

**Planning Committee:** 14 December 2005

**Item Number:** 21

**Application No:** W 05 / 1851

**Registration Date:** 10/11/05

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 05/01/06

**Case Officer:** Sarah Laythorpe

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**17 Cross Street, Leamington Spa, CV32 4PX**  
Erection of a two storey rear extension FOR Mr R Mackie

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

### **SUMMARY OF REPRESENTATIONS**

**Town Council:** objects on the following grounds:

1. The proposal introduces a poor standard of design to the Conservation Area, which it is considered will fail to harmonise or enhance the existing built environment. The fenestration is regarded as unsympathetic.
2. The proposal represents an over-intensive form of development that will be poorly related to surrounding buildings.

**Ecology:** I recommend a note relating to bats as protected species is added to any approval granted should the proposal be affecting the roof space, in particular as Warwickshire Biological Records Centre holds records of bats within the area.

### **Neighbours:**

15 Cross Street - objects on the grounds of loss of light to side facing kitchen window especially as 17 Cross Street is located so close to their property.

### **RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

### **PLANNING HISTORY**

W050525 - Planning permission refused for a 2-storey rear extension on the grounds that it would create an 'unacceptable overbearing effect on the rear lounge window and on the kitchen window and semi-glazed kitchen door' which would create a

'tunnelling effect'. The scheme also breached the Council's Supplementary Planning Guidance on the 45 Degree Code.

## **KEY ISSUES**

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

The property is a 2-storey end-of terrace dwellinghouse located within Leamington Spa's Conservation Area. It has a projecting rear wing at ground floor which is a feature of all the properties within the terrace. The adjacent neighbour, 15 Cross Street, is due west of the application site and due to the high density of the houses in the area, the two properties are located in close proximity.

### **Details of the Development**

The application is for the replacement of the ground floor projecting rear wing with an extension which has a similar footprint as existing. The scheme also proposes a first floor addition which would be 2.5 metres wide and 2 metres in length.

Compared to the previous refused scheme, the length of the first floor aspect of this proposal now projects beyond the rear wall of the house by 2 metres (as opposed to 2.9 metres) and the bathroom window in the first floor side elevation has been removed.

### **Assessment**

It is considered that this amended scheme addresses the refusal reasons of the previous application.

The scheme now complies with the 45 degree code as taken from 15 Cross Street's rear facing lounge. It is considered, therefore, that any overbearing impact the extension would have on this window has been significantly reduced and is now acceptable in terms of loss of light and loss of outlook. The impact on the semi-glazed, side-facing kitchen door and the side facing kitchen window would be significantly reduced from the previous scheme, and would now be acceptable in terms of allowing daylight into these windows and would not significantly affect the outlook presently enjoyed by the occupants of this property.

It is also considered that the removal of the proposed bathroom window located in the first floor side elevation of the refused extension, which would have resulted in unacceptable perception of overlooking by the occupants of 15 Cross Street, has further improved the application.

## **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 approved drawing (0502.02 Rev B), and specification contained therein, submitted on 10th November, 2005 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 Local Plan Policy ENV3.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.  
**REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 All window frames shall be constructed in timber, painted and not stained, and be of a side hung casement type set in reveals of 75mm from the face of the building.  
**REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

### **INFORMATIVES**

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

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