

**DESIGN AND ACCESS STATEMENT
PLANNING APPLICATION
PROPOSED NEW DWELLING
WITHIN THE GROUNDS OF 1 CASTLE HILL, KENILWORTH, CV8 1NB
(FRONT PART OF FORMER PLOT 12)**

The application is for the erection of a new modern designed single storey low profile one bedroom dwelling within the extensive 1.6 acre grounds of 1 Castle Hill, Kenilworth. The proposed site is the front part of land formerly known as plot 12 to the west of 1 Castle Hill. The area of the proposed site is circa 600 square metres.

This proposal represents **NO** subdivision of the gardens and will in fact bring back into circulation this part of the garden which has been closed off for many years. I refer to Photo 1 below which clearly confirms entombment, did in fact take place many decades ago.



Photo 1

1.0 Introduction

1.1 The application site is situated within the Kenilworth Conservation Area. 1 Castle Hill is a Grade II Listed Building and the grounds surrounding 1 Castle Hill are both nationally listed Grade II and locally registered.

1.2 Rationale

The **commonsense** rationale behind the proposal is, quite simply, the specific area of land the application refers to has in effect been barren, unattended and overgrown for at least the last 60 years+. It has been for most of this time screened off from the house by extensive boundary tree hedging and it is effectively entombed. (See Photo 1). The original early 1900's pedestrian gateway from Castle Hill into this part of the garden had been removed and bricked up certainly by the mid 1900's. This clearly speaks volumes and underlines the enforced entombment. This is contrary to the comments made by the Warwickshire Garden Trust in their objection to the previous Application. The owner purchased 1 Castle Hill in 2009. Photo 1 was produced in 2013 only 4 years later. As the saying goes 'A picture paints a thousand words'. Our

understanding is that they have never visited the site, and as Photo 1 shows their comments in this regard are intended misleading conjecture. Also see para 4.3.

The area of land this Application refers to sits at its centre, some 2.7 metres at a lower level below the Listed house. It has its own separate access through a pedestrian gateway (the current owner has reopened up) from Castle Hill. There will be **NO** on-site parking and **NO** alterations to the protected boundary wall fronting Castle Hill. **NO** alterations to the extensive boundary tree lined hedging. Due to the modest footprint of the building there is no unnecessary hard landscaping proposed on the site of the new development.

1.3 Site Assessment

Following a full and thorough assessment we have taken into full consideration the setting of the Listed Building/Gardens the Appeal Inspector's decision on a previous application and following a full planning appraisal have addressed these in this application. The scheme now proposed is, without question, subservient and sympathetic in all these requirements to the listed building and its setting. The careful development proposed of this part of the site would **NOT** be to the detriment but to the good of the historic nature of the garden and the garden as a whole. There would be no subdivision of the gardens as this part of the garden would in fact be brought back into the fold having been released from its decades of subdivision. **NOTHING** of inherent value would be lost from the gardens only improved upon. Most importantly there would be **NO** impact on the setting of the Listed Building 1 Castle Hill, and **NO** impact on the conversation area or street scene.

2.0 The Site and its Surroundings

2.1 Location

The application site is within the curtilage of 1 Castle Hill and is close to the junction of Castle Hill and Elizabeth Way.

2.2 Boundaries

The original boundaries to 1 Castle Hill are laid out and described in the attached plans and documentation. The boundary to the north is formed by an original brick built wall which is 2.4m high and fronts this stretch along Castle Hill. There is separate access to the proposed site via an **ORIGINAL GATEWAY** entrance set into the boundary wall. **NOTE:-** This original gateway had been bricked up certainly by the mid 1900's. Such action completed the entombment of this part of the garden. The current owner has now opened up the original gateway. **NOTE:-** **NO** alterations are required to the original protected boundary wall. The western boundary has extensive hedging and mature trees, **NO** alterations are required to the boundary hedging and mature trees.

2.3 Connections

The site is well connected to public transport links, with regular bus services available within 100m of the site connecting all parts of Kenilworth. All major and minor facilities, as well as areas of employment, are within easy walking distance of the site. There is a post office and corner shop in the High St. with other local facilities, including restaurants and pubs. The new railway station is within 15 minutes easy walk. The site is clearly a sustainable location with potential for the reduction in use of the private motor vehicle and walking within the Abbey Fields.

3.0 WDC Local Plan Policy

- 3.1** The Local Plan adopted September 2017 identifies the site as residential within an urban area. It is a large site comprising one dwelling within three plots totalling 1.6 acres.
- 3.2** The site borders, on to the site of an Ancient Monument Kenilworth Castle, and is within the Conservation Area.
- 3.3** The relevant policies contained in the WDC Local Plan which guides the proposed development of the Site are as follows:

H1 Directing New Housing

Housing development will be permitted in the following circumstances:
Within the Urban Areas, as identified below and on the Policies Map;.....

HE1 Designated Heritage Assets and their setting

Development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or it is demonstrated that all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be found that will enable its conservation; and
- c) Conservation by grant funding or charitable or public ownership is not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

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.

HE2 Conservation Areas

There will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. Consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area. Measures will be taken to restore or bring back into use areas that presently make a negative contribution to conservation areas.

