

**Planning Committee:** 22 May 2012

**Item Number:** 24

**Application No:** W 12 / 0417

**Town/Parish Council:** Leamington Spa

**Registration Date:** 17/04/12

**Case Officer:**

Rob Young

**Expiry Date:** 12/06/12

01926 456535 planning\_east@warwickdc.gov.uk

**16 Beauchamp Avenue, Leamington Spa, CV32 5TA**

Erection of a detached 2 storey annexe with cellar fronting onto Morton Street to provide garaging and family accommodation ancillary to the main dwelling FOR Mr & Mrs Brotherston

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This application has been requested to be presented to Committee by Councillor Weber.

**SUMMARY OF REPRESENTATIONS**

**Town Council:** No objection.

**Public response:** 4 neighbours have objected to the proposals on the following grounds:

- detrimental to the character and appearance of the Conservation Area;
- loss of garden land;
- the parapeted front elevation is not a feature typical of Morton Street;
- the Juliet window is not a feature typical of Morton Street;
- the excavation of the cellar will have a negative impact on the roots of a number of surrounding trees;
- loss of privacy for neighbouring dwellings;
- contrary to Distance Separation Standards;
- increased noise and disturbance for neighbouring dwellings;
- loss of light and loss of outlook for neighbouring dwellings;
- the excavations to form the cellar could affect the foundations of surrounding houses; and
- a Section 106 agreement should be put in place to prevent this building from being used as a separate dwelling.

**WCC Ecology:** Recommend notes regarding bats and nesting birds.

**RELEVANT POLICIES**

- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)

- The 45 Degree Guideline (Supplementary Planning Guidance)
- 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)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

## **PLANNING HISTORY**

In 2009 planning permission was granted for "Erection of a detached 2 storey annexe with cellar fronting onto Morton Street to provide office and family accommodation ancillary to the main dwelling" (Ref. W09/1132).

## **KEY ISSUES**

### **The Site and its Location**

The application relates to the end of the rear garden of a dwelling in Beauchamp Avenue, within a predominantly residential part of the Leamington Spa Conservation Area. The site fronts onto the northern side of Morton Street. The site is currently occupied by a flat roofed double garage. This has a parapet feature and two pairs of side hung timber doors fronting onto Morton Street. Morton Street comprises of a mix of coach houses, garages and dwellings. Directly opposite the site is an office, to the east of which is a row of terraced houses. A similar development to the application proposal within the rear garden of 12 Beauchamp Avenue was granted planning permission in 2007 and has been completed.

### **Details of the Development**

The application proposes the erection of a detached 2 storey annexe with cellar fronting onto Morton Street to provide garaging and family accommodation ancillary to the main dwelling.

The application has been amended to change the design of the front elevation at ground floor level to show two separate arches and openings in place of the single large arch and opening that was initially proposed.

### **Assessment**

The current application is very similar to the scheme that was granted planning permission in 2009. The dimensions of the building now proposed are identical to those of the building that was approved. Therefore, unless there has been a material change in circumstances that would affect the assessment of the proposals, the same decision should be reached now. There has been no material change in circumstances that would affect the assessment of the proposals. Furthermore, the minor changes to the design and layout of the development would not affect the assessment of the key issues.

The differences between the current proposals and the approved scheme are as follows:

- front elevation - ground floor window omitted and replaced with second vehicular door;
- rear elevation - vehicular door omitted and replaced with window and pedestrian door, one window reduced in size and another window replaced by pedestrian door;
- west side elevation - window omitted;
- ground floor - internal reconfiguration to omit office and replace with enlarged garage space, stairs relocated and WC omitted;
- first floor - alteration to layout of living space; and
- roof - lantern light omitted.

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

- the impact on the character and appearance of the Conservation Area;
- the impact on the living conditions of neighbouring dwellings;
- parking;
- renewable energy; and
- the impact on trees.

#### Impact on the character and appearance of the Conservation Area

Along Morton Street there is a varying mix and styles of building, ranging from office blocks, private houses, garages and warehousing. Morton Street is relatively narrow in width and historically would have been the service road to properties in Beauchamp Avenue. The scale and design of the proposed building is such that it would appear as an ancillary structure. It would not be too dissimilar to the recent development at 12 Beauchamp Avenue and it is considered that it would sit comfortably within the streetscene. The existing garages are in a poor state of repair, and in that regard the proposal would enhance the appearance of the streetscene and Conservation Area.

With regard to the concerns that have been raised about the Juliet balcony and the parapeted front elevation, these aspects of the design are identical to the scheme that was previously approved. It is not considered that they would be out of place in this location.

