

Application No: W 14 / 0863

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

Registration Date: 05/06/14

Expiry Date: 31/07/14

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Avon Court, Kenilworth Road, Leamington Spa, CV32 6JH

Rebuild existing brick built boundary wall which has deteriorated and reduce height of remaining boundary wall to the same level. FOR Hanover

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to the conditions listed.

PLANNING HISTORY

There is no relevant planning history relating to this site.

KEY ISSUES

The Site and its Location

The application property is a large, detached two storey Victoria villa with a 4 storey extension permitted in the early 1980's which is situated in the Royal Leamington Spa Conservation Area and benefits from off street parking. The application site is positioned to the West of Kenilworth Road and to the North of Woodcote Road which leads onto Barwell Close which lies to the rear of the application site.

Details of the Development

The original proposal from the applicant sought i. to rebuild part of a rear boundary wall to a height of 2 metres which fronts Barwell Close and which has deteriorated, and ii. to reduce part of the existing rear boundary wall to a height of 2 metres. However, amended plans have been submitted which propose the rebuilding of the wall which has deteriorated to a height of 2.4 metres and reduction of the height of the main section of the boundary wall to 2.6 metres. Owing to the change in the road level, this results in the wall appearing the same height across the length of the boundary.

This application is being presented to Committee due to the number of objections received.

RELEVANT POLICIES

- National Planning Policy Framework
- 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)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - no objection.

14 Public Responses and The Coach House, Barwell Close - objects to the application regarding the height of the proposed wall, would like to wall rebuilt to 2.2 metres or 2.5 metres.

Carew, Barwell Close - objects to the application regarding the height of the proposed wall, would like the wall rebuilt to 2.3 metres.

Petition of 12 further signatures from residents of Barwell Close - object to the application regarding the proposed height of the wall, would like the wall rebuilt to the original height.

Assessment

The main issues relevant to the consideration of this application are as follows:

- Design
- The impact on the living conditions of nearby dwellings
- The impact on the Conservation Area

Design

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's existing and emerging Local Plans reinforce the importance of good design stipulated by the NPPF and require all development to respect surrounding buildings in terms of scale, height, form and massing. They call for development to be constructed using the 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 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 importance features; respecting the surrounding buildings and using the right materials.

The proposed rebuild of the rear boundary wall and reduction in height of part of the existing rear boundary wall will be visible within the street scene of Barwell Close which lies to the Western elevation of the application site. This road is characterised by traditional cottages which have an outlook onto the high level boundary wall of Avon Court. Part of this wall which runs along Barwell Close has been reduced in places and the height varies. It is unusual to find a wall of this height (which is approximately 3 metres at the highest point) and the original proposal sought to substantially reduce the height of the wall to 2 metres which would have had a detrimental impact on the street scene. After negotiations between the Conservation Architect and agent, further drawings have been submitted which have been amended to show that the wall will be rebuilt to 2.4 metres and the long section of remaining wall will be reduced to 2.6 metres. This actually results in the wall appearing the same height along the length of the boundary owing to the change in the road level and will not significantly impact on the character of this feature. The proposed development will incorporate reclaimed bricks which are seen as the most appropriate materials to construct the boundary wall in and would be sympathetic to the surrounding area. With the amended plans taken into consideration, the proposal is considered to comply with the NPPF; existing Local Plan policy DP1 and emerging Local Plan policy BE1.

The impact on the living conditions of nearby dwellings

Existing Local Plan policy DP2 and emerging Local Plan policy BE3 require 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. There is a responsibility for development not to 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 provides a framework for those policies, which stipulates that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

16 objections have been received from the residents of properties situated on Barwell Close. Some have commented that the wall should be returned to its original height of approximately 3 metres, whilst others have stated that returning the wall to a minimum height of between 2.2 metres and 2.5 metres would be sufficient. The proposed development will not lead to an adverse effect on the neighbours in terms of loss of light or privacy, nor will there be an increase in the breach of the 45 degree guideline as the wall is to be rebuilt on the existing foundations. The outlook for these neighbours may be altered somewhat as the wall will be slightly lower, however, it is considered that altering the height of the proposed wall rebuild to 2.4 metres at the lowest point is sufficient so that it would not have a significant detrimental impact on these neighbours.

The proposed amended development would not adversely impact on any other adjoining neighbours to the application site and therefore it is considered that the proposal complies with the policies referred to above and the Residential Design Guide.

