Planning Committee: 16 October 2012 **Item Number:** **10**

Application No: W 12 / 1065

Registration Date: 21/08/12
Town/Parish Council: Kenilworth **Expiry Date:** 16/10/12
Case Officer: Liz Galloway
01926 456528 Liz.galloway@warwickdc.gov.uk

Lake View Cottage, 15 Castle Hill, Kenilworth, CV8 1NB
Retention of existing summer house FOR Mr Gary Delaney & Helen Walthorne

---

This application has been requested to be presented to Committee by Councillor Coker and in order to request that enforcement action be taken.

RECOMMENDATION

That the planning application be REFUSED for the reasons listed below and that appropriate enforcement action be taken to remove the structure within one month.

DETAILS OF THE DEVELOPMENT

The applicant has constructed a timber summer house within the residential curtilage of the property. The summer house is located on the Southern Boundary of the rear garden. The summer house is 3 metres wide, 4 metres in length and 2.4 metres high and constructed of painted timber boarding with a felt tile roof and is the colour green.

THE SITE AND ITS LOCATION

The summer house is situated within the garden of a Grade II 17th Century Listed Building and lies in the Kenilworth Conservation Area and is located in a group of dwellings known as Little Virginia. The application site can be reached by a private footpath leading from Castle Hill and overlooks the Abbey Fields. The property lies within close proximity to Kenilworth Castle and is situated on a Scheduled Monument.

PLANNING HISTORY

9108 - Granted for renovation and restoration in 1973
W81/1164LB/1165 - Granted for construction of front porch and installation of french doors in rear elevation in 1981
W00/0231LB - Granted for alterations to existing porch in 2000.

RELEVANT POLICIES

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council : Members COMMENTED that: 1. Overall, they did not consider the summer house to be out-of-keeping with its surroundings. 2. They were concerned that any attempt to lower or remove the structure could be counter-productive and damage the archaeology of the site. 3. On balance, they endorsed the comments made by the English Heritage specialist and were content for the structure to be given planning permission.

C.A.F: Initial comments were made that the structure was quite intrusive. The issue was the prominence of the structure and its colour. It was pointed out that green was not a natural/traditional roof colour. The design was considered to be off the shelf and that it may be better to have a building that appeared more prominent, but of a higher quality design. Comments were also made that the summer house jars with the harmony of the cottages. The suggestion was made to have the structure re roofed instead. It was however considered that the summer house was not that much higher than the approved structure next door and that the colour helped it to blend better with the landscape.

English Heritage: The summer house is erected on land which is scheduled as an ancient monument. This bank and the wall which once stood upon it are remains of the precinct boundary to the lands of Kenilworth Abbey. Works to a scheduled monument should only be done with the benefit of scheduled monument consent and none was sought or issued. I have discussed the matter of these unauthorised works with the owners. There is probably little that would now be achieved from removing the summer house. It appears to have relatively minor impact upon the archaeological remains of the monument although it has clearly affected its legibility. I am therefore content for it to stay and to be given planning permission.

WCC Archaeology: It is my understanding that this structure was erected, and other works undertaken across this site, without the benefit of Scheduled Monument Consent. Whilst English Heritage have commented upon the impact of the construction of this structure upon the Scheduled Monument, they have concluded that there is 'probably little that would not be achieved from removing the summer house'. I would agree with this conclusion.

6 public responses: Support - does not find the summer house intrusive and is in keeping with the environs and does not obstruct any views of the Abbey Fields. Summer house far less intrusive than existing large building adjacent. Tastefully designed and discrete, blending in perfectly with the surrounds. Obscured by boundary hedgerow and has no impact on enjoyment of the area. Small and charming and in keeping with its surrounding.

4 public responses: Object on grounds of adverse visual impact as viewed from Abbey Fields, close proximity to Kenilworth Castle, impact on the Conservation Area, potential for noise and disturbance, built in a sensitive area, impact on views.

ASSESSMENT

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

- Impact on the Listed Building
- Impact on the Conservation Area
- Impact on Archaeology Issues
- The impact on the living conditions of nearby dwellings

The impact on the Listed Building

Policy DAP4 seeks to protect the special architectural or historic interest, integrity and setting of Listed Buildings and does not permit any development which will adversely affect the historic character or importance of a Listed Building.

It is considered that the location of the summer house, on its elevated position, would have a significant impact on the setting of the Listed Building, adversely affecting its special architectural interest, by reason of its scale, design, colour and height, and would have a dominant visual impact.

The design and appearance of the summer house sharply contrast with the materials used on the Listed Building and do not complement its architectural features. It appears as a starkly modern structure as opposed to the traditional details of the thatched cottage in which it lies adjacent to and does not harmonise in terms of materials, colour or appearance.

There is a statutory obligation to protect historically important buildings and their settings, and particularly in this instance, it is not considered that the personal benefits resulting from the retention of this building outweigh the harm caused. In view of the significant adverse impact on the Listed Building the proposal should be refused as it would be contrary to the provisions of Local Plan Policy DAP4.

The impact on the Conservation Area

Policy DAP8 seeks to preserve or enhance the special architectural and historic interest and appearance of the Conservation Area. Policy DP1 requires good layout and design, thus promoting development that will positively contribute to the character and quality of the environment.

It is considered that the summer house would not respect the important views both in and out of the Conservation Area and would not maintain the quality of the environment, particularly in this historic location. Although the summer house is constructed using predominantly traditional materials, the height in relation to surrounding structures, and its colour, would adversely affect the setting of the Conservation Area by impacting on the views from Abbey Fields and Castle Road and the important buildings located within close proximity. It is, therefore, considered that the summer house would not comply with Warwick District Local Plan Policy DAP8 and DP1.

Archaeology Issues

Policy DP4 seek to protect any development that harms Scheduled Ancient Monuments or other archaeological remains of national importance, and their settings.

Both WCC Archeology and English Heritage have commented that the summer house appears to have a relatively minor impact upon the archaeological remains of the Scheduled Monument and this is not therefore considered to be a reason to refuse the application.

The impact on the living conditions of nearby dwellings

Warwick District Local Plan Policy DP2 will not permit development which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development. It is considered that the proposed summer house will not impact on any neighbouring properties in terms of loss of light, outlook or privacy and that the relationship of the summer house to the adjacent residential neighbours would not be adversely affected.

REFUSAL REASONS

1 Policy DAP4 of the Warwick District Local Plan 1996-2011 states that development will not be permitted that will adversely affect the setting of a listed building. Furthermore, Policy DAP 8 of the Warwick District Local Plan 1996-2011 requires that development preserves or enhances the special architectural and historic interest and appearance of the Conservation Area, and respects the setting of Conservation Areas and important views both in and out of them. Policy DP1 also requires good layout and design, thus promoting development that will positively contribute to the character and quality of the environment.

It is considered that the location of the summer house, on its elevated position, would have a significant impact on the setting of the Listed Building, adversely affecting its special architectural interest, by reason of its scale, design, colour and height, and dominance. Furthermore, the summer house would not respect important views both in and out of the Conservation Area, and would not maintain the quality of the environment in this historic location.

The development is thereby considered to be contrary to the aforementioned policies.