

**Application No:** W 12 / 0018

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Rob Young

**Registration Date:** 11/01/12

**Expiry Date:** 07/03/12

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**65 Willes Road, Leamington Spa, CV31 1BW**

Erection of a single storey rear extension and decking; erection of fence on front side boundary; erection of fence to form refuse area to northern boundary; reinstatement of dwarf wall and gate to side boundary; installation of timber gates in rear garden wall; and installation of railings to front boundary (retrospective application) FOR Mr Jasminder Satsavia

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

**SUMMARY OF REPRESENTATIONS**

**Town Council:** Object. The Town Council considered that the proposed extension was a poor design not in keeping with the Conservation Area. The canopy from the front elevation should preferably be restored to its original position.

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

- detrimental to the character and appearance of the Listed Building and the Conservation Area;
- the canopy and veranda should be reinstated;
- the gates open outwards and block Innage Close and the adjacent garages and accesses when open;
- the fencing that has been installed is not appropriate for a Listed Building; and
- the front railings and piers are of poor quality and out of keeping with this Listed Building and Conservation Area location.

**Conservation Area Advisory Forum:** The veranda: It was felt that this could not be granted for removal and this should be restored. If the property is sold, it was felt that either an enforcement notice should be placed upon it to ensure the new owners reinstated it, or the present owner should put back the veranda.

The low wall around the side, although considered acceptable, was felt not to be wide enough to take the coping construction shown. The gate in the low wall was felt to be inappropriate.

The bin area: It was considered this would be better with a brick wall and gate, rather than the piece of fence which was out of character and would eventually blow over.

Double gates: Some concern was expressed at the flow of traffic that might come in and out of the double gates as Innage Close is quite well trafficked already.

The kitchen extension: Whilst it was accepted that an extension in this location, as a single storey building with a hipped roof was appropriate, concerns were expressed at the whole building being rendered, although it was accepted this may hide inappropriate brickwork. The main concern was the use of the decking and the veranda which alienated the structure from the main building and gave it the appearance of a mobile building. It was felt that although access is needed from doors into the garden, this could be provided in the form of a simple platform with steps down, thus by removing the veranda, the base of the building would be properly exposed. It was suggested that the cream painted render could be either changed to terracotta or a natural stone colour to reduce the impact of this rendered building to the rear of the building.

**Leamington Society:** Object. My understanding is that all of these are in fact retrospective concerning work for which there was no advance application or (eg the rear extension) the work was not completed in time. I believe it is relevant that this is symptomatic of a continuing habit by the owner, over several years, of failing to observe planning rules before undertaking work. This is definitely not a case of a one off, inadvertent misunderstanding of the requirements. I do not know if WDC has a set policy in such a situation. But in principle I suggest the current, very belated applications, should be considered at least as rigorously as for work yet to be started and not as a fait accompli. This objection letter relates to the following elements of the application :-

RAILINGS along Front (Willes Road) - The failure to "return" the railings - to the front wall of the house at each end - is unacceptable. This is underlined by the erection of an inappropriate timber fence panel to fill the gap at one end. The railings are of extremely poor, skinny quality ; moreover they are not set into the wall beneath in the proper Leamington manner. This is a cheapskate effort, especially in relation to a listed building ; whatever the state in which Mr. Satsavia bought the building, this should not pass planning.

GATE & low side wall (Innage Close) - This is not a reinstatement, but a derisory piece of work that should be removed. The treatment of this boundary needs to be subject to conservation advice, along with the appropriate specification of railings for the front.

FENCE to form REFUSE AREA (Innage Close) - It would certainly be a considerable benefit for the bins to be contained in such an area. (For years they have stood out in the Close and are still there at present ; an eyesore and quite often spilling refuse.) However the structure appears unfinished, with a loose fence panel propped to one side of a gap. Completion, with suitable posts and a gate, needs to be specified.

VERANDAH & CANOPY along Front (Willes Road) - This verandah & glazed canopy was a most attractive and important feature of the frontage : a key element of the listing of No. 65. It had quite recently been renovated to a good standard. So it was most unfortunate that in late 2009 this structure was demolished, due to the sudden collapse of the parapet wall along the top of the frontage. Since I live almost opposite (at 32 Willes Road) I was all too aware of the collapse at the time. In the aftermath I noted a substantial corner section of ironwork from the verandah and supplied a photograph to the Council's conservation officer. I am not aware whether the owner retained or disposed of this ironwork.

I am told the insurers declined to fund reinstatement. I am also told that wind was the cause and the collapse is put down to an "Act of God". On the night in question it was indeed windy but by no means of gale force. I also note that, for example, W / 05 / 1004 / LB concerned a lot of alterations - including loft conversion, roof lights, new roof trusses, etc etc. It would be quite in character if this work had been undertaken spasmodically ; it may or may not have been fully completed or indeed signed off properly by building inspectors. This could well have compromised the roof and parapet area. Inevitably my comments, as well as the assumption of God's intervention, are matters of speculation. The question remains : should this "removal" of the verandah be conveniently approved in hindsight?

