

**Planning Committee:** 12 July 2005

**Item Number:** 05

**Application No:** W 05 / 0653

**Registration Date:** 20/04/2005

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 15/06/2005

**Case Officer:** Alan Coleman

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**Land rear of 31, Clarendon Square, Leamington Spa, CV32 5GZ**

Erection of two dwellings FOR Crabb Curtis & Co (Homes) Ltd

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This application was deferred at Planning Committee on the 22 June 2005, for more information on the number and type of openings in the eastern side elevation of 161 Trinity Street. These comprise a partially glazed door at ground floor level, which faces onto the existing side boundary wall of the property at a distance of approximately a metre away. There is also a landing window at first floor, which would have an outlook onto the rear half of the opposing side elevation of the proposed dwellings at a distance of some 2 metres. In addition, there are two obscure glazed bathroom and en-suite windows at ground and first floor level in the inset rear elevation of the dwelling.

Additional comment on this aspect of the proposals is made under the relevant heading of the 'Assessment' section of the following report which, in all other respects, is that which was presented previously.

### **SUMMARY OF REPRESENTATIONS**

**Town Council** (original plans): "*The proposal is considered to represent an over-intensive use of the site which will result in development that is harmful to the setting of the listed building.*" (amended plans): No objection.

**CAAF:** "*It was felt that this should not be set back behind the wall but should be a mews building abutting the road as the adjacent properties. It was felt that one dwelling would be appropriate here designed with a gable depth to match the adjacent properties, with just a small garden to the rear. It was felt that provision of a front and rear garden within the garden of a listed building was unacceptable in this location.*"

**Highway Authority:** No objection.

**Neighbours** (original plans): 14 letters which reiterate previous objections raised in respect of application W04/2160 on the following grounds:-

1. harm to the character, appearance and environmental quality of the street scene and conservation area by reason of the loss of the site as garden land/wildlife habitat, excessive scale and density of development and

- inappropriate form of development in relation to prevailing pattern and layout of neighbouring dwellings;
2. lack of off-road parking and increased demand for on-road parking in Trinity Street that currently experiences problems of congestion, and;
  3. harm to neighbouring residents' amenities from noise and disturbance arising  
from the intensification in the residential use of the site, loss of light, outlook  
and privacy from the scale and layout of the development and over-bearing impact on garden areas of neighbouring properties.

### **RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)  
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)  
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)  
(DW) IMP1 - Infrastructural and Community Requirements Associated with Major Development (Warwick District Local Plan 1995)  
(DW) IMP2 - Meeting the Needs of People with Disabilities (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)  
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

### **PLANNING HISTORY**

Planning application W04/2160 for the erection of 3 no. dwellings was refused by this 'Committee at the meeting on 14 February 2005 for the following reason:

*"Policy (DW) ENV3 of the Warwick District Local Plan 1995 requires all development proposals to achieve a high standard of design, harmonising with their surroundings whilst Policy (DW) ENV6 states that Conservation Areas will be protected from development which would have a detrimental effect upon their character or appearance and Policy (DW) ENV8 requires*

*new development in Conservation Areas to achieve a high standard of design appropriate to the special historic or architectural character of the area. In addition, Policy (DW) ENV11 states applications to alter or extend Listed Buildings in such a way as to adversely affect their character will normally be refused, whilst Policy (DW) ENV12 states that the setting of Listed Buildings will be protected. These policies are reflected by Policies DP1, DP2, DAP6 and DAP10 of the Warwick District Local Plan 1996 -2011 (first deposit version).*

*The application site comprises the walled rear garden to No. 31 Clarendon Square, a Grade II Listed Building. The proposal will entail the lowering of existing ground levels, the partial demolition of an existing 'listed' garden wall and the erection of 3 new dwellings and a new garden wall, gate and steps which will link onto the 'listed' garden wall.*

*In the opinion of the District Planning Authority, the proposed development will be wholly unacceptable by reason of:-*

- 1. 3no. 2-bedroomed dwellings would constitute an excessive development on this site of limited size, resulting in an unacceptably cramped development which will have an unneighbourly, overbearing effect on the outlook from neighbouring properties, and;*
- 2. The development would neither preserve nor enhance the character or appearance of either the Conservation Area or that of the Listed Building, No.31 Clarendon Square, or its setting, by reason of the proposed siting and design of the 3 dwellings, in particular the use of 'cat-slide' roofs to the south elevations of the dwellings.*

*The proposal is, therefore, contrary to the aforementioned policies. "*

In my opinion, this is a material consideration in the assessment of the proposal.

## **KEY ISSUES**

### **The Site and its Location**

The site is situated on the southern side of Trinity Street within a predominantly residential part of the Conservation Area. The site has an area of 225 sq. m. and was formerly part of the rear garden serving 31 Clarendon Square, which is a Grade II Listed Building that has been converted to self-contained flats. The site is enclosed by boundary walls to Trinity Street to the north, the neighbouring dwelling at 161 Trinity Street to the west and a garage courtyard to the east, above which it is elevated. The site contains mature and semi-mature planting that is currently overgrown.

There is a mix of properties in the vicinity of the site, including flat conversions in the host and neighbouring properties in Clarendon Square, out-building conversions and infill mews dwellings on the southern side of Trinity Street

between the site and junction with Binswood Street that stand opposite a terrace of 8no. 3-storey houses first approved in 1988.

