Planning Committee: 09 June 2010 **Item Number:**

Application No: W 10 / 0229

Registration Date: 12/04/10

Town/Parish Council: Leamington Spa **Expiry Date:** 07/06/10

Case Officer: Rob Young
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14, Rotherfield Close, Leamington Spa. CV31 1HH

Erection of a two bedroom house (after demolition of existing garage) FOR Mr R Dorling

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This application has been requested to be presented to Committee by Councillor Edwards.

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Public response: 6 separate objections have been received from different occupants of 4 neighbouring dwellings. The following concerns have been raised:

- overlooking of the existing houses in Rotherfield Close;
- the new house would become the dominant feature in the Close, to the detriment of the other four houses;
- parking will be a major issue that will cause ongoing problems for the residents of Rotherfield Close;
- parking will become restricted;
- the entrance door to the house will be closer to No. 12 than the existing garden gate and this will cut off a frequently used parking position behind the driveway of No. 12;
- Rotherfield Close is a private road and any rights of way for the applicant do not bestow any rights to park in Rotherfield Close;
- the excavations for foundations and drainage will compromise the integrity of the historic boundary wall; and
- the proposals would be detrimental to the health of tree 17.

Councillor Edwards: Has some concerns and requests that the application be referred to Planning Committee.

Conservation Area Advisory Forum: Comments awaited.

WCC (Highways): The Highway Authority would, as standard, request a road width of 5 metres to allow for two vehicles to pass one another. It is noted that Rotherfield Close falls below this standard. At present, however, Rotherfield Close serves four established dwellings and eight garages and this has not, to the best of the Highway Authority's knowledge, resulted in any problems at this junction with Farley Street. The demolition and incorporation of the existing garage into an additional dwelling may cause an increase in the number of trips. It is considered that the increase in trips generated by the new dwelling will not

be to the detriment of highway safety. The Highway Authority's response is one of NO OBJECTION.

WCC (Ecology): The site has no nature conservation status. No records of protected species within the application site. Records of protected and notable species, namely bats, great crested newt, common toads, common frogs, water voles, white-clawed crayfish, and small heath butterfly in the surrounding area.

From the plans it appears that the garage due to be demolished has a low potential to support bat roosts due to its flat roof structure. However, we have a bat record within only c.80m of the site and the presence of crevice-dwelling bat species cannot be ruled out. I therefore recommend that a note relating to bats, as protected species, is attached to any approval granted.

Aerial photography indicates that there are several mature trees on application site. From the plans it appears that no trees will be removed. In particular, I would recommend that all existing mature trees are protected from works by a buffer zone of at least 2-3m from the outer canopy. Birds may be nesting in these trees and also in the garage. Thus, I recommend that a note relating to nesting birds, as protected species, is attached to any approval granted. Please note that these mature trees may also support roosting bats.

The proposed works will impact on an existing garden consisting mainly of amenity grassland surrounded by shrubs and trees. We have a number of records of amphibian species within the surrounding area and it is likely that amphibian and reptile species are present on site. I therefore recommend that a note relating to amphibians and reptiles, as protected species, is attached to any approval granted.

Finally, although we do not have records of hedgehogs within the surrounding area, the site appears suitable for this species. I therefore recommend that a note relating to hedgehogs, as a UK BAP species of conservation concern, is attached to any approval granted.

Neighbourhood Services (Trees): No objection, subject to a condition to require construction details for the hard surfaces.

RELEVANT POLICIES

- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

There have been no previous planning applications relating to the application site.

KEY ISSUES

The Site and its Location

The application relates to the rear part of the garden of No. 85a Radford Road, which is situated within the Leamington Spa Conservation Area. The site has a frontage to Rotherfield Close, an unadopted road that is fronted by 4 dwellings, a garage court and the garage that currently occupies the application site. There are brick walls along the western and northern boundaries of the site and a fence along the eastern and southern boundaries. The extensive grounds of No. 87 Radford Road adjoin the eastern boundary of the site. No. 87 is occupied by the NHS. The dwelling at No. 12 Rotherfield Close adjoins part of the western boundary of the site. The drying area for the flats at Anfield Court adjoins the northern boundary of the site.

There are a number of trees adjacent to the site boundary within the grounds of Anfield Court. These are protected by a Tree Preservation Order. There are also a number of trees adjacent to the site boundary within the grounds of No. 87 Radford Road, although these are not covered by a Tree Preservation Order.

Details of the Development

The application proposes the demolition of the existing garage and part of the existing boundary wall and the erection of a two bedroom house.

Assessment

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

- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the Conservation Area;
- the impact on trees; and
- car parking and highway safety.

