

Extended Delegated Decisions Meeting: 07 August 2020

Application No: [W 20 / 0930](#)

Town/Parish Council: Leamington Spa
Case Officer: George Whitehouse
01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 07/07/20

Expiry Date: 01/09/20

198 Valley Road, Lillington, Leamington Spa, CV32 7SY

Erection of side extension with dormer windows in roof and new porch. Change of use of Highways land to residential. FOR Mr. S. Robins

This application is being presented to the Extended Delegated Decisions Meeting due to the number of objections and an objection from the Town Council having been received.

RECOMMENDATION

That the Head of Development Services, in consultation with the Chair of Planning Committee, grant planning permission subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a full height side extension with dormer to match the original roof and also the change of use of highways land (to the side of the property) to residential.

THE SITE AND ITS LOCATION

198 Valley Road is a detached dwelling with dormer windows built into the roof. The property sits on the corner of Valley Road and Aintree Drive but is set back from the corner which is screened with mature fir trees. It has been demonstrated that the land between the rear garden boundary wall and the fir trees is within the applicant's ownership, has no highway benefit and therefore makes up part of the front and side garden.

Notwithstanding this information however, this land in question is also adopted highways land hence the requirement for a change of use which is why this re-submitted application includes this element of development within the description of the proposals.

PLANNING HISTORY

W/20/0240 - Erection of side extension with dormer windows in roof and new porch – Withdrawn by applicant

RELEVANT POLICIES

- National Planning Policy Framework
 - Warwick District Local Plan 2011-2029
 - BE1 - Layout and Design
 - BE3 - Amenity
 - NE2 - Protecting Designated Biodiversity and Geodiversity Assets
 - TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
 - TR3 - Parking (Warwick District Local Plan - 2011-2029)
 - Guidance Documents
 - Residential Design Guide (Supplementary Planning Document- May 2018)
 - Parking Standards (Supplementary Planning Document)
 - The 45 Degree Guideline (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan (2019-2029)

- Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final examination and as such is afforded substantial weight in the decision making process.
- Housing Design

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: The Town Council wishes to submit a holding objection to this application until comments from Highways are received regarding vehicular and pedestrian safety issues.

The Town Council also wishes to maintain two of its grounds from its earlier objection to application W/20/0240 regarding 1) highway safety potentially being compromised by visibility issues; and 2) the development is contrary to the WDC Residential Design Guide in that the side extension would substantially reduce the openness of the corner plot.

Warwickshire County Council Highways: No objection subject to conditions

Warwickshire County Council Ecology: Recommended notes relating to protected species.

Public: 8 letters of objection received (2 from outside of the district), citing highway safety and impact on amenity as reasons for objection.

3 letters of support received which do not cite any material planning considerations as to why.

ASSESSMENT

Design and visual impact

Policy BE1 of the Warwick District Local 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 that

relates well to the character of the area. This is further supported through additional guidance set out in the Council's adopted Residential Design Guide (2018) which provides certain principles, particularly in respect of side extensions, which are generally expected to be adhered to in order to ensure appropriate standards of development are achieved.

Neighbourhood Plan policy RLS2 details that planning proposals for new housing development will be required to achieve good design. They should function well for all by being Lifetime Homes and make a positive contribution to the quality of the built environment in Royal Leamington Spa.

The proposed extensions comply with the aforementioned Residential Design Guide and would not negatively impact the street scene. The extension would be set down, set back and would not come forward of the general building line in Aintree Drive. I consider the proposals also improve the character and quality of the dwelling, reaffirming the likelihood that it will remain as a lifetime home. In addition to this, having regard to the existing site characteristics, it is considered that the character of the corner plot would remain no less open than existing and I am therefore not of the opinion that the 'openness' of this corner plot would be affected by the proposals. In drawing this conclusion, I would pay particular regard to the fact that this corner is already in effect almost closed off by the mature trees which border this part of the site.

It is considered Local Plan Policy BE1, Neighbourhood Plan Policy RLS2, and the Council's adopted Residential Design Guide are all complied with.

Impact on the amenity of neighbouring occupiers

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room of a neighbouring property. Compliance with this would generally indicate no material harm in terms of loss of light or outlook.

The proposals comply with the 45-Degree Guideline and the Distance Separation Guidelines. There have been objections received from neighbours regarding overlooking but it is not considered that the extension could overlook the additional private amenity areas of any neighbour that the existing dwelling already overlooks. In addition to this the room at the rear of the extension is a bathroom and the window in question will likely be obscure glazed and therefore it is not considered that the extension will result in any additional overlooking than the current layout.

Therefore, I am satisfied that the proposals would not result in any harm to the living conditions of nearby neighbouring properties and accordingly the development is acceptable in this respect and in accordance with Local Plan Policy BE3.

Impact on highway safety and parking

Members of the public have objected on highway safety and parking grounds.

Giving weight to the distance from the proposed extension to the highway, the wider than average footpath, especially on the corner and the fact that mature fir trees already block views around the corner, it is not considered that the extension will have any additional impact on highway safety especially since this will be screened by the mature trees. Even if the trees were removed in the future, since the proposed extension is set back from the original dwelling and does not come forward of the building line of Aintree Drive, the extension would not result in reduced visibility around this corner.

With regard to parking, three spaces would be accommodated on the site's frontage as shown on the site plan. The number of bedrooms would increase from 4 to 5 under this proposal. Under the adopted parking standards 4+ bed dwellings are required to have 3 spaces with no additional requirement to be provided on site when the number of bedrooms for a dwelling increase above 4. The proposals therefore meet the parking standards and the development is acceptable in this regard.

The Highway Authority does not object to the proposals subject to a condition requiring the laying out of the parking area as shown on the approved plans prior to the occupation of the development.

It is considered the proposals comply with local plan policies TR1, TR3 and the Council's adopted Parking Standards SPD.

Ecology

The County Ecologist has raised no objection to the development and recommended advisory notes to be attached to any forthcoming permission. These would relate to bats and nesting birds in the event planning permission were approved. The development therefore complies with Policy NE2.

Other matters

The single storey rear extension shown on the plans complies with the limitations of permitted development and therefore this element has not been considered under this planning application.

Summary

It is considered that the proposals comply with Local Plan Policies BE1, BE3, TR1, TR3, NE2, Neighbourhood Plan Policy RLS2 and the Councils adopted Residential Design Guide and Parking Standards SPDs. It is therefore recommended that planning permission is granted subject to conditions and advisory notes.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 3922-02D, and specification contained therein, submitted on 19/07/2020. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON**: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept available for such use at all times. **REASON**: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
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