I appreciate that over the years council officers have spent considerable time on this property, not least because of the owner's disregard for procedure. I am also aware that the owner seems keen to sell and this would no doubt be much facilitated by a clean slate. I make no specific comment about the remaining substantial elements applied for, at the rear of the property. But I believe it appropriate for the Planning Committee to view this whole package of retrospective applications together.

I object to the verandah being written off as a retrospective approval, which would leave this prominent listed building much depleted in character. While there may well be a case for granting some elements of these applications, the matter of the verandah should stay on file with a view to a requirement for reinstatement.

**WDC Conservation:** In terms of the conversion of the study room which was a former garage into a kitchen, I consider that with the introduction of a pitched roof and the use of natural slate this is an improvement to this part of the building which had partially been a flat roofed garage. In terms of the rendering, I consider this is generally appropriate treatment although traditionally an extension of this nature would be exposed brickwork, however as the side elevation is rendered and this is all visible from a semi public/private access road rendering is acceptable in this instance. In order to tone down the impact of the rendering I considered that other colours such as stone or terracotta should be used. It does also replace earlier brick work extensions which were not particularly in character with the property (which have been carried out by previous owners). It will be important to have full details of the casement windows and French doors although they are now built in situ as the application is largely retrospective.

In terms of the decking I do have concerns about this being continued right around the building. Having seen it on site it makes the extension appear as a mobile home. Whilst steps are needed these should relate only to the individual openings and the remaining decking should be removed.

In terms of the dwarf wall around the side boundary this is in accordance with what had originally existed in this location and is a reinstatement as a brick and rendered plinth which I consider to be acceptable although as built it is only single brickworks which will be difficult to fit on a coping. Full details of the side gate would need to be submitted. In terms of the two fence panels these do follow the line of the existing boundary; I consider that the treatment of these would be better as a continuation of the brick wall with a wooden gate.

In terms of the removal of the veranda this should really be dealt with as a separate application as I consider that all options have not yet been fully

investigated in terms of its reinstatement. I therefore consider it would be preferable to deal with this option separately which is a more controversial issue. I have given some advice to the owner in terms of sources for recreating the previous veranda which was destroyed when the parapet was blown over, and these do need to be fully investigated. If the property is sold the outcomes of the veranda application could have implications for a new owner.

**WCC Estates Manager (Consulted because the Council owns Innage Close):** No comments.

### **RELEVANT POLICIES**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

### **PLANNING HISTORY**

In 2006 planning permission and listed building consent were granted for "Single storey rear extension" and "Internal and external alterations to form kitchen and insertion of new window" (Refs. W06/0804 & W06/0710LB). These permissions expired without being implemented.

There have been a number of other previous applications for planning permission and listed building consent relating to the application property but none of these are relevant to the consideration of the current proposals.

### **KEY ISSUES**

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

The property comprises a two storey detached Grade II Listed Building that stands on the eastern side of Willes Road, within a predominantly residential part of the Leamington Spa Conservation Area. Innage Close, a private track, runs along the side boundary of the property. A single storey extension has recently been constructed on the rear of the property, as well as gates onto Innage Close and various sections of fence and wall. The site is situated within Flood Zone 2.

#### **Details of the Development**

This is a retrospective application for the following development:

- erection of a single storey rear extension and decking;

- erection of fence on front side boundary;
- erection of fence to form refuse area to northern boundary;
- reinstatement of dwarf wall and gate to side boundary;
- installation of timber gates in rear garden wall; and
- installation of railings to front boundary.

The following amendments have been made to the application:

- ballustrade omitted from decking and replaced with step;
- extension to be painted a more subdued colour - Dulux "Toasted Oak";
- fence panels alongside Innage Close extended to enclose side boundary (including a gate for pedestrian access);
- fence panels and decking to be stained dark brown;
- amended coping detail for dwarf wall; and
- gates to be re-hung to open inwards.

## **Assessment**

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

- the impact on the character and appearance of the Listed Building and the Conservation Area; and
- the impact on the living conditions of neighbouring dwellings.

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

This is a retrospective application and the works that have been carried out are considered to harm the character and appearance of the Listed Building and the Conservation Area. However, the applicant has amended the application to include modifications to the development that has been carried out in order to address the areas of concern. The Council's Conservation Architect considers that these modifications have satisfactorily addressed the concerns that he raised.

The staining of the fence panels and the painting of the extension will tone down the appearance of these aspects of the proposals. The concerns that have been raised in the consultation responses about the fence panels are noted, but once they have been stained the panels to the front side boundary will have a limited visual impact because they are set down and behind the front pier and alongside the adjacent tall hedge. With regard to the fence panels on the Innage Close boundary, these reinstate a sense of enclosure in an area that was formerly an incongruous open area. The amendments show this fence extended to complete the enclosure in this area and this will ensure that a fully screened bin storage area is available.

The dwarf wall and gate on the side boundary does look a little odd, however the applicant has demonstrated that this is a reinstatement of a similar wall and gate that existed previously but that was obscured by overgrown shrubs. A suitable coping has been agreed and in view of the fact that this reinstates a feature that existed previously, it is not considered that a refusal of planning permission could be justified in relation to this aspect of the application.

