

**(4) Application No: PAP/2010/0385**

**The Hollies, 2 Birmingham Road, Coleshill, B46 1AA**

**Erection of Three Flats as an Extension to the Existing Residential Building, for**

**Westbourne Leisure Ltd**

**Introduction**

This application is reported to Board at the request of a Local Member following the receipt of objections from occupiers of neighbouring residential properties, concerned about parking provision.

**The Site**

The site lies to the north of Birmingham Road and close to the junction with High Street. The existing building is situated immediately on Birmingham Road without any front garden. To the east of the site is an area of public open space which leads from Birmingham Road to Penns Lane. There is no vehicular access into the site. Pedestrian access is gained from the rear of the site.

The site is within Coleshill's Conservation Area which ends at the western boundary of the site but includes land to the north, east and south of the site.

**The Proposal**

The proposal is for an extension to the existing building to provide three apartments in addition to the five apartments currently housed here. It is known as "The Hollies." The extension forms a side extension to the property and is set back from the existing principle elevation. It would measure some 6.1 metres by 12.2 metres. Due to the existing split levels of the site, it would appear as a two-storey building to the front of the site with a height of some 8.6 and a three-storey building to the rear with a height of some 9.9 metres. Revised drawing number: TP479.1A received on 1 March 2011 provides the full detail of the scheme – see Appendix A.

**Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): - Core Policy 2 (Development Distribution); ECON6 (Facilities Relating to the Settlement Hierarchy), ENV1 (Overall Rural Character), ENV4 (Trees and Hedgerows), ENV11 (Neighbour Amenities), ENV14 (Access Design), ENV15 (Heritage Conservation, Enhancement and Interpretation), ENV16 (Listed Buildings, Non-Listed Buildings of Local Historic Value and Sites of Archaeological Importance), TPT3 (Access and Sustainable Travel and Transport) and TPT 6 (Vehicle Parking)

## **Other Material Planning Considerations**

Government Policy – PPS5 (Planning for the Historic Environment). PPG 13 (Transport)

## **Consultations**

Council's Heritage Officer – He considers that the proposal is unwelcome for a Conservation Area and an undesignated heritage asset point of view. He considers that it represents overdevelopment of the site which will detract from the setting and appearance of the heritage asset and the conservation area. However, in view of the history of planning permissions at this site granted in 1990 and 2000, and in view of the advice from the previous conservation officer, he understands that a refusal on design grounds would be difficult to sustain. Therefore, he recommends that amended plans are submitted which make significant changes to the poorest aspects of the scheme, such as the use of materials, the pseudo-dormer to the front elevation and the height of the extension being the same as the existing building.

Council's Tree Officer – Following an inspection of the site, the Tree Officer is concerned that the proposal will impact on the trees within the site and the trees on the adjoining land owned by the Council. These trees are located within Coleshill's Conservation Area and so an Arboricultural Implications Assessment is required to ascertain which trees will be removed and retained and how the trees will be protected through the course of development.

## **Representations**

Coleshill and District Civic Society – The Society stresses that it is aware of the previous history of planning permissions at this site. Notwithstanding changes in planning policy regarding relaxation of the need for parking provision, they feel that they must object to the proposal to intensify development in an already tight location in the Conservation Area.

16 letters of objection from residents in Penns Lane have been received regarding:

- No car parking provision within the site for these three residential units. The existing residents of The Hollies already park in Penns Lane and this coupled with the residents of Penns Lane, shoppers and users of the Green Man public house mean that the area is already congested with car parking. To allow this proposal will further exacerbate this car parking problem especially as planning permission has been granted for a supermarket to be built on the largest car park in Coleshill.
- All the construction traffic would have to use Penns Lane.
- The proposal will impact on the character of the neighbourhood and will cause loss of light and overlooking into properties in Penns Lane;

- The proposal will pollute the environment and cause more pedestrians to use Penns Lane;
- The proposal will block the pedestrian access from Penns Lane into Birmingham Road and will also impact on the pleasant public space alongside it making it dark and unusable.

## **Background**

Planning permission was refused in 1989 for a large extension to this building on the grounds of the lack of off-street parking provided; the potential impact of the adjoining trees on the future occupiers of the apartments and, the design of the extension proposed with its detrimental impact on the Conservation Area. A subsequent planning appeal was dismissed, but the Inspector only did so on design issues. This is significant as the parking situation and the possible impact on the trees were not considered to be “fatal” to the scheme.

