

Planning Committee: 16 August 2016

Item Number: 9

Application No: [W 16 / 0972](#)

Town/Parish Council: Leamington Spa

Registration Date: 06/06/16

Case Officer:

Rob Young

Expiry Date: 01/08/16

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14, Charnwood Way, Lillington, Leamington Spa

Minor material amendment to planning permission no. W/14/1811 to allow for changes to the design of the proposed dwellings FOR Mr Sohal

This application is being presented to Committee due to an objection from the Town Council having been received. In addition, Cllr Boad has requested that the application is determined by Committee.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes a minor material amendment to planning permission no. W/14/1811 to allow for changes to the design of the proposed dwellings. The changes largely relate to the front elevation and include a revised design for the windows, changes to the position of the windows, the introduction of additional ground floor windows and the repositioning of the front door of one of the units to the opposite end of the elevation. The changes also show an increase in the height of the dwellings by 100-200mm. The dwellings have been constructed and consequently this is a retrospective application.

THE SITE AND ITS LOCATION

The application relates to a plot of land that previously formed the side garden of No. 14 Charnwood Way. A pair of semi-detached dwellings has recently been constructed on the site.

The site is situated within a predominantly residential area and is surrounded by dwellings. Charnwood Way is a cul-de-sac that is fronted by terraces of two storey dwellings. No. 14 is a two storey link-detached dwelling on the end of one of these terraces.

PLANNING HISTORY

In 2015 planning permission was granted for "Erection of a pair of semi-detached dwellings" (Ref. W14/1811).

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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (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)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Town Council: Object on the grounds that the amendments are not in keeping with the street scene.

Public response: 3 objections have been received, raising the following concerns:

- concerns about the developer not complying with the amended plans;
- the approved plans matched the design of other houses in the street;
- the layout that has been built is completely different to the approved plans, such that the right-hand house is completely different from every other house in the row;
- the windows are not in keeping with those used on other houses in the street;
- the dwellings are taller than approved; and
- concerns that the kerb has not been dropped to provide vehicular access to the dwellings.

Cllr Boad: Requests that the application is referred to Planning Committee for a decision. The deviation from the approved planning permission does not sit easily with the surrounding properties.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- the impact on the living conditions of neighbouring dwellings; and
- the impact on the character and appearance of the area.

Impact on the living conditions of neighbouring dwellings

The small increase in height of the dwellings has not resulted in any significant additional loss of light or loss of outlook for neighbouring dwellings. The revised proposals comply with the Council's 45-Degree Guideline and Distance Separation Standards. The alterations to the windows and doors have not resulted in any additional overlooking of neighbouring dwellings.

For these reasons it is considered that the amended proposals have had an acceptable impact on the living conditions of neighbouring dwellings.

Impact on the character and appearance of the area

As previously approved, the design of the proposed dwellings matched that of the existing dwellings in the street. The established street scene of Charnwood Way exhibits a strong uniformity in design. The street is fronted by rows of terraced dwellings of matching design, with the only notable deviation from this uniformity being larger dwellings with a different roof shape and window arrangement at the ends of the terraces. This includes the established dwelling adjacent to the application site at No. 14 Charnwood Way. Nevertheless, this variation at the end of the terraces is also a fairly uniform pattern along the street.

In this context the deviations from the approved design are unfortunate. However, this is not to say that the design as approved is the only acceptable design for this site, even if it might be preferred. The judgement that must be made is whether the changes have caused material harm to the character and appearance of the area. In order to make this judgement the revised design must be carefully assessed against the established character of Charnwood Way.

Looking first at the height, the dwellings are not noticeably higher than the established dwellings to either side. Therefore the development is considered to remain acceptable in this regard.

Turning to the overall size and position of the windows, this is broadly similar to that of the existing dwellings in the street. However, there is a more significant difference in the design of the windows themselves, with the first floor windows in particular being 2 over 4 mock sashes, in contrast to the 8 over 8 mock sash design of most other first floor windows in the street. Nevertheless, there are one or 2 exceptions to this on established dwellings in the street and it is important to note that the Council do not retain control over such detailed changes to windows after a dwelling is built and occupied. In the same way that one or two existing residents of Charnwood Way have opted for a different detailed window design, future occupants of the dwellings on the application site would be free to change the design of their windows at any point in the future if they so wished. In view of this it is not considered appropriate to refuse planning permission on the grounds that the detailed design of the windows does not exactly match those of the majority of existing dwellings in the street.

Another more significant difference in the new dwellings is in the position of the front door to one of the houses. The established terraces in Charnwood Way have their front doors in a uniform position on the front elevation. There are some exceptions to this (i.e. with the different design of the dwellings at the end of some of the terraces), but on the side of the street where the application site is located all of the front doors are on the left hand side of the front elevation. As a result, the westerly of the two dwellings on the application site is the only one on this side of the street to have its door on the right hand side. However, the pair of dwellings that was approved already departed a little from the uniform pattern of development in the street in that they do not form part of a terrace. In this context, a symmetrical appearance to the front elevation with the doors at

opposite ends does not appear so out of place at it might if the new dwellings formed part of a terrace that was of otherwise uniform appearance.

Drawing the above considerations together, whilst a design that exactly matches that of the majority of dwellings in the street may be the ideal design solution, this does not mean that it is the only acceptable design. The original layout of Charnwood Way already included significant deviations from the uniform design of the terraces for a number of the end units. Furthermore the proposed development does not form part of one of these uniform terraces, instead being a standalone pair of semi-detached dwellings. All things considered, it has been concluded that the design of the dwellings has not deviated so much from the established character and appearance of the area as to warrant a refusal of planning permission.

Other matters

The amendments to the design of the dwellings do not have any implications for the assessment of the other issues that were considered when planning permission was granted for these dwellings in 2015 (e.g. the principle of development and car parking / highway safety).

SUMMARY/CONCLUSION

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 15.2015.GA.101a, 15.2015.GA.102c & 15.2015.GA.103a, and specification contained therein, submitted on 24 May 2016. **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.
- 2 The development shall be carried out in accordance with the materials samples that were approved under Condition 3 of planning permission no. W14/1811. **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.
- 3 The development shall not be carried out other than in strict accordance with the drainage details that were approved under Condition 4 of planning permission no. W14/1811. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.

- 4 The development hereby permitted shall only be undertaken in strict accordance with the details of both hard and soft landscaping works that were approved under Condition 5 of planning permission no. W14/1811. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 5 The development shall not be first occupied until all the works within the renewable energy scheme that was approved under Condition 6 of planning permission no. W14/1811 have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 6 The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted. **REASON :** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 7 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.0 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within these splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON :** In the interests of highway safety, in

accordance with Policy DP6 of the Warwick District Local Plan.

- 8 Accesses for vehicles to the site from the public highway Charnwood Way shall not be made other than at the position identified on the approved drawing number 914-02 Rev B. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 9 Neither of the dwellings hereby permitted shall be occupied until an access for vehicles has been provided to that dwelling not less than 3 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 10 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres into the site as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 11 The access to the site for vehicles shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 12 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
