Planning Committee: 12 October 2021 **Item Number:** 4

Application No: W 21 / 0649

Registration Date: 08/04/21
Town/Parish Council: Burton Green **Expiry Date:** 03/06/21
Case Officer: Rebecca Compton
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The Thistle Estate, Red Lane, Burton Green, Kenilworth, CV8 1PB
Demolition of existing bungalow, erection of single storey extension to and change of use of existing outbuilding to a dwelling and erection of a new garage block FOR Mr and Mrs Chohan and Bibi

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks to demolish the existing dwelling and change the use of a large, detached outbuilding to a single dwelling. The proposal also seeks to erect a single storey extension to the outbuilding to provide a swimming pool. A detached double garage is also proposed.

THE SITE AND ITS LOCATION

The application site relates to a detached dwelling and detached outbuildings known as The Thistle Estate. The site is accessed off Red Lane, Burton Green. The site is washed over by Green Belt.

PLANNING HISTORY

W/20/1573 - Application for a Lawful Development Certificate for an existing outbuilding as shown on drawing (10) EO1 and (ALL) E01 submitted to the LPA on 05th October 2020 and 27th January 2021 - Lawful Use

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- DS18 - Green Belt

- H14 - Extensions to Dwellings in the Open Countryside
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- FW3 - Water Conservation
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council: Object on grounds that the development is converting an outbuilding, is overdevelopment in Green Belt, little information about trees and shrubs and no reference to Neighbourhood Plan policies.

WCC Ecology: Recommend further bat activity surveys.

Councillor Illingworth: Objects on the following grounds:
- The outbuildings should not be extended
- Lack of water or drainage layouts on proposed drawings
- Lack of detail over drainage of swimming pool
- Swimming pool plant not shown on the proposed drawings
- Impact of garages on immediate neighbour
- Lack of detail over trees
- No reference to Burton Green Neighbourhood Plan

Public Response: 3 objections have been received on the following grounds:
- No neighbours notified of the development
- Negative impact on neighbours
- Would set a harmful precedent
- Overdevelopment in Green Belt

3 support comments have been received on the basis that the development will not be detrimental to the area and is of a good design.

ASSESSMENT

Principle of the Development

Policy H1 of the Warwick District Local Plan 2011-2029 establishes a settlement hierarchy and seeks to direct new residential development to the urban areas, growth villages and limited infill villages in the first instance. The application site is located outside of the Growth Village envelope of Burton Green.

However, the principle of residential development on this site has already been established with the presence of the existing residential dwelling. This proposal does not seek to introduce a further residential unit on this site but rather to demolish the existing dwelling and replace it by changing the use of the existing lawful outbuilding to a dwelling. A condition would need to be added requiring the existing dwelling to be demolished prior to the first occupation of the new one to avoid the creation of two dwellings which would be contrary to Policy H1.

The existing outbuilding is situated within the rear garden area of the existing dwelling. Policy H1 states that housing development on garden land will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing. Whilst the outbuilding has already been constructed, it is considered necessary to assess whether the use of the outbuilding as a dwelling would harmonise with the character of the street scene and the locality.

The character of the street scene is large, detached dwellings set back from the main road, Red Lane. The majority of properties are positioned in a consistent building line along Red Lane and are set back a similar distance from the main road. The existing dwelling at the application site does not conform with this character as it is set back further into the site and away from the highway compared to the surrounding properties. However, the existing outbuilding is located in close proximity to the existing dwelling and would therefore be read in a similar context to the existing dwelling. Given the existing dwelling is set back well into the site and does not conform to the predominant character in the street scene, it is considered that to refuse the proposed dwelling on grounds that it does not harmonise with the street scene would be unreasonable.

The proposal is therefore considered to comply with Local Plan Policy H1.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

Paragraph 149 of the National Planning Policy Framework (NPPF) requires the construction of new buildings to be regarded as inappropriate in Green Belt, except where the extensions or alterations are not disproportionate additions over and above the size of the original building.

The supporting text of Policy H14 of the adopted Warwick District Local Plan 2011-2029 states that development which would represent an increase of more than 30% of the gross floor space of the original dwelling (excluding any detached buildings) located within the Green Belt is likely to be considered disproportionate.

The proposal seeks to convert an existing lawful outbuilding into a new dwelling and to demolish the existing dwelling. The outbuilding is a lawful building and is fully constructed and therefore an assessment of the impact of this building in the Green Belt is not necessary. The demolition of the existing dwelling would improve the openness of the Green Belt by removing a large building with a total floor area of 149 square metres. The site of the footprint of the existing dwelling would be turned into private amenity space.

The proposal also seeks to erect a detached garage to the front of the site. Whilst this would represent a new building in the Green Belt, given that the proposal will result in the demolition of a large residential building it is considered that the erection of a smaller detached outbuilding of 22 square metres in floor area, would still represent an improvement in Green Belt terms by removing over 120 square metres of built development at the site and would constitute appropriate

development in the Green Belt, through the exception of a replacement building which is in the same use (residential) and not materially larger).

