

Planning Committee: 29 January 2019

Item Number: 13

Application No: [W 18 / 2281](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 29/11/18
Expiry Date: 24/01/19

01926 456531 Helena.Obremski@warwickdc.gov.uk

Land adj to 2 Mill Road, Leamington Spa, CV31 1BE

Proposed erection of a detached two storey dwelling. FOR Mr J Whitehead & Ms D Hepburn

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

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reasons listed in the report.

DETAILS OF THE DEVELOPMENT

This is a resubmission of a previously approved scheme for the erection of a detached dwelling (W/18/1602). The application seeks planning permission for the erection of a one bedroom, two storey dwelling. The proposed dwelling would have a contemporary style, having a two storey gable fronted section within the middle section of the plot, and single storey flat roof elements either side. The dwelling would be positioned at the rear of the site, with a garden and parking space to the front of the site. The dwelling would be boarded by a high level brick boundary wall.

The proposal differs from the approved scheme (W/18/1602) which is now larger in volume, providing a two storey rather than one and half storey property which is positioned at the rear, rather than the front of the site.

The current proposal has been amended to enclose the front garden area following concern expressed by Officers that there was no private amenity space provided, and the size of the parking space has also been increased.

THE SITE AND ITS LOCATION

The application site is positioned on the north side of Mill Road and is located within the Royal Leamington Spa Conservation Area and Flood Zones 2 and 3. Mill Road originally acted as a service road to serve the large dwellings and their garages fronting Leam Terrace. The street scene is now characterised by large, spacious plots, with some three storey apartment blocks and large dwellings which are positioned close to the application site, with single storey garages

opposite to the application site. Mill Gardens and the River Leam are located to the north of the site.

PLANNING HISTORY

W/74/0832 – Erection of a dwelling – refused.

W/91/1419 – Erection of a detached dwelling and garage – refused.

W/97/1286 – Erection of a detached dwelling and garage – refused and dismissed at appeal.

W/98/0279 – Erection of a detached dwelling and garage – refused.

W/14/1796 – Erection of a detached dwelling – withdrawn.

W/18/0591 - Proposed erection of a single storey dwelling - withdrawn.

W/18/1602 - Erection of 1no. dwellinghouse (resubmission of application ref: W/18/0591) - granted.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Leamington Town Council: No objection.

Councillor Quinney: Supports the application:

- the proposal makes better use of the restricted land area, in line with NPPF new guidelines, by building on a smaller footprint of 35.9%, compared with 46.3% on the approved scheme, a reduction of over a fifth;
- the proposal thereby releases a larger area of garden open space (41.6% of the plot is 'private amenity area' compared with 13.6% on the earlier scheme)
- the garden is set entirely in front of the dwelling, which is now well set back from the road, in better keeping with adjacent properties along Mill Road;
- the house itself, while now two storey, has a ground floor some 30cms lower than the approved plan, while still meeting the Environmental Agency requirements for building in an area of flood risk;
- immediate neighbours in no 2 are likely to favour the revised design, I understand, because of the greater setback from the road, but especially because of a greater separation between the properties;
- the roof height remains significantly lower than both adjacent properties and carries on the line of no 2;
- the rear view from the single upper floor bedroom over garages on to Jephson Gardens adds to the amenity of future occupants;
- the recessed walled off-road parking without entry gate but with secure access to the house meets both Parking and Highways requirements while improving occupant security;
- the overall design, carefully aligns itself with the coach house style properties on the other side of Mill Road and will therefore be more in keeping rather than contrasting with the current street scene.

Private Sector Housing: No objection, recommendation regarding escape routes.

WCC Local Lead Flood Authority: Objection, further information required.

Environment Agency: No objection, subject to conditions.

WCC Ecology: Comments remain the same as for application ref: W/14/1796 - recommend notes in relation to nesting birds, hedgehogs and indigenous plants.

WCC Highways: No objection, subject to condition.

Public Response: 1 Support: the application site has been neglected for many years; the current application has evolved in light of concerns expressed by the Environment Agency, offering a neat solution to specific needs on a small plot, using high quality materials and incorporating sustainable elements. The development will enhance Mill Road.