The omission of the ballustrade, the provision of steps around the decking and the proposed staining will significantly reduce the visual impact of the decking and will ensure that this would be an appropriate feature for the setting of the rear of the Listed Building.

The concerns about the design of the railings are noted, however, these represent a significant improvement compared with the previous situation where there were no railings along the front boundary. Furthermore, the new railings are similar in design to the railings that were in place on older photos. On that basis, it is not considered that a refusal of planning permission would be justified in relation to the railings. Therefore, subject to all of the modifications that have been proposed, it is considered that the proposals would preserve the character and appearance of the Listed Building and the Conservation Area.

The concerns about the removal of the canopy / veranda area noted, however this does not form part of the current application. This matter is being pursued separately by the Council's Enforcement team.

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

The proposals are not considered to have a significant impact on the living conditions of neighbouring dwellings. The extension is single storey and situated well off the boundary with neighbours and therefore it does not have any significant implications in terms of loss of light, loss of outlook or loss of privacy.

#### Other matters

The amendment to re-hang the gates to open inwards has addressed the neighbours concerns about the gates blocking Innage Close or adjacent garages / accesses.

The extension replaced an existing structure and consequently only amounts to a very small increase in the size of the application property. Therefore the development will not have resulted in a material increase in the energy requirements of the application property and on that basis it is not considered that it would be appropriate to require on-site renewable energy production as part of this development, in accordance with Local Plan Policy DP13.

With regard to the location of the site within Flood Zone 2, the Environment Agency have advised that they do not wish to be consulted on domestic extensions in this Zone and have provided standing advice to apply to such proposals. This advises that one of two flood mitigation measures should be chosen by the applicant. The applicant has chosen the second of these, i.e. that the floor levels within the extension are set 300mm above the known or modelled 1 in 100 annual probability river flood level, although they have not included a plan to show the finished floor levels relative to this flood level. Nevertheless, in this case the Council granted permission for a very similar extension in 2006 without requiring the submission of this information, in accordance with the previous Environment Agency advice. The applicant has advised that he thought that he was implementing this previous permission when constructing the extension, but in fact the time limit had expired. In the circumstances, given this recent planning permission, I do not consider that is necessary to require any further information in relation to flood risk in the current case.

#### **RECOMMENDATION**

GRANT, subject to the conditions listed below.

### **CONDITIONS**

- 1 The development hereby permitted shall only be undertaken in strict accordance with the details indicated within:-
  - the application form, site location plan, the front elevation drawing showing the railings and the plan showing the rear gates that were all submitted on 11 January 2012;
  - the front elevation drawing submitted on 18 January 2012; and
  - the plans showing the rear extension, fences and dwarf wall / gate that were all submitted on 10 April 2012;

unless first agreed otherwise in writing by the Local 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 fence panels and decking area hereby permitted to be retained (as shown on the approved drawings submitted on 10 April 2012) shall be colour coated on the external face with Cuprinol Trade "Rustic Walnut" (as detailed in the email from the applicant dated 4 April 2012) no later than 2 July 2012 and shall thereafter remain colour coated the same colour unless agreed otherwise in writing by the Local Planning Authority. **REASON :** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.
- 3 The ballustrade shall be removed from the decking hereby permitted to be retained (as shown on the approved drawings submitted on 10 April 2012) and the decking shall be modified to accord with the amended plans submitted on 10 April 2012 no later than 2 July 2012, unless agreed otherwise in writing by the Local Planning Authority. **REASON :** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.
- 4 The walls of the extension hereby permitted to be retained (as shown on the approved drawings submitted on 10 April 2012) shall be colour coated on the external face with Dulux Trade Weathershield Masonry Paint "Toasted Oak" (as detailed in the email from the applicant dated 4 April 2012) no later than 2 July 2012 and shall thereafter remain colour coated the same colour unless agreed otherwise in writing by the Local Planning Authority. **REASON :** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

- 5 The gates fronting Innage Close hereby permitted to be retained (as shown on the approved drawings submitted on 11 January 2012 & 10 April 2012) shall be re-hung to prevent them from opening across Innage Close no later than 2 July 2012 and thereafter shall not be amended or altered in any way without the prior written approval of the local planning authority. **REASON :** To ensure that the gates do not block Innage Close when open, in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 6 The fence hereby permitted to be retained on the boundary with Innage Close (as shown on the approved drawings submitted on 10 April 2012) shall be extended in accordance with the amended plans submitted on 10 April 2012 no later than 2 July 2012, unless agreed otherwise in writing by the Local Planning Authority. **REASON :** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.
- 7 The dwarf wall around the western and northern boundary (as shown on the approved drawings submitted on 10 April 2012) shall be modified in accordance with the amended drawings submitted on 10 April 2012 no later than 2 July 2012, unless agreed otherwise in writing by the Local Planning Authority. **REASON :** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 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 proposed development does not adversely affect the historic integrity, character or setting of the listed building, is of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the property is situated. Furthermore, the proposals do not adversely affect the living conditions of neighbouring dwellings. The proposal is therefore considered to comply with the policies listed.

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