

Planning Committee: 06 January 2004
Application No: W20031746

Principal Item Number: 4

Town/Parish Council: Cubbington

Registration Date: 10/11/2003
Expiry Date: 05/01/2004

Case Officer: John Beaumont
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112 Leicester Lane, Lillington, Leamington Spa, CV327HH
Proposed first floor and raising of part of roofline to the existing bungalow.
FOR Mr R & Mrs J Bennett

SUMMARY OF REPRESENTATIONS

Parish Council: No objection.

Neighbours: The occupier of No. 114, adjacent to the site, has written to state that the plans are the most considerate so far for that property, a bungalow already swamped by a 'massive' development at No. 116. He raises matters he considers need correction before he can agree to this application which concern garden trees at No. 112, which are now considered unneighbourly, and the keeping of falcons in the neighbours garden which is similarly considered unneighbourly and in clear conflict with District-Wide Policy ENV3 (2) and (3).

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
The 45 Degree Guideline (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

There have been two previous applications for extensions to this property which have both been refused planning permission, W20021309 and W20021806. An appeal against the latter refusal was dismissed in October 2003. In commenting on that appeal, the Inspector stated: -

"5. Given the orientation of the properties, and the height of the extension, I consider the proposal would not take an excessive or unacceptable amount of sunlight from the rear of No. 114.

6. With regard to the matter of outlook, the works would substantially increase the bulk and scale of the appeal property, and this would be emphasised by the height of the walls that would be within the corner set-back. Given how close the extension would be to the boundary, when viewed from the rear garden of No. 114, I consider it would prove unacceptably overbearing and dominant. The effect of this would be to make this neighbouring rear garden a less pleasant place for the occupiers to use, thereby detracting unreasonably from their enjoyment of the property.

7. Accordingly, I conclude the proposals would cause material harm to the living conditions of the residents of No. 114, because of its effect on their outlook, and so would be in conflict with District-Wide Policy ENV3.

Character and Appearance

8. No. 112 stands amongst a mix of individually designed 2 storey and single storey properties that line this side of Leicester Lane, between its junctions with Telford Avenue and Kenilworth Road. It is set back from the road behind a wide grass verge on which there are a number of established trees. Given this mix of properties, and taking account of its distance from the carriageway and the screening effect of the trees, I consider that the scale and design of the development would not appear jarring or discordant in this location. I acknowledge that the streetscene has a spacious character, and I accept it provides a 'soft' edge to the urban area. However, this is only partly due to the spaces between and around the houses, with other factors such as the wide verge and the mature landscaping also contributing. Consequently, I consider the proposal would not serve to erode this 'soft' edge unduly.

9. Accordingly, having regard to advice given in Planning Policy Guidance Note1 'General Policies and Principles', I conclude that the proposal would not cause material harm to the character or appearance of the street scene, and so would not be in conflict with District-Wide Policy ENV3 in the Local Plan.

Conclusions on the Main Issues

10. Although I have found that the proposal would not have an adverse impact on the character and appearance of the street scene or unduly affect the sunlight to No. 114, I conclude the harm it would cause to the neighbours' living conditions as a consequence of its effect on their outlook provides a compelling reason why planning permission should not be granted."

KEY ISSUES

The Site and its Location

The site is located on Leicester Lane, a principal approach road into the town of Leamington Spa. To the west of Leicester Lane is open land included within the West Midlands Green Belt. To the east of Leicester Lane is a residential area characterised by detached properties including a mix of bungalows and two storey properties set back behind landscaped foregardens. The application site presently comprises a pitched roof bungalow which has had a substantial rear flat roof single storey extension. It is adjoined to the north by a further bungalow, No. 114 Leicester Lane, with a two storey dwelling, No. 110 Leicester Lane, to the south.

Details of the Development

The proposal entails the erection of extensions to provide three bedrooms, a family bathroom and an en-suite shower room at first floor. The proposal would be a full two storey height adjacent to No. 110 Leicester Lane, set in off the boundary with that property by 0.95 m; the first floor extension adjacent to No. 110 has been set back from the front of the property to avoid obscuring a side facing window on No. 110 Leicester Lane. Adjacent to No. 114 it is proposed to retain the building as a single storey element (so that the proposed two storey element would be some 4.5 m off this boundary), albeit the existing roof line over this single storey element will be replaced at 40° pitch; an existing rooflight on this roof slope would be repositioned to a higher level. The existing flat roof extension to the rear of the existing bungalow would be unchanged.

Assessment

Leicester Lane has a mixed character of houses and bungalows with a number of the latter having been extended to be two storey properties. Clearly this proposal will change the character of the existing property and its impact on both of its immediate neighbours and the streetscene.

I am conscious of the Inspectors decision on the previous refused application on this site, W20021806, and his comments that the proposal would not take an excessive or unacceptable amount of sunlight from the rear of No. 114 or harm the streetscene. He concluded, however, that the works then proposed would be unacceptably overbearing and dominant when viewed from No. 114.

The present proposal has been submitted to seek to address the Inspectors decision and has amended the scheme to delete a previously proposed two storey element adjacent to No. 114 and instead to retain a pitched roof over the existing single storey accommodation on that boundary.

I am of the opinion that this design would have a significantly reduced effect on the bulk and scale of the extension as viewed from the rear garden of No. 114, when compared with the application recently dismissed at appeal such that I consider it would no longer be possible to sustain an objection to this application. I note the neighbours concerns regarding the height of trees and keeping of falcons in the rear garden of No. 112 but I do not consider these matters can be held to be material considerations in the determination of this application.

RECOMMENDATION

That planning permission be GRANTED subject to conditions on materials.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
The 45 Degree Guideline (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
