

Planning Committee: 2 April 2020

Item Number: 3

Application No: [W 20 / 0120](#)

Town/Parish Council: Leamington Spa
Case Officer: Thomas Fojut

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Registration Date: 24/01/20

Expiry Date: 20/03/20

1 Portway Close, Sydenham, Leamington Spa, CV31 1RZ

Erection of single storey side extension to form garden room FOR Mr & Mrs T
Dhesi

This application is being presented to Planning Committee as there are more than 5 support comments which are contrary to the representations that have been made.

RECOMMENDATION

Planning Committee is recommended to 'REFUSE' planning permission.

DETAILS OF THE DEVELOPMENT

The proposal seeks permission for the erection of a single storey side extension to form a garden room.

THE SITE AND ITS LOCATION

The site relates to a semi-detached bungalow located on a corner plot where Portway Close meets Danesbury Crescent. The street scene is characterised by bungalows of the same style and character as the application property. The only amenity space for these properties is in the form of relatively small enclosed courtyards.

PLANNING HISTORY

W/18/0507 – Erection of single storey side and rear extension. Application refused May 2018.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - No objection.

WCC Ecology - Recommends notes relating to bats and nesting birds are attached to any approval granted.

Public Response: 7 letters of support have been received.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- The impact on the living conditions of neighbouring dwellings;
- Visual impact on the street scene;
- Parking and Highway Safety;
- Ecology;

Impact on the living conditions of neighbouring dwellings

Warwick District Local Plan Policy (2011 – 2029) BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on neighbouring properties by reason of loss of daylight or sunlight or by creating an overbearing effect.

Additionally, Policy BE3 states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents or provides inadequate amenity for future occupiers of the development. The Residential Design Guide SPD also states the adopted minimum amenity space for a 1 or 2 bed property is 40 square metres.

The only amenity area for this property is within an enclosed rear courtyard area which is approximately 26.5 square metres in area. This area as existing is very limited and the proposed extension would further reduce this area by over 11 square metres and it is considered this figure is an unacceptable level of private amenity space for this property.

The proposed extension would not result in material harm upon the amenity of neighbouring properties in terms of loss of light and loss of privacy.

The proposal is not considered to provide adequate living conditions for the occupiers of the application property and is contrary to Policy BE3 and the Residential Design Guide SPD.

The reduced level of private amenity space could also set a harmful precedent for other properties in the immediate area that also benefit from similar sized enclosed courtyards as their only amenity space and if approved the Council would find it increasingly difficult to resist such proposals.

Visual impact on the street scene

Warwick District Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted Residential Design Guide SPD also sets out design principles to which development proposals will be expected to comply.

The proposed extension is situated on the side elevation of the property which is located on a corner plot. The proposed extension will be visible above the wall of the application property, however it is not considered to harm the street scene to any material extent.

The development therefore complies with the guidance set out in the Council's Residential Design Guide SPD, and Policy BE1 of the Warwick District Local Plan.

Parking and Highway Safety

Policy TR1 of the Warwick District Local 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.

The Highways Authority have raised no objections to the development proposals. Through assessing car parking availability within the site, there is sufficient space on the driveway of the application property for the provision of the required number of parking spaces as set out in the Parking Standards SPD. As such, this is not considered to impact the development and the issue of access is considered acceptable having regard to Policies TR1 and TR3.

Ecology

The Ecology Department at Warwickshire County Council have recommended notes relating to bats and nesting birds are attached to any approval granted.

Conclusion

It is therefore recommended that planning permission be refused.

REFUSAL REASONS

- 1 Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does

not provide acceptable standards of amenity for future users/occupiers of the development.

Furthermore, as stated in the WDC Residential Design Guide, the minimum standards for amenity spaces for 1 or 2 bedroom houses or bungalows is 40 sqm. The current amenity space at the application property is 26.5 sqm.

The proposed extension would significantly reduce the size of the existing enclosed courtyard that provides the only available private amenity space for the occupiers of this property. As the existing courtyard is of a limited size it is considered that a proposal to reduce this area would provide inadequate external amenity space and substandard living conditions for current and future occupiers of the property.

The proposals would therefore be contrary to the aforementioned policy.
