

Planning Committee: 05 April 2006

Item Number: 12

Application No: W 06 / 0191

Registration Date: 22/02/06

Town/Parish Council: Leamington Spa

Expiry Date: 19/04/06

Case Officer: Joanne Fitzsimons

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16a Lillington Road, Leamington Spa, CV32 5YR

Demolition of existing single storey extension and garage to 16A Lillington Road. Conversion of 16A and 16 Lillington Road to form a single dwelling and erection of a new single storey dwelling with frontage to Campion Road and Waller Street (with access and garage off Waller Street) together with a new access and triple garage off Campion Road to serve No 16 Lillington Road.

FOR Miss T Rickett

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

SUMMARY OF REPRESENTATIONS

Town Council: Object as (1) the proposal is overdevelopment of the site and (2) poor design does not complement the area.

4 letters of objection on grounds that this will set an undesirable precedent; the boundary wall is too high and will appear like a fortress; out of proportion with the current boundary wall; the dwelling is not of the same footprint as the garage and extension to be demolished and will unacceptably reduce "green" garden area in Conservation Area.

WCC Ecology: Recommend bat notes.

WCC Highways: No objection subject to conditions on access to be carried out to standard highway specification.

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)

- SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

PLANNING HISTORY

There have been no relevant or recent planning applications on this site.

KEY ISSUES

The Site and its Location

The site for the new dwelling lies to the rear of 16 Lillington Road, which has a side boundary onto Campion Road and the rear backing onto Waller Street. The site is slightly unusual in that the property was original split into 3 separate units and more recently into 2, namely nos 16 and 16a Lillington Road. Number 16a occupies a rear wing and rear single storey extension of the premises and the garden area has been split between the two properties, with both having use of a garage - one onto Waller Street and one onto Campion Road.

The site is within the Conservation Area and is bounded by a 2.1 metre high brick wall along Campion Road. Waller Street to the rear comprises mainly garaging serving properties in Lillington Road, whilst on its eastern side are terraced properties.

Details of the Development

The proposal seeks to demolish the single storey rear extension used by no 16a Lillington Road and the single garage (onto Campion Road) and revert the rest of 16a into number 16 Lillington Road so that this is then a single dwellinghouse. Following removal of 16a Lillington Road as a dwelling, the application then proposes to 're-build' this residential unit within the garden area, backing onto Waller Street and bounding Campion Road, following the demolition of the existing garage which has access onto Waller Street. It is proposed to erect a garage to serve this property and also a new access and parking area to serve number 16 Lillington Road. The garden is then to be split into 2 areas to serve both properties.

Assessment

The application has been the subject of pre-application discussions with the Council's Conservation Architect in that the design of the single storey unit 'sits' behind a boundary wall so that only the roof is visible from the streetscene. Following further negotiations, the application has been amended to seek to address concerns regarding the height of the proposed boundary wall which originally would have been 2.8 metres in height. The proposal now, as amended, retains the existing boundary wall measuring 2.1 metres, setting the new wall of the dwelling behind this with the eaves line at the boundary wall height. I am satisfied that this has significantly lowered the appearance of

the new building which will be seen as a sloping roof away from the wall, towards the garden area. In terms of impact on the character and appearance of the Conservation Area, I am of the opinion that there would be no detrimental harm such as to justify a refusal.

In terms of the housing policy 'Managing Housing Supply', I am satisfied that this does not conflict with its objectives, as no additional residential units are being created by the application. In essence, the proposal is only distributing them differently within the application site.

I note the objections from neighbours relating to this application setting a precedent, however, in this instance, I am satisfied that the housing policy has not been prejudiced as there is no net increase in dwellings across the site.

With regard to impact on neighbouring residents, due to its design, I am satisfied that the property will not result in overlooking or cause an overbearing impact. All windows face into the garden area and new boundary wall separating the garden area of the new dwelling from no. 16 Lillington Road.

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 number 0758/PA/400A and specification contained therein, submitted 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 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), rooflights eaves, verges

and rainwater goods at a scale of 1:5 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 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 All new windows and doors, including the proposed garage doors shall be constructed in timber and painted, not stained. **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.
- 7 The development hereby permitted shall not be occupied until all parts of the existing access within the public highway known as Waller Street not included in the permitted means of access has been closed and the kerb and footway has been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 8 The development hereby permitted shall not be occupied until an access for cars on Waller Street has been provided to the site not less than 3 metres in width, as measured from the near edge of the public carriageway. **REASON:** In the interests of highway safety in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 9 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway known as Waller Street. **REASON:** In the interests of highway safety in accordance with the requirements of Policy ENV3 of the Warwick

District Local Plan 1995.

- 10 The access to the site on Campion Road shall not be widened in such a manner as to reduce effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 11 The accesses on Waller Street and Campion Road shall not be used unless the public footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 12 The new dwelling hereby permitted shall not be occupied until:- (a) the use of 16b Lillington Road as a separate dwelling has ceased (b) a scheme of works for integration of 16a and 16b Lillington Road to create a single dwelling has been submitted to and approved by the District Planning Authority and fully completed (c) the existing single storey extension and garage to the rear of 16a has been demolished as shown on the submitted plans. **REASON:** To ensure that there is no net increase in the number of dwellings on the site in order to comply with the provisions of the Managing Housing Supply SPG approved in September 2005.

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 is of an acceptable standard of design which is in keeping with the architectural and historic character of the Conservation Area within which the site is located and does not give rise to any adverse impact on neighbours amenities such as to warrant refusal. The proposal is therefore considered to comply with the policies listed.