

**Planning Committee:** 10 September 2019

**Item Number:** 9

**Application No:** [W 19 / 0913](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rebecca Compton

**Registration Date:** 30/05/19

**Expiry Date:** 25/07/19

01926 456544 rebecca.compton@warwickdc.gov.uk

**67 Lillington Road, Leamington Spa, CV32 6LF**

Erection of a single storey rear extension, first floor rear extension, replacement garage and alterations to front boundary wall including new gates. FOR Mr M Skelcher

-----

This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

Committee is recommended to grant planning permission.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks permission to extend the existing building to the rear including a single storey rear extension and first floor rear extension. In addition, the proposal seeks to erect a detached double garage following the demolition of the existing detached garage and alterations to the front boundary treatment and entrance.

**THE SITE AND ITS LOCATION**

The application property is a detached Georgian style dwelling located on Lillington Road, Royal Leamington Spa. The site is situated within the Royal Leamington Spa Conservation Area.

**PLANNING HISTORY**

No relevant planning history.

**RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Town Council:** No objection.

**WCC Ecology:** Recommend informative notes relating to bats and nesting birds.

**WCC Highways:** Raised no objection subject to the gates being set in from the carriageway by 6m.

**Conservation Advisory Forum (CAF):** Raised concerns regarding the proposed boundary treatments and that the garage should be reduced in size or set back.

**Public response:** 5 letters of objection and 2 letters of support have been received.

## **ASSESSMENT**

Design and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

Paragraph 193 of the NPPF states that 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. Paragraph 195 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan states that 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 the harm or loss, or if criteria listed within the policy have been satisfied. 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.

### *Extensions*

The proposed single storey and first floor rear extension are considered of an acceptable design for the existing property. The extensions will be situated fully to the rear and will not be visible from within the street scene. The existing rear

elevation has been extended extensively over time therefore the introduction of further extensions is not considered to present a negative impact on the historical significance of the rear elevation. The extensions will be constructed using matching brick which is considered an appropriate choice of materials.

#### *Boundary treatment and entrance*

The proposal initially included solid gates to the front boundary, following concerns from officers that this would not be in keeping with the street scene, the proposal has been amended to iron railing gates which allows views through and retains an open feel to the frontage. The additional brick piers are considered acceptable being the same height as the existing and there are other similar examples in the street scene.

#### *Detached garage*

The proposed garage is considered of an appropriate scale and design for the existing property. There have been many concerns raised by residents that the garage is too large in size. When viewed in the context of the application property, the proposed garage is considered of an appropriate size and scale and does not draw attention away from the significance of the main dwelling. The garage has been designed to mimic the gabled roof of the main dwelling, its overall size and scale is considered to be subservient to the existing dwelling. The Conservation Officer did raise initial concerns regarding the size of the garage however following further consultation did express that if the garage door was amended to appear as two separate doors, this would be more in keeping with the Conservation Area and would break up the width of the proposed garage. The scheme has been amended to reflect this change. The garage will be constructed using brick to match the existing property which is considered appropriate in this case.

The proposal is therefore considered to comply with policy HE1.

#### The impact on the living conditions of the occupiers of the neighbouring properties

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45° line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

#### *Rear extensions*

The proposed first floor and single storey rear extension would not breach the Council's adopted 45° line when taken from the neighbours nearest windows serving a habitable room at no. 65 Lillington Road and no. 1 Beatys Gardens.

The proposed rear extensions are therefore not considered to cause harm to the amenity of those neighbours in terms of loss of light and outlook.

#### *Detached garage*

Concerns have been raised by neighbouring residents that the proposed garage would have a negative impact on the levels of light and outlook to no. 1 Beatys Gardens. The proposed detached garage will not breach the Council's adopted 45° line from the nearest rear ground floor windows serving no. 1 Beatys Gardens and no. 65 Lillington Road. The proposed garage will be situated along the northern boundary shared with no. 1 Beatys Gardens which benefits from 2 ground floor side facing obscure glazed windows with one window serving a W.C. and the other serving the hallway/dining room. The existing garage is positioned in front of these side facing windows. The proposed garage is to be set back 2.3m from the position of the existing detached garage and would only extend 0.5m over the existing side facing window serving the hallway/dining room. Being that the side facing window serving the hallway/dining room is obscure glazed, the proposal is not considered to impact on the level of outlook to this room. The proposed garage will be set further back from the existing garage and in planning terms is not considered to cause any additional harm compared to the current situation as where the existing building extends fully over the window and the proposed garage will not. It must also be noted that the Council's adopted 45° clearly states that side facing windows will not be considered when assessing the impact of a proposal on light and outlook.

The proposals are not considered to present any additional harm to the levels of light and outlook serving either neighbouring property at no. 65 and no. 1 Beatys Gardens compared to what currently exists and therefore complies with policy BE3.

#### Parking and access

The Council's adopted Parking Standards require a 4 bed property to provide 3 off road parking spaces. The existing property benefits from driveway parking to the front with ample space to accommodate 3 off road parking spaces, the proposal is therefore in accordance with the adopted Parking Standards. The Highways Authority were consulted on the proposed gates who advised that they should be set back 6m from the carriageway so as to not impact on the highway when entering or exiting the property. The proposal has been amended to reflect this change.

The proposal is therefore considered to comply with policy TR1 and TR3.

#### Conclusion

The proposed rear extensions, detached garage and front boundary treatments are considered of an acceptable design and scale for the existing property and the wider street scene that would not draw the attention away from the historical significance of the main dwelling. In addition, the proposals would not cause harm to the amenity of the neighbouring properties or public highway safety.

## **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(s) 19/02-02 A, and specification contained therein, submitted on 02nd August 2019. **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.
-