

Planning Committee: 23 August 2005

Item Number: 35

Application No: W 05 / 1149

Registration Date: 26/07/05

Town/Parish Council: Leamington Spa

Expiry Date: 20/09/05

Case Officer: Joanne Fitzsimons

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29 Tachbrook Road, Leamington Spa, CV31 3DW

Conversion and extension to rear to form six flats together with front lightwell and boundary wall (re-submission of W05/0565) FOR Mr J Sandhu

This application is being presented to Committee due to an objection from the Town Council having been received.

SUMMARY OF REPRESENTATIONS

Town Council: Object on grounds of overdevelopment resulting in an unsatisfactory standard of amenity for future occupiers.

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)

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)

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

The 45 Degree Guideline (Supplementary Planning Guidance)

PLANNING HISTORY

There have been several planning applications, converting the property to flats in 1965. In 2004 (reference W04/1911) an application was received to convert the building into 6 flats, incorporating a rear extension and front lightwell. This was subsequently refused under delegated powers on grounds that the extent of the excavation for the lightwell would harm the Conservation Area and the railings would disrupt the rhythm of the terrace. A further application (reference W05/0656) was recommended for grant at planning committee on 22 June 2005,

however was refused on the grounds that *"it would be harmful to the amenities of neighbouring residents, in particular to No. 27 Tachbrook Road by reason of loss of privacy from overlooking of the rear garden area from the proposed first floor habitable window"*.

KEY ISSUES

The Site and its Location

The application site relates to a mid-terrace property within the designated Conservation Area. There is access to the rear of the site via Priory Street where some of these properties have garages. Some of the surrounding properties have been converted into flat accommodation. The front garden is of limited size and capacity and is not clearly distinguished from the footpath.

Details of the Development

The proposal seeks to address the previous reason for refusal through the omission of the first floor rear window. The description of development remains the same and the number of units proposed is six.

Assessment

As amended I consider the proposal to meet Local Plan Policies with regards to amenity and given that the previous refusal reason related solely to the window, I consider its removal to address this reason. The creation of a wall feature at the back of the footpath, in my opinion, enhances the character and appearance of this part of the Conservation Area and will relate to the neighbouring property which also has an enclosed front garden.

With regard to the rear extension, it complies with the 45° line and I do not consider a relatively modest extension measuring 0.85m in depth to be unacceptable and therefore I am of the view that a refusal could not be substantiated.

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 numbers 2848/02F and 2848/03F and specification contained therein, submitted on 26 July 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 doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods and front boundary wall 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.
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