### **Details of the Development**

The application has been amended and now comprises the erection of a pair of semi-detached dwellings that would now front directly onto Trinity Street rather than being set back some 6/7 metres as originally proposed. The dwellings would have a depth of 8.7 metres, some 3.5 metres shorter than the neighbouring dwelling at 161 Trinity Street and would stand 7.8 metres at the ridge and 5 metres at the eaves, approximately 0.5 metres taller than No. 161.

Access to the properties would be from Trinity Street and via the existing gate opening adjacent to the neighbouring dwelling which would serve a passageway parallel to the boundary wall to provide rear access to the host property and garden areas. These would extend to some 11 metres in depth with 1.8 metre high close-boarded timber boundary fences between them and the passageway. In order to accommodate the development, the ground level of the site would be reduced by approximately 1.4 metres and the site would be cleared. A 2.5 metre high wall would be erected at the rear of the site to separate it from the remaining garden area of 31 Clarendon Square that would be off-set by screen planting.

As proposed, the development would be similar in scale, form and layout to the neighbouring dwellings to the west on the southern side of Trinity Street. In terms of design and appearance, a simple elevational treatment is proposed to match the neighbouring properties. No provision for off-road parking is proposed.

### **Assessment**

I consider the proposal raises similar key issues as the previous applications, namely:-

#### **1. The Principle of Development**

The site is located within the Leamington Conservation Area and is allocated within an "Area to be Primarily in Residential Use" as defined by the Local Plan. The authorised planning use of the site is as garden, which constitutes previously developed land as defined in PPG3: *Housing* and where both Structure Plan and Local Plan policies regarding residential development apply. PPG3: *Housing* states that the Government is committed to promoting more sustainable patterns of development by concentrating new housing development within urban areas, making more efficient use of land by maximising the re-use of previously developed land.

Whilst noting the objections raised in principle to the loss of the garden and the residential redevelopment of the site, I consider such an objection could not be sustained in principle and inasmuch as it has not been formally allocated for development in the Local Plan, it properly falls to be considered

as a 'windfall site'. As such, I consider the proposals are acceptable in principle.

## 2. Car Parking

No provision for car parking to serve the development is proposed.

Recent advice on parking and housing issues is contained in PPG13: *Transport* which advises that in considering planning applications, local authorities should, inter alia, accommodate housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling, and to use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys. In relation to implementing policies on car parking, local authorities are advised not to require developers to provide more spaces than they themselves wish, other than in exceptional circumstances (para. 51).

The site is located within the defined Town Centre of Leamington Spa and is within easy walking distance of town centre services and facilities, employment areas and the public transport network.

I note the concerns of local residents regarding this aspect of the proposals. I also recognise the implications of this for highway safety by increasing demand for on-street parking in Trinity Street and the surrounding area, which currently experience problems of congestion. However, the Highway Authority has raised no objection to this aspect of the proposals and, in light of current government guidance on car parking, I consider the proposals are acceptable on these grounds.

## 3. The impact of the development on neighbouring residents' amenities

The aspects of concern to neighbouring residents are summarised above and relate principally to the layout, density and form of development on the site as originally proposed. No further comments on the amended scheme have been received at the time of writing this report. The proposals would result in an intensification in the residential use of the site and would, in my opinion, undoubtedly have an impact on the living conditions of neighbouring residents. However, as amended, I consider that the proposed dwellings would be sufficiently distant from the neighbouring dwellings to ensure that the proposal would not have an unacceptable impact on the privacy, visual amenities and levels of day and sunlight enjoyed by neighbouring residents. The amount of activity within the site would also inevitably increase. However, I consider that any noise would be domestic in nature and would not be unacceptable.

Whilst I note the concerns of the residents of 161 Trinity Street regarding the siting of the development in proximity to existing side-facing windows, nevertheless these are secondary windows which are not normally afforded

the same level of protection from development proposals as principal habitable room windows, which are contained in the rear elevation of the dwelling. As such, I do not consider the proposal would unduly harm the living conditions of the occupants.

#### 4. The impact of the development on the character and appearance of the Conservation Area/ setting of Listed Buildings

The scheme has been amended to reflect and mirror the form and layout of the existing development at 169-173 Trinity Street, in accordance with the recommendations of the CAAF. Whilst I note the preference for the erection of a single dwelling, nevertheless I am satisfied that, as amended, the site has sufficient capacity to accommodate the development in an acceptable manner in terms of the nature, scale and layout of the proposal, design and appearance and the character and appearance of the street scene in this particular part of the Conservation Area.

For these reasons I am also satisfied that it would not harm the setting of the host and neighbouring listed buildings.

#### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

#### **RECOMMENDATION**

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing 1463/7, and specification contained therein, submitted on 25 May 2005 unless first agreed otherwise in writing by the District Planning Authority.  
**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 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 ENV8 of the Warwick District Local Plan.

- 4 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.  
**REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 5 All window frames shall be constructed in timber, painted and not stained, and be set in reveals of 75mm from the face of the building.  
**REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 6 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.  
**REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of garden area and site boundary treatments have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.  
**REASON** : Insufficient details were submitted for this matter to be fully and properly considered as part of the approval hereby granted.
- 8 Samples of all external facing and surfacing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.  
**REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 9 The roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details.  
**REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

- 10 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority.  
**REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 11 A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted.  
**REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.  
**REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan.
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