

Planning Committee: 12 September 2023

Item Number: 9

Application No: [W 23 / 0730](#)

Town/Parish Council: Radford Semele
Case Officer: James Moulding

Registration Date: 19/05/23
Expiry Date: 14/07/23

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7 St Nicholas Terrace, Radford Semele, Leamington Spa, CV31 1UW
Erection of two-storey side and rear extension, erection of single storey front porch extension and single storey side extension. FOR Mr Mander

This application is being presented to Committee due to an objection from the Parish Council having been received and it is recommended for approval.

RECOMMENDATION

It is recommended Planning Committee grant planning permission for this application for the reasons set out in this report.

DETAILS OF THE DEVELOPMENT

The application proposes the erection of a two-storey side and rear extension, erection of single storey front porch extension and single storey side extension.

THE SITE AND ITS LOCATION

The application site is located in Radford Semele. The property forms the end of a small terrace which is set back from the main road of St Nicholas Terrace. It also sits at a raised elevation in relation to 'the cottages'.

PLANNING HISTORY

None relevant.

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
- TR3 - Parking
- [Guidance Documents](#)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- [Radford Semele Neighbourhood Plan 2019-2019](#)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: Objection:

- Would like the District Council to consider the relationship between the proposed development to neighbouring properties - overlooking
- Adequacy of parking arrangements - no on-site parking provision

WCC Ecology: Objection pending the submission of a preliminary bat survey - disproportionate for householders.

Public Response: 4 objection comments raising both material and non-material planning considerations (summarised below):

- Blocking/congestion of shared access and The Valley road due to construction
- Overlooking
- Noise related to construction
- Loss of light
- Not in keeping - cladding
- Disproportionate size
- Parking concerns

ASSESSMENT

BE1 Design

The NPPF (2019) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 130 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 130 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

The Local Planning Authority objected to the initially proposed plans on the grounds that the design was incongruous with the street scene and the existing dwelling, giving the appearance of a separate dwelling. Amended plans have been received which amend the design to a gable end. This is considered to be in keeping with the existing dwelling. Additionally, the proposed two storey extension is suitably set down and set back from the principal elevation of the original dwelling and is therefore considered to be subservient in line with the Residential Design Guide SPD. The two storey element is also less than 2/3 the width of the original dwelling, complying with the Residential Design Guide SPD.

Public objections have been made in regards to the proposed design. The concerns raised are that the proposed development would be of a disproportionate size, and that the proposed cladding would be incongruous with the existing terrace.

The proposed size and scale is considered to be acceptable. Given the above points regarding set down, set back, and 2/3 width, it is determined that the proposed extension is subservient to the existing dwelling and therefore it would be unreasonable to object on the grounds of disproportionate scale.

The proposed cladding that received objection has been removed from the application. It is considered that this objection has therefore been addressed.

It is considered that the proposal complies with Local Plan Policy BE1 and the Residential Design Guide SPD.

BE3 Neighbouring Amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

Officers raised concerns about the initial plans on the grounds that they would create unacceptable overlooking. This was being generated by a front facing window which served a habitable room, providing views into the rear of neighbouring properties. This was due to the particulars of the application site. It is located at a raised elevation and set back from the road and neighbouring dwellings at 'the cottages'. Several public objections have also been raised in regards to this point, including an objection from the Parish Council.

Amended plans have been received which revise the internal layout of the proposed extensions. This now means that the windows in the principal elevation, overlooking the rear of neighbouring properties, now serve the landing and staircase. A condition is recommended to require these windows to be obscure glazed. This will prevent overlooking.

Regarding possible overlooking from the proposed first floor side window which serves a habitable room. It is considered that the distance to the rear of neighbouring dwellings, and the angle at which a view must be taken to gain an unacceptable overlooking vantage, would not result in unacceptable overlooking from this window.

Finally, regarding the loss of light. A public objection has been raised relating to the loss of light to the neighbouring dwelling as a result of the two storey rear extension. Upon conducting a site visit, it is concluded that the 45-degree line drawn from the quarter point of the neighbouring window would meet the corner of the proposed extension, meaning that the extension is on the limit of the 45-degree line but does not breach. It is therefore considered that the proposed

extension would not result in an unacceptable loss of light for neighbouring dwellings.

It is considered that the proposal would comply with Local Plan Policy BE3 and the Residential Design Guide SPD.

Parking

Objections have been raised in relation to concerns about parking from both the public and from the Parish Council. This is on the basis that the application would provide an additional two bedrooms, increasing the number of rooms from two to four. The Parking Standards SPD details that an increase from two to four bedrooms would require an increase from two to three parking spaces. It is also noted that the application does not propose the creation of additional off-street parking.

Officers acknowledge that the application would require the provision of an additional parking space. However, it is noted that the property does not currently benefit from any off-street parking, fulfilling its parking need through on-street parking. This is also true for the majority of the properties in the terrace, and street parking is prevalent in the surrounding area.

It is the view of Officers that the potential addition of one car to the current street parking would not result in an unacceptable impact on highway safety or neighbour amenity. Street parking is generally considered to be an acceptable solution for householder developments. This is because on street parking is both legal and prevalent in residential areas. Due to the existing prevalence of on-street parking, it would be considered to be unreasonable to refuse the application on these grounds.

Ecology

The County Ecologist has recommended that a preliminary bat survey should be requested prior to the determination of the application. I have considered this request and note that the existing dwelling is located within a built up area with other dwellings in close proximity to the dwelling.

On this basis, I do not consider that it is appropriate or practicable to request a bat survey be submitted. In coming to this conclusion, I am mindful of the location of the property, the characteristics of the local area and the fact that bats are a protected species under separate legislation and there is a duty of care by the applicants to ensure protected species are not harmed by the proposal.

On the basis of the above, I consider that the imposition of an explanatory note regarding the applicant's responsibility with regard to protected species is sufficient in this case.

Other Matters

Further objections have been raised to construction related issues, this includes noise and congestion or blocking of the road by construction workers. This is not

considered to carry weight in this assessment as these are unavoidable consequences of undertaking development. There are rules and regulations which govern these activities but they are not in the jurisdiction of the Local Planning Authority.

Summary

The proposals are considered to have an acceptable impact on the character and quality of the street scene through the proposed layout, building materials and scale of the development. The proposals would also have an acceptable impact on the living conditions of neighbouring dwellings. The proposals are therefore in accordance with Local Plan Policies BE1 and BE3. It is recommended this application is granted.

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 drawings 2222/P/01C, 2222/P/02C, 2222/P/03C, and specification contained therein, submitted on 19/07/2023. **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 Prior to the occupation of the development hereby permitted, the windows in the south west facing elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