BE1 Layout and design

New development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they:

- a) harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use;
 - b) relate well to local topography and landscape features (see policy NE4);
 - c) reinforce or enhance the established urban character of streets, squares and other spaces;
 - d) reflect, respect and reinforce local architectural and historical distinctiveness;
 - e) enhance and incorporate important existing features into the development;
 - f) respect surrounding buildings in terms of scale, height, form and massing;
 - g) adopt appropriate materials and details;
 - h) integrate with existing paths, streets, circulation networks and patterns of activity;
 - i) incorporate design and layout to reduce crime and fear of crime (see policy HS7);
 - j) provide for convenient, safe and integrated cycling and walking routes within the site and linking to related routes and for public transport (see policy TR1);
 - k) provide adequate public and private open space for the development in terms of both quantity and quality (see policy HS4);
 - l) incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features including incorporating sustainable water management features;
 - m) ensure all components, e.g. buildings, landscaping, access routes, parking and open spaces are well-related to each other and provide a safe and attractive environment;
 - n) make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation and minimisation where appropriate) without adverse impact on the street scene, the local landscape or the amenities of neighbours;
 - o) meet the highest standards of accessibility and inclusion for potential users regardless of disability, age or gender;
 - p) ensures that layout and design addresses the need for development to be resilient to climate change (see policy CC1); and
 - q) ensure that there is an appropriate easement between all waterbodies / watercourses to allow access and maintenance
- Development proposals that have a significant impact on the character and appearance of an area will be required to demonstrate how they comply with this policy by way of a Layout and Design Statement.

DS5 Presumption in Favour of Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions that mean proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and where relevant with policies in neighbourhood plans) will be approved without delay.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- i. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- ii. Specific policies in that Framework indicate that development should be restricted

SC0 Sustainable Communities

New development should be high quality and should ensure that it is brought forward in a way which enables strong communities to be formed and sustained. It is also important that

new development protects and enhances the historic, built and natural features that make Warwick District a great place. To achieve this the development should:

- a) deliver high-quality layout and design to integrate with existing communities;
- b) be brought forward in a comprehensive way and where development sites are adjacent, layout, design and infrastructure provision should be carefully co-ordinated;
- c) ensure good quality infrastructure and services are provided and where this cannot be provided on site, provision should be made through contributions to off-site provision;
- d) ensure access and circulation are inclusive and provide for a choice of transport modes, including public transport, cycling and walking;
- e) take account of community safety, including measures to prevent crime and road accidents;
- f) provide good access to community facilities including meeting places, local shops, transport services, health facilities and open space;
- g) minimise energy and water consumption and take account of opportunities to promote renewable energies where appropriate;
- h) ensure proposals are adaptable to climate change;
- i) have a focus on healthy lifestyles, including measures to encourage walking and cycling, to provide access to open space, play areas, playing fields and sports facilities and to encourage healthy diets;
- j) protect and where possible enhance the natural environment including important landscapes, natural features and areas of biodiversity;
- k) protect and where possible enhance the historic environment and particularly designated heritage assets such as listed buildings, registered parks and gardens and conservation areas; and
- l) manage flood risk to ensure that proposals do not unduly increase the risk of flooding

HE4 Archaeology

Development will not be permitted that results in substantial harm to Scheduled Monuments or other archaeological remains of national importance, and their settings unless in wholly exceptional circumstances.

There will be a presumption in favour of the preservation of locally and regionally important sites, except where the applicant can demonstrate that the benefits of development will outweigh the harm to archaeological remains.

The Council will require that any remains of archaeological value are properly evaluated prior to the determination of the planning application.

Where planning permission is granted for development which will have an adverse effect on archaeological remains, the Council will require that an agreed programme of archaeological investigation and recording precedes development.

HS1 Healthy, Safe and Inclusive Communities

The potential for creating healthy, safe and inclusive communities will be taken into account when considering all development proposals..

CC1 Planning for Climate Change Adaptation

All development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of the following adaptation measures where appropriate:

- a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1;
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater

recycling, in accordance with Policy FW3;

d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SUDS in accordance with Policy FW2;

Applicants will be required to set out how the requirements of the policy have been complied with including justification for why the above measures have not been incorporated.

NE4 Landscape

New development will be permitted that positively contributes to landscape character.

Development proposals will be required to demonstrate that they:

- a) integrate landscape planning into the design of development at an early stage;
- b) consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character, including tranquillity;
- c) relate well to local topography and built form and enhance key landscape features, ensuring their long term management and maintenance;
- d) identify likely visual impacts on the local landscape and townscape and its immediate setting and undertakes appropriate landscaping to reduce these impacts;
- e) aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance;
- f) avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement, or area;
- g) address the importance of habitat biodiversity features, including aged and veteran trees, woodland and hedges and their contribution to landscape character, where possible enhancing these features through means such as buffering and reconnecting fragmented areas;
- h) maintain the existence of viable agricultural units, and;
- i) are sensitive to an area's capacity to change, acknowledge cumulative effects and guard against the potential for coalescence between existing settlements.

The National Policies are also to be considered as these were amended in July 2018 in the NPPF and influence the application, in particular - paragraph 196

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

4.0 Operational Development Proposed

The detailed design of the development is guided by the Policies of the Plan as shown above. The design of the new building is such it has minimal affect on the setting of the listed building and no effect upon the street scene or conservation area. The proposed new buildings has been designed to be subservient and to totally respect the setting of listed building, following the principles of scale height, massing, alignment and the use of appropriate materials as is now discussed.

