Planning Committee: 02 February 2011 **Item Number:**

Application No: W 10 / 1541

Registration Date: 02/12/10

Town/Parish Council: Stoneleigh **Expiry Date:** 27/01/11

Case Officer: Penny Butler
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3 The Cunnery, Stoneleigh Park, Kenilworth, CV8 2PZ

Detached double garage with ancillary domestic accommodation over. Alterations to boundary wall and insertion of gates. Replace garage doors in existing garage with windows. FOR Mr Liddar

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This application is being presented to Committee due to the number of objections received.

SUMMARY OF REPRESENTATIONS

Ashow, Burton Green and Stoneleigh Joint Parish Council: No observations.

Public response: (comments on original plans). Six neighbours have objected (no.s 1, 2, 4, 5, 6) and one has commented (no. 7). The scale and proportion of buildings and the layout in The Cunnery was carefully planned to offer privacy and space between properties, and to protect the setting of the Abbey and historic park. The proposed building would be in a visually prominent location upon entering the development, and would detract from its residential character. The current openness between no.s 1 and 3/5, and views to the parkland beyond, is valued and its loss would be regrettable. The height of the building would be visually dominant. Two storey buildings should not be built on the boundary but moved back or reduced to single storey only. The siting of the gates close to the single lane road would create a potential traffic hazard. The garage would introduce vehicle noise to this area of the development at potentially unsocial hours. Additional windows would overlook neighbouring land and windows and affect privacy, and the building would cause loss of light to neighbours. No.7 would object to any window being inserted in the southern wall of the converted garage.

WCC Ecology: Recommend a bat note.

English Heritage: The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

WDC Arboricultural Officer: No objection.

RELEVANT POLICIES

- DP13 - Renewable Energy Developments (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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

- DAP11 - Protecting Historic Parks and Gardens (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)
- Planning Policy Guidance 2 : Green Belts

PLANNING HISTORY

W00/0192- Erection of ten detached dwellings with garages. Construction of a new vehicular access. Granted with all permitted development rights removed.
W07/1771- Erection of balcony to main bedroom at rear of house. Refused.

KEY ISSUES

The Site and its Location

The application property consists of a large detached house with integral garage and walled rear garden. It is sited within The Cunnery, a cul-de-sac of ten similar dwellings built within the grounds of Stoneleigh Abbey about ten years ago, which was designed to complement the setting of Stoneleigh Abbey and its Grade II* Registered Garden of Special Historic Interest. The land is also within the Green Belt.

Details of the Development

A detached garage building is proposed with garden store at the rear and steps leading up to a games room/office above. The building would be erected at the end of their walled rear garden which would require the removal of a 6m wide section of wall to provide a gated access. The timber gates would be located 5m from the kerb edge and would have curved tops, while the end wall pillars would have stone caps and balls on top.

The height of the building has been amended following neighbour comments and a roof light facing the house has been removed. The ridge height has been reduced by 0.7m from 7.2m to 6.5m. In line with the Conservation Officer's comments, the boarding beneath the windows for the garage conversion has been removed.

Assessment

The curved line of the existing wall forms a pleasant feature in the street scene as it lies at the transition from the open frontage of no.1 at the entrance to the cul de sac, to the enclosed private rear garden of no.3. The proposed gateway would require the removal of the first part of the curved wall which would be replaced by inward opening gates, with a new smaller curved wall then linking into the remaining garden wall. The loss of the existing curved wall feature is unfortunate but I do not consider that the replacement gates and smaller curved wall would significantly harm the character or appearance of this development. The new gates are further back from the road than the existing wall which will reduce their impact, and they are considered to be an appropriate high quality design. The position of the gates would leave adequate space in front of the gates for cars to pull off the access road whilst the gates are being opened, and there would be space behind the gates for cars to park in front of the garage with the gates closed.

