Planning Committee: 12 October 2021 **Item Number: 9**

Application No: W 21 / 0921

Registration Date: 11/05/21
Town/Parish Council: Rowington **Expiry Date:** 06/07/21
Case Officer: Dan Charles
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Old Beams, Lapworth Street, Bushwood, Lowsonford, Henley-in-Arden, B95 5HJ

Variation of Condition 2 (approved drawings) of planning permission ref: W/20/0668 (Erection of new dwelling) to increase the height of the dwelling by 600mm with associated reduction in ground level of 900mm FOR Mr & Mrs Jinks

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

RECOMMENDATION

Planning Committee is recommended grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This application is made under section 73 of the Town and Country Planning Act 1990 that relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions' set out within the Planning Practice Guidance.

In deciding an application under Section 73, the Local Planning Authority must only consider the disputed condition that is the subject of the application – it is not a complete re-consideration of the application. In this case the applicant is seeking a variation to the wording of a condition through the use of a Section 73 application.

On such an application the local planning authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This application seeks the variation of Condition 2 of planning permission W/20/0668 that relates to the approved plans. The details of the proposed

changes are to increase the overall height of the dwelling by 600mm with a reduction in land levels of 900mm to offset the dwelling height increase.

The proposal is for the erection of a 3-bedroom, two storey detached dwellinghouse on an area of land currently used for car parking associated with the existing dwelling known as Old Beams.

The dwelling is proposed to be constructed of a combination of brick and timber frame design with a gable feature to the front and two side facing gabled dormers.

The proposed dwelling is to be served by the access to the existing dwelling and this access would be shared between the properties.

THE SITE AND ITS LOCATION

The application site lies in an elevated location between two existing dwellings within the village of Lowsonford.

The character of the area is defined by well-spaced, detached dwellings of individual design. Directly opposite the site is the Grade II Listed Fleur de Lys Public House.

Lowsonford is identified within the Local Plan as a Limited Growth Village.

The site lies within the West Midlands Green Belt.

PLANNING HISTORY

W/20/0668 - Erection of new dwelling – Granted 23.10.2020

W/17/1721 – Erection of new dwelling – Granted 08.11.2017

W/17/0079 - Erection of new dwelling – Withdrawn 29.06.2017

W/12/0125 - Erection of two storey extension to side and rear – Granted 20.06.2012

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- H0 - Housing
- H1 - Directing New Housing
- H11 - Limited Village Infill Housing Development in the Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation

- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Rowington Parish Council: In order to obtain the permission last year, the applicant made much effort to demonstrate that the scheme was no larger than the coach house previously approved in 2017. This increase in height and partial basement to increase useable space goes completely against the grain and the spirit in which the previous scheme was determined.

WDC Conservation Officer: No objection.

Public Response: 1 objection has been received on the following grounds:
- Approval given subject to strict conditions relating to the size of the building.
- Application is pushing these conditions over the limit and should be refused.
- Note that footings have already been installed.

ASSESSMENT

History/Background

Planning application ref: W/17/0079 was withdrawn following discussions with Officers regarding the scale and appearance of the dwelling and the detrimental visual impact on the character and setting of the Conservation Area and the nearby Listed Building, known as the Fleur de Leys Public House due to the closure of an important visual gap through the site.

The first revised application ref: W/17/1721 proposed a reduced scale of development on the site to address the previous concerns. This was granted by Planning Committee and the decision issued on 8 November 2017.

Thereafter, a revised scheme ref: W/20/0667 was submitted for a bespoke timber framed dwelling of similar proportions to the previously approved dwelling. This was granted on 23 October 2020.

The application now under consideration seeks revisions to the 2020 approved scheme to increase the height of the proposed dwelling by 600mm to provide improved internal accommodation. The increased height is offset by the reduction in the land levels of the site by 900mm resulting in a net reduction in the finished height of the dwelling on the site of 300mm. The scheme has been the subject of

negotiations between the applicants and Officers to achieve a scheme that is considered acceptable.

Principle of Development

Lowsonford is identified as a Limited Infill Village under Policy H1 of the Warwick District Local Plan. This policy allows for some development within these locations where it is acknowledged that there is potential for a small level of growth that will support the services in nearby growth villages.

The application site lies within the West Midlands Green Belt and Paragraph 89 allows for limited infilling within the Green Belt where this complies with Local Plan Policies.

