

Planning Committee: 22 May 2012

Item Number: 23

Application No: W 12 / 0374

Town/Parish Council: Leamington Spa

Registration Date: 04/04/12

Case Officer:

Rob Young

Expiry Date: 30/05/12

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71A Lillington Road, Leamington Spa, CV32 6LF

Change of use of annex to a separate dwelling FOR Mr D Cowan

This application is being reported to Planning Committee because it relates to a development that Committee previously authorised Enforcement Action against.

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Conservation Area Advisory Forum: Part II item, no comment.

WCC Highways: The proposed development is a 2 bedroom dwelling however, following consultation with Warwick District Council it is considered that provision of only one parking space, is considered satisfactory. The conversion of the annex to a separate dwelling will however effectively change the access to a shared access and as such should be widened to 5 metres to meet Highway Authority standards. Widening the access will require removal of some planting to the front and should this afford the opportunity to provide an additional parking bay, the Highway Authority recommends that this is done. The Highway Authority raise **NO OBJECTION**, subject to conditions.

RELEVANT POLICIES

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)

PLANNING HISTORY

In 2002 planning permission was granted for "Erection of a detached dwelling and garage annexe incorporating additional bedroom accommodation" (Ref. W02/0651). Condition 5 of that permission stated as follows: *"The bedroom accommodation within the garage annex hereby permitted shall be used solely ancillary to the residential use of the dwelling hereby permitted and shall not be construed as authorising the erection of a separate dwelling unit."*

In March 2011 an Enforcement Notice was issued to require the use of the annex as an independent dwelling to cease and the kitchen diner to be reverted to a storeroom within a compliance period of three months. An appeal against the Enforcement Notice was submitted but this was deemed to be out of time by the Planning Inspectorate and consequently the Enforcement Notice remains in force and cannot now be appealed.

KEY ISSUES

The Site and its Location

The application relates to a garage / annex associated with the dwelling at 71a Lillington Road. The application site is situated within a predominantly residential part of the Lillington Road Conservation Area. The garage / annex fronts onto Lillington Road, with the main dwelling at No. 71a situated to the rear. There is an archway through the middle of the garage / annex that provides vehicular access to a parking area in front of No. 71a. There is a further parking area in front of the garage / annex. The garage / annex is a one and a half storey building and is situated between the dwellings at Nos. 71 and 73 Lillington Road.

Details of the Development

The application proposes the change of use of the annex to a separate dwelling. The annex is currently unoccupied, although until recently it was occupied as a separate dwelling without planning permission (hence the recent serving of an Enforcement Notice).

Assessment

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

- the principle of permitting a conversion to a separate dwelling in this location;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the Conservation Area; and
- car parking and highway safety.

The principle of permitting a conversion to a separate dwelling in this location

The application relates to an existing building within the urban area of Leamington. Consequently a conversion to a separate dwelling would be in accordance with Local Plan Policy UAP1.

Impact on the living conditions of neighbouring dwellings

The application proposes only minor external alterations, and this does not include any additional windows. There would remain no windows in the elevations facing the dwellings to either side. The annex is currently in the same ownership as the main house at 71A Lillington Road which is situated to the rear of the annex. The separation distance between the existing annex building and the main house is 19m, which is sufficient to preserve an adequate level of privacy between the two properties, considering the fact that these are / would be one and a half storey dwellings. Therefore it is considered that the use of the annex as a separate dwelling would not cause undue loss of privacy for neighbouring dwellings.

The proposals could result in an intensification of the residential occupation of the application site, due to the fact that there would be two separate dwellings rather than a single dwelling and an ancillary annex. However, it is not thought that this would cause unacceptable additional noise and disturbance for neighbours. This is an established residential area that contains dwellings in close proximity to one another on various plot sizes. Furthermore, the existing building can already be used as ancillary residential accommodation or for other ancillary residential purposes under the existing planning permission. In this context, there are no grounds to believe that a change to a separate dwelling would cause a problem in terms of additional noise and disturbance.

