

Planning Committee: 09 January 2018

Item Number: 12

Application No: [W 17 / 2166](#)

Town/Parish Council: Cubbington

Case Officer: John Wilbraham

01926 456539 john.wilbraham@warwickdc.gov.uk

Registration Date: 16/11/17

Expiry Date: 11/01/18

154 Rugby Road, Cubbington, Leamington Spa, CV32 7JQ

Erection of replacement rear conservatory FOR Miss Ruth Jones

This application is being presented to planning committee because the applicant is an employee of Warwick District Council.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Erection of a 3m deep and 2.5m high upvc framed rear conservatory to replace an existing timber conservatory 2.6m deep and 2.5m high conservatory.

THE SITE AND ITS LOCATION

The application relates to a maisonette located on the south side of Rugby Road, Cubbington within a predominantly residential area.

PLANNING HISTORY

None relevant

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)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Cllr Trevor Wright - No objection

WCC Ecology - Recommend notes relating to bats and nesting birds

ASSESSMENT

The main issues in the consideration of this application are:

- The effect of the proposal on the character and appearance of the area
- The effect of the property on the living conditions of the neighbouring properties.

Character and appearance

Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design.

The proposal is to the rear of the property and will not be readily visible from public vantage points. The extension is small scale with materials which match those on both the application and neighbouring properties and will therefore sit comfortably in this location. The proposal is therefore considered to accord with Policy BE1.

Living Conditions

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users and occupiers of the development.

The proposed extension will breach the 45 degree line from the kitchen window of the neighbouring property at No.150. However, given the glazed nature of the proposal taken together with the low height and that the roof slopes away, taken together with the fact that there is a similar, albeit slightly smaller, existing structure in place, it is considered that the proposal will not result in material harm to the living conditions of the occupier of the neighbouring property. It should also be noted that if the property had not been a maisonette the proposed extension would have been permitted development. Furthermore, it should be noted that no objections have been received to the proposal.

Taking all of the above into account, it is considered on balance that the proposal would not harm the living conditions of the occupiers of the neighbouring property and would accord with Policy BE3 and the Residential Design Guide SPG.

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 drawings ('New conservatory proposed rear elevation & part plan) and specification contained therein, submitted on 16 November 2017. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 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 BE1 of the Warwick District Local Plan 2011-2029.