4.1 The Listed Building and its Setting

1 Castle Hill is a large house in the Arts and Crafts style and built in 1900 with completion at the turn of 1901 and now sits on 1.6 acres of land. The property was designed specifically for the original plot it sits on, being formerly Plot 11, the central plot. Abbey Fields and the land surrounding it only became the property of the town in 1884. To facilitate the purchase they had to sell some of the land they bought for development. As a consequence they divided the land fronting onto 'The High Street'

and stretching down 'New Row' (now Castle Hill) into thirteen strip plots and sold them for housing development.

The original owner of the property bought the former Plot 11 and had a house designed and built specifically for that individual plot. The house and gardens to the plot were completed by December 1900/early January 1901 and was occupied by the owners by the March 1901 as confirmed in the 1901 census.

The plot had covenants attached to it. This enabled a certain control over what was built.

- The plot should contain one house or two semi detached cottages.
- The plot should be adequately fenced.
- No direct access to the fields should be opened without the consent of the town board.

The original owners in 1901 purchased the former Plot 12 (to the western side) which had identical covenants attached to it as above **after the completion and occupation of the house**. The former Plot 12 was originally designated to be a development plot for either one or two dwellings. As it was purchased after 1 Castle Hill (Plot 11) and the gardens (Plot 11) were nearing completion it would appear that certainly the frontage of former Plot 12 was not intended to be a fully integral part of the garden design of number 1 Castle Hill as the house and garden had by then already been built and occupied. Its design took into account without doubt a possible dwelling alongside on the west side. It would be normal in that period to place a secondary western window in the elevation to attract the then setting sun as the landscape would not have been mature. There were no requirements for separation distances although it is a secondary window in any event at both floor levels and is some six metres from the boundary. The main principal bowed window takes the pleasant view to the south of the gardens towards Abbey Fields.

4.2 The Design of 1 Castle Hill

The property was designed in the Arts and Crafts style and fully completed at the start 1901.

4.3 Development Description Policy H1, HE1 and NE4

The **common sense** rationale behind the proposal is that the existing grounds of 1.6 acres are overwhelming. The site for the proposed new dwelling is only circa 600 square metres and clearly is not of any real significance as it has **NO** inherent design layout and cannot be seen from any other parts of the garden. The careful development of this part of the site would **NOT** be to the detriment and therefore would not harm the historic nature of the garden or the garden as a whole. **NOTHING** of inherent value would be lost from the garden it would only be improved. Certainly in a photo which appeared in a 1905 issue of The Studio Magazine which clearly shows only the rear garden of Plot 11 (the Plot the house sites on) had in fact been laid out. There are no hints of any layout or integration whatsoever to even the rear of Plot 12.

Apparently years later the rear of Plot 12 became a vegetable garden. The front part of Plot 12 has been screened off from the main house/gardens by a combination of hedges and mature trees for 60 years+ and is hidden/forgotten, which would be evident to anyone who viewed it. The original early 1900's pedestrian gateway from Castle Hill into this part of the garden had been removed and bricked up certainly by the mid 1900's. This clearly speaks volumes and underlines the enforced entombment. In the Historic England archives there is a photograph from 1953 of the house and gardens, see Photo 2 below. It can be seen as far back as 1953 the front part of Plot 12 (which this proposal relates to) was surrounded by dense mature trees and was overgrown, neglected and entombed from the rest of the gardens.



Photo 2

For an orchard to survive it requires sunlight. Clearly as can be seen from the photo above, the density/mass of trees/hedging to three boundary sides, effectively cut off the sunlight resulting in the demise of the orchard 60+ years ago.

The proposed site is at a much lower level to the ground that 1 Castle Hill sits on. The ground level drops between the ground adjacent to the front door of 1 Castle Hill to the middle of the proposed development site by **2.7 metres**. One can only fully understand/ interpret this application not by looking on paper but by physically viewing the proposed site.

The application would bring this forgotten clearly subdivided barren small part of the extensive grounds back into use and would have a very positive impact on the gardens as a whole. The footprint of the proposed dwelling is relatively small and at a much lower ground level. The design and profile is akin to a modern Edwardian summer house and will sit well into the surroundings of this forgotten compartment of the Listed Garden. The proposed development will certainly assist the future restoration and reinstatement of 1 Castle Hill gardens to their original 1901 design (see para 6.7).

The proposed site relates well to the current topographic features of the site being hidden behind all enclosing features. It respects the surrounding buildings, especially in terms of scale and form. This can be seen by the CGI transparency (looking through the wall) as part of the application which in reality indicates not only is it significantly subservient to the Listed Building and, in the main, hidden from view but also it could not be seen from in front of the existing wall to Castle Hill, i.e. the street scene nor the Conservation Area.

The proposed new dwelling has been designed so it will be significantly subservient to the Listed Building in terms of style, low profile, design and materials. Further it has been set at such a low level the roof site line sits just below the ground floor window sill levels to the west side of 1 Castle Hill so in any event the views from the windows of 1 Castle Hill are not impeded. See site line drawing number 1530-01. It should be **NOTED** the ground level drops between the ground adjacent to the front door of 1 Castle Hill to the middle of the proposed development site by **2.7 METRES**. The roof is also proposed as a green roof and being flat will appear as intended as a natural feature and blend into its surroundings.