As a consequence, a revised smaller scheme was re-submitted in 1990. It was still for three flats and on exactly the same site as the appeal. Given that appeal decision, planning permission was approved for the erection of three flats as an extension to the existing residential building. This scheme was renewed planning permission in January 2000.

## **Observations**

The site lies within the Development Boundary for Coleshill where the principle of residential development is accepted under Saved Core Policy 2 in the Local Plan. The site also lies within Coleshill’s Conservation Area where Saved Policy ENV15 in the North Warwickshire Local Plan 2006 applies.

There are four planning issues regarding this proposal to extend the building. Each will be explored in turn.

### **a) The Scale and Design of the Extension and its potential impact on Coleshill’s Conservation Area**

The Hollies is believed to have been built in the late 18<sup>th</sup> and early 19<sup>th</sup> Century. It is not a Listed Building, however, its position on the streetscene where the simple façade and exposed gable contribute towards the character of the views from both Birmingham Road and High Street, mean that the building contributes positively to the setting of the Conservation Area. The previous scheme dismissed at appeal involved a three-storey extension which filled the whole of the north-eastern part of the site and extended the building along its principal elevation. The extension put forward now however, is exactly the same type of arrangement as that approved in 1990 and 2000 in terms of its siting and scale. Following concerns raised by the Heritage Officer as expressed above, amended plans have now been submitted such as to lower the height of the extension; to alter the design proposed and to amend the materials to be used. These amendments result in a much simpler appearance, reflecting the fact that the main building also has a simple façade. The Heritage Officer has commented that, in his view, the proposal would detract from the setting and appearance of the conservation area. However, he has accepted that there are other material planning considerations here of significant weight in that a development proposal has been granted planning permission both in 1990 and 2000 for a building of this

scale, size and number of units. In light of this he considers that with the principle of the proposal already having been accepted, various significant enhancements should be sought to the design of the building. These have now been submitted through amended plans. He agrees that the amended scheme meets his recommendations, subject to conditions reserving the Council's judgement on the construction details to be used.

It is important to understand that the previous planning permissions in 1990 in 2000 were considered against the same Development Plan policies as those contained in the current North Warwickshire Local Plan 2006 – those former policies being brought forward into that Plan. This is a material consideration of significant weight. Since this approval, PPS5 (Planning for the Historic Environment) has been adopted. However, it is not considered that the contents of PPS5 significantly alter previous Government guidance set out in its predecessor in respect of the issues around this scheme. Through the amendments sought, it is considered that the removal of detail that is not in sympathy with the original building and through the lowering of the overall ridge height, the extension has now become much more subservient than the approved scheme. Coleshill Civic Society agrees that the removal of fussy details from the exterior and changes to the fenestration have improved the design of the proposed new build considerably. Based on the amended plans it is considered that this scheme should be supported under Saved Policies ENV15 and ENV16 of the 2006 Local Plan, subject to planning conditions.

#### **b) The Lack of Off-Street Parking Proposed**

In view of the nature of the site, no on-site parking provision is proposed as part of this scheme. The existing units at The Hollies do not have any off-street parking provision either. The objections to the scheme relate to the lack of parking provision and the potential for any future occupants to park in Penns Lane which lies to the rear of the site. Saved Policy TPT3 of the Local Plan states that, “development will not be permitted unless its siting, layout and design makes provision for safe and convenient pedestrian and vehicular access and circulation, and maximises practicable opportunities for the use of sustainable means of travel and transport including walking, cycling, bus and train.” Being located next to the town centre, this site is accessible by a range of transport including buses, walking, cycling and rail from Coleshill Parkway.

The planning refusal in 1989 included two reasons for refusal relating to there being no on-site parking provision. However it is highly significant that the subsequent appeal dealt with by the Planning Inspectorate, which considered these reasons for refusal, concluded that in view of the proximity of public car parks coupled with the small number of flats and the type of accommodation to be provided, the scheme was unlikely to generate a car parking demand sufficient to cause undue detriment either to patrons using the public house car park opposite the appeal site or to occupiers of existing dwellinghouses within Wood Close, or even in Penns Lane which lies immediately to the rear of the appeal site.