Impact on the character and appearance of the Conservation Area

The minor alterations to the exterior of the existing building would not have a significant impact on the character and appearance of the Conservation Area and would be in keeping with surrounding development. The widening of the existing access would be more noticeable, but at least half of the frontage would remain enclosed by a wall and railings. Much of the length of the longer adjoining frontages to the either side are also enclosed by walls and a hedge. As a result, it is not considered that the alterations to the access would result in an unacceptable reduction in the traditional sense of enclosure to this part of Lillington Road. Therefore, it is considered that the proposals would preserve the character and appearance of the Conservation Area.

Car parking and highway safety

The access is proposed to be widened as requested by the Highway Authority. As amended, the proposals would therefore be acceptable from a highway safety point of view. The alterations to the access have also enabled an additional parking space to be provided on the site frontage, giving the proposed dwelling 2 off-street parking spaces. The main house would retain a large parking area to the rear of the existing annex. Consequently the proposals would be in accordance with the Council's Parking Standards.

Other matters

The existing annex includes ancillary residential accommodation on the first floor which would generate a similar energy demand to that for the proposed use of this space as a separate dwelling. The current proposals also include habitable accommodation on the ground floor where the plans previously approved showed a garage and store. This would increase the energy requirements of the building, but in view of the small amount of floorspace involved, this increase in energy use would not be sufficient to justify a requirement for on-site renewable energy production, in accordance with Local Plan Policy DP13.

The site includes adequate space for bin storage for the existing and proposed dwellings.

The applicant has agreed in principle to make a contribution of £1,256 towards the provision or enhancement of public open space in relation to the proposed dwelling. A condition is recommended to deal with this issue.

If planning permission is granted, this decision will supersede the existing Enforcement Notice. It was necessary for the Enforcement Notice to be issued to ensure that the Council did not miss the time limit for Enforcement Action. This would have resulted in a separate dwelling that would not have been subject to any conditions. No planning application had been submitted at the time that the Enforcement Notice was issued. With the benefit of the consultation responses to the current planning application and the further information that has been submitted with the application, it is considered that, subject to the recommended conditions, the proposals would be acceptable.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) 1204-2 & 1204-3, and specification contained therein, submitted on 4 April 2012, 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The dwelling hereby permitted shall not be occupied as a separate dwelling unless and until:
 - (a) a scheme and appropriate details have been submitted and approved in writing by the local planning authority to provide for the provision of and / or improvement of and / or maintenance of public

open space within the catchment area of the site, in accordance with Policy SC13 of the Warwick District Local Plan 1996 - 2011; and

(b) the facilities approved under (a) have been implemented in accordance with the approved details, unless otherwise agreed in writing by the District Planning Authority.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 5 All window frames shall be constructed in timber and shall be painted and not stained. **REASON :** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 6 The dwelling hereby permitted shall not be occupied as a separate dwelling unless and until the vehicular access has been widened and the driveway / parking layout has been amended in strict accordance with approved drawing no. 1204-3A. The access and parking area shall be retained in accordance with the approved plans at all times thereafter, unless agreed otherwise by the District Planning Authority. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 7 The dwelling hereby permitted shall not be occupied as a separate dwelling unless:
 - (a) details of a vehicular turning area between the front wall of the dwelling and Lillington Road so that vehicles are able to enter and leave the public highway in a forward gear have been submitted to and approved in writing by the District Planning Authority; and
 - (b) the vehicular turning area approved under (a) has been provided in accordance with the approved details.

The vehicular turning area shall thereafter be kept available for that purpose.

REASON : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

- 8 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 Part 1 (Classes A, B and E) 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. Furthermore, the proposal would not adversely affect the amenity of nearby residents and would be acceptable in terms of highway safety. The proposal is therefore considered to comply with the policies listed.
