

**Planning Committee:**

**Item Number: 8**

**Application No:** W 21 / 0900

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jonathan Gentry

**Registration Date:** 10/05/21  
**Expiry Date:** 05/07/21

01926 456541 jonathan.gentry@warwickdc.gov.uk

**21 Montrose Avenue, Lillington, Leamington Spa, CV32 7DS**

Erection of single storey outbuilding to provide gym/garden room and storage space FOR Mrs. Fairley-Dyer

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This application is being presented to Planning Committee due to the number of objections 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**

Planning permission is sought for the erection of a detached outbuilding within the rear garden of the property to provide a gym/ garden room and storeroom.

**THE SITE AND ITS LOCATION**

The application site of 21 Montrose Avenue is a typical semi-detached plot positioned to the northwest of the road. The main dwelling adjoins neighbouring No.19 to the southwest and lies adjacent to No.23 to the northeast. The application site and those adjacent along Montrose Avenue benefit from long plots that extend significantly rearwards. Similarly, Properties facing Leicester Lane beyond feature similarly proportioned garden areas.

**PLANNING HISTORY**

W/11/0821 - Erection of single storey side & rear extension – Refused

W/11/1521 – Erection of a single storey rear and side extension (resubmission of W/11/0821) - Granted

W/13/0241 - Two storey side and rear extension and single storey side extension with a canopy over the front porch and garage - Granted

**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
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS4 - Housing Character Outside the Conservation Areas

## **SUMMARY OF REPRESENTATIONS**

**Leamington Spa Town Council** - No objection.

**WCC Ecological Services** - Recommend advisory notes in relation to nesting birds, amphibians and hedgehogs attached to any grant of consent. Also recommend consideration of root protection areas if necessary.

**Public Response** - Eleven objections have been received on the following grounds:

- The application site has been used to conduct fitness classes online resulting in noise disturbance and amenity loss, the proposed structure would amplify noise generated.
- Proposed structure would be used as commercial gym/training facility, resulting in further noise disturbance.
- Structure would be excessive in size and height and would be more visible from surrounding properties.
- Structure would result in a harmful loss of light.
- Proposed structure is not in keeping/out of character with residential neighbourhood.

## **ASSESSMENT**

### Impact on the amenity of neighbouring uses

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of light or outlook.

The proposed outbuilding is positioned to the rear (northwest) edge of the application site, and as a result would sit at just under 30m from the application dwelling. As a result of its siting, the structure would not lie within 30 metres of any neighbouring dwelling. However, it would lie in close proximity to the private amenity spaces of adjacent No.19 and 23 Montrose Avenue, alongside No.12 and 14 Leicester Lane.

The proposed mono-pitch structure would span the width of the garden area, and stand at a maximum height of approximately 2.8 metres. As a result, its mass would be visible from a number of neighbouring garden areas, standing above the existing fencing/boundary treatments which divide plots. While the structure would stand in close proximity of neighbouring garden areas, it is not considered

that its proportions would result in material harm to amenity which would justify a refusal of planning permission.

There is no breach of the 45-degree line and as a result of its single storey scale and siting at the rear of the plot, the proposed outbuilding is not considered to result in material harm to amenity by reason of loss of light, outlook, or privacy to any of the neighbouring dwellings.

A number of public objection comments have been received which raise concerns in relation to previous noise disturbances originating from the application site as a result of fitness activities taking place, stating that the proposed structure would be used for commercial fitness classes, resulting in noise disturbance to the surrounding locale. The potential impacts of noise disturbance generated from a proposed development does form an aspect of amenity assessment under Local Plan Policy BE3. However, while the matters raised are noted, the application must be assessed on the basis of which it has been submitted which is as a domestic outbuilding.

Officers assess that the proposed use of the structure as outlined on the submitted details comprises a typical leisure activity which is incidental to the main dwelling. Accordingly, it is likely that a modest level of noise will be generated through typical use of the structure. Officers are also mindful that the granting of planning permission for this outbuilding would not preclude any powers under Environmental Protection Legislation relating to any potential noise disturbance that arose from the application site. Therefore, as proposed, it is considered that the development would not result in material harm to amenity through noise disturbance.

Of course, should there be a material change of use in the future this would need to be the subject of a separate planning application which would be assessed on its merits at that time.

In conclusion, it is considered that the proposed building outlined within this scheme will not result in material harm to the amenity of neighbouring properties, and it is therefore viewed that the scheme lies in accordance with Local Plan Policy BE3.

#### Design and impact on the street scene

Local Plan Policy BE1 states that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted Residential Design Guide SPD also sets out design principles which development proposals will be expected to comply with.

As a result of its position to the very rear of the plot, the proposed outbuilding will not be readily visible within the wider street scene and would therefore have no appreciable visual impact on the character and appearance of Montrose Avenue or Leicester Lane.

As noted earlier, the building would be raised above the existing boundary treatment to neighbouring gardens and as such would be visible from surrounding sites. However, the conventional mono-pitch design and detailing of the structure

are typical of garden buildings of this type, and the development is not considered to result in an incongruous or inappropriate built form. It is not uncommon to see outbuildings in the rear gardens of neighbouring properties in this context.

Officers are also mindful that a structure of the same footprint and use could be constructed under permitted development to a height of 2.5 metres within the provisions of Schedule 2, Part 1, Class E of the General Permitted Development Order 2015 (as amended). In view of this, the modest exceedance of the standard permitted dimensions is not considered to result in an inappropriate or harmful design implication.

The structure is of a generally simple construction that is considered to adequately harmonise with the surrounding built form. The use of powder coated steel and timber cladding are considered acceptable in a garden structure of this type.

The proposed development is considered viewed to accord as necessary with Policy BE1 of the Local Plan.

### Ecological Impact

The consultee Ecologist at WCC commented on the application, recommending that any vegetation that may be impacted by works is checked immediately prior to works, alongside an advisory note in relation to nesting birds being attached to any grant of consent. Similarly, advisory notes in relation to amphibians and hedgehogs are recommended. Officers agree with the noted recommendations and consider the outlined notes would ensure the applicant is aware of the relevant responsibilities in relation to protection of the noted species. While the imposition of root protection areas is suggested, no notable trees or hedgerows would be impacted by the proposed scheme as assessed to justify this measure.

The proposed development is therefore considered to appropriately accord with Local Plan Policy NE2.

### Other matters

A number of public consultation responses received consider that the proposed outbuilding may be used as a commercial premises within the site for the operation of a fitness business. Officers note that the submitted householder application relates to the construction of a domestic outbuilding incidental to the use of the house. Use of the building as a commercial premises could potentially require permission if determined to be a material change of use, which would be considered on its merits at that time.

## **CONCLUSION**

The scheme is considered acceptable, having regard to the impacts on character of the street scene, neighbouring amenity and ecology. Members are therefore recommended to grant permission, subject to conditions.

## **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 approved site location plan drawing 'Garden Room Elevations, Garden Room Plan and section, Site Location Plan' submitted on the 10th May 2021, and specification contained therein. **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.
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