

**Planning Committee:** 09 December 2009

**Item Number:**

**Application No:** W 09 / 1015

**Registration Date:** 18/09/09

**Town/Parish Council:** Bishops Tachbrook

**Expiry Date:** 13/11/09

**Case Officer:** John Beaumont

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**The Old School Hall, Church Hill, Bishops Tachbrook, Leamington Spa,  
CV32 9RJ**

Erection of new build garage FOR Mr and Mrs Lewin

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

**SUMMARY OF REPRESENTATIONS**

**Bishops Tachbrook Parish Council:** Objection. Although the Parish Council is keen to see the renovation of the Old School, the details provided are confused regarding what the proposal actually entails, namely; A) the length of the proposed garage, B) the datum level of the floor of the proposed garage and C) the mis-match between the application form [Q7] "no trees are to be removed" and the plans and arboricultural report. Owing to the narrow nature of the site and it's proximity to neighbouring properties these details are critical to the application. We therefore conclude that this proposal may be too big for the site and may impact the amenity enjoyed by neighbouring properties and so, for reasons of mass/scale and privacy we have objected to the proposal.

**Public Response:** Objections have been raised from the occupiers of 2 and 3 Bishops Close on the grounds of the unacceptable loss of trees; detriment to the outlook from both nearby properties and the surrounding area; detriment to Conservation Area; poor design, out of character with surroundings; loss of wildlife; garage should be resited; plans confusing.

**Head of Neighbourhood Services (Green Infrastructure Manager):** I have no objection to this application subject to conditions; the trees to be removed are of no particular merit but the 3 lime trees along the site boundary are of importance, should be retained and appropriate measures taken to protect them during development.

**RELEVANT POLICIES**

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

## **PLANNING HISTORY**

Planning permission for the change of use from school hall to a single dwelling was granted by Planning Committee in July 2007; W07/1151 This permission included the construction of a new access drive off Church Hill with 2 car parking spaces generally in the position of the garage now proposed with 3 trees on the boundary of the site shown to be felled.

Subsequently an application was made for an amendment to this approval, W08/1709; this application, approved in 2009, originally included a proposed garage but this element of the application was withdrawn.

## **KEY ISSUES**

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

This is a site in the Conservation Area. It is to the rear of The School House and the former School Hall which are not 'listed' buildings. Access to this site is gained off Church Hill, shared with the access serving The School House which has a modern pitched roof double garage in its garden. The site of the proposed garage adjoins the rear gardens of properties fronting Bishops Close. These properties, which have shallow rear gardens, are set at an angle to and at a higher level than the application site with their gardens being some 1.7 m above the level of the proposed garage and having a varying depth from 3 m to 15 m.

### **Details of the Development**

This is an amended application, corrected to show consistent dimensions for the proposed building. The garage is shown as being 5.1 m wide, 5.3 m deep with a maximum height to ridge of 3.15 m. It would have 2 garage doors to the front and a pedestrian access door and window to the rear; it is proposed to be brick built with a clay tile roof.

To achieve a reduction in the apparent massing of the building, the garage has been designed with a 'twin gable' feature to the side elevation to the rear gardens of the properties fronting Bishops Close. The submitted plan shows the proposed garage set some 1.6 m off the boundary with the Bishops Close dwellings and it indicates the level of the garage 'might' be set a further 0.5 m into the ground to further reduce the impact on those dwellings (the application, however, must be considered solely on the basis of the drawings detailing the design as currently proposed, disregarding this 'possibility'). The applicant has submitted a swept path analysis showing how the garage can be accessed by vehicles which will be able to enter and leave Church Hill in a forward gear.

Although the application forms state no tree will need to be removed to carry out the development, the 'design and access statement' clearly states that 'As can be seen from the attached report, the trees that will need to be removed to accommodate this garage are all either dead or classed as insignificant'; the applicant has submitted an arboricultural report to support the proposed tree felling.

## **Assessment**

The construction of an access drive and parking area to serve the approved conversion of the Old School Hall into a dwelling already has the benefit of planning permission; the conversion works are presently in abeyance. I consider that the design of the proposed garage would not harm the character or appearance of the Conservation Area and subject to an appropriate choice of materials and detailing it would be an acceptable addition to the group of buildings comprising the Old School House, the Old School Hall and the existing garage serving the former.

With regard to the impact on neighbours, given the limited height of the proposed garage and the raised levels of the gardens and houses fronting Bishops Close, I consider that the erection of the proposed garage on this site would not result in harm to the amenity presently enjoyed by the occupants of those properties such as to justify refusal. The District Councils Arboricultural Officer has looked at the trees proposed to be felled and has raised no objection.

In these circumstances, whilst recognising that the proposed garage will introduce change into this part of the Conservation Area, I consider that the degree of change would be acceptable. Finally, I note that one of the submitted plans indicates that it may be possible to lower the floor level of the proposed garage by 0.5 m; for the avoidance of doubt, this recommendation is based on the scheme as proposed without this lowering of ground levels being taken into account, as there is no certainty that this will occur.

## **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 nos. 1069-400C, 401B and 403C, and specification contained therein, 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 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.

- 4 All door and window frames shall be constructed in timber and shall be painted and not stained. **REASON** : 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.
- 5 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), eaves, verges 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.
- 6 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 DP1 of the Warwick District Local Plan 1996-2011.
- 7 The permission hereby granted shall permit only the felling of the trees identified as T2 to T5 inclusive, as identified in the schedule attached to the tree survey submitted by Heartwood Tree Surgeons Ltd in support of the application, to enable this development to be undertaken. **REASON** : To protect the character and appearance of the Conservation Area in accordance with Policy DAP8 in the Warwick District Local Plan 1996-2011.
- 8 Before the development hereby permitted is first commenced details of the construction of the driveway, including detailed cross sections, present and finished levels, and details to demonstrate that either the drive is given a

non-porous surface or it would drain to a permeable or porous surface within the curtilage of the property. The development shall be constructed strictly as so approved. **REASON** : To protect adjacent trees and to reduce surface water run off in accordance with the requirements of Policies DP3 and DP11 in 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.

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