

**Planning Committee:** 16 September 2014

**Item Number:** 11

**Application No:** W 14 / 1036

**Town/Parish Council:** Kenilworth

**Case Officer:** Penny Butler

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**Registration Date:** 24/07/14

**Expiry Date:** 18/09/14

**134 Warwick Road, Kenilworth, CV8 1HS**

Erection of a single storey side and rear extension and a one and two storey rear and side extension. Change of use from Use Class C3 (single dwellinghouse) to Use Class D1 (complementary health practice) at ground floor and a studio apartment and one bedroom apartment at first floor. FOR Mrs Phillips

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission subject to the recommended conditions.

**DETAILS OF THE DEVELOPMENT**

The proposal is for the erection of a two storey side/rear extension and single storey side/rear extensions. It is also proposed to change the use from a single dwelling house (Use Class C3) to a complementary health practice (Sui Generis) with a one-bedroom flat and a studio apartment on the first floor above. The proposed site plan shows three parking spaces in the front curtilage and two side facing windows at first floor to bathrooms.

**THE SITE AND ITS LOCATION**

The application property is a two storey semi-detached dwelling sited near the southern end of Warwick Road, the main route through Kenilworth town centre. On the opposite side of the adjoining neighbour to the south is a public house and car park, whilst to the north is a row of detached and semi-detached dwellings of similar size. Immediately opposite are dwellings, and opposite to the south-east is a petrol filling station. The site has an existing vehicular access at the front which crosses a bus stop lay by.

The site is located in a highly accessible location close to Kenilworth Town centre.

## **PLANNING HISTORY**

A similar application was refused in 2013 for change of use from a single dwelling to a complementary health practice (Sui Generis) with a one-bedroom flat and a studio apartment on the first floor above. Two storey rear and single storey side and rear extensions were also proposed. The reasons were harm to highway safety arising from lack of parking and turning space, and breach of a 45 degree guideline from the neighbours rear bedroom window (no.132).

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1, BE3, NE3, TR1, TR2, TR4, CC2, HS4.

### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Raise objection for same reasons given to previous application (W/13/1513). No reason to object to the change of use of the property.

Raise objection to the width of the extension and infill effect on the street scene, and inadequate provision for vehicular access and parking.

**Public response:** 24 objections received on the following grounds:

- Harm to highway safety on busy traffic route arising from the site access being across a bus lay by. Customers visiting the premises may temporarily stop in the lay by blocking use by buses, which will therefore block the main road.
- Insufficient on site parking provision will lead to over spill parking to local roads. The applicant's private agreement for parking within an off site car park is not enforceable.
- Precedent for business use of dwellings which will harm the character of the area
- Loss of residential dwelling. There are alternative business premises available in the town centre.
- Increased traffic
- Harm to bats
- Noise and disturbance from business use
- Loss of light and privacy to neighbours

**WCC Ecology:** Recommend a bat note (as previously).

## **ASSESSMENT**

### Principle of use

The principle of changing the use of the property would accord with the Local Plan and the NPPF. The Local Plan does not contain policies which seek to protect existing residential uses from changes of use. The NPPF (para.19) places significant weight on the need to support economic growth through the planning system, which this proposal would contribute towards. The proposal would also create one additional dwelling which would contribute towards increasing the Council's housing supply. Since the Council cannot demonstrate a 5 year supply of land for housing, permission should be granted unless the adverse impacts would clearly and demonstrably outweigh the benefits. As set out below, the impacts of the development are considered acceptable, therefore, the proposal is considered to comply with the NPPF.

### Impact on highway safety and parking

The proposed use requires four parking spaces per treatment room, to comply with the Council's Vehicle Parking Standards SPD. The proposed layout shows one treatment room, one prep room, a large summer room, and a reception area with office, kitchen WC and store. The applicant has described how there may be more than one patient on site at one time, due to the types of treatment taking place. Therefore there may be two customers on site at one time plus the practitioner. The proposed first floor residential uses would require two parking spaces. The total parking requirement based on one treatment room would therefore be 6 spaces. Three parking spaces are provided on site which is below the SPD requirement,

although the business use would require parking during daytime hours whilst the residential use would be more likely to require evening parking.