The concerns about the loss of garden land are noted. However, the application property has a large garden and the existing garages occupy much of the footprint of the proposed building. Furthermore, two storey buildings at the end of rear gardens are a characteristic feature of Morton Street. For these reasons it is not considered that the proposals would result in an unacceptable loss of garden area.

The design of the ground floor front elevation has been amended to show more traditional proportions for the arches and openings. As amended, the proposals are acceptable in design terms.

#### Impact on the living conditions of neighbouring dwellings

The plans show the first floor window facing towards the dwellings on Beauchamp Avenue to be obscure glazed. As a result, the proposals would not harm the living conditions of the neighbouring properties on Beauchamp Avenue through overlooking or loss of privacy. The proposed building would also be far enough away from the rear elevations of those properties to ensure that it would not cause undue loss of light or loss of outlook for those properties.

The dwellings and offices on the opposite side of Morton Street currently look out onto a single storey building on the application site. The replacement of this with a slightly wider two storey building will have some effect on those properties in terms of loss of light, loss of outlook and loss of privacy. However, given that this arrangement is common for most of the dwellings on Morton Street, and the fact that the application site is due north of those affected properties, any loss of light or loss of outlook would not be so harmful as to justify a refusal of planning permission in this case. With regard to loss of privacy, the property immediately facing the application site is in office use (No. 12) and there would be an angled relationship with the nearest dwelling opposite at No. 14. Therefore this would be an appropriate relationship across a public street.

It has been suggested that the proposals would be contrary to the Council's Distance Separation Standards. However, the Distance Separation Supplementary Planning Guidance states that the standards will not be directly applied in Conservation Areas because the overriding need is to preserve the character and appearance of the area.

Concerns have been raised about potential noise and disturbance from the proposed development. However, there is no reason to believe that noise and disturbance during construction would be a particular problem with this development. If an issue were to arise during the construction process then this could be adequately dealt with under Environmental Protection legislation. Potential noise from the completed development would not be a reason for refusing planning permission because the proposals are for an ancillary residential building, which would be an appropriate use for this mixed residential and commercial area.

#### Parking

The application property currently has two off street parking spaces which meets the requirement set out in the Council's Vehicle Parking Standards SPD. The application proposal is an annexe which is to be used for purposes ancillary to the main house and would therefore not require any additional parking in itself. Whilst the existing garages are to be demolished to make way for the proposed annexe, the new building makes provision to accommodate two vehicles. The proposals therefore meet the requirements of the SPD and would not result in harm to the on street parking situation or highway safety.

#### Renewable energy

The application proposes the installation of a solar thermal system to provide hot water for the proposed living accommodation. This would provide 10% of the predicted energy requirements of the development and therefore this would meet the requirements of Local Plan Policy DP13.

#### Impact on trees

The proposal has required the removal of some trees within the rear garden of the application property. The removal of these trees was approved under the previous planning permission and these works have recently been carried out. None of these trees were of such amenity value which would justify the making of a Tree Preservation Order. Furthermore, the proposed garage would be far enough away from any significant trees in neighbouring gardens to ensure that the proposals would not cause undue harm to any other trees of importance.

### Other matters

Concerns have been raised about the impact of the excavations that are required to form the cellar. However, this is not a relevant consideration for a planning application and is governed by other legislation (the Party Wall Act and Building Regulations).

It has been suggested that a Section 106 agreement should be put in place to prevent the building from being used as a separate dwelling. However, the recommended condition on this matter would provide adequate control. In any case, the use of this building as a separate dwelling would represent a change of use that would require planning permission.

### **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 application form, site location plan and approved drawing(s) 3548/02, 3548/05 & 3548/06, and specification contained therein, submitted on 16 April 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.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: For the avoidance of doubt, and to ensure an appropriate standard of design

and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

- 4 Prior to commencement of the development hereby approved, details of a porous surface treatment for the hardstanding or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The hardstanding shall be constructed and surfaced, in full accordance with the approved details. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.
- 5 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 6 The roofing material for the pitched roof parts of the development hereby permitted shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The bricks for the development hereby permitted shall be acid cleaned reclaimed bricks, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 7 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter 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.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), the garaging shown on the plans hereby approved shall be retained and kept available for such purposes and shall not be altered either internally or externally. **REASON:** To ensure that there are adequate parking facilities to serve the development, in accordance with the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 9 The development hereby permitted shall only be used as accommodation ancillary to the main dwellinghouse at 16 Beauchamp Avenue and shall at no time be occupied as a separate self contained dwellinghouse. **REASON:** Since there is insufficient parking and amenity space for a separate dwelling, and to help satisfy the objectives of Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011.
  
- 10 All windows and doors shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 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.

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