

**Planning Committee:** 13 September 2016

**Item Number: 15**

**Application No:** W 16 / 1429

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jo Hogarth

**Registration Date:** 01/08/16

**Expiry Date:** 26/09/16

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**27 Newbold Street, Leamington Spa, CV32 4HN**

Erection of dwelling FOR Mrs Lesley Corkhill

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This application is being presented to Committee as the Town Council raises no objection and 11 letters of support have been received and the application is recommended for refusal.

**RECOMMENDATION**

Planning Committee are recommended to refuse the application.

**DETAILS OF THE DEVELOPMENT**

The proposal seeks to construct a two and a half storey detached dwelling situated in the side garden serving number 27 Newbold Street. The overall height of the dwelling would be 10.3 metres and would have a frontage width of 11 metres. The new dwelling would be set back 7.5 metres into the site, lining up with 13 Newbold Terrace which has recently been granted planning permission for re-development into 9 apartments. (ref: W/16/0902). The materials for the new dwelling would comprise of terracotta facing bricks and blue/grey slates.

The Design and Access Statement states that by lining the frontage of the dwelling with 13 Newbold Terrace it would retain the valued open aspect over Jephson Gardens and takes advantage of the south-west aspect incorporating a double height living area and large single front window. It goes on further to state that this site is not a continuation of the terrace of Newbold Street but rather is separated by Rosefield Street; the height is different as is the fenestration and as such it should not be expected to continue that monotonous terrace into the application site.

**THE SITE AND ITS LOCATION**

The site is situated on the east side of the road within the designated Conservation Area and overlooks the Royal Spa Centre on the opposite side of the road. The area is generally residential in character albeit there is a Public House further along the road and the Royal Spa Centre opposite. The area is covered by a Residents Parking Zone (L4) and is within walking distance of the town centre.

## **PLANNING HISTORY**

Earlier this year a similar proposal (ref: W/16/0866) for a new dwelling in this location was withdrawn as an objection from Highways and the Council's Conservation Officer had been received.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- The Emerging Local Plan
- 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)
- TR4 - Parking (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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection.

**WCC Ecology:** Recommend notes on nesting birds.

**WCC Highways:** No objection.

**CAF:** The height and massing of the proposed dwelling was considered appropriate but its position within the plot was questioned, with regard to how best to preserve the streetscene; some members support the garden being at the front, whilst others consider it should be at the rear, and the front building line should be aligned with number 27 Newbold Street (rather than 13 Newbold Terrace). All agreed that the proposed fenestration and style should be amended

to match that of No. 27 with no roof terrace and the front door should be onto Newbold Street. (rather than at the rear of the property).

**Public Response:** 11 letters of support have been received on the grounds that the proposal is in keeping with the area, set back from the road to retain the views into Jephson Gardens. The dwelling is well proportioned and would have parking off of a less busy road. Furthermore, this scheme would attract traffic and parking only associated with a family home, unlike the apartment scheme approved at 13 Newbold Terrace.

1 letter of objection has been received on the grounds that the development should not be set back as it breaks up the building line and would be incongruous in the streetscene. The parking spaces are accessed from Rosefield Street, very close to the junction.

## **ASSESSMENT**

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

- The Principle of Development
- The Impact on the Conservation Area and streetscene
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Renewable Energy
- Ecological Impact
- Health and Wellbeing

### **The Principle of the Development**

The proposal would be contrary to Local Plan Policy UAP1 because residential gardens are not considered to be previously developed land. However, the NPPF states that policies should seek to support dwellings on garden land where it would not result in harm to the character and appearance of the area. Furthermore, the Council is unable to demonstrate a 5 year supply of housing land. Therefore, given that Policy UAP1 is a policy for the supply of housing, paragraph 49 of the NPPF identifies that it should be considered out of date and consequently the test in paragraph 14 of the NPPF should be applied, i.e. whether any adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole". Therefore, given the pressing need for housing within the District, garden plots such as this are considered to be suitable for development, provided the proposals do not cause unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area and provided that suitable provision can be made for parking.

### **The impact on the Conservation Area and Streetscene**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 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 132 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 134 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.

The application has been the subject of discussions with the Council's Conservation Officer. Concerns were raised on the grounds that the fenestration to the front facade is inappropriate and should reflect a more traditional approach, in keeping with this part of the Conservation Area. It is considered that whilst the height and massing itself is appropriate, the fenestration to the front and rear which comprises of large expanses of glazing together with a roof-top balcony on the front elevation do not reflect any recognisable style associated with the Leamington Spa Conservation Area. Furthermore, it is considered that combined with the proposed set back behind the prevailing strong and consistent frontage along this part of Newbold Street the design of the building would thereby be harmful to the character and appearance within the Conservation Area streetscene such that the proposal would fail to meet the objectives contained in Policy DAP8 in the Local Plan.