Policy H11 of the Warwick Local Plan refers to limited infill housing sites within the Green Belt and allows for developments within identified Limited Infill Villages where the following criteria are met:

a) the development is for no more than two dwellings.
b) the development comprises the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built-up frontage, which is visible as part of the street scene; and
c) the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

The proposal is for a single dwelling that is proposed to sit between existing dwellings and has a frontage addressing the road. In respect of criteria a) and b), Officers are satisfied that the development complies with Policy H11.

Subject to an acceptable assessment against criteria c), Officers are satisfied that the development complies with the limited infilling criteria defined within H11 and would be acceptable in principle.

Whether the proposal constitutes appropriate development in 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 145 states that limited infilling in villages is appropriate development.

The proposed dwelling has been designed to be subservient in scale to the existing dwelling and the adjacent property. The dwelling would appear in the street scene as a coach house set against the side boundary of the property with a visual gap between the proposal and the host property.

In Officers opinion, the proposed dwelling would sit comfortably on the site and whilst it would create a new building on the open area of land, it would be amalgamated comfortably into the landscape and any material impact on the openness in this location would be modest.

The proposal is therefore considered to constitute appropriate development in the Green Belt which complies with Policy DS18.

Design and impact on visual amenity and the character of surrounding area and Lowsonford Conservation Area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The Residential Design Guide SPD sets out steps which should be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

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.

The distinctive built form in this location is of widely spaced detached dwellings on sizeable plots creating a sense of low-density built form that retains a spacious character of development that reflects the rural nature of the village. The existing area is an open, gravelled area used for car parking. In this respect, the character of the land is not reflective of the local street scene insofar as it does not form an integral element of the property and does not appear as a single, well-established garden area associated with the dwelling that is characteristic of the local area.

The previously approved dwelling was reduced in scale since the original submission following guidance from the Conservation Officer. That revised design sought to retain the scale of the approved dwelling with a number of enhancements to the dwelling to provide improved living accommodation as well as an improved external appearance.

A key design aspect of the approved scheme was the retention of the scale of the approved dwelling which was a simple coach house design under a gabled roof.

This current proposal seeks to amend the overall height of the building to create additional headroom at first floor level to create improved living conditions. The

overall height increase amounts to 600mm above that previously approved. To mitigate for the impact of the increased height, the site levels have been reduced by 900mm to give a net reduction of 300mm in overall height compared to the previously approved scheme.

The resultant scheme would see the dwelling set down into the site and provide further screening for the frontage parking behind the front boundary hedge to minimise their impact on the local area and conservation area.

The overall design of the building remains as approved. The frontage has been designed to replicate the openings of a coach house style building with infill glazing to retain the original plan form. This simple frontage together with the building's siting within the site creates a simple design that forms a simple appearance when viewed from the public domain.

Overall, the difference in height of the building is offset by the reduction in the land levels of the site and is considered to retain the important visual gaps that connect the Listed Public House with the wider open countryside.

Subject to the sensitive use of materials and large scale details, the proposed dwelling is considered to preserve the character of the Conservation Area in this location and is therefore accords with Policy HE1 of the Local Plan.

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.

The key Listed Building is the Fleur de Leys Public House which is directly opposite the site on the other side of the public highway. The original withdrawn scheme submitted proposed a dwelling that spanned almost the entire width of the infill plot which was considered to sever an important link between the Listed Building and the wider option countryside beyond. This issue was overcome in the two subsequently approved schemes.

This current scheme follows on from the 2020 approved scheme and seeks permission for a dwelling which retains the narrower plan form and is designed to retain the appearance of a coach house style building. The key difference is the increase in overall height of the building of 600mm. However, in relation to the setting of the Listed Building, the land levels have been reduced by 900mm. This results in a net decrease of 300mm in the overall height as proposed on site. The

reduction in final height is considered to be acceptable as the key impact on the Listed Building was the diminishment of the open views to the countryside beyond the dwelling. The reduction in overall height on the site will result in a marginal improvement to the open aspect.

The important element is that the siting of the proposed dwelling to the edge of the plot retains the important visual gap within the street scene that provides an open aspect through the site that is an important element of the setting of the Listed Building. This is retained as part of this application.

The scheme as now proposed is considered to retain the importance visual gaps that form part of the historic setting of the Fleur de Leys Public House.

The scheme is therefore considered to preserve the character and setting of the Listed Building and therefore accords with Policy HE1 of Local Plan.

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.

Whilst the proposed development is in close proximity to the neighbouring properties, the side-to-side relationship and predominantly front and rear facing windows would not have a harmful impact on the adjacent properties by virtue of overlooking. The dormer to the side faces onto the blank gable wall of the existing dwelling

The side-to-side relationship also ensures that there is no harm to neighbouring properties from an overbearing impact and no part of the proposed dwelling breaches the 45 degree line as drawn from neighbouring properties.

