

Application No: W 11 / 0709

Town/Parish Council: Leamington Spa

Registration Date: 21/07/11

Case Officer:

Rob Young

Expiry Date: 15/09/11

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1 The Fairways, Leamington Spa, CV32 6PU

Erection of single and two storey extensions to front, sides and rear FOR Mrs T Martin

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

SUMMARY OF REPRESENTATIONS

Town Council: Object. The proposal is an over-development of the site.

Public response: 3 neighbours have objected on the following grounds:

- the proposed balcony and first floor french doors would cause unacceptable overlooking of neighbouring gardens and the rear windows of neighbouring houses;
- the small size of the window panes is not characteristic of the properties in the surrounding area; and
- detrimental impact on trees in neighbouring garden.

WCC (Ecology): Requested that a bat survey be carried out. Following the receipt of a bat survey, the following further comments were made.

I am satisfied that the survey work has been carried out in accordance with appropriate methodology and I have the following recommendations. Externally the brick built building with pitched tiled roof and a dormer window with hanging tile walls was considered to be in a good state of repair and well sealed with no opportunities, such as cracks or crevices, for bats. Internally the roof void measured c.2m in height, which is considered suitable for void seeking species such as brown long-eared bats. The roof was lined with felt which was in good condition with no tears or holes present. Some cobwebs were present along the ridge board and at the gable ends, which can be an indication that no bats have been present recently. No evidence of bats externally or internally was found within the roof space present at the time of the survey. An adjoining flat roofed garage and utility room are considered to not provide any potential for crevice dwelling bats, such as pipistrelles.

Therefore taking all of this into consideration and due to the lack of potential areas for bats (crevice dwellers and void seeking species), I agree with all the recommendations made in section 4 of the initial report. I am satisfied that works can proceed with no further need for bat survey work or mitigation. However, as bats are a dynamic species and given the surrounding area the proposed works should be carried out sensitively and should bats be found works must cease immediately and further guidance sought as a licence from Natural England may be required. I recommend that a note relating to bats, as protected species, is attached to any approval granted.

It appears some vegetation may be impacted on by the proposed works. Therefore, I strongly recommend that a note relating to nesting birds, as protected species, is attached to any approval granted. Compensation for loss of nesting and foraging areas for birds can be provided through an appropriate landscaping scheme using native species and berry-providing species such as hawthorn, rowan and fruit trees. Also, any mature trees or hedgerows to be retained on site should be protected from works by a buffer zone of at least 2-3 m between the boundary of the works and the outer canopy.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

PLANNING HISTORY

There have been no previous planning applications relating to the application property (other than those relating to the original laying out of the estate).

KEY ISSUES

The Site and its Location

The application relates to a two storey detached house situated on the south-western side of The Fairways. The application site is situated within a predominantly residential area characterised by large detached dwellings on large plots. The dwellings vary in design.

The application property has a single storey flat roofed garage to the side. The adjacent dwelling at No. 3 The Fairways also has a garage alongside the shared boundary. The adjacent dwelling to the other side at No. 65 Beverley Road is orientated at an angle to the application property with the rear elevation of that property facing out at an angle across the side and rear of the application property. The other adjacent dwelling in Beverley Road (No. 63) is orientated at right-angles to the application property and the rear boundary of that property adjoins the side boundary of the application site.

Details of the Development

The application proposes the erection of single and two storey extensions to the front, sides and rear.

The plans also show new windows and rendering to parts of the existing dwelling. However, these changes would be permitted development and would not require planning permission and therefore they do not form part of the current planning application.

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 proposed two storey side and rear extension would be located alongside the boundary with the adjacent dwelling at No. 3 The Fairways. However, it would not infringe a 45-degree sight-line from the nearest window in the rear of No. 3. Furthermore, none of the affected windows in the side elevation of No. 3 serve habitable rooms. Therefore, I am satisfied that the proposals would not cause undue loss of light or loss of outlook for No. 3.

The part of the development that would be positioned alongside the boundary with the neighbouring dwellings in Beverley Road would be limited to single storey. The proposed two storey extension would be positioned some distance from the boundary with those dwellings. Therefore, considering the fact that the separation distance from those properties would be some way in excess of the minimum required by the Council's Distance Separation Standards, I am satisfied that the proposals would not cause undue loss of light or loss of outlook for those properties.

I note the concerns of neighbours about the proposed balcony. However, this would be limited to a guard rail only and would not include a platform for people to stand or sit on. Therefore I do not consider that the proposals would cause unacceptable loss of privacy for neighbours. The existing windows in the rear elevation of the application property and other neighbouring dwellings already allow some views into neighbouring gardens and the rear windows of neighbouring dwellings and I do not consider that the proposed french doors would increase this overlooking to an unacceptable degree. The french doors would face down the rear garden of the application property and would be situated 2m from the boundary with the neighbouring dwelling at No. 3 The Fairways and 10.5m from the boundary with the neighbouring dwellings in Beverley Road.

For the above reasons, I am of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

Impact on the character and appearance of the area

I note the concerns of the Town Council regarding overdevelopment. However, the application property is situated on a large plot and the extended property would fit comfortably within the site. Furthermore, the design of the proposed extensions would not appear disproportionate in relation to the existing dwelling, particularly when viewed from the street, and the extensions would be set in at least 1m from the side boundaries at first floor level, in accordance with the requirements of the Council's Residential Design Guide. I am also conscious that a number of other properties in the surrounding area have had similar sized extensions. Taking all this into account, I do not consider that the proposals would represent an overdevelopment of the site and I am satisfied that the proposals would be in keeping with the character and appearance of the area.

I note the comments of the neighbour about the design of the windows. However, the windows in the existing dwelling can be changed without the need for planning permission and this would account for most of the new windows

that would be visible from public vantage points. Therefore I do not consider that a refusal of planning permission would be justified on these grounds.

Other matters

In view of the significant size of the proposed extensions in relation to the size of the existing house I consider that the proposals would result in a significant increase in the energy requirements of the application property. Therefore I have recommended that a condition is imposed to require 10% of the predicted energy requirements of the development to be produced on-site from renewable energy resources.

A bat survey has been carried out at the request of the County Ecologist. This did not find any evidence of bats. Therefore, in accordance with the comments of the County Ecologist, I do not consider that any further work or mitigation is required in relation to bats.

I note the concerns of the neighbour regarding the impact on trees in their garden. However, none of the affected trees or shrubs make a significant contribution to the character and appearance of the area and therefore I do not consider that a refusal of planning permission would be justified on these grounds.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 29/3/11-02D, and specification contained therein, submitted on 12 July 2011, 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.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **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.

- 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. **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.

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 respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.