Since this appeal decision in 1989, there have been two further significant changes in planning circumstances which both uphold the approach taken by the Inspector in that appeal. Firstly, saved Policy TPT3 in the Local Plan has been adopted. This is now Development Plan policy. It reflects exactly the approach taken by the Inspector. On-site parking provision is not possible on this site due to its location; the scheme is small in scale, it is sited in a town centre location with a full range of alternative modes of transport available, and the site's proximity to public car parks. The second change is the recent alteration in Government guidance on vehicle parking as reported to the Board a few months ago. Local Planning Authorities can not impose minimum standards only condition maximum provision; they have to give far greater weight to the developer's standard of provision, and there is an overall encouragement of support for a variety of transport modes.

In all of these circumstances, it is considered that a refusal could not be sustained on the lack of on-site parking provision.

### **c) The Potential Impact on the Trees on the Neighbouring Boundary**

The proposal adjoins an area of open space owned and managed by the Borough Council. Along its eastern boundary there are a number of trees. Saved Policy ENV4 of the Local Plan, states that development will not be permitted if it would result in the loss of trees, "that in terms of their historical, ecological, townscape or landscape significance make a positive contribution to the quality of the local environment". The Council's former Tree Officer has inspected the site and noted that a number of Council owned trees that have the potential to be impacted upon by the scheme. He recommends that a detailed assessment of the trees is undertaken to assess the proposal in relation to the trees. The applicant's agent has provided evidence that a Tree Surgeon has been approached to undertake this work. In view of the timescales involved and in view of previous planning permissions which accepted that the scheme would have little impact on the trees, they have asked if a planning condition could be attached to ensure that the scheme is constructed in relation to BS5837:2005. In the circumstances of this case, given the past approvals, it is considered that this is reasonable approach, and a planning condition is suitable to protect the trees coupled with the need to gain permission from the Borough Council as landowner of the trees.

With regards to the potential impact on the use of this area, the Planning Inspector in dealing with this issue at the appeal, concluded that the scheme for three additional units would not create an unacceptable overdevelopment of the site. The current scheme is smaller than the one before the Inspector and involves the area of land to the east of the site. Through keeping the northern part of the site undeveloped particularly along the footpath, the scheme should have little impact on the open space. Indeed, with the insertion of windows along this northern boundary this will add to the surveillance of this area. In light of this it is not considered that the scheme would have a detrimental impact on this area of open space.

#### **d) The Potential Impact of the Scheme on the Residential Amenity of the Surrounding Occupiers**

The windows on the rear elevation are some 12.5 metres from the nearest private amenity space at 11 Penns Lane. The occupant of this property has objected to the scheme on privacy issues. The windows on the existing flats are some 14 metres from this private amenity space and so the level of additional overlooking will be minimal. The boundary to this site, as discussed above, comprises of mature trees which will block out some of these views. The Planning Inspector in 1989 concluded on this issue that in a town centre location such as is the case in this instance, a certain amount of overlooking is both quite normal and beneficial. Saved Policy ENV11 of the Local Plan states that, "development will not be permitted if the occupiers of nearby properties would suffer significant loss of amenity through overlooking and loss of privacy." The rear gardens of the properties in Penns Lane are already overlooked from the flats in The Hollies and from properties along High Street and so it is not considered that these private amenity spaces would suffer further "significant" loss of amenity by virtue of overlooking and loss of privacy arising from this development.

## **e) Conclusion**

The objections to this proposal are well made and clearly reflect planning considerations. This however is a case where past decisions are highly significant. Here planning permission has already been granted twice for a very similar development. All of the grounds of objection that are being raised now were pertinent at that time too. The appeal decision too, although dated, gives a clear indication of the approach that was taken at that time. In order for the Council to refuse planning permission now, there would have to be such a significant change in planning circumstances to warrant that refusal, and it would have to be backed by significant evidence in any subsequent appeal. It has to be pointed out that there have not been such changes. If anything, with the adoption of the Local Plan and recent Government Policy on development being located within sustainable locations, it is considered that the case for approval has in fact been strengthened rather than weakened.

## **Recommendation**

That the application be granted subject to the following conditions:

1. The development to which this permission relates 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, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered TP479.1A received by the Local Planning Authority on 1 March 2011.

### **REASON**

To ensure that the development is carried out strictly in accordance with the approved plans.

3. No development shall commence on site until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- i) roofing tiles;
- ii) external joinery details (shown on an elevational drawing to a scale of 1:20 and in sections of scale 1:2;



- iii) details of the windows to be painted (not stained) and to be set in minimum reveals of 50mm;
- iv) window head and cill details (please note: the details of the cills to be provided should match the main building front facade);
- v) rainwater goods (please note: details provided should show the use of cast-iron or painted cast aluminium);
- vi) roof ridge details;
- vii) eaves and verge details;
- viii) render details to include the texture (please note: the render should be painted in a colour to match the main building); and,
- ix) details of flues and/or vents to be used.

Only the approved details shall then be implemented on the building.

#### REASON

In view of the proposal being situated in Coleshill's Conservation Area and in a prominent location in the streetscene.

4. Before any development commences on site a detailed tree assessment which includes a tree constraints plan of all the trees on or within influencing distance of the site shall be submitted which assesses the impact on each of the trees from the proposed scheme and includes measures to protect those trees to be retained from the construction activity.

#### REASON

There are a number of mature trees adjoining the site where need to be protected from this development scheme. As the trees lie within Coleshill's Conservation Area, they are protected and their retention is vital to enhance the appearance of this area.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of screen walls/fences to be erected. Only the approved details shall then be implemented.

#### REASON

In the interests of enhancing the setting of the Conservation Area.

6. For the avoidance of doubt, the total number of residential units for the whole of the site shall not exceed eight.

#### REASON

In the interests of the amenities and character of the area and to secure a satisfactory form of development.

7. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

#### REASON

In the interests of the amenities of the area.

8. The scheme referred to in Condition No 7 shall be implemented within six calendar months of the date of occupation of the first unit approved under reference PAP/2010/0385 for domestic purposes, unless otherwise agreed in writing by the Local Planning Authority. In the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the satisfaction of the Local Planning Authority.

#### REASON

In the interests of the amenities of the area.

### Notes

1. You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government web site - <http://www.communities.gov.uk/publications/planningandbuilding/partywall>.
2. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
3. The applicant is advised that to comply with the condition relating to the standard of works to trees, the work should be carried out in

accordance with British Standard 3998 "Recommendations for Tree Work".

4. The applicant is advised that to comply with the condition relating to the protection of trees, the measures should be in accordance with British Standard 5837:2005 "Trees in Relation to Construction - Recommendations".
  
5. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies):

Core Policy 2; ECON6; ENV1; ENV4; ENV11; ENV14; ENV15; ENV16;  
TPT3

## **Justification**

The site lies within the Development Boundary for Coleshill where Saved Core Policy 2 of the North Warwickshire Local Plan 2006 supports additional residential accommodation. The objections relate to the lack of on-site car parking provided with the scheme. In view of the site's location on the Birmingham Road which is in walking distance from the shopping centres, bus services and public car parks, it is not considered that this small scale proposal to provide three additional residential units will generate a car parking demand sufficient to cause undue detriment to occupiers of neighbouring dwellinghouses. Being located within Coleshill's Conservation Area, it is considered that the amended scheme is now in line with the simple facade of the existing building. Therefore it is considered that the scheme is in accordance with Saved Policies ENV15 and ENV16 of the Local Plan. There are no other material considerations of sufficient weight to override the policy presumption in favour of this scheme.

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

**Planning Application No: PAP/2010/0385**

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	23/12/10
2	Mr & Mrs Finney	Objection	13/1/11
3	Mr & Mrs Sandbrook	Objection	03/2/11
4	P J & M G George	Objection	2/2/11
5	R Sneyd	Objection	2/2/11
6	J Baudet	Objection	2/2/11
7	Miss Mallinson	Objection	2/2/11
8	S Leahy	Objection	2/2/11
9	J Lamb	Objection	1/2/11
10	Mr Taylor	Objection	1/2/11
11	Mrs Stracey	Objection	1/2/11
12	K Perry	Objection	1/2/11
13	Coleshill Civic society	Objection	31/1/11
14	T Evans	Objection	3/2/11
15	Mrs Setaro	Objection	3/2/11
16	S Wilkinson (Case Officer)	Letter to Agent	4/2/11
17	NWBC Heritage Officer	Consultation response	19/1/11
18	J Keye	Objection	14/2/11
19	Mr Jones	Objection	16/2/11
20	V & A Wiles	Objection	6/2/11
21	Agent	Letter and Amended plans	28/2/11
22	S Wilkinson (Case Officer)	Letter to Agent	17/3/11
23	NWBC Heritage Officer	Consultation response	4/3/11
24	Coleshill Civic Society	Objection	11/3/11
25	S Wilkinson (Case Officer)	Letter to Agent	11/3/11
26	NWBC Tree Officer	Consultation response	31/1/11
27	Agent	Letter	8/5/11
28	S Wilkinson (Case Officer)	E-mail to Members	26/5/11
29	Councillor Ferro	E-mail	27/5/11

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*





## **(5) Application No: PAP 2011/0088**

### **Gun Hill Post Office, Gun Hill, Arley**

#### **Change of use from retail (A1) to a mixed use of retail (A1) and “take-away” (A5) for**

**Mr Mahal**

#### **Introduction**

This application is reported to the Board for determination in view of representations having been received both in support of and objecting to the proposal. Local Members also have expressed a difference of view.

#### **The Site**

This is the General Store/Post Office situated at Gun Hill just south of the junction with Sycamore Crescent. There are terraced properties opposite and other residential property around the site. Immediately next door is a further small Co-op retail outlet, and there is a Chinese take-away just a few metres away off Sycamore Crescent. A taxi business operates from a terraced property opposite too. There is a lay-by in front of these shops. The Gun Hill Primary School is a little further along Gun Hill.

#### **The Proposal**

This is to introduce a fish and chip take-away into the shop, within the area which was formerly used as a “pharmacy”, which would amount to around 10% of the available floor space. It would have its own access directly out to the frontage without customers having to first enter the stores. This will necessitate minor changes to the front elevation. Opening times are proposed as 1500 to 2100 during the week; 1400 to 2100 on Saturdays and 1700 to 2100 on Sundays such as to match the existing hours of the shop. A new fascia and signage is also proposed but this is the subject of a separate Advertisement application. Clearly it can not be determined until the principle of the new use is determined.

The applicant says that he does not envisage a great increase in traffic or noise through the introduction of this new use, as the majority of the custom would be local.

#### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – ECON5 (Facilities relating to the Settlement Hierarchy), ECON12 (Services and Facilities in Category 3 and 4 Settlements), ENV9 (Air Quality), ENV11



(Neighbour Amenities), ENV13 (Urban Design), ENV14 (Access Design), TPT6 (Vehicle Parking).

### **Other Material Planning Considerations**

Government Guidance – PPG13 (Transport)

### **Consultations**

Environmental Health Officer – No specific comments are made other than ensuring through conditions that there is an adequate level of filtration in the extraction units.

Warwickshire County Council as Highway Authority – It has lodged an objection on the grounds of increased traffic generation to an already congested and over-used lay by where there is additionally high levels of on-street parking. The demand for parking is considered to exacerbate an already unsatisfactory situation. The County is aware that a mobile chip van does visit this location but points out that this does not require a planning permission; it only visits infrequently during the week, and that it can continue to do so whether or not a planning permission is granted for the current application. If it causes problems, the Police would be the enforcing Authority.

### **Representations**

Arley Parish Council has not submitted any comments.

A petition signed by 216 signatories has been received objecting to the proposal. The objections can be summarised as:

- Young people will be attracted here and this will give rise to noise and anti-social behaviour
- Noise will be exacerbated by cars and the slamming of their doors.
- There is no shortage of fast food shops in the area with the mobile van; the shop in Ansley and the nearby Chinese take away.
- The access and egress would be compromised in the case of a fire
- Litter
- The shop is too small

Individually written objections have been received from seven local residents. They object on the following grounds:

- the opening hours will exacerbate parking problems – the layby can only accommodate four cars and the school is finishing at the opening time,
- there will be more delivery vehicles creating nuisance and damage
- this will impact on existing traders
- there will be unpleasant smells and more litter
- it will lead to more youngsters congregating in the area

A petition with 415 signatories has been submitted supporting the proposal

### **Observations**

There is no objection in principle to the introduction of an A5 use into New Arley as this would meet the sustainable development policies set out in the Local Plan – that is to promote and to encourage such facilities within local service centres so as to maintain viability and reduce travel, particularly if there are other nearby facilities that would benefit from increased footfall. Indeed this part of Arley has a number of adjoining existing services and facilities and as such, this would be an appropriate location for an additional one. Moreover the existing premises provide similar services with the local convenience store and the Post Office.

The main planning issues here are thus not so much with the principle of the use, but whether the impacts from its introduction would be so adverse as to warrant overriding that principle. The objections received clearly outline these potential impacts.

It is considered that with appropriate conditions, the design and detail of the extraction measures can be first agreed with the Environmental Health Officers, as is normal practice in these cases. The potential impact of smells and odours can be controlled in this way. Additional litter will also be an issue, but given that the site is already in an area where there are shops and other take-aways, it would be very difficult to prove that additional litter arising from this proposal would materially alter this situation. The same argument applies to the possibility of increased anti-social behaviour. There is no evidence to suggest that the introduction of this use would directly lead to significant increases in such behaviour over and above what may occur presently. It is thus not considered that these issues carry the weight necessary to override the principle as set out above.

The main issue here is that of increased traffic generation and the worsening of the present parking situation. This issue does have the necessary weight to potentially override the principle of the use. The parking situation in this area is very poor. There is no parking restriction on the road itself apart from that outside of the School. There is significant on-street parking arising directly from the surrounding residential properties, and there is increased pressure at School leaving times. The existing shops and services generate mostly local custom, some of which will be pedestrian, but a significant amount is car born and there is also passing vehicular custom. The street and lay by are always busy. The issue is whether the introduction of this new use would make this poor situation so bad as to warrant refusal.

The Highway Authority considers that this is the case, as do a significant number of the immediate neighbours. The County Council is starting from the premise that the existing situation is unacceptable, as are the local residents, and thus that any increase is going to worsen this situation. The County considers that the new take away will generate additional car born customers

in its own right, over and above traffic that might have been coming to the site or to neighbouring premises in any event. This argument is accepted. Additionally, it is considered that if this space in this shop were used fully for retail use, then it would not lead to any great increase in traffic. The new use itself introduces new traffic, and this would be generated at a peak time during the day, exacerbating existing problems.

## Recommendation

That planning permission be **REFUSED** for the following reason:

The parking situation in this area is already very poor with significant on-street car parking and with only a small lay-by available. Existing uses in the immediate area include a primary school; shops, another take-away, a taxi business and residential property. It is considered that the introduction of this use will generate additional traffic to the degree that the existing situation would be made materially worse. This is not in the interests of highway safety. The proposal thus does not accord with saved policy ENV14 of the North Warwickshire Local Plan 2006.

