

Planning Committee: 16 August 2016

Item Number: 13

Application No: [W 16 / 1220](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 30/06/16
Expiry Date: 25/08/16

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32 Stephenson Close, Milverton, Leamington Spa CV32 6BS

Resubmission of W/16/0510: proposed new one-bed single storey dwelling in existing residential plot with established access and parking. FOR Mr Tabor

This application has been requested to be presented to Committee by Councillor Grainger.

RECOMMENDATION

Planning Committee recommended to refuse planning permission.

DETAILS OF THE DEVELOPMENT

The application is for the erection of a single storey, flat roof, one bedroom dwelling, with courtyard and parking provision for one car. The proposed dwelling is to be constructed in the rear garden area serving 32 Stephenson Close.

THE SITE AND ITS LOCATION

The application site is positioned to the east of Stephenson Close and forms part of the rear amenity space serving Number 32. The site is located between Numbers 28, 29 and 32 Stephenson Close, which forms part of a modern housing estate and cul-de-sac. The existing street scene is characterised by detached, two storey dwellings with gable features; the properties are generally constructed from brick, with some render and timber beams. The gradient of the land increases towards the rear of the site.

PLANNING HISTORY

In 1998, planning permission was granted for "Erection of an attached dwelling with detached double garage" (Ref. W98/0644). The detached garage was shown to be sited at the back of the rear garden, fronting Old Milverton Road.

In June 2007 planning permission was refused for "Erection of a detached double garage with first floor room over (Ref. W07/0557). This was shown to be sited at the back of the rear garden, fronting Old Milverton Road.

In September 2007 planning permission was refused for "Erection of detached double garage with first floor room over" (Ref. W07/1207). Again, this was

shown to be sited at the back of the rear garden, fronting Old Milverton Road. Planning permission was subsequently granted on appeal in June 2008.

In 2009 planning permission was granted for "Construction of new driveway and widening of existing vehicular access from Old Milverton Road" (Ref. W09/0421).

In 2011 planning permission was refused for "Erection of a detached dwelling (on site of previously approved garage and ancillary storage building)" (Ref. W11/0957). This was shown to be sited at the back of the rear garden, fronting Old Milverton Road. The appeal made by the applicant for this application was dismissed by the Planning Inspectorate in 2012.

A number of other applications have previously been submitted relating to the application site, but none of these are relevant to the consideration of the current proposals.

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)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (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)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (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)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Leamington Town Council: No objection.

Councillor Grainger: Supports the application and requests that the application is called before the planning committee as there is already been planning permission for a larger building on the site and the proposal would have less impact.

WCC Ecology: No objection, recommends a nesting bird note and suitable RPA buffer zone for existing trees and hedgerow.

1 Public Response: 32 Stephenson Close: Supports the proposal which would be preferable to previous approvals and the design has been well thought out.

Assessment

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

- The principle of permitting a new dwelling in this location;
- The impact on the character and appearance of the area;
- Provision for public open space;
- The impact on the living conditions of neighbouring dwellings; highway safety; and
- Energy efficiency/CO²

The principle of permitting a new dwelling in this location

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 dictates 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 this 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 in accordance with paragraph 53 of the NPPF and provided that suitable provision can be made for parking.

Impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The application site forms part of the rear garden of No. 32 Stephenson Close, which was constructed as a detached house. The surrounding area is characterised by two storey detached houses of a similar size, set on plots of a similar size, giving the area a spacious character. A two storey extension has previously been added to the side of No. 32 to form a separate dwelling. Consequently there are already two dwellings on a plot that was originally designed for a single dwelling.

The current application seeks to construct a third dwelling on the plot. Whilst a garage has previously been permitted in this location (but not constructed), the proposals to construct a dwelling would have a greater impact on the character and appearance of the area. The construction of a dwelling will require further subdivision of the plot and will result in additional cars being present on the plot together with other domestic paraphernalia associated with a separate dwelling. The result of this would be an unduly cramped form of development that would be at odds with the established spacious character of the area.

Furthermore, the proposed design for a flat roof, single storey dwelling, to be constructed from orange / red bricks and to have black aluminium window frames, would be completely out of character within the wider street scene. Stephenson Close and Old Milverton Road to the west of the site are characterised by relatively modern, brick built properties with some render. The proposed development would represent an incongruous feature by virtue of its

design within an established, residential housing estate. The proposed development is not considered to reinforce or enhance the established urban character of Stephenson Close, or to reflect, respect or reinforce the existing local architecture. The development is not considered to adopt appropriate materials which would complement the existing street scene.

It is considered that the proposals would therefore cause unacceptable harm to the character and appearance of the area.

Provision for public open space

Policy SC13 of the Warwick District Local Plan 1996-2011 states that contributions from residential developments will be sought to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs.

However, paragraph 31 of the NPPF provides that contributions should not be sought from developments of 10-units or less which is a material consideration and carries significant weight. Departure from the NPPF should only be considered if exceptional circumstances are present and it is considered that the current circumstances would not represent justification to depart from policy contained within the NPPF. It would therefore not be reasonable to impose a condition for the requirement of open space contributions in accordance with the NPPF.

Impact on the living conditions of neighbouring dwellings and future occupants

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Number 28 is positioned to the southern boundary of the application site and the proposed dwelling would sit alongside this property. There would be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development. Therefore, it is considered that there would be no material harm to the living conditions of the occupiers of Number 28 which would warrant reason for refusal.

Number 29 is positioned to the eastern boundary of the application site and the rear of this property faces the application site. There is a distance separation of 15 metres between the proposed dwelling and rear of Number 29. The Council's adopted minimum distance separation between the rear of dwellings for these circumstances is 12 metres. Therefore, it is considered that there would be no

material harm to the living conditions of the occupiers of Number 29 which would warrant reason for refusal.

