



PLANNING AND HERITAGE STATEMENT

**ON BEHALF OF
MR RUSSELL DAVIS**

**APPLICATION FOR
CONSTRUCTION OF A REPLACEMENT DWELLING WITH DETACHED GARAGE**

**AT
LITTLE FIELDGATE, 55 FIELDGATE LANE, KENILWORTH, CV8 1BT**

Our Ref: EN/9449

July 2022

1. INTRODUCTION

- 1.1 This planning and heritage statement has been prepared to accompany a full planning application submitted on behalf of Russell Davis for the construction of a replacement dwelling with detached garage at Little Fieldgate, 55 Fieldgate Lane, Kenilworth, CV8 1BT.
- 1.2 This statement should be read in conjunction with the documents listed in the covering letter.
- 1.3 Section 2 of this statement describes the proposed development, whilst Section 3 describes the nature of the site and its surroundings. Section 4 sets out the planning history of the site.
- 1.4 Section 5 provides the planning policy context for the determination of the application and section 6 assesses the planning considerations arising from the proposed development. A Heritage Statement of Significance is included at section 7.
- 1.5 Section 8 draws conclusions to the effect that the proposals are for a sustainable form of development and that the presumption is in favour of the grant of planning permission.

2. THE PROPOSED DEVELOPMENT

- 2.1 The proposed scheme comprises the demolition of a detached, dormer bungalow and garage and the construction of a replacement detached dwelling with garage. The proposed dwelling would be sited on a similar footprint to the existing property although would be set back slightly in the site to minimize the impact of the development on the mature trees at the front of the site and to better address the street frontage. The existing bungalow occupies nearly the whole width of the site. The proposal is for a single storey building with accommodation within the roof. The proposed building will have a ridge height lower than the neighbouring dwelling at 55a Fieldgate Lane. The proposed dwelling will be finished in brick, with a slate tile roof, flat roofs for the rear single storey extension and garage and aluminum windows.

- 2.2 The dwelling has been designed to complement the existing street scene. The access to the dwelling and circulation space to the front of the dwelling will not be altered as a result of the proposals, other than the installation of a gate set back from the highway and replacement entrance pillars, more appropriate to the context.

3. SITE AND SURROUNDINGS

- 3.1 The site lies in a residential area, within but on the edge of Kenilworth development boundary and located within the Conservation Area. No 57 Fieldgate Lane and Fieldgate House, which are the properties to the north of the site, are Grade II Listed.
- 3.2 There is a brick wall along the front boundary of the site which is attached to the boundary of No 57 and which is considered to be curtilage listed in association with that property. There is an existing vehicular access to No 55 and it is not proposed to make any alterations to this access or to the front boundary wall, other than the replacement entrance pillars. Number 55 (the application site) is the end property of a row of detached dwellings fronting onto Fieldgate Lane which are located to the south of the site. These properties are a mix of design, appearance and finish although all are set back from the road to the rear of boundary walls and hedges.
- 3.3 There are two large mature trees within the front curtilage area of the application site to the rear of the boundary wall that are to be retained and which are prominent in the street scene. These trees are protected by TPO no.63 (T181 and T204).

4. PLANNING HISTORY

- 4.1 Planning application W/21/0066 for the construction of a replacement dwelling of alternative design to that now proposed was refused on 3 February 2022 and an appeal was submitted. The Inspector's site visit will take place on 14 June and it is assumed that a decision will follow shortly afterwards.
- 4.2 Several consents relating to tree works were granted in 2020 for the removal of an ash tree (W/20/1727), crown lifting of an oak tree (W/20/1631) and removal of a yew and oak (W/20/1532).

- 4.3 There is planning history relating to the neighbouring dwellings fronting onto Fieldgate Road including significant alterations and the addition of a pitched roof at No 55a, alongside the application site, and the construction of a two storey dwelling as a replacement for a bungalow at No.47b.

5. PLANNING POLICY CONTEXT

- 5.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 5.2 The development plan for the purposes of determining this planning application comprises the Warwick District Local Plan, adopted September 2017 and the Kenilworth Neighbourhood Plan, which was made on 16 December 2018. The following policies are considered to be relevant:

Warwick District Local Plan

DS5 Presumption in favour of sustainable development

H1 Directing New Housing

HE1 Designated heritage assets and their setting

HE2 Conservation Areas

BE1 Layout and Design

BE3 Amenity

TR1 Access and Choice

TR3 Parking

HS1 Healthy, Safe and Inclusive Communities

CC1 Planning for Climate Change Adaptation

FW1 Reducing Flood Risk

FW3 Water Efficiency

FW4 Water Supply

NE3 Biodiversity

Kenilworth Neighbourhood Plan (NDP)

KP12 Parking Standards

KP13 General Design Principles

KP15 Environmental Standards of New Buildings

KP21 Flooding

Other Material Considerations

5.3 There are a number of other material considerations as set out below. These are:

- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework 2021
- Planning Practice Guidance
- Parking Standards SPD (June 2018)
- Residential Design Guide SPD (June 2018)

6. PLANNING CONSIDERATIONS

Principle of development

6.1 The site is located within the development boundary of Kenilworth where the development plan directs development, and the proposed development is a replacement dwelling. Therefore, the scheme is a sustainable form of development, is appropriate in principle and accords with Policies DS5 and H1 of the Warwick District Plan.