It has to be noted that the former Abbotsford School site on Bridge Street/New Street which is a Grade2* building was approved by WDC in recent years with considerably more new build of a much greater visual impact in scale and massing due to height and footprint, particularly as one approaches from the east on New Street, and therefore more potential harm than this proposal. That proposal was encouraged by the English Heritage to provide modern solutions rather than pastiche of the late 18th century designs. Although the last use was for many years a school its original use was a single dwelling house we believe. There are distinct similarities to this proposal, and EH did not object to this design which therefore did not harm the setting of the Asset.



View towards Abbotsford School site with new build prominent to street scene

The erection of a new dwelling of the proposed low profile, size and design and in the location proposed, will **NOT** in any way adversely affect the setting of the Listed Building.

The character and appearance of the street scene and Conservation Area would be totally preserved by the proposal as the new dwelling will **NOT** be in sight due to:-

- The original 2.4 metre high boundary wall fronting Castle Hill will mask the proposed single storey property (see CGI) which will still be based on the existing topography and levels. This is opposite to the Abbotsford School site which is very open above the enclosing wall
- As previously pointed out the proposed dwelling will be virtually hidden from view by 1 Castle Hill due to the existing extensive hedging and mature tree boundary bordering former Plot 11 and Plot 12 and the fall in the ground level of Plot 12 by 2.7 metres compared to Plot 11. The centre of the proposed plot itself also sits approximately 1 metre below the base of the Castle Hill boundary wall adjacent to the proposed site, resulting in approximately 3.4 metres of screening from Castle Hill. The proposed dwelling has a ridge height of only 3.15 metres from the DPC.

The new dwelling proposed is a modern design with modern methods of construction and materials resulting in a low profile build form. With these qualities and the fact that it is hidden it will have **NO presence in the street scene** and **NO** detrimental impact or harm on the setting of the listed building or the Listed Garden. **NO** effect on the Conservation Area character or appearance. In fact the road is, at this point, of varying housing styles through many centuries of differing designs and therefore even if it could be seen it would not be out of character to the street scene with its small density/design. This proposal represents efficient use of land and the opening up of a forgotten compartment of the Listed Gardens. Due to good design of modern architecture and materials it is also completely and significantly subservient ensuring the Listed Building remains dominant in the context of its setting and the street scene. It is not trying to challenge the character or design of the listed building, but settle within it. It does not attempt a pastiche of any local style to the area, but give a quantum and value of modern design as the Heritage Asset was in its day 'modern'.

NO harm will be to the detriment of the integrity of the Listed Building/Listed Garden heritage assets as the setting will remain intact with no subdivision but allowing the best optimum use of the sprawling land and opening back up this compartment.

The landscape of the site is to remain intact/improved and the front portion is of low quality being overrun by brambles and random self planting of mixed species. It holds no value and was not part of the overall landscape strategy as evidenced in the 1953 photograph retained in the Historic England archives. The proposal will not therefore affect the setting of the Listed Building or Listed Garden which will retain its distinctiveness (albeit improved) and the

tranquillity it has as it flows down towards the edges of 'Abbey Fields' It will therefore conserve, enhance and protect the existing gardens (see para 6.7).

For clarity, this application proposal for a new dwelling will cause **NO** harm to the heritage assets, the street scene or the conservation area. **NO** boundaries will be affected in any way.

- i) 1 Castle Hill is an urban house designed for a urban plot and designed to have neighbours quite close by.
- ii) Notwithstanding the fact 1 Castle Hill was designed to have a neighbouring house close by, it is acknowledged there is sensitivity towards development and that only a modest low-profile single storey development should take place, thus enabling 1 Castle Hill to still retain its sense of space and importance having the host characteristic. This proposal achieves these objectives.
- iii) The development, at its centre, is 2.7 metres lower than 1 Castle Hill and clearly set within a totally different space. There is a substantial retaining wall between the properties as well as a very tall and mature tree hedgerow which all but screens the new low profile dwelling.
- iv) The space occupied by the new dwelling is presently separate to that of 1 Castle Hill (see Photo 1), but also conforming to the original desire of the Burghers of Kenilworth for development to take place for dwellings.
- v) The setting of the Listed Building is really defined by former Plot 11. The garden in this plot and the rear of former Plot 12 the vegetable garden is preserved and is enhanced by the proposed long-term restoration and management (see viii/ix below and para 6.7).
- vi) The proposal undoubtedly preserves the setting. It will in **NOT** detract from the character of this fine Listed Building, the Listed Garden nor the street scene or conservation area.
- vii) The proposed entombed site, although it has **no** inherent design/layout, will be subject to a management regime in keeping with the proposed long term restoration and management of the rest of the gardens at 1 Castle Hill as whole and not subdivided as it is today (see viii below and para 6.7).
- viii) It is proposed access to the proposed site from the rest of the gardens will finally be opened up and the whole gardens together with the eventual gardens of the proposed development site will become communal with free circulation for all future residents of both the Listed House and the gardens of the new proposed dwelling. We consider this to be an undeniable tangible **public heritage benefit**.
- ix) Once the gardens have been restored to former Plots 11 and 12 the residents of 1 Castle Hill together with the residents of the new dwelling will be required to contribute by way of regular service charges to the upkeep and maintenance of the gardens. It is also proposed that the former vegetable garden to the rear of Plot 12 will have space allocated to each resident enabling them to tend to and grow their own vegetables.

