Planning Committee: 21 July 2021 **Item Number: 7**

Application No: W 20 / 2119

Registration Date: 31/03/21
Town/Parish Council: Barford **Expiry Date:** 26/05/21
Case Officer: George Whitehouse
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30 Church Street, Barford, Warwick, CV35 8EN
Erection of side and rear single-storey extension FOR Ms N Hendry

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This application has been requested to be presented to Committee by Councillor Rhead

RECOMMENDATION

It is recommended that planning permission is granted subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The erection of a single storey side and rear extension. The extension is located to the immediate side of an existing 2 storey rear wing adjacent to the adjoining property.

THE SITE AND ITS LOCATION

30 Church Street is a traditional two storey mid-terraced dwelling house circa late 19th / early 20th. The dwelling is within the Barford Conservation Area.

PLANNING HISTORY

N/A

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets

Guidance Documents

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

Barford Neighbourhood Plan 2014-2029

- B6 - Heritage Assets
- B7 - General Design Principles

SUMMARY OF REPRESENTATIONS

Conservation Officer: The revised plans overcome my previous concerns, which were based purely around conforming to our Residential Design Guide. I withdraw my objection in light of the revisions. Should approval be forthcoming I would recommend a pre-commencement condition for sample facing materials to be approved in writing by the Local Planning Authority.

Public Response: 1 objection with reference to private right of way and request for condition

Councillor Alan Rhead: I have been approached by Ms Carolyn Erikson who lives at number 32 Church Street BARFORD. Carolyn Erikson's cottage is an adjoining semi detached cottage shared with number 30 Church Street (the applicant).

There is a legal right of access by foot from number 30, at the rear of the two cottages, past the back door and french windows of number 32 (Carolyn Erikson's house).

The foreseeable problem about this planning application is that the access for any approved building work is either through the applicant's front door off Church Street, or round the back utilising this aforementioned legal right of access by foot past Carolyn Erikson's back door and french windows.

Ms Erikson accepts that this legal right of access by foot exists and merely wants a reasonable condition imposed (if planning permission is granted) that restricts access by builders to this rear access, to be weekdays Monday to Friday between the hours of 9.00am to 5.00pm, should they want to utilise such an access.

I consider that it is essential that the designated planning officer visits number 32 to fully appreciated the need for this condition. In addition, if at all possible, I consider that this application should be considered by the planning committee who also would benefit from such a site visit.

ASSESSMENT

Design

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making

decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area [of any planning functions]…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 states that where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

The proposals were amended in order to more closely relate to the council's residential design guide where this guidance refers to courtyard infill extensions. It is considered that the amended proposals are acceptable, well designed and improve the character and quality of the Conservation Area. The Conservation Officer has no objection subject to a sample materials condition.

It is considered that the above policies are complied with

Amenity

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide 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 a neighbouring property. This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

There is no breach of the 45 degree guideline and given the location of the proposal, relative to the neighbouring property, , there will be no unacceptable impact on the amenity of neighbouring occupiers as a result of the proposals.

It is considered Local Plan Policy BE3 is complied with.

Other non planning matters

Within the context of planning legislation, it is not considered reasonable or necessary to impose a condition to further restrict access over and above that of

the private legal agreement which covers the right of access between 30 and 32 Church Street. Such agreements are private matters, falling beyond planning control such that it wouldn't be appropriate to impose the suggested condition.

Summary

The proposals as amended are considered to have an acceptable impact on the character and quality of the conservation area through the proposed layout, building materials and scale of the development. The proposals would also have an acceptable impact on the living conditions of neighbouring dwellings. The proposals are therefore in accordance with Local Plan Policies BE3, BE1 and HE1 and the Council's Residential Design Guide. It is recommended that planning permission is is granted.

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 drawings 02B , and specification contained therein, submitted on 14/05/2021. **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 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.