Design and Impact on the Street Scene and the Character of the Area

6.2 Policy BE1 of the Warwick District Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments and that new development relates well to the character of the area. Policy KP13 of the NDP outlines a series of design principles including that there is a positive response to the site characteristics and surroundings in terms of layout, density, building scale, height, proportions, massing, orientation, architectural detailing, materials and landscape.

6.3 Policy KP13M of the NDP specifically concerns 'Design Management in Fieldgate Lane' and requires development proposals to demonstrate regard for certain design

characteristics as appropriate. The characteristics of the area are listed as residential in character, a mix of single, two and three storey buildings and common materials are listed as brick, render, tile, slate, thatch, white pebbledash render, masonry and brickwork.

- 6.4 A single detached dwelling is proposed as a replacement for an existing detached bungalow. The northern section of Fieldgate Lane is characterized by large detached dwellings set within spacious plots and the application site is a generous size with mature trees and planting and large areas of curtilage to the front and rear of the existing dwelling. The proposed replacement dwelling would be a single storey building with accommodation in the roof space and of a similar scale and height to neighbouring properties to the south.
- 6.5 The existing dwelling is a bungalow which has a dated appearance and which is at the end of a row of detached dwellings, some of which have been replaced or significantly extended and altered, such as No 55a adjacent to the south of the application site. The images below show the existing bungalow and street scene, views of the neighbouring dwelling in relation to the application site, and neighbouring dwellings fronting Fieldgate Lane to the south of the site.





6.6 The majority of dwellings fronting this section of Fieldgate Lane are two storey properties and as can be seen from the images above there is no definitive character in terms of appearance or finish. The proposed dwelling would reflect the height and

massing of adjoining development and provides a simplicity of design that is not out of character with the area.

- 6.7 Part g of NDP Policy KP13 states that when replacing existing buildings, the footprint and design of the replacement must have particular regard for the character of the existing built form and density as well as residential and visual amenity. The proposed dwelling will front onto Fieldgate Lane on a similar footprint and with the same orientation as the existing bungalow. All properties in the vicinity of the site are set back from the road to the rear of brick walls and the proposed dwelling will be of a design, scale and appearance which relates well to, and which is sympathetic and appropriate to, the character of the area and which complies with the provisions of Policy BE1 of the District Plan and KP13 of the NDP.

Impact on adjacent properties

- 6.8 Policy BE3 of the Warwick District Plan states that new development will not be permitted where this would have an unacceptable adverse impact on the amenity of nearby uses and residents. The proposed dwelling would be on a similar footprint to the existing bungalow although it would be set slightly further back in the site. There will be no adverse impacts on the amenity of occupiers in the nearest property 55a to the south of the site. To the north, Fieldgate House is positioned nearly 30m from the shared boundary and the proposals will have no impact on these occupiers.
- 6.9 Copper Beech House is sited to the rear and side of the proposed dwelling and the rear garden of Copper Beech House adjoins the side of the rear garden of the application site, however the proposed dwelling would be sited a significant distance from this neighbouring dwelling.
- 6.10 The proposed positioning and design of the dwelling has been developed to ensure that no unacceptable overlooking or overbearing impact will occur to neighbouring occupiers. The proposed scheme complies with the minimum separation distance standards included in Appendix D of the Council's Residential Design Guide. This proposal will not have any adverse impact on neighbouring amenities and complies with the provisions of Policy BS3 as well as NDP Policy KP13.

Access and parking

- 6.11 Policy TR1 of the Warwick District Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.
- 6.12 The access to the site is existing and no changes are proposed other than the installation of a gate set back from the highway. The proposal is a one for one replacement dwelling. The application proposes the construction of a double garage and there is space on the frontage of the site to provide parking for several vehicles as well as space to turn vehicles. Provision for an EVCP is shown within the garage. There is also space within the site to provide cycle storage. The proposals comply with the Council's Parking Standards SPD.

Flood risk, Drainage and water management

- 6.13 The site is located within flood zone 1 and not at risk of flooding. There is an existing dwelling on the site and the new dwelling will link to the existing foul drainage system. Surface water drainage will be via a soakaway.
- 6.14 Water saving devices (dual flush toilets, water-efficient showerheads, water-efficient appliances and lower flow taps) will be used to reduce water consumption, to meet the standard of 110 litres/person/day as required by policy FW3 Water Efficiency.