As demonstrated by the proposal the proposed works will **NOT**, in any way, affect the special architectural or historic interest, integrity or setting of the Listed Building or

the Listed Garden nor will the proposal have any effect on the street scene or conservation area.

The proposal will not only secure but will improve the gardens optimum viable sustainable use for the future with no harm to the Heritage Assets.

Under the Council's local plan HE1 there is no change of use for the site. The proposed site part of (formerly Plot 12) was shown on an ordinance survey map dated 1884 as an orchard and remained so until approximately 60+ years ago which by then most of the trees had died and the area became extant. For the last 60+ years this area of the garden has been effectively subdivided/sealed off from the rest of the garden resulting in it being neglected, hidden and forgotten about. This is also borne out by the fact the original gateway into the area was 'bricked up' which speaks volumes as to the owners intentions at that time. The effect with the dense boundary hedges created an entombed wasteland not used or enjoyed. This access gate was approved by WDC to be opened up once again to allow access to this area of forgotten land.

4.4 Setting of Existing Building HE1

1 Castle Hill itself is prominent and its upper floors and roofscape can be seen from Castle Hill above the 2.4m high boundary wall. During winter months only as the foliage falls can the roofline and the upper floors be just seen from Abbey Fields. However the ground floor, garden/land area cannot be seen from anywhere, including the scheduled ancient monument – Kenilworth Abbey. This would apply to any point on the Castle too. It follows that due to the extremely low profile and level of the new proposed single storey dwelling and the proposed site ground level being 2.7 metres lower than the ground level at the front door entrance to 1 Castle Hill, it will be also hidden even more so, than the ground floor of 1 Castle Hill. No longer is there an area of restraint although it was never within it in any case. Policy NE4 in part does cover this. The proposal integrates well into the existing landscape and improves it. The mature tree boundaries are retained and to be reinforced as required. It will allow long term maintenance of the landscape as the management company will take overall responsibility for the future maintenance and management of the whole site. It will conserve the landscape and enhance the features that exist to its perimeter including the shrubs and mature trees by reinforcing new growth to preserve and allow integration that was lacking.

4.5 Access to proposed site

Access to the proposed site will be through the original existing separate pedestrian gateway which allows access as approved. There will be **NO** on site vehicle parking. There will be **NO** alterations to the boundary wall fronting Castle Hill. 1 Castle Hill has a street frontage of over 55 metres, yet all its parking requirements are contained within the property/off-street. Castle Hill has 'residents parking' and there are currently plenty of spaces (as demonstrated in the Parking Survey) due to the long frontage of 1 Castle Hill. If on-street parking is required for the new dwelling it would not be unreasonable to apply for a parking permit for available on-street parking in

this area. As can be seen from the Parking Survey results accompanying this application there are clearly sufficient extra resident parking spaces available. It should be **NOTED** Warwick County Council did **NOT** object to this arrangement in the previous application. As found in the survey, parking is certainly **NOT** an issue but, in any event, there is plenty of additional parking available at the Queens Head/Clarendon car park approximately 100 yards away at the bottom of Castle Hill.

5.0 Open Space

The Inspector also found that the Open Space requirement was not necessary in the application previously. The absence of a new provision does not weigh against the proposal as the existing complies to policy. The space requirement provided is higher than the requirement by Policy

5.1 Sustainable Location. Policy DS5 and SCO. NPPF 8

It has been shown that the location would not only be in a sustainable location but should be therefore carefully considered against the social, economic and environmental. The dwelling will allow a competitive economy and social benefits by a small flat roof bungalow to help the shortage of national housing of varying size for the future generations. It is well designed to incorporate the desire of environmental protection to the built historic environment making the most effective use of urban land and the use for the aid of climate changes by layout responding to solar gains and natural ventilations, construction technologies that allow green infrastructure with a green roof advantages along with water efficiencies and reuse of it by collection and redistribution together with energy control and renewables with fabric first uses. We believe that this as a viable solution to gain advantages of the sustainabilities now sought after in conservation of energies.

5.2 Design. - Policy BE1 and CC1

The NPPF also is clear on the proposals which may affect the setting of a heritage asset -

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Inspector to the appeal found on the previous application for a more substantial dwelling of differing scale, mass and footprint, that it had been carefully considered and the harm to be '**LESS THAN SUBSTANTIAL**'. This application is for a much lower profile dwelling; as such the 'less than substantial harm' ruling will certainly still apply.

This proposal is not a pastiche as the previous attempt by 'cottage and thatch' but modern progressive and certainly is less than substantial harmful design to consider the policies against harm to the setting.

This application we confidently believe addresses any issues and gives credence to the proposals without any harm to the heritage assets, its settings and of course no impact on the **STREET SCENE / CONSERVATION AREA**.

5.3 Energy efficient Design /Modern Materials /Layout and Design Statement Policy BE1 and CC1

There is a desire and requirement to build new dwellings to contribute to the character and quality of its environment through good layout and design as Policy BE1. We believe that this proposed modest dwelling should be permitted as it positively contributes to the character and quality of its environment through good layout and design.

