Planning Committee: 21 June 2022 **Item Number:** 8

Application No: W 21 / 2125

Registration Date: 24/11/21
Town/Parish Council: Burton Green **Expiry Date:** 19/01/22
Case Officer: Millie Flynn
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192 Cromwell Lane, Burton Green, Kenilworth, CV4 8AP
Erection of rear roof dormer and conversion of roof space, alteration of part two storey, part single storey rear extension and two storey side extension of previously approved scheme W/19/0504 (Retrospective Application) FOR Mr Paul Ward

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This application is being presented to Committee as it is recommended for refusal and the Parish Council supports the application and there have also been more than 5 support comments received.

RECOMMENDATION

Planning Committee is recommended to refuse permission for the reason set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Retrospective planning permission is sought for the erection of a rear dormer and the conversion of roof space; part one and part two storey rear extensions and a two storey side extension.

The current proposals represent a revised version of previously approved scheme W/19/0504 with alterations including the installation of No.1 rooflight to the front elevation at first floor and an increase in gable height to the rear.

THE SITE AND ITS LOCATION

The application site relates to a three-storey semi detached dwelling located on Cromwell Lane, Burton Green, Kenilworth. The section of Cromwell Lane to which the application relates is characterised by semi-detached properties of varying size and design, positioned within fairly narrow plots. The street scene is characterised by brick and rendered elevations.

PLANNING HISTORY

W/18/0101 - Erection of a two-storey side extension and part single storey part two storey rear extension – *granted 29.03.18*

W/19/0504 - Erection of a two storey side extension and part single storey part two storey rear extension, re-submission of W/18/0101 *-granted 15.05.19*

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)

Burton Green Neighbourhood Plan (2018-2029)

- BG7 - Responding to Local Character (BE)
- BG13 - Parking Provision (BE)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Supports the application.

WCC Ecology: Objects, recommends the provision of a bat box.

Councillor Richard Hales: Support, there is minimal impact on the streetscene and the proposal improves the property.

Public Response: 1 objection comment has been received from 190 Cromwell Lane on the grounds that there are large deviations to the original approved drawings, the proposal is not in keeping with the character of the area and loss of light and privacy.

4 support comments have been received on the following grounds:

- There are different properties within the streetscene, most with extensions, with varying roof elevations on different aspects.
- No visual impact on the streetscene.
- The dormer extension is in keeping with the style of the house, with appropriate materials used.
- Attention should be given to this case, it has been impacted by several delays, the project should be allowed to progress and be completed successfully.

ASSESSMENT

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

- Design and impact on the street scene;
- Impact on the amenity of neighbouring uses
- Ecology
- Parking.

Design and impact on the street scene

The NPPF (2021) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 130 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 130 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect, and reinforce local architectural distinctiveness. Of particular relevance to this application, this policy also requires proposals to respect surrounding buildings in terms of scale, height, and massing, and adopt appropriate materials and details.

Policy BG7 of the Burton Green Neighbourhood Plan requires all development to consider local character. Proposal should have sympathetic regard to their immediate setting and to the character of its surroundings.

The approved drawings from application: W/19/0504, have been amended to facilitate the erection of a rear box dormer, along with the conversion of roof space and there have also been alterations of the part two storey, part single storey rear extension and two storey side extension; alterations include the installation of No.1 rooflight to the front elevation at first floor and increase in gable height to the rear.

An objection comment has been received from 190 Cromwell Lane, who raises concerns regarding the large deviations to the original approved drawings and compliance with approved planning policies. Concerns were also raised regarding the proposal and whether it is in keeping with the character of the area and in line with existing properties within the streetscene.

The rear dormer structure lies wholly contrary to the provisions of the Residential Design Guide which outlines large, flat roof units will not be considered acceptable. The design, mass and bulk of this structure forms an incongruous design feature of poor design which Officers consider should not be supported. As such, the works

fail to accord with Policy BE1 of the Warwick District Council Local Plan. Whilst it is noted that such structures can be constructed under Permitted Development, in this particular case the attachment to rear gable extension means that planning permission is required.