Natural Environment

Trees

- 6.15 A tree report by Cotswold Wildlife Surveys, dated 8 July 2022, is included with the application. This survey concludes that all the existing trees which may be impacted by the proposed development can be retained and protected. The trees which already received consent for removal have been removed and no additional trees are to be removed as a result of the proposed development. Section 5 of the Tree Report contains the Arboricultural Method Statement and details the tree protection measures and special engineering solutions to be put in place during the course of

demolition and construction/ redevelopment of the site.

Bats

- 6.16 A bat survey report by Cotswold Wildlife Surveys, dated 17th December 2020, is included with the application submission. A diurnal inspection of the existing structures was carried out on 17th December and no signs of bat activity or occupation were found and suitability for roosting was found to be negligible. The existing dwelling was not identified as a bat roost or hibernation site and therefore no further surveys or mitigation measures are required.

7. HERITAGE STATEMENT OF SIGNIFICANCE

- 7.1 Policy HE1 expects development proposals to have appropriate regard to the significance of designated heritage assets. Policy HE2 states that new development should preserve or enhance the character and appearance of the Conservation Area.
- 7.2 There is a legal duty within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) for the decision maker to have special regard to the desirability of preserving a listed building and its setting. There is also a legal duty within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) for the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 7.3 The application site lies within Kenilworth Conservation Area. The site is to the northern edge of the Conservation Area and Fieldgate Lane is Area 12 of the Conservation Area Appraisal document. This states that the development to the northern end of Fieldgate Lane is characterised by mid 20th century housing and identifies a need to maintain the character of the area.
- 7.4 The supporting text to Policy KP13M of the NDP states that the '*Fieldgate Lane Conservation Area forms an integral part of the character of the town of Kenilworth and should be preserved and retained. On the line of the north-south route through the centre of Kenilworth, the area was developed in late 19th and early 20th century. There is one listed building but it is also important to maintain non-listed buildings with original features to retain the fine mix of buildings.*'

- 7.5 The application proposes a replacement dwelling of high quality design which is in keeping with the scale, design and appearance of neighbouring development and which will enhance the character and appearance of this part of the Conservation Area.
- 7.6 No 57 Fieldgate Lane and Fieldgate House, the neighbouring dwellings to the north of the application site, are Grade II Listed. A former annex to the side of Fieldgate House, no.57 is now a separate dwelling and is included in the listing for Fieldgate House.
- 7.7 Fieldgate House/ 57 Fieldgate Lane is separated from the site by an existing brick boundary wall which extends along the frontage of the application site. The Heiritage Impact Assessment provided by Richard K Morriss in respect of the previous application, considered this wall to be the only feature of interest on the application site. It is physically attached to the listed building Fieldgate House/ 57 Fieldgate Lane and forms part of its curtilage so is assumed to be listed. This application does not propose any alterations to the access to the site or the wall, other than the replacement of the gatepiers (described as “rather ugly modern grey brick” in the Morriss Assessment) with more appropriate entrance pillars. The wall will remain unaltered as the front boundary to the detached bungalow and the proposed redevelopment of the site for a replacement detached dwelling will have no impact on the setting of the wall.



7.8 The proposed dwelling will be on a similar footprint to the existing building and remain set within its own defined and existing curtilage which is bounded by walls and fences. The revised proposals are low in height, with accommodation only within the roof, and of simple design: a flat fronted building with only one dormer window and a small number of rooflights. Details of proposed materials have been provided with the submission. The setting of the listed building, Fieldgate House/ 57 Fieldgate Lane,

will be enhanced by replacing the existing dwelling with a modern building of suitable design, height, massing and materials. The proposals accord with policies HE1 and HE2.

8. CONCLUSIONS

- 8.1 New development should accord with the development plan unless material considerations indicate otherwise (S38(6) PCPA 2004 and S70(2) TCPA 1990).
- 8.2 The application seeks full planning permission for the demolition of the existing bungalow and the construction of a detached, single storey dwelling with accommodation in the roof at Little Fieldgate, 55 Fieldgate Lane, Kenilworth. The development is a one for one replacement dwelling on a site located within the built up area of Kenilworth and is acceptable in principle as a sustainable form of development.
- 8.3 The plans and supporting information submitted with the application demonstrate that the proposal is of an appropriate design and appearance and can be constructed without any harm to the to the amenity of neighbouring occupiers. The proposed dwelling by virtue of its proposed scale, position, design and appearance will harmonise with the established character of the street and locality and is of a high design quality. The proposals will enhance the setting of the neighbouring listed building as well as the character and appearance of the Conservation Area.
- 8.4 The proposals accord with the relevant development plan policies and there are no technical reasons why the development should not go ahead. The proposals constitute a sustainable form of development and should therefore be granted permission.

Liz Nicholson

Director

Stansgate Planning

July 2022