this property and no. 17 is already built and is in fact very close to the boundary of the two houses -not as shown on the plan. The PC is also aware that plans submitted do not contain any details of the permission already granted (W/10/0687) for a dormer roof construction and replacement detached garage.

The council would also like to remind planners of the appeal decision of 26th April 2010 dismissing the appeal. We feel these applications together are an attempt to by-pass the appeal decision by separate incremental applications.

WCC Ecology: Please refer to original comments. These were to attach a condition requiring notice to be given to a qualified bat worker to supervise all destructive works to the roof. [N.B. As this current application no longer proposes works to the main roof of this house, I consider a bat note would suffice.]

WCC Archaeology: Recommend condition requiring notification of works to allow representatives of the Museum to observe the excavation.

Public Response: 1 letter of objection on grounds that the proposal goes beyond the 45 degree line thus compromising light to the small south facing lounge window.

[NB the above representations all relate to the application as originally submitted.]

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- Planning Policy Guidance 2 : Green Belts
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

PLANNING HISTORY

A previous planning application (ref: W/09/1373) for a single storey rear extension, front and rear facing dormers and a garage was refused by Members of the Planning Committee held on 16 February 2010 and this was subsequently dismissed at appeal. A further application (ref: W/10/0687) was granted for dormer windows and a garage.

KEY ISSUES

The Site and its Location

The site relates to a terraced property of seven located on the south side of the road within the main residential area of Baginton and is within the Green Belt. There is an access track to the rear which connects Frances Road to Holly Walk and affords access to garages and the backs of these houses.

Details of the Development

The proposal seeks to construct a single storey rear extension.

Assessment

I consider the key issues relating to his application to be the impact on neighbours.

The proposed rear extension has been amended to 'cut' off the corner nearest to the adjoining neighbour at number 17 Coventry Road. There would still be a breach of the Council's adopted 45 degree line taken from the nearest habitable room window in number 17 Coventry Road; however the extension has now been designed to take into account that which could be built under "Permitted Development" in that it would project out 3 metres from the rear wall of the main house before 'dog-legging' back out to 4.7 metres. The original proposal (which was refused) sought to extend out by 6.7 metres.

The extension as now proposed seeks to address the appeal Inspector's decision in refusing the previous application W/09/1373. In his decision he found that "the parapet walls of the higher part would exceed the eaves height of the existing bungalow and would make for an awkward and uncharacteristic junction between the old and new." The parapet walls have been omitted and eaves now match those on the main house and also the large central lantern light has also been omitted. With regard to the size and scale of the proposed rear extension, the Inspector considered that its depth and height would have an oppressive impact on the outlook from neighbouring properties, adding significantly to the sense of enclosure, particularly from the small window in the main rear wall of number 17 Coventry Road which would conflict with the Council's 45 degree code, resulting in some loss of sunlight to that window in the morning. Given the

reduction in the maximum depth of the proposed extension from 6.7 metres to 4.7 metres and the amended design to reduce the depth of the extension adjoining number 17 Coventry Road to 3 metres, I consider that this amended scheme has now reasonably addressed the objections raised by the Inspector in his dismissal of application W/09/1373.

Whilst I note the objections received from the occupier of number 17 Coventry Road and the Parish Council to the application as originally submitted, given that there is an existing 2 metre high boundary wall between the two properties together with taking into account the 'Permitted Development Rights' available to the applicant to build an extension 3 metres out, I am of the opinion that the amended scheme has now achieved a reasonable balance between the applicant's desire for a rear extension and the protection of both neighbours amenity and the design/appearance of this property.

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 approved drawing number KURZ:09:04 A and specification contained therein, submitted on 26 October 2010 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.

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 DP1 of the Warwick District Local Plan 1996-2011.

4 The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of the works shall have been given to the Warwickshire Museum as the nominated representative of the District Planning Authority (Contact the Planning Archaeologist on 01926 412734, email planningarchaeologist@warwickshire.gov.uk). During the construction period the developer shall afford access at all reasonable times to representatives of the Museum and shall allow them to observe the excavations and record items of interest and find. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, 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.