

**Planning Committee:** 14 December 2005

**Item Number:** 20

**Application No:** W 05 / 1839

**Registration Date:** 08/11/05

**Town/Parish Council:** Whitnash

**Expiry Date:** 03/01/06

**Case Officer:** Alan Coleman

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**16 Avon Road, Whitnash, Leamington Spa, CV31 2NJ**

Erection of single storey garage in rear garden FOR Mr S Jasiok

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This application is being presented to Committee due to the fact that enforcement action was authorised in respect of the extant garage building at the meeting on 2nd November 2005.

**SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council:** No objection.

**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 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- The 45 Degree Guideline (Supplementary Planning Guidance)

**PLANNING HISTORY**

Planning application W05/1521 for the retention of the existing unauthorised garage was withdrawn by the applicant to allow the submission of the current application. However, enforcement action to authorise the removal of the garage was authorised by the Planning Committee at the meeting on 2 November 2005. This has been suspended pending the outcome of this application.

**KEY ISSUES**

**The Site and its Location**

The premises comprise a two-storey dwelling that stands within an established residential area on the western side of Avon Road where it stands at the end of a terrace of properties that are broadly similar in original design and appearance. There is driveway access alongside the northern side elevation of the dwelling and boundary with 14 Avon Road, which also provides access to a passageway serving the rear of the adjoining terraced houses at 18 and 20 Avon Road. A single storey extension has been erected at the rear of the property as 'permitted development'.

As built, the existing unauthorised garage stands within 0.5 metres of the boundary with 14 Avon Road and 2 metres from the rear elevation of the host and neighbouring dwelling. In this position it stands some 2 metres at the eaves with a 40° pitched roof extending to approximately 3.84 metres at the ridge, 3.65 metres wide by 7.1 metres

long. In this form and position, the side elevation extends approximately 0.5 metres above the boundary fence for a distance of about 0.5 metres, increasing to some 0.8 metres for the remaining length of the garage reflecting the change in the height of the boundary fence at this point.

### **Details of the Development**

The proposal is for amendments to the existing unauthorised garage to mitigate its impact on the neighbouring residents' amenities. In my report to this 'Committee on 2 November 2005 I expressed the view that its height, size, scale, mass and siting in proximity to the boundary fence and neighbouring dwelling has an unacceptable over-dominant and overbearing impact on the outlook from the kitchen and living room windows of 14 Avon Road, where it stands in breach of the Council's 45° Code. As such, the development conflicts with Policy (DW) ENV3 of the Warwick District Local Plan 1995 and Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (Revised Deposit Version).

As proposed, the height of the garage would be reduced by some 0.70 metres by the removal of the roof and two courses of brickwork. A new roof would be erected with a shallower pitch of approximately 34°.

### **Assessment**

In my opinion the proposals would be sufficient to address the above concerns and render the development acceptable. However, I consider the proposed works should be completed within a period of 6 months in order to ensure the harm caused to neighbouring residents' amenities is not perpetuated any longer than necessary. In these circumstances, I am satisfied that such a condition would satisfy the relevant tests set out in Circular 11/95.

### **RECOMMENDATION**

GRANT, subject to the condition listed below.

### **CONDITIONS**

- 1 The development hereby permitted shall be completed within six calendar months of the date of this permission and shall be carried out strictly in accordance with the details shown on the approved drawings, and specification contained therein, submitted on 8 November 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 Policy (DW) ENV3 of the Warwick District Local Plan 1995.

### **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 proposed development is of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and does not result in an unacceptable adverse impact on the amenity of nearby residents by reason of

overbearing effect, loss of light or privacy. The proposal is therefore considered to comply with the policies listed.

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