The installation of the rooflight to the front elevation of the properly at first floor is considered to satisfy the limitations set out in Schedule 2, Part 1, Class C of the GPDO and therefore has not been assessed in this application for planning permission.

The increase in height of the gable feature to the rear of the property is considered to constitute good design, other properties along Cromwell Lane have similar features and it is considered the increase in height will have an impact on the streetscene and character of the property.

In regard to the two storey side extension the observed set down and back are the same as approved in application W/19/0504.

The design and scale of the addition to the roof, is not considered to harmonise with the surrounding built form, nor does it positively contribute to the character and quality of its environment through good layout and design. The proposal is therefore considered to conflict with the NPPF, Local Plan Policy BE1 and the Residential Design Guide SPD.

Impact on the amenity of neighbouring uses.

Warwick District Local Plan Policy BE3 requires that development have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD 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 the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses.

An objection comment has been received from 190 Cromwell Lane, who raise concerns regarding the impact of the proposal on the grounds of loss of light and privacy. However, it has been noted by Officers that were is no breach of the 45-degree line for either adjoining neighbours, 190 Cromwell Lane and 192 Cromwell Lane, when taken from the quarter point at ground floor and the halfway point at first floor, of the nearest habitable room. It is therefore considered that the impact that the extension will have on the amenity of the neighbours is acceptable, in terms of outlook, light and privacy, and in accordance with the Residential Design Guide SPED.

The proposal adheres to the separation distances set out in the Residential Design Guide SPED. As such, the proposal is not considered to result in an unacceptable loss of privacy for surrounding occupiers.

The impact that the proposal will have on the amenity of the current and future occupiers of the subject dwelling is considered acceptable. The applicant will be

left with adequate private amenity space in accordance with the Residential Design Guide SPED.

The works will have an acceptable impact on amenity and comply with Policy BE of the Local Plan and the Residential Design Guide SPD.

Ecology

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

The County Ecologist objected to the application, expressing concerns with the development given that this is a retrospective application, the bat records and foraging habitat in the area and the lack of update on previous survey works, it is possible potential roosting features for bats, may have been blocked or destroyed, when works were carried out. It has been suggested, in order to increase opportunities for these protected species, that two suitably placed bat boxes are erected within the application site. In the event the application was recommended for a approval bat boxes could be secured by condition. However, as the application is recommended for refusal this remains an outstanding issue.

The proposal is considered to present a risk to protected species, in conflict with the criteria of Policy NE2.

Parking

The proposal will not change the number of bedrooms in the dwellinghouse. The application site at present has capacity for two cars to be parked off-street. The proposal does not require any addition car parking provisions and the existing parking is to be retained.

The proposal is therefore acceptable in this respect and in accordance with Local Plan Policy TR3.

SUMMARY/CONCLUSION

It is considered that the erection of a rear box dormer constitutes poor quality design by virtue of being inappropriate in scale, dominating the rear elevation and is contrary to the Council's Residential Design Guide. The addition to the roof is considered to be out of keeping with the existing dwelling and also the architectural character of the local area. The proposal does not address the concerns of the County Ecologist in regards to the erection of two bat boxes within the application site. The development is therefore contrary to Local Plan Policy BE1 and NE2 and is recommended for refusal.

REFUSAL REASONS

1 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good design. The Council has also adopted The Residential Design Guide as a Supplementary Planning Document (SPD).

In the opinion of the Local Planning Authority, the alterations to the approved scheme: W/19/0504 at 192 Cromwell Lane constitutes poor design, failing to respect the scale, design and character of the original property. The rear dormer structure lies wholly contrary to the provisions of the Residential Design Guide. The design, mass and bulk of this structure forms an incongruous design feature of poor design.

The proposal is therefore contrary to Policy BE1 and the NPPF which promotes good design.

3 Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. It has been advised by the County Ecologist that two suitably placed bat boxes are erected within the application site, to increase opportunities for these protected species. However, there is an absence of such features on the proposed drawings.

Therefore, in the opinion of the Local Planning Authority insufficient information has been provided to demonstrate that the proposed development would not adversely affect protected species. The development is thereby considered to be contrary to the aforementioned policy and guidance.