Our proposal integrates well into the topography and landscape as has been explained earlier. Although out of view it reflects the local and the indeed variance of local distinctiveness in Castle Hill by its modern design and use of modern methods of construction. We have taken into consideration the scale and massing of the new building to ensure it is subservient to the Listed Building and hidden when using the current footfall routes .

The layout respects the small site and the setting. Its room relationships are set dependant on the orientation and in turn the overhangs of the roof are for solar protection and return wings also aid in this aspect. The windows are placed for the room relationships with the minimal openings to east and west to protect the overlooking, but to allow for natural cross ventilation. The rear can have the advantage of the sun but also protected. The front facing north houses the bedroom with large windows, but entrance and utilities restricted for use purposes and security.

The design has a desire is to use the concept of mini piles to cause no harm to the tree root systems as detailed by the Tree study report. By this method the trees will not be harmed as the building is only on the fringes of the Root Protection Areas and can span between. This solution allows the use of a timber framed structure from sustainable sources and in fabric first terms with rigid panel insulation is not only sustainable but gives high U values and with external natural timber boarding will achieve well above building regulation values, hence assisting towards low carbon targets. The design and layout will not conflict with the setting.

This design will also include a true green roof concept with not only a 'living' roof but also the storage of water to reuse and minimise the use of new water to well below the target regulations. The proposed dwelling will be intended to have a low as practical reliance on the use of new energy rather to use renewables as referred to later as the options available. The intent is fabric first with a minimal top up use .

The design is all age inclusive and abilities, to allow access for all. The intended design and construction also is proposed to allow adaptations for future generations or requirements of the occupants for abilities during their occupancy.

The proposal is for the identical design and footprint as per a previous Planning Application W/19/0635. We were pleased to note, although the Application was

denied, the Planning Officer made no adverse comments in relation to the proposed design of this building.

5.4 Garden and Landscape. NE4

No harm will be to the detriment of the integrity of the Listed Building/Listed Garden heritage assets, (see para 6.7) which produces an overriding **PUBLIC BENEFIT** and allowing the best optimum use of the land with the benefit of reintroducing this presently subdivided piece of land back into playing its part in the garden scene. These benefits can be wide and include the security of the 1 Castle Hill for future years, complementing and enhancing 1 Castle Hill, and securing the optimum use of heritage assets for their long term conservation. This proposal secures its optimum viable use of the site and gardens.

The landscape of the site is to remain intact and enhanced by bringing to life this forgotten front portion of land, which presently is of low quality overrun by brambles and random self planting of mixed species. It will be sensitively opened up/liberated. At present it holds little value and was clearly not part of the overall landscape strategy which has already been evidenced (see para 4.3). The proposal will not therefore affect the setting of the garden and will enhance it (see Photo 1 and para 4.3 viii and para 6.7). It will therefore conserve, enhance and protect the existing gardens.

The garden and land area cannot be seen from anywhere externally with any ease including the scheduled ancient monument – Kenilworth Abbey. This would apply to any point on the Castle too, and one struggles to view the grounds and building from Abbey Fields also. It follows that due to the extremely low profile and level of the new proposed single storey dwelling and the proposed site ground level being 2.7 meters lower than the ground level at the front door entrance to 1 Castle Hill, it will be also hidden even more so, than the ground floor of 1 Castle Hill. No longer is there an area of restraint - although it was never within it in any case. Policy NE4 in part does cover this aspect to some degree. The proposal integrates well into the existing landscape and improves it. The mature tree boundaries are retained and to be reinforced as required. It will allow (see para 6.7) long term renovation/restoration and maintenance of the landscape. It will reinstate, conserve the landscape and enhance the features that exist and to its perimeter including the shrubs and mature trees by reinforcing new growth to preserve and allow integration that was lacking.

6.0 HE2 Protection of Conservation Areas

The proposed dwelling is located on the front part of the former Plot 12 on the same building line as 1 Castle Hill. The proposed new dwelling would **NOT** be visible from anywhere public as the protected brick wall to Castle Hill masks the north. The proposed site ground level is **2.7 metres lower** than the ground level adjacent to the front door of 1 Castle Hill. It should also be noted that the site ground level sits some **3.4 metres** below the top of the boundary wall fronting Castle Hill. From a Conservation Area viewpoint the new development cannot be seen and therefore has **NO IMPACT TO THE STREET SCENE** and would **NOT BE TO THE DETRIMENT OF THE**

CONSERVATION AREA or harm the setting of the asset adjacent. This proposal would not set any form of precedent to future development on Castle Hill, as there is no further development land available. **No** real or significant harm comes to 1 Castle Hill or its setting and is in line with Policy HE1 and the Inspectors view of harm being **NOT SUBSTANTIAL**.

Policy **HE2** is therefore complied with.

6.1 HE4 Archaeology

It is agreed the site lies in an area of archaeological interest. The potential of the site has been tested quite considerably with a number of surveys and excavations over the years. See Archaeological Evaluation 2005 reference 1520 attached to this application. This somewhat substantial excavation trench as seen on the plan attached to 1520 found nothing of any archaeological interest during the excavation.