The proposal also seeks to extend the proposed dwelling i.e., the existing outbuilding. The floor area of the existing building is 489.80 square metres and the extension would have a floor area of 95.78 square metres. This would represent an increase in floor area of 19.5% which is well below the Council's adopted standard of 30% for extensions to buildings in the Green Belt.

The existing outbuilding is fully constructed and to convert this building into a dwelling would not have a harmful impact on the openness of Green Belt, across the site a large area of built development will be demolished which will be an improvement in Green Belt terms. The proposals are considered to constitute appropriate development in the Green Belt and would comply with the NPPF and Local Plan Policy H14.

Design and impact on the street scene

The 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. Furthermore, Warwick District Council's Local Plan Policy BE1 requires 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 importance features, respecting the surrounding buildings and using the right materials.

The proposal seeks to extend the existing outbuilding. This extension is considered of an appropriate design and would not be visible from within the street scene. No other external alterations are proposed to the building. The building is situated to the rear of the existing dwellings along Red Lane, and like the existing dwelling, views of this building would be limited from Red Lane as the site sits at a lower level to the buildings fronting Red Lane. In any case the design of the building is considered acceptable. The proposed detached garage building is of an acceptable design and again views of this building will be limited from the street scene.

The proposal is considered to comply with Local Plan Policy BE1.

The impact on the living conditions of the occupiers of the neighbouring properties

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a requirement for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between

properties and that extensions should not breach a 45° line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

The outbuilding is an existing lawful building which is single storey closest to the neighbouring properties and extending to two storeys as the land levels drop to the rear of the site. The proposal does not seek to introduce any further windows to the building and the existing windows do not afford views into the neighbouring properties. The proposed extension would be sited away from the neighbour's boundaries and would not have any impact on light or outlook to these properties given the distance of over 35 metres to the nearest dwelling. The proposed double garage would be situated towards the rear garden of the neighbouring property, Silver Birches. The outbuilding would not breach the Council's adopted 45° line from this neighbouring property. It is also noted that the outbuilding is only single storey.

Officers are satisfied that the proposal would not have a harmful impact on the amenity of neighbouring properties.

The proposed dwelling would provide outlook and light to all habitable rooms and would provide an acceptable level of amenity for future occupiers of the building.

The proposal therefore complies with Local Plan Policy BE3.

Parking & Highway Safety

The application site currently benefits from driveway parking with ample space to accommodate in excess of maximum parking requirement 3 cars for a dwelling. The site benefits from manoeuvring space to ensure that cars can enter and exit the site in forward gear. The existing access arrangements will not be altered as part of this development.

Given the existing parking and access arrangements will largely stay the same, it is considered that the proposal complies with Local Plan Policies TR1 and TR3.

Ecology

A bat survey has been provided for the site that demonstrates the existing building a low potential for bats. Given the nature of the development and that the building is to be demolished it is considered appropriate to secure bat activity surveys and any necessary mitigation measures prior to the demolition of the building. This is to be secured via condition.

Water conservation

A condition can be added to ensure compliance with Policy FW3.

Conclusion

The proposed development constitutes appropriate development in the Green Belt, will not result in harm to openness, the character and appearance of the street scene nor have a harmful impact on the amenity of neighbouring properties. The

development is therefore considered acceptable and is recommended for approval, subject to conditions.

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) GTD1076-07, GTD1076-08, GTD1076-09, GTD1076-10, GTD1076-11, GTD1076-12, and specification contained therein, submitted on 08th April 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 (including demolition) shall commence unless and until a survey for the presence of bats has been carried out by a suitably qualified surveyor and has been submitted to and approved in writing by the local planning authority. Should the presence of bats be found then no demolition shall take place until full details of measures for bat migration and conservation have been submitted to and approved by the local planning authority. These measures should include: a) inspection of existing buildings on site not more than 28 days/one calendar month prior to their demolition to determine presence or absence of roosting or hibernating bats; b) no building containing bats shall be demolished until bats have been safely excluded using measures as have been previously submitted to and approved in writing by the local planning authority; c) provision of a new bat roost/hibernacula constructed to a design and in a location previously approved in writing by the local planning authority; d) provision of new bat roost/hibernacula within new construction; e) provision of an area of buffer/habitat around the new bat roost/hibernacula, details of the buffer to be submitted to and approved in writing by the local planning authority; f) retention of hedgerows identified as being important for foraging bats within the development site, details of the location of hedges to be submitted to and approved in writing by the local planning authority; g) provision for the management in perpetuity of the buffer habitat, hedgerows used for foraging and the new bat roost/hibernacula. The works shall be implemented in strict accordance with the approved details and timing of works. **REASON**: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

4 The new dwelling hereby permitted shall not be occupied unless and until the existing bungalow, as shown on drawing ref: GTD1076-06, submitted to the LPA on 08th April 2021, has been demolished in its entirety and all materials resulting from the demolition have been permanently removed from the site. **Reason:** To secure a sustainable form of development and

appropriate development in the Green Belt to satisfy Policies H1 and DS18 of the Warwick District Local Plan 2011-2029.

5 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.