Many of the applicant's existing clients walk to the practice, use mobility scooters or public transport. Following the previous refusal, the applicant has secured three additional parking spaces within a nearby private car park to accommodate any over spill parking. The applicant understands the risk to highway safety associated with potential dropping off in the lay by and is committed to discouraging this.

The site is located in a sustainable area, being adjacent to a bus stop and walking distance of the town centre, which is likely to reduce the parking demand. Taking into account the site entrance behind the bus lay by, the Highway Authority are satisfied with vehicles reversing into the highway from the proposed parking spaces, as this is the case with other dwellings in this road, and are also content with the size of parking spaces provided. The matter of access and parking has been carefully considered by the Highway Authority, and they raise no objection on highway safety grounds. Taking all these matters into account, it is therefore considered that there would be no significant worsening of the existing parking situation or highway safety, and the proposals would comply with Policies DP6 and DP8, and the Parking Standards SPD.

#### Impact on neighbouring amenity

At the rear, this revised application would now comply with a 45 degree guideline taken from the first floor rear window of no. 132, as the rear wall has been set in. The proposed first floor extension would therefore not have an unreasonable impact on light and outlook to this window. At ground floor level there would be no breach of a 45 degree line taken from the end of this neighbour's existing long conservatory which is built close to the boundary. The other neighbour which adjoins the application property does not have rear windows to habitable rooms so there is no 45 degree line breach from their property. The proposed ground floor side extension would not affect neighbouring privacy as the proposed side wall is blank, whilst the proposed side bathroom windows at first floor can be conditioned to be obscure to prevent overlooking. The proposed business use would be unlikely to lead to unacceptable levels of noise or disturbance.

#### Impact on visual amenity

The proposed first floor extension is set off the neighbour's side wall (as they are built virtually onto the side boundary) by one metre in accordance with the Residential Design Guide SPG, which will ensure that a clear visual separation is retained between the buildings at first floor level. The roof of this extension is also set down in height, set well back from the front elevation, and has a hipped roof, therefore the extension will appear subservient to the original pair of semi-detached dwellings. The proposed ground floor extension will partly replace the existing side canopy, and will continue the existing front canopy across the front bay window and porch. The extensions do not raise objection in design terms as they will not unacceptably unbalance the appearance of the original pair of semi-detached

dwellings. It is therefore considered that the proposed extensions comply with the Residential Design Guide SPG and achieve good design in accordance with Policy DP1 and the NPPF.

### Health and Wellbeing

There would be no impact on health or wellbeing.

### Other matters

The proposed change of use and extensions would trigger a requirement for the provision of renewable energy in accordance with Policies DP12, DP13 and the Sustainable Buildings SPD, which can be secured by condition.

In terms of residential use, the property would change from a three bedroomed dwelling to a one bedroom flat and a studio flat. The number of potential occupants would therefore be a reduction on the existing situation, and for this reason it is not considered reasonable to require a contribution towards public open space, as there would be a reduced demand placed on this. The proposal would not therefore conflict with Policy SC13 and the Open Space SPD.

The development would however result in the creation of one additional dwelling unit, which would contribute towards increasing the Council's supply of housing. In these circumstances, the NPPF requires planning permission be granted unless the adverse effects of the development significantly and demonstrably outweigh the benefits.

### **SUMMARY/CONCLUSION**

The proposal is considered unlikely to lead to significant harm to highway safety, visual or neighbouring amenity, and the benefits of the scheme are not outweighed by any likely adverse impacts, therefore the proposal would comply with paragraph 14 of the NPPF.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (1692 PL02 Rev.E submitted on 8 July 2014. 1692 PL03 Rev. E submitted on 20 August 2014), and specification contained therein. **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 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **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.
- 4 The use of the ground floor of the property hereby permitted shall be as a complementary health practice only, and for no other purpose within Use Class D1. **REASON:** Since the proposed use is only considered acceptable in the particular circumstances of this case, and an alternative D1 use could have a greater impact on neighbouring amenity or parking.
- 5 Prior to the occupation of the development hereby permitted, the first floor windows in the side elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON :** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 6 The uses hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

- 7 The access to the site for vehicles shall not be used unless the existing public highway footway crossing has been extended, laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** To ensure adequate access in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.
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