Planning Committee: 21 June 2022 **Item Number:** 10

Application No: W 22 / 0338

Registration Date: 22/02/22
Town/Parish Council: Kenilworth **Expiry Date:** 19/04/22
Case Officer: Millie Flynn
01926456140 millie.flynn@warwickdc.gov.uk

27 Fieldgate Lane, Kenilworth, CV8 1BT
Erection of detached single storey garage. FOR Mr & Mrs Lilley

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This application is being presented to Committee due to the number of objections received and the recommendation being for approval.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a detached single storey garage.

THE SITE AND ITS LOCATION

The application site relates to a two-storey detached dwelling located on the west side of Fieldgate Lane, Kenilworth. The property is located within the Kenilworth Conservation Area. There are 7no. TPO trees located around the periphery of the site.

PLANNING HISTORY

W/21/2068 - Erection of single storey side and rear extension. Alterations to existing garage roof – *Granted 24.12.21.*

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
- HE1 - Protection of Statutory Heritage Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Kenilworth Neighbourhood Plan (2017-2019)
- KP13M - Design Management in Fieldgate Lane

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection.

WCC Ecology: No objection, recommended notes attached.

WDC Tree Officer: No objection, subject to a pre-commencement condition.

WDC Conservation Officer: No objection, subject to submission and approval of all external facing and roofing materials, covered via condition.

Public Response: 9 objections have been received on the following grounds:

- The proposal represents a substantial addition, with the proposed location of the garage falling close to TPO trees.
- The erection of the garage is against the historic plan.
- Out of keeping with the Conservation Area.
- The large, detached garage will detract from the street scene and fundamentally affect the appearance of the historic group.
- Inappropriate development for the site, it does not conserve the open nature of the gardens between 25 and 27 Fieldgate Lane.
- The development is contrary to Local Plan Policies BE1 and HE2.
- The development in contrary to Neighbourhood Plan Policy KP13 and KP13M.

ASSESSMENT

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

- Design of the proposed extension and impact on the character of the area and street scene, including the character and appearance of the conservation area.
- Impact on the amenity of neighbouring uses.
- Ecology.
- Other matters.

Design of the proposed extension and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

Paragraph 199 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. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied.

Local Plan Policy BE1 requires all development to relate well and harmoniously with the architectural form of the surrounding built environment, in terms of scale and massing, and through good design. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to comply.

Policy KP13M of the Kenilworth Neighbourhood Plan identifies the key characteristics of the Fieldgate Lane Character Area. This includes the group of thatched houses on the western side of the street and in particular No. 25 which forms a very significant part of the group.

Objections have been received stating the proposal is of a substantial size, which will detract from the streetscene and fundamentally affect the appearance of the historic group, as it does not conserve the open nature of the gardens between 25 and 27 Fieldgate Lane. It has also been noted by members of the public that the proposal seems out of character with the Conservation Area and contrary to Local Plan Policies BE1 and HE2 and Neighbourhood Plan Policies KP13 and KP13M.

The Conservation Officer raises no objection to the proposed work, stating the location of proposed garage is set back from the roadside and away from the main body of the house. The dwelling is located away from the group of thatched houses, which forms an important feature of the Kenilworth Conservation Area, with its own large grounds which allows for some leniency regarding a detached garage, an uncommon feature on the road. The grounds provide the space for the garage without placing it within direct competition to the dwelling.

The proposed works offer a visually interesting design, with a dovecote feature, giving the garage personality rather an uninspiring flat roof structure; as the houses within the vicinity are on an 'Arts and Crafts' style, the considered design is important. The drawings propose the use of high-quality materials, which are more in keeping with the heritage asset. For these reasons the proposed development is not considered to result in harm to the character of the Conservation Area.

The proposed development is therefore considered to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework, Local Plan Policies BE1 and HE1, Neighbourhood Plan Policy KP13M and the Residential Design Guide SPD.

Impact on the amenity of the neighbouring uses

Warwick District Local Plan Policy BE3 requires development to have 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.

There is a breach of the 45-degree line when taken from the adjoining neighbours (No.25) nearest ground floor window. However, this window does not serve a habitable room and therefore the 45-Degree Guideline does not apply. It also noted that the breach is at appoint some distance from the window (approximately 7.7m). Therefore it is considered that the proposal would not result in unacceptable harm to the amenity of the neighbouring residents by reason of loss of light, outlook, and privacy.

The works will have an acceptable impact on amenity and comply with Policy BE3 of the Local Plan and the Residential Design Guide SPD.

Ecology and Trees

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 has made comments on the application, stating that the proposed works should be carried out sensitively and if any protected species are found then works should stop immediately. Explanatory notes are considered sufficiently proportionate to the scale of works and will advise the applicant of their responsibilities regarding protected species, therefore notes regarding birds and hedgehogs will be placed on any granted approval.

Objections have been received stating that the proposal falls close to TPO Trees. The Council's Arboricultural Officer has reviewed the information submitted and considers that provided the development takes place in accordance with the Arboricultural Method Statement then it will not harm the trees. This can be secured by condition.

Therefore, it is considered there would be no harmful impact on trees that make an important landscape amenity contribution and the proposals therefore accord with Local Plan Policy NE2.

SUMMARY/CONCLUSION

The development proposals are considered to be in keeping with the character and appearance of the property and the surrounding Conservation Area. In addition, the proposals are not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to outlook and amenity, nor would they cause harm to TPO trees around the site or protected species. The proposals are in accordance with the aforementioned policies, and the application is therefore recommended for approval.

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(s) 21.022-04E submitted on 22nd February 2022, 21.022-08C submitted on 11th May 2022 and specification contained therein. **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 Prior to the commencement of the development hereby approved (including all preparatory work), the tree protection measures in the MPL Tree Consultancy Arboricultural Impact Assessment, reference PD 002242A dated April 2022 including their Arboricultural Method Statement and appended Tree Protection Plan, together referred to as the scheme of protection, shall be implemented in full. The development thereafter shall be carried out in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

4 No development shall be carried out above slab level unless and until samples of the external facing and roofing 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.