Assessment

The main issues relevant to the consideration of the application are:

- The Principle of development
- The impact on the character and appearance of the Conservation Area
- The impact on the living conditions of nearby dwellings and whether the proposal would provide adequate living conditions for the future occupiers of the development
- Car parking and highway safety
- Drainage/ Flood Risk
- Ecological impact
- Waste

The Principle of the Development

Local Plan Policy H1 states that new housing will be permitted in the urban areas. The application site is identified as being within an urban area on the proposals maps and therefore, the principle of housing on this site is considered to be acceptable.

The impact on the Character of the area and the Conservation Area

Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for policy HE1 clarifies that

in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan Policy HE2 supports this and states that it is important that development both within and outside a Conservation Area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The character of Mill Street, and in particular the side of the road where the proposed dwelling would be positioned, is one of spacious plots, with large amenity areas. To the east of the site, there are two large detached dwellings, with generous plots and each have sizable amenity areas to the front and rear. To the west of the application site, there are relatively large, three storey apartment blocks which again benefit from ample amenity areas to the rear and front of the sites. This creates a sense of openness along this section of Mill Road. On the other side of the road, the character does differ, with large terraced properties which front onto Leam Terrace and their garages which are accessed from Mill Road.

There have been four previous applications on this site for the erection of a residential dwelling which have all been refused. A further application submitted in 2014 for a dwelling was withdrawn (as it was to be refused under delegated powers). Application ref: W/97/1286 for the erection of a dwelling and garage was refused and then subsequently dismissed at appeal. The Inspector noted the generally spacious character of the area and that the intensity of development would detract from the appearance of this part of Mill Road. The Inspector concluded that the development would not harmonise well with its surroundings, thus not preserving the character of the Conservation Area.

The principle of the development of this site has been established under permission W/18/1062, where planning permission was granted for the erection of a single one and a half storey dwelling. The dwelling which was approved is modest in scale, and of simple form which was not considered to be harmful to the street scene. However, the proposed development is now similar to the scale of the two storey detached dwellings which were refused and dismissed at appeal.

The proposed dwelling would increase the impression of built form on the plot, providing a two storey gable which faces the street scene and extends to the rear of the site. The single storey elements fill the width of the site and this, combined with the high level boundary walls which enclose the whole site and fact that the development is now positioned at the rear of the site, gives the impression that the whole site has been developed on. This creates a cramped form of development on this modest site, which is a stark contrast to the open and spacious development neighbouring the application site.

Furthermore, the previously approved scheme has visual interest, with a creatively designed roof structure which responds to the gable features found on the neighbouring residential property. However, the proposed gable which faces towards the street scene is uninspiring and lacks architectural interest, with only one window which is positioned off centre, lacking balance and symmetry. The absence of visual interest gives the impression that the proposed dwelling has

been designed to face 'side-on' to the highway, which is incongruous and harmful to the established character of the area and Conservation Area.

Furthermore, the vertical emphasis and awkward juxtaposition of the two storey element against the single storey elements is exacerbated by the high level eaves of the property, (which are higher than the eaves height of the neighbouring property) and is out of keeping and harmful to the street scene. From a conservation perspective, it is considered that the revised scheme clearly attempts to reflect the characteristics of a mews type dwelling, however it is noted that the north side of Mill St is characterised by large dwellings and residential apartments in large grounds to the side, front and rear. The proposed development overall takes up greater green space, especially when considering hardstanding to the front, reducing openness between the detached house and apartment block. The higher structure also lends the potential to cause a greater impact on visual permeability to and from the Grade II Registered Jephson Gardens. The reduction in openness is considered to exacerbate and exaggerate the cramped nature of the development and harm caused to the Conservation Area.

Moreover, the proposed layout has been amended from the previously approved scheme so that the only amenity space is now located at the front of the property. This layout arrangement as previously stated, when combined with the high level boundary treatment gives the impression of the whole site being built upon. This layout also fails to harmonise with the existing settlement in terms of physical form, or reinforce the established urban character of streets as required by policy BE1 of the Local Plan.

