

Application No: W 12 / 0659

Town/Parish Council: Leamington Spa
Case Officer: Emma Spandley

Registration Date: 11/07/12

Expiry Date: 05/09/12

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1 Grange House, 64 Clarendon Avenue, Leamington Spa, CV32 4SA

Erection of a rear extension to enclose existing courtyard. FOR Mr Holmes

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 conditions

DETAILS OF THE DEVELOPMENT

The purpose of this report is to consider the above application which proposes to infill a space located under an existing first floor extension to the rear of No.64 Clarendon Avenue.

THE SITE AND ITS LOCATION

The properties No.64 & No.66 Clarendon Avenue were converted jointly under planning application reference W/00/1026 to form 8 flats. The application property is a flat contained within No.64 Clarendon Avenue. The conversion of No.64 & No.66 also included a first floor rear extension which linked the two rear wings of the original houses to create additional accommodation. The space under the first floor rear extension was left open, except for two structural pillars located within the middle of the rear extension at either end.

The occupier of No.2, Hyde House is located on the ground floor which is effectively next door to the application site. The space between the rear elevation of the main properties and the first floor extension was also retained as a light well and courtyard area. This space is not affected by the proposed development.

PLANNING HISTORY

There are numerous planning applications relating to No.64 Clarendon Street, however, the most relevant application is W/00/1026 which granted planning permission for the conversion of No.64 & No.66 referred to above.

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)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

- The 45 Degree Guideline (Supplementary Planning Guidance)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Leamington Town Council: No objection.

Public Responses: 10 objections raising the following grounds:-

- Loss of amenity
 - Ruin the character and appearance of the buildings by imbalancing the pair of houses;
 - Loss of light;
 - Noise and air pollution concerns;
 - The access to the applicants apartment would be restricted;
- Detrimental impact on the character and appearance of the Conservation Area.

ASSESSMENT

It is considered that the main issues relating to this proposal to be as follows:

- The impact on the amenity of the neighbouring residents
- The design and effect on the Conservation Area
- Renewable energy

The impact on the amenity of the neighbouring residents

Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. The adjoining flat occupiers within No.64 & No.66 Clarendon Avenue have raised concerns regarding the effect of the proposal on the neighbouring flats in terms of loss of light and the enjoyment currently associated with the use of the courtyard.

In respect of concerns relating to loss of outlook, whilst it is noted that it is generally accepted that occupants have no right to a view, development which is likely to have an oppressive or overbearing impact, impinge on the outlook from neighbouring properties and result in a sense of enclosure will not be supported. The existing light wells, which were approved in the W/00/1026 application will remain, and it is noted the light experienced to the courtyard is limited by the existing first floor rear extension. Also the existing first floor rear extension already causes a sense of enclosure to the courtyard area. It is considered that by infilling the current covered area it will not cause demonstrable harm to the occupiers of the neighbouring flats through loss of light or outlook and therefore is consistent with Policy DP2 of the Local Plan. In addition, some amenity space will be retained for the application property.

With reference to the concerns expressed regarding additional noise, it is considered that as the proposed extension is to create a bedroom, this will not generate a level of noise which would give rise to any harm and any noise insulation between properties would be covered separately under Building Regulations legislation. Health issues have also been cited as a matter of

concern relating to exhaust fumes from cars parked within the car park to the rear of the properties. The proposal will not alter or increase the existing car parking arrangements and therefore there is no evidence that the dispersal of fumes from cars will change as a result of the proposed extension. It is considered that the infilling of part of the courtyard will not have a harmful impact on the occupants of the neighbouring properties through increased noise or air pollution, and therefore complies with Policy DP9 of the Local Plan.

Concerns have also been expressed regarding the proposal restricting access to the rear of the property and car park currently experienced by the application property. However, matters of trespass cannot be dealt with under planning legislation.

The design and effect on the Conservation Area

In terms of its impact on the Conservation Area, the imbalance in the rear elevation created by infilling the space below the first floor extension would only be visible over the boundary wall and therefore would not detract from the architectural character of the Conservation Area when viewed from the streetscene. The brick work which will infill the underside of the first floor extension will be rendered to match the existing properties. A window will also be inserted to mirror the line of the existing windows, and the design of the extension is therefore considered appropriate. The first floor extension is a later addition to the building, and the space created underneath is not an architectural feature of the building that is worthy of preservation. The proposal is therefore considered to be in accordance with policies DAP8, DAP9 and DP1 of the Local Plan.

Renewable Energy

Having regard to the scale and nature of the proposed extension, it is not considered appropriate to require 10% of the proposed energy use to be required from renewable sources in accordance with Policy DP13 of the Local Plan.

Conclusion/Summary of Decision

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.

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 29/6/12 Rev A, and specification contained therein, submitted on 1st June 2012 and 11th July 2012. **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 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.
