

**Planning Committee:** 28 February 2017

**Item Number: 11**

**Application No:** [W 16 / 2194](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Liz Galloway

**Registration Date:** 14/12/16  
**Expiry Date:** 08/02/17

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**37 Sherbourne Place, Clarendon Street, Leamington Spa, CV32 5SW**  
Erection of trellis panel on timber stilts FOR Mr. Narinder Bains

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This application is being presented to Committee due to the number of objections received.

### **RECOMMENDATION**

Planning Committee are recommended to grant planning permission, subject to the conditions listed at the end of this report.

### **DETAILS OF THE DEVELOPMENT**

As amended, the proposal seeks to erect trellis panels supported by two timber stilts at the end of the rear garden adjacent to the property which abuts the rear boundary. The trellis and supports will be a total of 4.7 metres high and will be constructed using timber.

### **THE SITE AND ITS LOCATION**

The application site relates to a dwellinghouse located on the east side of the road within a predominantly residential area. It is situated within the Royal Leamington Spa Conservation Area.

### **PLANNING HISTORY**

W/11/1375 - Erection of single storey rear extension - Granted.

### **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)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (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)
- The 45 Degree Guideline (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection

**Public Response:** 5 objections have been received on grounds of the proposal being out of character, overbearing, unsightly, excessive height, loss of light, impact on the street scene and the Conservation Area and restriction of opening of neighbouring windows.

### **Assessment**

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

- Design and impact on Conservation Area
- Impact on neighbouring residential amenity

### Design/ Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. The proposed trellis will be constructed using traditional materials and will not be visible from public vantage points. It is therefore considered that it will preserve the character and appearance of the Conservation Area. It is also noted that the Council's Conservation Officer has not raised any objection to the proposal. The proposal is therefore considered that the proposal accords with saved Local Plan Policies DP1 and DAP8.

### Impact on neighbouring residential amenity

Five neighbours have objected to proposed development on grounds of the impact on the character and appearance of the Conservation Area and the impact on the rear neighbours' windows.

The rear neighbour's side elevation abuts the rear boundary of the site and the trellis is proposed immediately adjacent to this side elevation, which has one small obscure glazed bathroom window and one small obscure glazed lounge window (secondary light source) which face directly onto the garden area belonging to the applicant. The proposed trellis would be situated immediately outside the bathroom window, however, it would be situated such that would still permit the window to be opened. While an unusual proposal and juxtaposition of properties, it is considered that the proposal would not result in material harm to the living conditions of the occupier of the neighbouring property by reason of loss of light or outlook as the windows are obscure glazed and one serves a non-habitable room and the other is a secondary light source. The proposal is therefore considered to comply with Warwick District Council Local Plan Policy DP2.

### **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 site location plan and approved drawing REVISED PROPOSED PLAN 4, and specification contained therein, submitted on 1st February, 2017. **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.
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