Paragraph 130 of the revised National Planning Policy Framework highlights that planning permission should be refused for development of poor design that fails to improve the area. The proposed development is considered to be of poor design, by virtue of a cramped and contrived design which is out of keeping within the street scene and Conservation Area. The mews style development, vertical emphasis and lack of architectural interest is considered to be out of keeping with the character with the street scene and the proposed layout does not harmonise well with the existing settlement pattern. This is considered to represent overdevelopment of the site. The harm identified is considered to be less than substantial, however it is considered that there are no public benefits which would outweigh this harm. The development is therefore considered to be contrary to Local Plan policies BE1, HE1, HE2 and the Residential Design Guide SPD.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between

properties and that extensions should not breach a 45 degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

Impact on Neighbouring Amenity

The proposed dwelling would sit in close proximity next to 2 Mill Road. There is a ground floor window serving a habitable room at the front elevation of this neighbour's property, with a side facing window serving the same room acting as a secondary light source. There is no breach of the Council's adopted 45 degree guidance from this neighbour's property towards the proposed development.

There would be no conflict with the Council's adopted 45 degree guidance from Cecil Court, to the west of the application site and there are no other neighbours which could be impacted as a result of the proposed development.

Living conditions for the future occupiers of the site

The proposal would provide a small garden and parking area to the front of the site. Whilst the rear courtyard is small, in relative terms to the size of the property, this is considered to be acceptable. The proposed garden would meet the Council's minimum size for private outdoor amenity areas as required by the Residential Design Guide.

Therefore, the scheme is considered to be in accordance with Local Plan policy BE3 and the Residential Design Guide SPD.

Car Parking and Highway Safety

Policy TR3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety. Policy TR3 also states that development will be expected to comply with the parking standards set out in the most recent Parking Standards Supplementary Planning Document.

The proposal has been submitted as a one bedroom dwelling. The parking requirement for a 1 bedroom dwelling in accordance with the Council's adopted Vehicle Parking Standards SPD is 1 space, which is provided off-street. The Highways Authority had confirmed, that subject to conditions, they were satisfied that the proposal would have no adverse impact on highway safety.

When the proposal was amended to enclose the garden area to ensure that this remained a private space, this reduced the width of the parking space to 2.99 metres. The required width for a parking space between two walls is 3.5 metres in accordance with the Council's adopted Vehicle Parking Standards. The plans were subsequently amended to slightly reduce the garden area, but increase the width of the proposed parking space to meet the required standard.

The development is therefore considered to be in accordance with Local Plan Policies TR1 and TR3, and the Council's Vehicle Parking Standards SPD.

Drainage/Flood Risk

The application site is located within Flood Zones 2 and 3. The Local Lead Flood Authority have objected to the proposed development and requested that additional information is provided in relation to the drainage details prior to determination of the application. They also note a number of additional details which could be secured by condition. The applicant has been made aware of the required details and Councillors will be updated on this matter prior to the committee meeting.

The Environment Agency have also been consulted and have no objection to the proposal, subject to the inclusion of a condition requiring that the works are carried out in accordance with the details contained with the Flood Risk Assessment submitted as part of the application.

The proposed development is therefore considered to be in accordance with Local Plan policies FW1, FW2 and the NPPF.

Ecological Impact

WCC Ecology have commented on the application and note that their comments remain the same as for previous application ref: W/14/1796. They recommend notes in relation to nesting birds, hedgehogs and indigenous plants. These are considered to be reasonable and could be added if the application were approved.

Waste

There is sufficient space to the front of the site for the storage of waste and recycling. It is noted that Waste Management have no objection to the proposal.

Other Matters

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities for the new dwelling. A condition could be added to secure this if the application were being approved.

Conclusion

The proposed development would represent a contrived, cramped and incongruous form development which would be harmful to the street scene and Conservation Area. The development is therefore considered to be contrary to Local Plan policies BE1, HE1, HE2 and the adopted relevant guidance. The application should therefore be refused.

REFUSAL REASONS

- 1 Local Plan Policy BE1 requires all development to respect surrounding buildings in terms of scale, height, form and massing and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The explanatory text for Policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan Policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

In the opinion of the Local Planning Authority the proposal would represent a contrived, cramped and incongruous form of development which would be at odds with the generous, spacious nearby plots and the character and appearance of this part of the Conservation Area. The mews style design, vertical emphasis and lack of architectural interest is considered to be out of keeping with the character with the street scene and proposed layout does not harmonise well with the existing settlement pattern. This is not considered to preserve or respect the character of the Conservation Area.

The harm identified is considered to be less than substantial, however it is considered that there are no public benefits which would outweigh this harm. The development is thereby considered to be contrary to the aforementioned policies.