The proposal is therefore considered to accord with Policy BE3 of the Local Plan.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

All primary rooms within the proposal have access to light via appropriately sized windows. In addition, the amenity space proposed is significant.

The proposal is therefore considered to accord with Policy BE3 of the Local Plan.

Parking & 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.

The site has an existing access to the highway that serves the current dwelling. It is proposed to retain this access and use it for access to the new dwelling. There is sufficient visibility at the access in both directions. The scheme also retains sufficient parking and turning space for both the new property and the existing dwelling on the site.

The proposal is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan.

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 recommended that ecological enhancements are secured to ensure no net biodiversity loss. The predominant area of the land is currently hardstanding, so the biodiversity is limited. The proposal would provide an enhanced level of landscaping and additional planting that Officers are satisfied would result in a biodiversity net gain.

The proposal is therefore considered acceptable having regard to Policy NE3.

Trees/Hedgerows

The current site is an open area of hardstanding. I therefore consider that the proposed development can be satisfactorily provided on the plot without harm to the existing boundary hedges and trees. The provision of a landscaping scheme would also increase the potential for new trees and hedgerows leading to a net gain in biodiversity.

Archaeology

The proposed development lies within an area of significant archaeological potential within an area probable medieval roadside settlement which lies of the eastern edge former Common Land at Bushwood (Warwickshire Historic Environment Record MWA9455) which was in use as such during the medieval to post-medieval periods. The proposed development is located directly opposite the Grade II Listed Fleur de Leys Public House, a 15th century timber framed building with later additions. The site also lies adjacent to a former smithy, known as Old Beams, which is shown on an 1847 tithe map for the Parish of Rowington. There is therefore a potential for archaeological deposits associated with activity from at least the medieval period and later to survive across this area. Any such deposits may be disturbed by the proposed development. The County Archaeologist has therefore recommended that Archaeological works are secured by condition.

Waste Storage

Adequate space is available within the site for storage of bins and the site would be subject to the normal kerbside collection.

Conclusion

Officers have considered the proposed development against the policies of the Warwick District Local Plan. Having assessed the site-specific details of the proposal, Officers are satisfied that the scheme complies with Policy H11 of the Warwick Location Plan, specifically criterion c) which seeks to ensure that the site does not harm the integrity of the village where it's loss would have a harmful impact upon the local character and distinctiveness of the area.

The scheme is considered acceptable having regard to the impact on the character of the local area and Lowsonford Conservation Area, the impact on the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties and the impact on highway safety. The proposal is considered to constitute appropriate development in the Green Belt. Officers are also satisfied that the scheme would not result in harm to protected species.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from 23 October 2020 (the date of planning permission W/20/0668). **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 drawings 19-194.JIN-01 Rev C, 19-194.JIN-02 Rev C, 19-194.JIN-03 Rev C, , 19-194.JIN-04/1 Rev C, 19-194.JIN-05 Rev C, and specification contained therein, submitted on 25 August 2020 and approved drawings 19-194.JIN-04/0 Rev D, 19-194.JIN-06 Rev D, 19-194.JIN-07 Rev D and 19-194.JIN-08 Rev C and specification contained therein, submitted on 11 May 2021. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3 and HE1 of the Warwick District Local Plan 2011-2029.

3 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **Reason**: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted shall be carried out strictly in accordance with the details of existing and proposed site levels on the application site as set out on drawing reference JIN-2265_BR 03 submitted to the Local Planning Authority on 10 May 2021. **Reason**: To ensure a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

5 The development hereby permitted shall be carried out strictly in accordance with the approved Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work together with the associated Archaeological Mitigation Strategy document. Following these works, a report detailing the results of the fieldwork shall be thereafter deposited to the archaeological archive. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents. **Reason**: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

6 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

7 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

8 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until tree and hedge protection in accordance with British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Lowsonford Conservation Area has been provided on site and shall be retained for the duration of the development. In addition, no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason**: To protect those

trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE1 of the Warwick District Local Plan 2011-2029.

9 No development above slab level shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason**: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

10 The existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for the first 5 metres of its length. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029.

11 The development shall not be occupied until a turning area has been provided within the site so as to enable a car to leave and re-enter the public highway in a forward gear and thereafter shall be retained in perpetuity. **Reason:** In the interest of highway safety having regard to Policy TR1 and TR3 of the Warwick Local Plan 2011-2029.

12 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-

designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

13 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **REASON**: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

14 Noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwellinghouse hereby permitted. **Reason**: That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties.