

Planning Committee Report	
Planning Ref:	HH/2018/2699
Site:	26 Warwick Avenue
Ward:	Earlsdon
Proposal:	Erection of 2m high railings and pedestrian gate to the front garden area.
Case Officer:	Emma Spandley

SUMMARY

The principle of development is acceptable as the proposal accords with Policy DE1 and provides a good level of design and will not have a detrimental impact on the occupiers of neighbouring properties. The parking for the existing property will remain unaltered as part of this application.

BACKGROUND

The site is a bungalow in residential use, located on the east side of Warwick Avenue. The Kenilworth Road Conservation Area boundary is to the west of Warwick Avenue, therefore, the application site is not located within the Conservation Area.

KEY FACTS

Reason for report to committee:	This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as representations have been received from occupiers of three residential properties and two councillor objections
Current use of site:	Residential Dwelling
Proposed use of site:	Residential Dwelling

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to the conditions listed at the bottom of the report.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies: DS3 & DE1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The application seeks to erect 2m high railings and a pedestrian gate to enclose the front garden area of No.26 Warwick Avenue. No.26 and No.24 Warwick Avenue are set back 21 metres from the highway, whereas No.28 & No.22 are set only 6 metres back from the highway.

The submitted plans showed a new vehicle access point of some 5 metres to the front garden area. However, as Warwick Avenue is not a Trunk Road or a Classified Road, formal planning permission is not required by the Local Planning Authority, as the formation of an access to the highway is permitted development when in done in connection with development permitted by another Class of the GPDO 2015 except Class A (extensions to dwellings). The applicant has removed this from the submitted plans and intends to exercise the permitted development rights.

SITE DESCRIPTION

The application property is a single storey detached dwelling, which is set back from the highway by 21m. The neighbouring property No.24 Warwick Ave also benefits from a similar setting. However, Nos. 22 & No.28 Warwick Avenue are set only 6 metres back from the highway.

No.24 & No.26 Warwick Avenue are anomalies within the street scene. The majority of the other properties on this side of Warwick Avenue (Evens), are set closer to the road and retain at least a 6m gap to the back edge of the pavement.

The properties on the other side of the road (odd) are located within the Kenilworth Road Conservation Area, are mainly large detached dwelling characterised by the abundance of dense shrub and tree planting to frontages, creating a bosky and verdant character.

PLANNING HISTORY

None

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The new NPPF published on 24 July 2018 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The new NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) 2014 onwards, this adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy DS1: Overall Development Needs

Policy DS3: Sustainable Development Policy

Policy DE1: Ensuring High Quality Design

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Extending Your Home

CONSULTATION

Immediate neighbours and local councillors have been notified.

3 letters of objection have been received, raising the following material planning considerations:

- a) The existing authorised pillars which have been erected without the benefit of planning permission and the impact these pillars have on the street scene.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- b) Boundary disputes;
- c) Right of Access;
- d) Covenants;
- e) Easements over land;
- f) Party Wall matters;

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application the impact upon the character of the area, the impact upon neighbouring amenity and highway considerations.

Impact on character of the area / visual amenity

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

Policy HE2 of the Local Plan states in order to help sustain the historic character, sense of place, environmental quality and local distinctiveness of Coventry, development proposals will be supported where they conserve and, where appropriate, enhance those aspects of the historic environment which are recognised as being of special historic, archaeological, architectural, artistic, landscape or townscape significance.

The National Planning Policy Framework, paragraph 127 states that “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 130) "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)."

The bungalows, No.26 & No.24 are set back a considerable distance from the road (22m), the proposed railings will be set back 6m from the back of the pavement. The distance from the proposed railing to the back of the pavement is similar to that, from the front of No.28 to the back of the pavement. Therefore, the gap retained to the frontage is the same as the gap to the front garden area of the majority of the properties located on this section of Warwick Avenue, which is the prevailing character.

The bungalows No.26 & No.24 are an anomaly within the street.

The application seeks to retain the hedging to the front garden area, even without this hedging retained the railings and gate would be acceptable due to the considerable set back from the road.

The existing 2m high hedge to the shared boundary will be retained, with the railings set behind the hedging, therefore the proposed railings will be largely screened from view by the existing hedging. The hedging will be conditioned to be retained, as shown on the proposed drawing (all sides to the front garden area).

It is therefore considered, that 2m high railings within this location, set back 6 metres from the pavement, with the retained hedging will not cause harm to the character of the area by introducing an incongruous feature within the street scene, furthermore, the railings and fencing will not harm the setting of Kenilworth Road Conservation Area. For the reasons outlined above, the development is in accordance with the aforementioned policy.

Impact on residential amenity

The Supplementary Planning Guidance 'Extending your Home' states extensions or new development should not breach a 45 degree sightline taken from the middle of the nearest habitable room windows taken from the neighbouring property.

The railings will be set on a similar building line as the front of No.28, therefore, it will not breach a 45 degree sightline taken from the middle of the nearest habitable room taken from No.28. The windows within the side elevation of No.28 are either secondary windows or non-habitable windows. However, as the railings are open, by their very nature, the impact of the railings is lessened.

No.22 is set back from the road, similar to the application property, therefore, due to the siting and the existing dense shrub planting along the boundary, the proposed railings will not have a negative impact on the occupiers of No.22.

The existing hedge planting to the shared boundaries will be retained, which will mean, the railings will be shielded from view largely by the existing hedge planting.

It is considered that the proposal will not cause demonstrable harm to the occupiers of the adjacent properties, No.28 & No.22 through increased visual intrusion or loss of light.

Other Matters

The objections submitted are concerned with private land and boundary disputes between the two neighbours, No.28 & No.26.

No.28 has a benefit of easements and rights to access for maintenance to their property over No.26's property and land.

Reference has been made in this report to easements and restrictive covenants that might effect this proposed development; these are private law rights and as a consequence are not material to this application and should not be considered and taken into account by Members when reaching a decision in relation to this application.

Conclusion

The proposed development is considered to be acceptable in principle and has been designed so that it will not result in any significant impact upon neighbour amenity or the character of the area, subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with Policy DE1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS/REASON

1. The development hereby permitted shall begin no later than three years from the date of this permission.

REASON: *To comply with Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved documents: Proposed plans and elevations - drawing No. 18.8215.ga.001c & Proposed Rear Fence & Trellis Elevations - Drawing No. 18.8215.SK.101a.

REASON: *For the avoidance of doubt and in the interests of proper planning.*

3. The existing tree(s) and shrub(s) indicated on the approved plans, drawing no. 18.8215.GA.001c, to be retained in perpetuity shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with

British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces).

REASON: *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policy DE1 of the Coventry Local Plan 2016.*