## BACKGROUND PAPERS

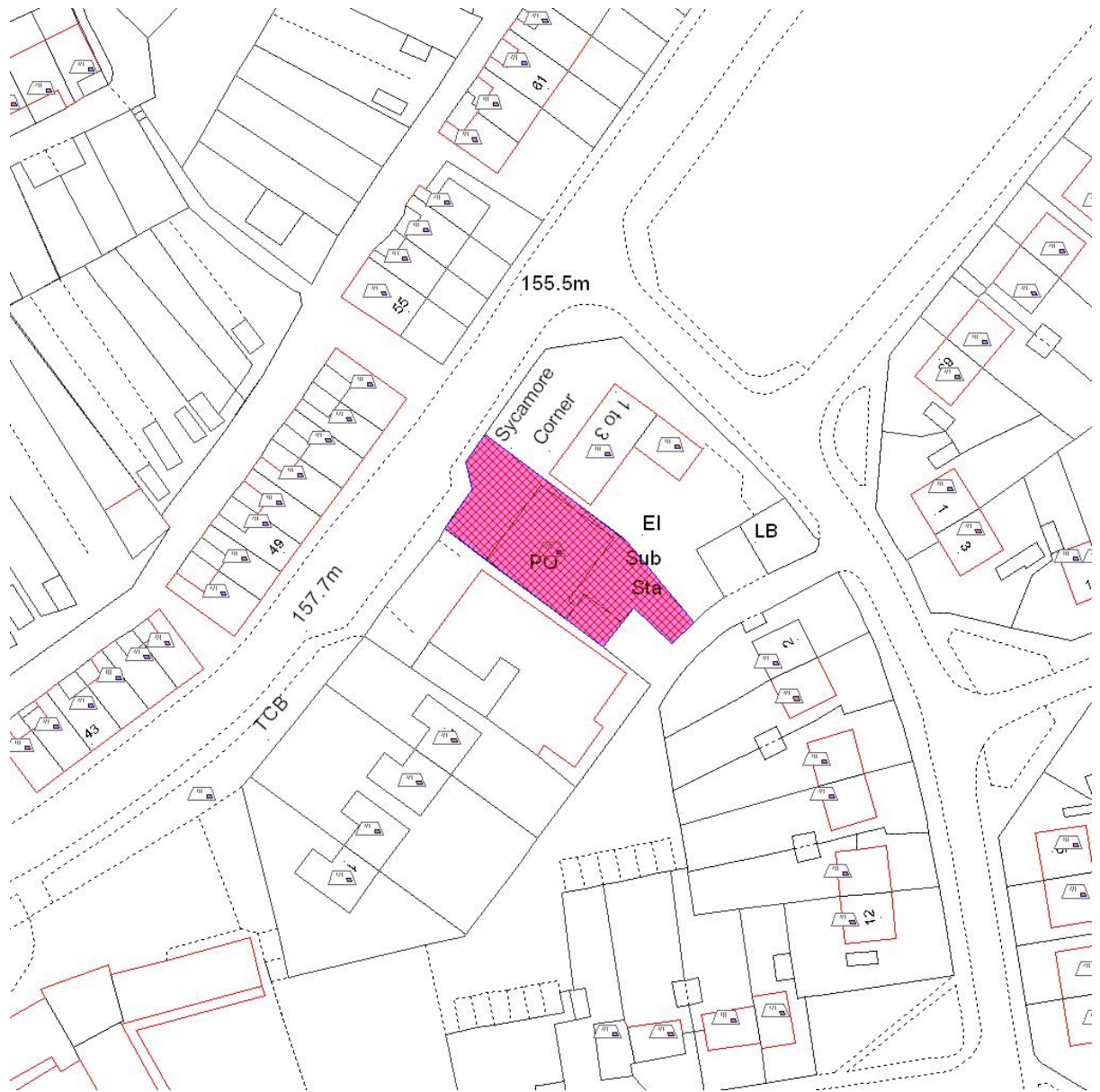
Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

### Planning Application No: PAP/2011/0088

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	22/2/11
2	Miss Harris	Objection	30/3/11
3	Mrs Harris	Objection	30/3/11
4	Mr & Mrs Hunter	Representation	31/3/11
5	Mr Ng	Objection	28/3/11
6	Mrs Ku	Objection	28/3/11
7	Mr & Mrs Myers	Objection	30/3/11
8	Highway Authority	Objection	21/3/11
9	Environmental Health Officer	Consultation	21/3/11
10	Agent	Letter	14/4/11
11	Highway Authority	Letter	26/4/11
12	Petition	Support	18/4/11
13	Petition	Objection	28/3/11

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

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## **(6) Application No PAP/2011/0169**

### **14 Chaytor Road Polesworth**

#### **Two storey side extension, for Mr A Statham**

##### **Introduction**

The application is reported to Planning and Development at the request of Vice Chairman on grounds of design concerns ENV13.

##### **The Site**

The dwelling is one half of a pair of semi-detached dwellings on the west side of Chaytor Road, not very far south of its junction with Potters Lane. It is wholly a residential area with similar houses in the vicinity. The ground level of the application property is slightly higher than that of its neighbour to the north. The residential estate here consists of many different house designs, many with side and rear extensions.

##### **The Proposal**

A two storey side extension is proposed to the north elevation of the property. This would match the front and rear building lines of the existing house together with its ridgeline. It would extend 2.5 metres beyond the existing side gable, such that it would adjoin the common boundary with the adjoining house. It would have dormers to match the existing and be constructed in similar materials. The existing integral garage would be removed but two off-road car parking spaces are to be provided to the front.

##### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – ENV11 (Neighbour Amenities); ENV12 (Urban Design) and ENV13 (Building Design)

##### **Other Relevant Material Considerations**

The Council's SPG – "A Guide for the Design of Householder Development," adopted in September, 2003.