Impact on the living conditions of neighbouring dwellings

I note the concerns of neighbours. However, considering the design and siting of the proposed dwelling and the position of the windows, I do not consider that the proposals would cause unacceptable harm to the living conditions of neighbouring dwellings. The proposed dwelling has been designed so that the main two storey bulk would be situated far enough away from windows in the neighbouring dwellings to ensure that it would not cause undue loss of light or loss of outlook. The single storey element that would be closest to the nearest dwelling at No. 12 Rotherfield Close would be largely hidden behind the existing boundary wall, being 700mm higher than the existing wall.

With regard to overlooking, the first floor windows in the front of the proposed dwelling would face down Rotherfield Close. There would be oblique views across to the fronts of the dwellings in Rotherfield Close. However, in view of the oblique angle of view and the 13m separation distance from the nearest window, I do not consider that this would cause unacceptable loss of privacy for those dwellings.

The first floor windows in the other elevations of the proposed dwelling would comprise a bedroom window facing towards the communal drying area for the flats at Anfield Court, an obscure glazed window facing towards the extensive grounds of the adjacent NHS premises and an obscure glazed window facing towards the rear of the existing dwelling at No. 85a Radford Road. None of these windows would cause overlooking of any private areas of neighbouring dwellings.

Impact on the character and appearance of the Conservation Area

The proposed dwelling would have a contemporary design, with a flat roof and a largely rendered finish, together with other more modern facing materials. In assessing the appropriateness of this design, it is first necessary to consider the existing character of the locality. Whilst the site is situated within the Conservation Area, Rotherfield Close itself is fronted by more modern houses and a garage court that do not contribute to the traditional character of the area. The surrounding streets are fronted by Victorian dwellings. However, the proposed dwelling would not be viewed in the context of that traditional development because it is situated at the end of a cul-de-sac of more modern development. Therefore, whilst the dwelling would occupy a prominent position at the head of Rotherfield Close and visible from Farley Street, I am satisfied that this would be an appropriate site for the contemporary design that has been proposed. I do not consider that the new dwelling would be an unduly dominant feature within Rotherfield Close, being no taller than the ridge line of the existing dwellings. Therefore I am of the opinion that the proposals would preserve the character and appearance of the Conservation Area.

Impact on trees

I note the concerns of neighbours regarding the impact on trees. However, the Council's Arboricultural Officer has not objected to the proposals, subject to a condition to require the submission of construction details for the new hard surfaces. Therefore I do not consider that the proposals would cause undue

harm to the health of protected trees or any other significant trees adjacent to the site.

Car parking and highway safety

I note the concerns of neighbours about car parking. However, the proposed dwelling would include an integral garage that would provide 2 off-street parking spaces. This would meet the requirements of the Council's car parking standards. There is also a driveway to the front of the existing house at No. 85a Radford Road that provides ample parking for that property. Therefore I do not consider that a refusal of planning permission could be justified on parking grounds.

With regard to highway safety, I note that there has been no objection from the Highway Authority. Therefore I am satisfied that the proposals would be acceptable in this respect.

Other matters

I note the concerns of neighbours about excavations close to the boundary wall. However, this is a matter that would be addressed under any subsequent building regulations submission, or under the Party Wall Act if this affects a party wall.

The application proposes the installation of solar thermal panels to meet 10% of the predicted energy requirements of the new dwelling, in accordance with Local Plan Policy DP13. A condition is recommended to require this to be installed.

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(s) 0907/P06A, 0907/P07, 0907/P08, 0907/P09 & 0907/P06, and specification contained therein, submitted on 1 March 2010 & 26 May 2010, 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 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 doors, windows (including a section showing the window reveal, heads and cill details), parapets,

railings 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.

4 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 DP1 of the Warwick District Local Plan 1996-2011.

5 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

6 No work shall commence until details of the method of construction of all hard surfaces have been submitted to and approved in writing by the District Planning Authority. No hard surfaces shall be constructed other than in strict accordance with such approved details. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

7 The existing trees identified on the approved site plan shall be retained and protected during development in accordance with the protection measures specified in the Arboricultural Impact Assessment Report from Urban Forestry Group dated 26 February 2010. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

8 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

9 All hard surfaces hereby approved shall be made of porous materials. **REASON :** To reduce surface water run-off and to ensure that the

development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Part 1, Classes A, B, D or E of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), the garaging shown on the plans hereby approved shall be retained and kept available for such purposes and shall not be altered either internally or externally without the prior consent of the District Planning Authority. **REASON** : To ensure that there are adequate parking facilities to serve the development, in accordance with the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

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 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.