In design terms it is considered that due to the extensive glazing to the elevation onto Newbold Street, which, coupled with the proposed intervening garden area and the absence of a clear and distinctive front door, the proposal has the character of a rear elevation facing onto the street such that the design 'turns its back' on the street in a manner which is uncharacteristic of this part of the Conservation Area.

It is considered that the proposal in its current form causes less than substantial harm to the Conservation Area within which it is located, which comprises a heritage asset within the terms of the NPPF.

### **The impact on the living conditions of nearby dwellings**

Within the rear elevation of number 27 Newbold Street there is a ground floor window which on the submitted drawings is indicated to be removed and therefore the Council's adopted 45 degree line would not be breached. A condition could be attached to ensure that these works to block up this window are undertaken prior to the occupation of the new dwelling.

With regards to number 13 Newbold Terrace, whilst there are windows these are in a side elevation and therefore there would be no material harm in terms of loss of light or outlook. However, it is considered that the new dwelling could lead to overlooking and loss of privacy of the rear garden. Whilst it is recognised that there is a tall boundary wall separating the two plots, given the distance separation of only 5 metres from the boundary, direct views from the first floor would be afforded directly into this private amenity space. It is therefore considered that the proposal would thereby be unneighbourly and would fail to meet the objectives of Policy DP2 in the Local Plan.

## **Car Parking and Highway Safety**

The plans show two parking spaces for the new dwelling which would utilise an existing access onto Rosefield Street. They are shown to be 3 metres in width which is acceptable where a solid wall runs along one side of the boundary. It is therefore considered that the proposal would meet the Council's adopted Vehicle Parking Standards which attracts two off street parking spaces to be provided for this development. With regards to the access, as this is an existing access it is considered that no objection is raised in terms of highway grounds and would thereby be in accordance with Policy DP6 in the Local Plan.

## **Renewable Energy**

The proposal indicates that the building will utilise solar panels and air source heat pumps together with a fabric first approach as a mechanism to provide 10% of the predicted energy requirement of the dwelling as well as reducing CO<sup>2</sup> emissions. It is considered that this could be suitably conditioned and would thereby meet the requirements set out in Policy DP13 in the Local Plan and the adopted Supplementary Planning Document on Sustainable Buildings.

## **Ecological Impact**

No objections are raised with regards to ecological issues subject to notes being attached to any approval regarding nesting birds. The proposal is thereby considered to meet the objectives of Policy DAP3 in the Local Plan.

## **Health and Wellbeing**

It is considered that this application does not raise any significant issues in relation to health and well being.

## **SUMMARY/CONCLUSION**

The proposal as submitted is considered to cause less than substantial harm to the character and appearance of this part of the Conservation Area by reason of its design which incorporates a large expanse of fenestration to the front elevation and roof-top balcony which does not reflect any recognisable style associated with the Leamington Spa Conservation Area. Further, the design and arrangement of the proposed plot is such that it has the uncharacteristic appearance of a dwelling which backs onto the main street frontage which also contributes to the harm and breaks the existing strong and consistent frontage of Newbold Street.

This combined effect is thereby considered to be incongruous within the streetscene and Conservation Area thereby failing to meet the objectives of Policy DAP8 in the Local Plan. That less than substantial harm is not considered to be outweighed by any other material planning considerations such that the proposal is considered to be contrary to the National Planning Policy Framework.

The proposal would also be harmful to the living conditions of the occupiers of the neighbouring property by reason of overlooking and loss of privacy.

## **REFUSAL REASONS**

- 1 Policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. Paragraph 132 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 134 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.

The proposal is considered to cause harm to the character and appearance of this part of the Conservation Area by reason of its design which incorporates a large expanse of fenestration to the front elevation and roof-top balcony which does not reflect any recognisable style associated with the Leamington Spa Conservation Area. Further, the design and arrangement of the proposed plot is such that it has the uncharacteristic appearance of a dwelling which backs onto the main street frontage which also contributes to the harm and breaks the existing strong and consistent frontage of Newbold Street.

This combined effect is thereby considered to be incongruous within the streetscene and Conservation Area thereby failing to meet the objectives of Policy DAP8 in the Local Plan.

Whilst the harm identified is less than substantial it is not considered to be outweighed by any other material planning considerations such that the proposal is considered to be contrary to the National Planning Policy Framework.

- 2 Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

In the opinion of the Local Planning Authority it is considered that due to the positioning of the proposed dwelling close to the shared boundary with number 11 Newbold Terrace, there is potential for direct overlooking from the first floor windows into the private amenity space enjoyed by the occupants of this property. The development is therefore considered to be unneighbourly by reason of overlooking and loss of privacy

The proposal is thereby considered to be contrary to the aforementioned policy.