

Planning Committee: 10 January 2017

Item Number: 12

Application No: [W/16/1906](#)

Town/Parish Council: Leamington Spa
Case Officer: Holika Passi

Registration Date: 19/10/16
Expiry Date: 14/12/16

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32B Kenilworth Road, Leamington Spa, CV32 6JE
Erection of two storey rear extension FOR Mr Dhaliwal

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of the report.

DETAILS OF THE DEVELOPMENT

The proposal is for a two storey extension to the front elevation of the dwelling (and the rear elevation of the overall building and the existing rear wing) and internal layout changes. The scheme has been amended from the previously refused application by omitting the two pitched roof dormers to both planes of the existing main roof, and hence addressing the reason for refusal for the previous application.

As part of the new layout, the bedroom at second floor will change to a study, and a new larger bedroom will be accommodated within the first floor extension. All matching materials are proposed (render and tiles). There will be no increase in the total number of bedrooms which remains at one. The previous approval included a single storey extension with the same footprint as the proposed two storey extension.

THE SITE AND ITS LOCATION

The application property is situated to the rear wing of a villa on the east side of Kenilworth Road in the Royal Leamington Spa Conservation Area. Large villas of the same design and style are characteristic of the road and immediate area. The existing rear wing has no direct impact upon the street scene. The orientation of the property at No. 32B is that the front of the dwelling is on the rear elevation of the building.

PLANNING HISTORY

W/16/0715 - 32B Kenilworth Road - Erection of two storey side extension and front and rear dormers - Refused for the following reason:

"Policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. The application property forms part of a detached Regency Villa situated within a run of similar detached Regency Villas within the Royal Leamington Spa Conservation Area, where there is a distinct absence of dormer windows. The proposed development includes the provision of dormer windows. In the opinion of the Local Planning Authority the proposed development by reason of the introduction of an incongruous and alien feature, together with the scale of the rear extension would harm the character and appearance of the building and this part of the Conservation Area. The development is thereby considered to be contrary to the aforementioned policy".

W/15/0411 - 32B Kenilworth Road - Erection of single storey extension - Granted

W/09/0213 – 32 Kenilworth Road - Proposed change of use of rear wing from its lawful use of one 2 and one 1 bed flats (planning permission W2007/0777) to one 2 and one 1 bed mews dwellings, involving the alterations to the existing unauthorized two four bed dwellings together with the proposed retention of 3 car parking spaces and a proposed fence in the rear garden subdividing private from communal gardens - Granted

W/07/2034 - 32 Kenilworth Road - Conversion of rear wing to form two mews dwellings; single storey side extension; and relocation of communal bin store (part retrospective application) - Refused. Appeal Dismissed

W/07/0588 - 32 Kenilworth Road - Conversion of rear wing to form two mews dwellings, provision of additional car parking and relocation of communal bin store (part retrospective application) - Refused. Appeal Dismissed

Within these appeals, a conclusion was reached that there was a need to strike a fine balance between the suitable intensity of the development of the site with the impact on the Conservation Area, the need for an appropriate level of parking while securing a suitable level of and space for landscaping and a retained/reinstated amenity area. A 2009 application (for a change of use of the rear wing to 2 mews dwellings and other aspects) reached achieved these fine balances and was granted and implemented. This involved 3 spaces being retained to the rear of the site, and an area of landscaping for a communal garden area was also proposed to the rear.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objects on grounds that the scale and form of the proposed rear extension would harm the character and appearance of the building and this part of the Conservation Area in contravention of Policy DAP8.

WCC Ecology: No objection, subject to bat and bird notes

Public Response:

8 Letters of objection have been received on the following grounds:

- Parking already constrained and would be exacerbated if more people live in the property, and assumes this will be the case as it is larger.
- Noise due to lack of sound proofing in walls.
- Unsightly and detrimental to the character of the area and the Conservation Area, even while not visible from the road.
- Comments surrounding issues of procedure of previous applications
- Comments surrounding history on the site (particularly refusals and dismissed appeals).
- Comments on neighbour involvement in the planning of the site, and their resistance to various historical applications and works.
- High density already reached on site, this will further increase the density

5 Letters of support have been received on the following grounds:

- In support now that dormers are removed from the scheme.
- Next door neighbour at No. 30 supports development.

- 2 adjoining neighbours at No. 32 support the application.
- It is of a discrete character within the context of the building and the surrounding properties and is proposed to be painted to match the building, and will be a visual improvement which will integrate well with the single storey extension and the main building.
- Will not cause harm to the Conservation Area.
- In support of extensions in a housing crisis if done tastefully.
- Will cause no harm to outlook.
- Questions of reasons for resistance of various neighbours.

KEY ISSUES

Assessment

Design and Impact on 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 132 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 134 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.

Objections have been raised on grounds that the site is being overdeveloped. However, the principle and footprint of a further extension has already been established by the approval of permission ref: W/15/0411 and the current application merely seeks to extend above this.

The proposed design of the extension is subservient and considered acceptable in accordance with the Residential Design Guide SPG. The pitch and shape of the gable roof matches the main roof. While the original villa has already been extended, the new extension to this dwelling is not considered disproportionate in width or depth. Therefore despite objections stating the proposal to being unsightly and harmful, Officers view is that the new extension at first floor will preserve the character and appearance of the Conservation Area.

Impact on Neighbour Amenity

The first floor window to the south elevation will look out onto the applicant's own garden and the two first floor side windows to the east elevation will look out onto the shared car park area and open communal area and it is therefore considered that there will be no material harm caused by reason of overlooking or loss of privacy. The first floor window proposed to the bedroom on the north elevation faces one window at first floor on the adjacent building at No.34, and therefore this window will be obscure glazed and secured by condition as such. Objections have been raised on grounds that noise will increase if the number of residents increases. However, as the residential use is established a refusal on

such grounds would be unreasonable. In any case, the number of bedrooms will not increase as part of this development, and therefore the number of residents is unlikely to increase.

There will be no loss of light to Flat 4, 32 Kenilworth Road due to the position, scale and orientation of the property and the proposed extension, and its distance from other units and properties, and it is not considered that there will be any further impact than the existing building in terms of loss of light. There will also be no breach of the 45 degree line to the rear habitable room windows of the adjacent properties.

Parking and Landscaping

As the footprint for the proposed extension is the same as the extension approved in 2015 and there is no increase in bedrooms, the parking requirement remains as it existing.

Renewables

Given the limited scale of the proposed development it is considered that a requirement to provide 10% renewables/ fabric first approach in accordance with Policy DP13 and the associated SPD would not be appropriate.

Summary/Conclusion

The proposal is considered to be of an acceptable design which will preserve the character and appearance of the Conservation Area and there will be no material harm to the living conditions of neighbouring occupiers.

CONDITIONS

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 2844-01 received on 19th October 2016 and 2844-02D received on 1st December 2016, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors and windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and

appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

- 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building, shall be constructed with lead cladding to the 2 dormers.
REASON: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the window to be formed in the north elevation, in the proposed first floor bedroom facing the side elevation of No 34 Kenilworth Road hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed and shall be maintained in that condition thereafter without further written consent of the Local Planning Authority. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.