##### **Representations**

An objection has been received from the occupier of the adjoining property to the north. The concerns are about the proximity to his boundary; the impact of new foundations, that scaffolding will be refused on his land and there is a concern that the extension would not be in keeping with the design of the houses in the area as no other house of this type in the road has such an extension.

## Observations

The main issue here is to do with the design of the extension. The extension itself is wholly in keeping with the existing house matching the existing building lines; eaves and ridgelines levels. It is also to be designed to include new opening which match exactly those on the existing property. The materials would also match. The concerns are about the possible “terracing” effect of the extension and that no other house of this type has such a side extension. On the first issue it is considered that due to the difference in ground levels and the fact that the adjoining property has no extension, that there would be no terracing effect here. Moreover there are other two storey side extensions elsewhere in the locality and they are also commonplace throughout the Borough. For all these reasons the introduction of this type of extension is not a reason for refusal given the wide variety of house types and design throughout this residential estate. It is not in a Conservation Area, or in an area “set aside” in terms of special design treatment.

In terms of amenity issues then there is a ground floor side window that serves a kitchen in the neighbouring dwelling at 12 Chaytor Road. However the kitchen also benefits from light through a rear window, hence this is not the only source of light to the kitchen. As a consequence it is not considered that the two storey extension would have a materially adverse impact in the loss of light to the neighbour. There is also a first floor side window to the neighbouring property serving a landing, but as this is not a principle room, it is not material to an assessment about the loss of light.

In response to the neighbour’s comments about the construction of the extension, then it can be built without the need for scaffolding on his land; there is to be no overhang onto his land, and the foundation can be designed to accommodate both the extension and the difference in ground levels. This design will be resolved through the Building Regulations, and its resolution is not material to the planning issues involved. If they can not be, then any planning permission that might be granted may remain unimplemented. Moreover the adjoining occupier will have protection through the Part Wall Act and any permission will include a note to this effect.

## Recommendation

That the application be **GRANTED** subject to the following conditions:

1. The development to which this permission relates 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, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the proposed detail plan received by the Local Planning Authority on 19 May 2011.

#### REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The facing materials to be used shall match the colour, texture and size of those used on the existing building.

#### REASON

In the interests of the visual amenities of the area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no new openings shall be made, or approved openings amended, otherwise than in accordance with the written approval of the Local Planning Authority.

#### REASON

In the interests of the visual amenities of the area.

#### INFORMATIVES

1. You are recommended to seek independent advice on the provisions of the Party Wall etc., Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet entitled "The Party Wall etc., Act 1996" is available from Her Majesty's Stationary Office (HMSO), Bull Street, Birmingham, during normal opening hours or can be downloaded from the Communities and Local Government [web site](http://www.communities.gov.uk/publications/planningandbuilding/partywall) - [http://www.communities.gov.uk/publications/planningandbuilding/party wall](http://www.communities.gov.uk/publications/planningandbuilding/partywall).

2. The Development Plan policies which are relevant to this Decision are as follows:

North Warwickshire Local Plan 2006 (Saved Policies): ENV11 (Neighbour Amenities), ENV12 (Urban Design) and ENV13 (Building Design).



## **REASONED JUSTIFICATION**

The design of the extension respects the appearance of the host dwelling and is proportionate in terms of its scale and height. Although it is not set back, it is not considered that there would be an undue terracing effect due to the levels differences between dwellings and the remaining gaps between those houses. The extension is not considered to have a materially adverse impact on the residential amenities that the occupiers of the adjoining house could reasonably be expected to enjoy given the nature of the existing openings on that side elevations facing the proposal. On balance it is considered that the proposal accords with saved policies ENV11, ENV12 and ENV13 of the North Warwickshire Local Plan 2006.

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

**Planning Application No: PAP/2011/0169**

Background Paper No	Author	Nature of Background Paper	Date
1	Mr Evans	E-mail of representation	14 April 2011
2	Mr & Mrs Milligan	E-mail of representation	20 April 2011
3	Mr Evans	Letter of representation	26 May 2011
4	Case Officer	Letter to agent	9 May 2011
5	Case Officer	E-mail to Mr & Mrs Milligan	26 May 2011

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