Despite the above and the fact that the new dwelling will sit a considerable distance away from the Historic Abbey wall, the foundations construction plan for the new dwelling are to be by way of ground piles and surface rafting. This system will, in effect, protect/preserve any hypothetical archaeological remains, no matter how remote the possibility of any such remains may be. The system will also ensure protection of any tree roots.

Policy **HE4** is therefore complied with.

6.2 Layout and Design

The layout and design harmonises with the existing settlement. It fits totally into the existing landscape features.

Policy **HE1** and **BE1** is therefore complied with.

6.3 Policy H1

*Housing development will be permitted in the following circumstances:
Within the Urban Areas,....*

The proposed site is 'within the confines of the urban areas' within the District and therefore the principle of additional residential development is acceptable. The proposed scheme will go some way in helping the Council to increase its housing supply over the next 5 years, by the provision of 1 additional dwelling within the existing grounds. This is an important consideration in the determination of this proposal, and the harm is less than substantial.

- **NO IMPACT ON THE STREET SCENE.** The low single storey profile of the proposed dwelling coupled with the lower ground level will render the proposed dwelling to be hidden from easy view from Castle Hill.
- **NO IMPACT ON THE CONSERVATION AREA.** The low single storey profile of the proposed dwelling coupled with the lower ground level will render the proposed

dwelling to be hidden. There are no alterations required to any of the boundaries including the protected Castle Hill wall.

- **NO** arboricultural issues or impact on the curtilage/protected trees

6.4 Kenilworth Neighbourhood Plan 2019-2029

Policy KP13: General Design Principles

Development proposal should achieve a high standard of design that is appropriate to the local area and demonstrate regard for the following design principles:

- *Heritage assets and their settings in the locality must be respected in accordance with their significance:*
- *There is a positive response to the site characteristics and surroundings in terms of propose layout, density, building scale, height proportions, massing, orientation, architectural dealing, materials and landscape.*

Policy KP13J: Design Management in Castle Hill and Little Virginia

Development proposals in the Castle Hill and Little Virginia Character Area, should demonstrate regard for the following design characteristics as appropriate:

- *The area comprises uniformly residential uses in its southern side and primarily residential in its northern side but also including a mix of retail use, public house, restaurant and office uses abutting the Queen and Castle car park.*
- *Wantage a large Arts and Crafts house listed Grade II in its own grounds on the south side above Little Virginia – it is important to maintain the gardens as an entire garden, and the boundary treatment of this important house.*
- **(Note: The reference to Wantage is the former house name of 1 Castle Hill)**

The Castle Hill and Little Virginia Conservation Area forms an integral part of the character of the town of Kenilworth, linking the castle to the old Town centre and should be preserved and retained. Any future development in or near to this Conservation Area, should maintain the street scape and have regard to its originality within this town.

The proposed development is for a small flat roofed bungalow. The proposed dwelling is a simple modern design, utilising natural finishes including a green roof. The whole building has been designed to ensure virtually no visual changes from outside the plot, thus **maintaining the street scape and Conservation Area**. The historic boundaries both planted and built are also maintained. This proposed development conforms and satisfies Policy KP13/KP13J of the Kenilworth Neighbourhood Plan.

6.5 Summary of the Proposal

The proposal is to construct a single storey low profile eco designed dwelling on a part of the garden which has been effectively severed off from the main garden of 1 Castle Hill for 60+ years.

- The proposed new dwelling will be **HIDDEN** behind the extensive boundaries of the protected Castle Hill brick wall (the ground level of the site is approximately 3.4 metres below the top of the boundary wall) and has extensive trees and hedging. The ridge height of the proposed dwelling is 3.1 metres from DPC.

- **No** impact on the character, appearance, historic interest, integrity or setting of the Listed Heritage Assets. **Satisfied HE1.**
- **No** harm to the Heritage Assets. **Satisfied HE1 .**
- **No** impact on the Conservation Area. (The low single storey profile of the proposed dwelling coupled with the lower ground level will render the proposed dwelling to be hidden). **Satisfied HE1.**
- Kenilworth Neighbourhood Plan (see para 6.4). **Satisfied KP13/KP13J**
- **No** impact on the street scene The low single storey profile of the proposed dwelling coupled with the lower ground level will render the proposed dwelling to be hidden. **Satisfied HE1.**
- Kenilworth Neighbourhood Plan (see para 6.4). **Satisfied KP13/KP13J**
- **No** impact upon the living conditions of nearby dwellings. **Satisfied BE1**
- **No** impact on car parking/highway safety.
- **The** proposal is in the public benefit (see para 4.3 (viii) and para 6.7). **Satisfied NPPF**
- **No** trees to be removed, so no impact on the trees biodiversity. **Satisfied NE4**
- **The** proposal secures the optimum viable use after 60+ years of this small piece of the extensive grounds (see para 4.3 viii and para 6.7). **Satisfied HE1**
- **No** or virtually no disturbance to any unlikely archaeological deposits due to the proposed foundation construction system. **Satisfied HE4**
- **No** arboricultural issues or impact on the curtilage/protected trees **Satisfied HE1**
- **No** development within the tree roots protection zone.
- **No** negative impact.
- **No** impact on the gardens, only improvements.

The proposed new dwelling also satisfies the Policies overall in the Warwick District Local Plan 2011-2029 as discussed in this Design and Access Statement including other included Statements.

