

Planning Committee: 03 August 2005

Item Number: 02

Application No: W 05 / 0755

Registration Date: 05/05/05

Town/Parish Council: Leamington Spa

Expiry Date: 30/06/05

Case Officer: John Beaumont

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6 Lillington Avenue, Leamington Spa, CV32 5UJ

Extensions and improvements to 7 no. existing flats and formation of 2 no.
new upper floor flats FOR Mr David Upton

This application is reported to the Planning Committee at the request of the Ward Councillor, Mrs. Goode, and having regard to the objections of the Town Council and neighbours.

Determination of this application was deferred at the meeting on 12th July 2005 to enable a site visit by Members to be undertaken. The addendum to that meeting recorded the receipt of objections from 2 neighbours and from the Company Secretary of the adjoining Oaks Corner site to the amended plans. In addition, CAAF have commented as follows:-

"It was felt that the scheme was overdevelopment of the site. Concern was expressed at the rear extension to the already large house and the overlooking and loss of light that this imposed on other dwellings in the property. Concern was also expressed at the mews building which it was felt would introduce additional traffic into this already busy mews area. (NB. This mews dwelling has now been withdrawn from the application).

SUMMARY OF REPRESENTATIONS

Town Council: Proposal represents an over intensive use of the site that would result in development harmful to the amenity of the Conservation Area. The proposal, by virtue of access provision via the Mews will introduce additional vehicular movements to the detriment of properties in Arlington Mews. The Council suggest that the Planning Authority take immediate measures to protect the mature tree on this site.

Ward Member, Councillor Mrs. Goode: *"With reference to the application to further develop land at 6 Lillington Avenue, I believe that specifically the addition of another dwelling at the rear of the property would be out of keeping and not desirable in this Conservation Area and would also be overdevelopment and unneighbourly. I also think I recall that permission was refused for another dwelling which would have needed Arlington Mews for access but which was deemed not suitable because of the extra traffic movements which this would generate"* - (Comments dated 1st June 2005).

"I understand that there has been an amendment to this application which involves the removal of the separate building in the garden. This is welcome

news but the problem still exists of overdevelopment of the site in that there would be the need to extend the building into the already not particularly large rear garden. I understand that in order to construct the new build, access would be required from Arlington Mews and wonder how that would fit with the Holding Objection of PTES dated 18 May. As there is no possibility of widening the mews to 5 metres, this objection will surely remain? Furthermore, the type of vehicle needed to deliver the building materials would not be able to gain access to the rear of the site anyway because of the width of 3 metres. Have details of construction been supplied? Has mention been made of demolition of rear wall to effect build? Would separate permission be need for this? I believe that this building is already at its capacity on the relatively small sized plot for a structure of its massing and height and that to further add to the footprint would be to go one step too far" - (Comments dated 23rd June 2005).

Neighbours: 4 neighbours submitted objections to the proposed erection of a mews house off Arlington Mews, now deleted from the application. 3 neighbours also raised objection to that mews house but in addition to the proposed rear extension on grounds of loss of garden area; adverse impact on Conservation Area, visual dominance, breach 45° code, breach of distance separation, overdevelopment, adverse effect on traffic generation/access/parking to Lillington Avenue, harm to flora/fauna, noise/disturbance, loss of privacy/outlook/light, unneighbourly.

W.C.C. (Ecology): No objection subject to bat note.

Head of Leisure and Amenities: Further details needed of likely impact of new dwelling. (N.B. This proposed new dwelling has now been deleted from the application).

W.C.C. (Highways): Holding objection to access proposed off Arlington Mews. (N.B. This proposed access has now been deleted from the application).

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)

PLANNING HISTORY

Planning permission for the conversion of No. 6 Lillington Avenue into 9 flats was granted in 1970 (ref. 13941). These flats had a rear vehicular access off Arlington Mews to a rear car park. Planning permission was granted in 2002, reference W20011721, for the erection of a 1.8 m wall, timber panel and gate to close off access to Arlington Mews; this wall has been constructed, albeit the tarmac car park area has been retained.

KEY ISSUES

The Site and its Location

The site is located in the Conservation Area and comprises a substantial brick villa fronting Lillington Avenue with an 'in' and 'out' access to that road and a tarmac forecourt with parking for 9 vehicles. At the rear is a garden and a tarmac area formerly used as a car park accessed off Arlington Mews; access to Arlington Mews has been closed by the erection of a brick wall. A mature tree is located to the rear of the site adjacent to Arlington Mews.

Details of the Development

This is a detailed application which has been amended to delete a proposed mews dwelling off Arlington Mews. The application is now for the alterations and extension of the existing building to utilise the basement and roofspace to provide a total of 9 flats; this will entail the construction of lightwells to the front and rear elevations and a rear extension, 3 storeys in height, extending 3.6 m from the rear face of the existing building, 5.4 m wide. The construction of the rear extension will not increase the number of windows on the rear elevation but there will be a reduction of 4 windows and a door on the west elevation of the existing building which presently overlook the rear garden of the adjoining dwelling. A total of 9 'conservation' rooflights will also be added to the roofslope of the existing building.

Assessment

As amended by the deletion of the proposed rear mews house, I note all access to the site, including for the proposed building works, will be off Lillington Avenue and hence the holding objection of the Highway Authority and the objections of a number of neighbours have been addressed. The building already has a planning permission for 9 flats and I do not consider, therefore, that an objection to the principle of the proposed use or car parking could be sustained. Clearly, however, the proposal will introduce changes to the building, in particular the construction of lightwells, insertion of 'conservation' style rooflights and a rear extension, including the infilling of a number of openings on the west elevation of the existing building. Subject to appropriate detailing, I consider the rooflights and lightwells will be wholly acceptable as new features on this building.

I am conscious, however, of the objections raised to the rear extension. In my opinion, given the limited size of this extension, the fact that it is 'stepped' off the western boundary to reduce its impact on the adjoining property, and that

it will secure the closure of a number of windows directly overlooking that property, I consider that its impact will not adversely affect neighbours amenity such as to justify refusal.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT, as amended, 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 Nos. 210-05, 06 and 08 deposited with the District Planning Authority on 5th May 2005 and Drawing No. 210-07 deposited with the District Planning Authority on 21st June 2005, and specification contained therein, 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 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.
- 4 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.
- 5 No development shall be carried out on the site which is the subject of this permission, until large scale details of lightwell, including access stairs and railings, conservation rooflights, infilling of existing external openings, 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.

- 6 All doors and window frames shall be constructed in timber, painted and not stained, and be set in reveals of 75mm from the face of the building.
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.
- 7 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse 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 protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 8 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.