The impact on the Conservation Area

Existing Local Plan policy DAP8 and emerging Local Plan policy HE2 require development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas; respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary.

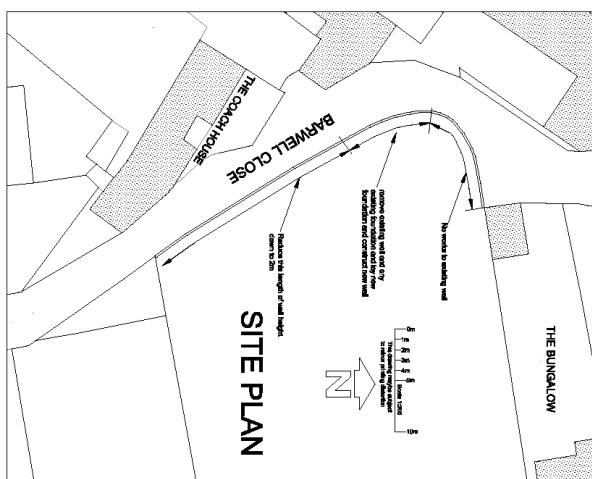
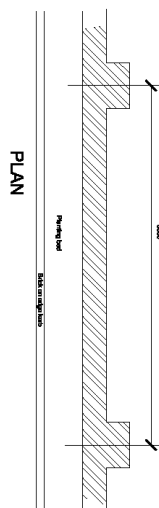
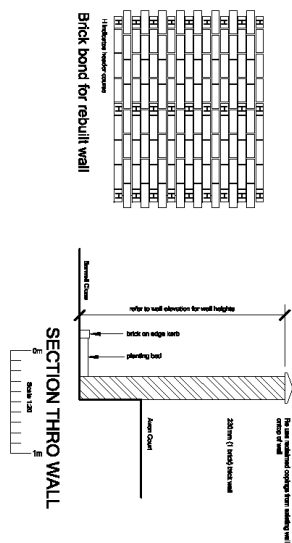
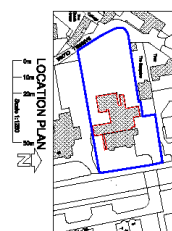
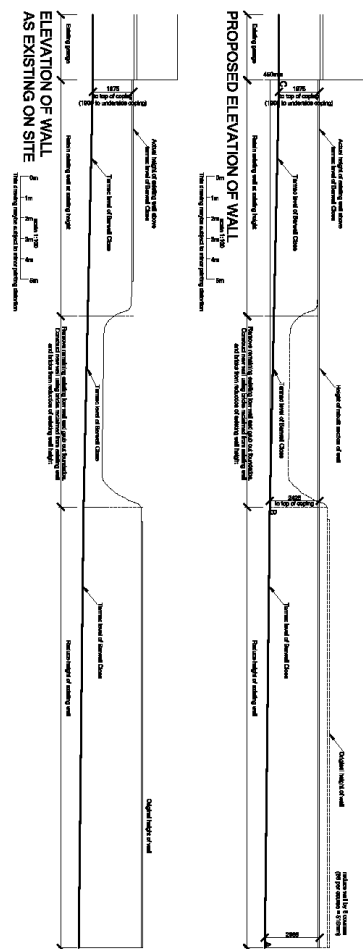
The proposed rebuild of the boundary wall is seen as necessary owing to its poor state of repair and using reclaimed bricks is considered to retain the character of the Conservation Area. After negotiations between the Conservation Officer and the agent, the proposed rebuild of the wall and reduction in height of the long section of the wall will result in uniform height across the entire section of boundary wall. Prior to the wall deteriorating, there was a presumed step in the height of the wall. Therefore, the proposal is considered to enhance and retain this feature within the Conservation Area and will not significantly impact the wider surroundings. The proposal would largely retain this prominent feature within the Conservation Area and is considered to comply with the policies listed above.

Conclusion

In conclusion, the proposed rebuilding of the brick built boundary wall and reduction in height of part of the existing boundary wall is considered to be of acceptable design and scale which would not impact adversely on the on the character or appearance of the street scene or the Conservation Area and does not substantially impact on the amenity of neighbouring properties which would support a reason for refusal.

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 211/05 Revision B, and specification contained therein, submitted on 9th July 2014. **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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **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.
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