

Planning Committee: 12 July 2005

Item Number: 09

Application No: W 05 / 0663

Registration Date: 21/04/2005

Town/Parish Council: Leamington Spa

Expiry Date: 16/06/2005

Case Officer: John Beaumont

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Remove existing conservatory and construct two storey side extension to form new dwelling and single storey extension to rear apartment FOR Quartz Homes Limited

This application was considered by the Planning Committee at the meeting on 22nd June 2005 when it was resolved to defer determination to enable a Members site visit to be undertaken on Saturday, 9th July 2005. The report which follows is that presented to the meeting on 22nd June 2005. See also the report elsewhere on this agenda on planning application W05/0862 which also relates to this site.

SUMMARY OF REPRESENTATIONS

Town Council: Object. Proposal is considered to represent an over-intensive use of the site, resulting in development which fails to harmonise or enhance the Conservation Area. The loss of the conservatory represents a modification that would be detrimental to the amenity of the area.

Neighbours: Objections have been received from the occupiers of 3 adjoining properties. Overpowering, loss of privacy, restriction of light, unneighbourly. Increased noise/disturbance and traffic congestion. Regret loss of conservatory. Inadequate details of drainage.

CAAF: Significant concern at loss of conservatory; one of last remaining traditional conservatories in Leamington Spa which should be 'listed'. Loss of conservatory would be detrimental to the Conservation Area and should be retained. Rear extension bland and did not add to character of building.

WCC (Ecology): No objection subject to bird/bat notes.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

An application for a certificate of lawfulness for the existing use of the premises as 18 self-contained apartments was granted on 1st June 2005, reference W05/0676. An earlier permission was granted for alteration to existing dwellings to provide 9 additional rooflights and lightwells. These approved plans indicate the consolidation of a number of the existing flat units to provide a total of 15 units within the existing building; reference W05/0372.

KEY ISSUES

The Site and its Location

This is a detached villa which is not 'listed' as being of special architectural or historic interest but is located within the Conservation Area. It has a vehicular access to Warwick Place and is adjoined to the west by another large villa, subdivided into flats, and to the east by a more modern pair of semi-detached properties; to the rear of the site are two bungalows fronting Conway Road which have rear gardens adjoining the site some 4m in depth. Attached to the east side of the building is a timber conservatory. The forecourt of the building and the east side of the building are laid out for car parking; to the rear and east of the property there is a lawned garden, presently overgrown.

Details of the Development

This is an amended application which contains two main elements:-

- The demolition of the existing conservatory. The applicant has submitted a structural report which states many of the glazing bars and much of the timber framing is distorted and perished. It concludes the main element of the building are beyond practical repair. As the building is not 'listed' the future retention of the conservatory is not under the control of the District Council. It is proposed to replace the conservatory with a new two storey extension comprising a two bedroomed dwelling which would incorporate a 'lean-to' conservatory as a main feature of its front elevation to maintain the existing character. The new extension would be set 1m off the boundary with the adjoining house, No. 52C; the present conservatory directly abuts that boundary. The scheme has been amended to enlarge the size of the proposed conservatory.
- The extension of the rear ground floor flat to provide a range of larger single storey 'lean-to' outbuildings to replace existing 'lean-to' outbuildings and to wrap around the back of the existing building. These would project some 2m beyond the existing outbuildings back towards Nos. 14 and 16 Conway Road (being some 4m off the boundary of those bungalows) and some 3m towards No. 52C Warwick Place (being some 8.5m off the side

boundary of that dwelling). The scheme has been amended in design, including reducing the number of proposed windows on the rear elevation to one bedroom window, a pair of french doors to a living room and a rooflight.

Assessment

I consider that this proposal raises the following issues:-

Impact on the character/appearance of the Conservation Area : Whilst noting the concerns expressed regarding the loss of the existing conservatory, this is not a 'listed' building and I note that the applicants have also commissioned a structural survey which confirms that the condition of the conservatory has deteriorated beyond practical repair. I consider that both the side and rear extensions have been designed in a manner sympathetic to both the building itself and the wider Conservation Area and, as amended, I consider they would not harm its character or appearance.

Impact on neighbour amenity : Whilst the side extension on the site of the existing conservatory will be larger than the conservatory which it would replace, I consider that on this side elevation it would not have an unacceptable effect either on the side elevation of 52C Warwick Place or the bungalows to the rear fronting Conway Road. Clearly the single storey extension on the rear of the building will take residential activity closer to the neighbouring dwellings and will be larger than the existing extension. I am mindful that the bungalows on Conway Road have short rear gardens and the two elevations will be only some 8m apart, separated by an existing 1.8m timber boundary fence. Given that these are replacing existing single storey extensions, I am not of the opinion that this proposal as amended would be so unneighbourly such as to justify refusal.

Car parking : The existing property has on-site car parking and a lawful use for 18 units which are being reduced to 15; the rear extension is to an existing flat and the side extension (on the footprint of the existing conservatory) whilst creating a new dwelling will not increase the number of dwellings on-site over the existing lawful use. Given this position and the location of the site in the urban area, I do not consider objection on car parking grounds could be sustained.

I have had regard to the issues raised by the objectors to these proposals but as amended I consider they would be acceptable.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing no. 402/05C, and specification contained therein, submitted on 2nd June 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 Local Plan Policy ENV3.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of conservatory, parapets, render details, rooflight, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 4 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 5 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan.
- 7 A landscaping scheme, incorporating existing trees and shrubs to be

retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 8 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
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