6.6 Trees in Relation to the Proposed New Plot

Full Arboricultural Constraints and Planning Integration Reports are attached to this application by Arbortrack. The new dwelling has been carefully positioned to ensure retention and protection of all trees. It will sit, in the main, outside of the roots protection zone of the existing trees. The proposed foundations of the new dwelling are designed to enable total archaeological and tree root protection. It should be noted **no** trees will be removed to facilitate the new dwelling. This will ensure no impact on any existing biodiversity.

6.7 Previous Planning Application W12/0964 / Appeal No. APP/T3725/A/12/21853

The Appeal Inspector made several observations in relation to the gardens and listed below are a couple of his observations.

Para 37 “Although the gardens remain private the reinstatement of at least part of the site would also provide a public heritage benefit”.

Para 42 “Restoration of the core of the garden must weigh in favour of the proposal”.

The Appeal Inspector also saw the gardens and landscape being able to be conditioned.

We are prepared to enter into such a condition on the basis that:

- 1) The rear garden to former Plot 11 (the Plot the house sits on) will be restored to the original design as evidenced in the 1095 picture which appeared in The Studio Magazine referred to earlier.
- 2) The rear garden to former Plot 12 will be restored to a vegetable garden and integrated where appropriate into the former Plot 11. It is to be noted that there is very little on site evidence that this Plot 12 was ever integrated in any way of significance with Plot 11. We would be happy to possibly work with / take positive advice from the Warwick Garden Trust on this Plot if appropriate.
- 3) Restoration works on Plot 11 to commence within 24 months of the Planning Application being granted.
- 4) Restoration works on Plot 12 to commence within 36 months of the Planning Application being granted.
- 5) Upon completion of each Plot's restoration we will enter into a contract with a garden landscape maintenance firm which will provide a co-ordinated strategy for the future conservation, enhancement and protection of the gardens (see para 4.3 (viii)).

The above represents a massive financial commitment on our part and without doubt would be a substantial **PUBLIC HERITAGE BENEFIT**.

6.8 Evaluation of the Design and Access Statement

- 6.7.1 This design and access statement has been compiled to support the proposed new development and to explain the clear benefits to the Heritage Assets.
- 6.7.2 The proposed development has been designed in line with the Warwick District Council 'Residential Design Guide', Adopted Policies and NPPF.
- 6.7.2 The proposal is for a high quality, sustainable design which will have no impact on the neighbouring properties and **NO IMPACT** on the existing **STREET SCENE / SCAPE** or **CONSERVATION AREA**.
- 6.7.4. Facilities for bicycles will be provided within the site as it is a secure site from the road.
- 6.7.5 The reopened access to the site and brick boundary wall will be maintained as is. There is **NO** detrimental effect on the public highway or public footpaths- these remain as is.
- 6.7.6 The new dwelling and services will be to a high standard providing high levels of insulation, low energy running costs and very low carbon emissions. The requirement for 10% on-site renewable energy sources will be met with the use of an air source heat pump for additional energy uses if necessary or a certified log burner.
- 6.7.7 The existing ecology and habitats will be protected during the work to ensure minimum impact.

6.9 Conclusion

The NPPF as amended 2018 states -

11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay;

The garden is ancillary to the house and therefore the setting of the house has been considered thoroughly in this application. Various parts of the garden have different levels of importance and the northerly front part of the former Plot 12 as evidenced is certainly the least important. The proposed new Plot would be no more **severed** from the rest of the garden than it is **now** (see Photo 1) however we have proposed to rectify this severance (see para 4.3 viii). The current spacious environment that 1 Castle Hill enjoys would be maintained and improved upon (see Photo 1 and para 4.3 (viii)). There would be **NO** compromise which is further underpinned by the low profile, eco, MMC single storey and design of the proposed new dwelling.

Also consideration should be given to the approval reasons at the former Abbotsford School site as described earlier as the setting of that site was affected far more (as a garden 2 * listed building) than this proposal which had considerably greater scale massing and visual impact.

6.10 Positive Approval Sought

Overall it is **CLEAR** we have demonstrated from the proposal we have addressed **ALL/ANY** concerns that have been raised previously by other applications and have fully addressed the Appeals Officer's observation on a previous application. This proposal satisfied the Inspector's observation at the time. This proposal encompasses the fact that the gardens have been subsequently listed and at para 6.7 we have addressed this and as a result provide an overriding **PUBLIC BENEFIT**. We wish to cooperate with the local planning authority to allow this low scale but highly designed modern dwelling. As stated in 6.5 'Summary of the Proposal', this proposal satisfies all policies including HE1, H1, HE2, HE4, BE1, DS5, SC0, HS1, CC1, NE4 and KP13/KP13J. The proposals are wholly appropriate for this location as evidenced in Photos 1 and 2. These proposals will secure the conservation and optimum viable use of the grounds overall. There will be **NO** harm to the integrity and fabric or the historic interest of 1 Castle Hill as a Grade II Listed Building or setting of the Listed Building and Listed Grade II Garden. The proposals are considered to be consistent with relevant National

Planning policies and guidance. WDC Local Plan have been consulted and we firmly believe there are sufficient grounds for the supporting of this application. Accordingly this proposal should be granted Planning Approval '*without delay*'. (NPPF)