

**Planning Committee:** 11 October 2005

**Item Number:** 14

**Application No:** W 05 / 1415

**Registration Date:** 30/08/05

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 25/10/05

**Case Officer:** Mandip Sahota

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**2 Beaty's Gardens, Leamington Spa, CV32 6LX**  
Erection of conservatory to side FOR Mr A Bannerman

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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**

Objection raised on the grounds that the proposal would represent a loss of the garden to the detriment of the residential amenity of the property.

#### **Neighbours**

No representations received.

### **RELEVANT POLICIES**

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

### **PLANNING HISTORY**

A previous application for a larger side extension at the application site (Ref: W2005/1116) was withdrawn following receipt of Town Councils objection to the original scheme. Town Council raised objection on the grounds that the proposal would represent loss of garden to the detriment of the residential amenity of the property.

### **KEY ISSUES**

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

The application site relates to a single storey dwelling within the conservation area which was erected in 2002 as part of a new residential development which featured 5 No. dwellings. (Ref: W20021705) As part of this development 'permitted development rights' were removed on all 5 dwellings.

### **Details of the Development**

The proposal relates to the erection of a single storey side extension which is now of a smaller scale than the previous submission which was withdrawn. This re-submission is both smaller in terms of its width and height and therefore has less impact upon garden space which was considered detrimental to the residential amenity of the property.

### **Assessment**

The boundary fence relating to the property is in excess of 2m in height, therefore the proposed development will not impact visually on the surrounding properties within the street scene. Furthermore, as the boundary fence is above 2m in height, any additional windows/ doors seen as part of the development will not have an adverse impact upon neighbouring properties in terms of overlooking.

It should be noted that two previous planning applications have been granted for similar extensions to properties within Beaty's Gardens which did not receive any objection from the Town Council. No.5 Beatys Gardens received planning consent for the erection of a conservatory (Ref: W2004/1830) as did No.3 Beaty's Gardens (Ref: W2004/1150).

### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

### **RECOMMENDATION**

GRANT subject to the following 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 680-01, and specification contained therein, submitted on 17th August 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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **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 No development shall be carried out on the site which is the subject of this permission until large scale details of windows and doors 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** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
  - 5 All window frames shall be constructed in timber, painted and not stained, and be of a side hung casement type. **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.
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