The building would be located at the end of the applicants rear garden which adjoins the front and side/rear garden of no.1. This is the only part of the development where a rear garden adjoins a side garden so it is the most open part of the development, enabling views into and out of the development to the adjoining field and parkland beyond. The erection of a building in this location would reduce openness within the development and also interrupt views to the landscape beyond for no.4; however, loss of a private view is not a planning consideration. I do not consider that the reduction in openness would harm the character of the development significantly, since the remainder of the character is of much more closely spaced dwellings and garages. Other garage extensions approved at numbers 7, 9 and 10 have resulted in garages from 6.5m to 6.9m high, which is higher than this proposal. The reduction in height to a 6.5m ridge ensures it is a typical single storey height with the accommodation being provided within the roof space, rather than under a raised eaves level.

Turning to neighbour impact, there are three properties which would be directly affected: the adjacent side neighbour (no.5), the adjacent neighbour to the rear (no.1) and the dwelling on the opposite side of the road (no.4). The neighbour opposite would lose their view as noted above, and have also objected to noise nuisance and loss of privacy, since their property is not currently directly overlooked at the front and the proposal would introduce a facing first floor window. Since the proposal is on the opposite side of the road to this dwelling, at a distance of over 20m, I consider the loss of privacy to be acceptable. In terms of additional noise generated by vehicle movements at unsocial hours in close proximity, I consider this impact to be typical of such residential developments and I do not consider it to be unacceptable.

The neighbour to the side of the applicant (no.5) has the proposed building sited adjacent to the end of their rear garden, at a distance of over 20m from their house (the nearest part of their dwelling is a single storey wing). This neighbour objects to loss of light to the end of their garden and loss of privacy to their gardens and rear windows, stating that all of their garden and patio would be overlooked by the proposed building. I consider that loss of light to the house would be not be significant given the distance involved, and that the impact on the garden would not justify a refusal. Loss of privacy would be a material consideration, and the applicant has agreed to remove a roof light nearest to their property to try to minimise this. The amended building would introduce a large triangular glazed dormer directly facing the rear of the applicants property but with angled views towards the rear of the neighbours property. Hence whilst noting that the dormer would be sited 26m from this neighbours nearest first floor window, and the relevant Distance Separation Standard for facing two storey buildings with habitable rooms other than bedrooms on the first floor being 27m (although this is not a two storey building, it does have a first floor window), I consider that the loss of privacy would not be so serious that refusal is justified, given that the affected windows do not directly face each other.

The rear neighbour (no.1) has their front garden and a small part of their rear garden adjoining the garage, since this will be built onto the boundary wall. The proposed building is sited to the south-west of this neighbours rear garden so there would be a loss of direct afternoon sun light to their rear garden which is some 17m in width. Their dwelling is this distance from the proposed building, and has only secondary or non-habitable room windows facing the proposal, while there are no windows proposed in their side of the building. I consider there would be no significant harm to their privacy, and that loss of sun light would be material for the rear most part of their garden, but this would not justify a refusal since their garden is not small and a limited proportion would be

affected, and the height of the building is what could be typically expected in such a location.

The Conservation Officer commented that the loss of the original configuration of these large houses is always rather unfortunate; however, the new garage, subject to it not impacting on adjacent properties, does appear to fit fairly discretely behind the high wall and new double gates. He went on to state that the dormer window should match that on the house, rather than being triangular which is not particularly in character with the properties in The Cunnery, and that the garage conversion may be better if the openings were bricked up from the base rather than boarded as it is unlikely this would revert to a garage given a new one is being built. This latter change has been incorporated, but I do not consider that the triangular dormer would unacceptably harm the character of the development such as to justify refusal.

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(s) (2010/14/01/A), and specification contained therein, submitted on 10 January 2011 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 dwelling. **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 All window frames, doors and door frames shall be constructed in timber and shall be painted to match the existing dwelling. **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.

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 would not cause unacceptable harm to either the special character of the Registered Garden within which the site is located or the surrounding development. Furthermore, the proposal would not adversely affect the amenity of nearby

residents to an unacceptable extent. The proposal is therefore considered to comply with the policies listed.