Numbers 32 and 33 are positioned to the northern boundary of the application site. There is no adopted minimum distance separation between the rear of existing two storey dwellings and a proposed single storey structure. Furthermore, there are no proposed windows to the side of the property which would face towards the dwellings, therefore it is considered that there would be no material harm to the living conditions of the occupiers of these properties which would warrant reason for refusal.

The development is therefore considered to have an acceptable impact on neighbouring residential amenity.

Highway safety

Parking is provided in accordance with the Council's Parking Standards, although this is a cause for concern in terms of the impact that it would have on the character and appearance of the area.

WCC Highways have been consulted regarding this application in relation to the impact which the proposed development would have on highway safety and a response is expected prior to the planning committee meeting.

Energy Efficiency/CO²

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables or a 10% reduction in CO² production through a fabric first approach would not be appropriate. The applicant proposes the use of a fabric first approach towards construction methods which would satisfy the requirements of the Council's adopted Sustainable Building guidance, which can be secured by condition (if the application were being considered favourably).

Ecology

WCC Ecology have commented on the application and confirm that their comments remain the same as for previous application W/16/0510. They have concerns for the potential impact to nesting birds. If any vegetation will be impacted on by the works it is recommended that this is checked for nesting birds immediately prior to the works. Should nesting birds be found, work should stop immediately and further advice will be given by WCC Ecology. Young birds should fledge the nest before works commence. It is therefore recommended that a nesting bird note is attached to any permission granted, which is considered to be acceptable.

It is also recommended that if there are any existing trees or hedgerows on site they should be protected by a suitable RPA buffer zone. However, as none of the trees on site add any particular amenity value to the street scene and are not protected, it would be unreasonable to ask for tree protection measures when the trees could lawfully be removed at any time by the applicant.

Other Matters

The proposed dwelling would have a screened front courtyard for the storage of bins.

The application proposes that the dwelling would be connected to the existing main sewer. There is no evidence to suggest that there would not be sufficient capacity within the existing system to accommodate a single additional dwelling.

Support has been shown for the application by Councillor Grainger and a member of the public who consider that the development would have less impact on the street scene and neighbouring residential amenity than the previously approved scheme for the detached garage and that the design is well thought out. The previous application (W07/1207) was allowed at appeal for the construction of a pitched roof garage, with roof dormers. It is acknowledged that the approved structure is higher than the proposed flat roof dwelling, however, the impact of an additional dwelling is not measured in bulk and mass alone. The proposed development requires further subdivision of the plot, and will result in additional cars and other domestic paraphernalia associated with a separate dwelling being present on the site, forming an unduly cramped form of development. The design is considered to be harmful to the street scene as previously noted.

CONCLUSION

In the opinion of the Local Planning Authority, the proposed development would cause harm to the local area by virtue of its design, causing a detrimental impact on the street scene, leading to an unduly cramped form of development, which is contrary to Local Plan policy DAP1. As the proposed development does not meet the test of paragraph 53 of the NPPF, this development located on garden land, is considered to be inappropriate and should therefore be refused.

REFUSAL REASONS

- 1 As Policy UAP1 is a policy for the supply of housing, paragraph 49 of the NPPF dictates 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 this 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 in accordance with paragraph 53 of the NPPF and provided that suitable provision can be made for parking.

The proposed development is considered to have a harmful impact on the street scene, by virtue of its design it would represent an incongruous feature within the street scene which does not harmonise or relate to the existing architectural character within the street scene,

and would lead to an unduly cramped form of development. The proposed development does not meet the test of paragraph 53 of the NPPF, and therefore the development is considered to be inappropriate and not in accordance with the NPPF.

- 2 Policy DP1 of the Warwick District Local Plan states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design. Policy DP1 goes on to state that development proposals will be expected to demonstrate that they harmonise with the existing settlement in terms of physical form, patterns of movement and land use. Furthermore, Policy DP1 states that development should reinforce or enhance the established urban character of streets, and reflect, respect and reinforce local architecture, whilst adopting appropriate materials and details.

The application site forms part of the rear garden of No. 32 Stephenson Close, which was constructed as a detached house. The surrounding area is characterised by two storey detached houses of a similar size, set on plots of a similar size, giving the area a spacious character. A two storey extension has previously been added to the side of No. 32 to form a separate dwelling. Consequently there are already two dwellings on a plot that was originally designed for a single dwelling.

The current application seeks to construct a third dwelling on the plot. Whilst a garage has previously been permitted in this location (but not constructed), the proposals to construct a dwelling would have a greater impact on the character and appearance of the area. The construction of a dwelling will require further subdivision of the plot and will result in additional cars being present on the plot together with other domestic paraphernalia associated with a separate dwelling. The result of this would be an unduly cramped form of development that would be at odds with the established spacious character of the area. In the opinion of the District Planning Authority, the proposals would therefore cause unacceptable harm to the character and appearance of the area.

Furthermore, Stephenson Close and Old Milverton Road to the west of the site are characterised by relatively modern, brick built properties with some render; the proposal is for a flat roof, single storey dwelling to be constructed from orange / red bricks and to have black aluminium window frames. The proposed development would represent an incongruous feature by virtue of its design within an established, residential housing estate. The proposed development is not considered to reinforce or enhance the established urban character of Stephenson Close, or to reflect, respect or reinforce the existing local architecture. The development is not considered to adopt appropriate materials which would complement the existing street scene.

The proposals would thereby be contrary to the aforementioned policy.