

Application No: W 11 / 0259

Town/Parish Council: Leamington Spa
Case Officer: Jo Hogarth

Registration Date: 28/02/11
Expiry Date: 25/04/11

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26 Leam Terrace, Leamington Spa, CV31 1BB

Change of use to a 16 bedroom House in Multiple Occupation (retrospective application) FOR Mr B Dhinjin

This application is being presented to Committee due to an objection from the Town Council having been received together with a request from Cllr Barrott.

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: Object as the proposal does not meet the parking regulations and the two front dormer windows are out of keeping with the appearance of the property and should be replaced by roof lights.

CAAF: Concern was expressed that this had taken place without planning permission. It was felt that the dormer windows at the front and back were unacceptable. Concern regarding the amount of space provided for the rooms, they were considered too small. Lack of parking provision and whether the building would comply with Building Regulations, it was generally felt that the extended use of this property was inappropriate.

Conservation Officer: "This application is for a retrospective permission to extend the first floor of the house at the rear to provide second floor accommodation and also the insertion of four roof dormers and change of use to a house in multiple occupation. This is a particularly significant house in Leam Terrace, although not Listed it is adjacent to Listed properties and is a fairly prominent property in this part of Leam Terrace. The rear extension takes up the existing rear wing to another storey and I consider is an acceptable extension to the house. The rear dormer windows also although not of a particularly traditional design are acceptable at the rear. I have more concerns about the two front dormer windows which are not particularly well designed to suit the property. It would be more appropriate if these could be removed and replaced by roof lights which could equally serve the two bedrooms. I will need to have a further look at the impact of the dormer windows on site and report further. In terms of the internal conversions this is not a Listed property. The upper ground floor which is the principal floor of this house does appear to remain largely without sub-division apart from a rear room which is all acceptable."

The Leamington Society: Objection due to the intrusive dormer windows on the front, inadequate parking provision and contravenes the parking SPD.

WCC Highways: No objection subject to conditions.

Private Sector Housing: The property has been visited and subsequently a licence issued on 28 July 2011, the house is suitable for HMO occupation.

Public response(s): 4 letters of objection have been received raising concerns over lack of parking; loss of light; loss of privacy; noise and disruption during works. Concern relating to Party Wall Act and whether a structural engineer was employed. Question fire safety, increase in vermin due to refuse.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (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)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

PLANNING HISTORY

In 2002 (ref: W/02/0956) planning permission was granted for the conversion of the dwelling into 6 flats together with alterations and extensions. This included a second floor rear extension, two front facing dormer windows and two rear facing dormer windows.

KEY ISSUES

The Site and its Location

The site relates to a detached villa style property located within the Conservation Area on the south side of the road. There is vehicular access onto New Street at the rear which runs parallel to Leam Terrace. It is not a Listed Building and whilst not in the Town Centre, it is adjacent to the boundary as identified in the Local Plan.

Details of the Development

The proposal seeks to regularise its use as a 16 bed House in Multiple Occupation (HMO) together with proposed alterations to the parking layout at the rear.

Assessment

I consider the key issues relating to this proposal to be the impact on the Conservation Area / streetscene, impact on neighbours, parking, refuse, renewables and public open space contributions.

Impact on the Conservation Area / Streetscene

The works to create the rear extension and dormer windows to both front and rear roof slopes were granted consent under planning permission W/02/0956 and implemented in accordance with that permission. Therefore whilst I note the objections raised by CAAF and neighbours regarding these elements, they do not form part of this current application and the issues which were raised at the time of the 2002 application would have been assessed. In terms of the HMO use, I do not consider that this has resulted in unacceptable harm to the character or visual appearance of the Conservation Area or wider streetscene such that would justify refusal of permission.

Impact on residential amenity

The objections, in part, raised by neighbours relate to overlooking and loss of privacy. These issues would have been assessed prior to the determination of application W/02/0956 and therefore I do not consider that these issues relate to the current proposal. With regard to noisy works these have been carried out and the use implemented. I note concern raised in connection with the Party Wall Act; however this is not covered by planning legislation.

Parking

The lawful use of the property for 6 flats requires 9 off street parking spaces to be provided in accordance with the Council's Parking Standards. As part of the previous approval, it was allowed to provide only 6 off street parking spaces as the Council noted the site was close to the Town Centre and would therefore not result in unacceptable harm to on street parking.

The proposed use of the property as a HMO for 16 bedrooms requires 8 off street parking spaces in accordance with the Parking Standards which would, in theory, result in less demand for on street parking than the lawful use. 6 off street parking spaces together with 10 cycle racks are proposed for this use and whilst this is deficient by two spaces against the Council's standards, I do not consider that this would result in unacceptable demand for on street parking which would be detrimental to highway safety. In light of this, and given the lawful use of the property and the sites location close to town centre services and public transport, I do not consider that a refusal on grounds of parking could be sustained.

Refuse

With regards to refuse storage, provision has been made to accommodate wheelie bins and these would be located in the rear garden area, adjacent to the cycle parking. I am satisfied that this arrangement is acceptable and would not conflict with Policy DP1 in the Local Plan.

Renewables

The lawful use for six flats incorporated 11 bedrooms; and in this particular instance I do not consider an additional five bedrooms triggers the need for the provision of renewables as the building is still within residential use and the level of use is not considered to generate a materially larger energy use than the lawful use. Therefore I do not consider the requirement for 10% renewables to be appropriate in this instance and I am satisfied that there is no conflict with Policy DP13 in the Local Plan.

Public Open Space

The applicant has agreed to submit a unilateral undertaking for the provision of £3140 towards the enhancement of Public Open Space in the locality and therefore meets Policy SC13 in the Local Plan and the Council's adopted Supplementary Planning Document. I am therefore satisfied that this is acceptable and justified in this instance.

RECOMMENDATION

GRANT, subject to the conditions listed below and a unilateral undertaking for £3140 towards enhancement of Public Open Space.

CONDITIONS

- 1 The development hereby permitted shall be retained strictly in accordance with the details shown on the application form, site location plan and approved drawing number 778-03 and 778-04A, and specification contained therein, submitted on 26 February 2011 and 5 March 2012 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 2 The existing vehicular access to the site shall be widened so as to provide an access of not less than 5 metres, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 3 Any gates/barriers/doors erected at the entrance to the site for vehicles shall not be hung so as to open to within 5 metres of the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.
