

**Planning Committee:** 04 March 2020

**Item Number: 9**

**Application No:** [W 20 / 0121](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Ankit Dhakal

**Registration Date:** 24/01/20

**Expiry Date:** 20/03/20

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**129 Warwick New Road, Leamington Spa, CV32 6AB**

Erection of single storey rear extension (retrospective application) FOR Mr George Scott

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This application is being presented to Committee due to the number of representations in support that have been received and the application has also been requested to be presented to Committee by Councillor Gifford.

**RECOMMENDATION**

Refuse

**DETAILS OF THE DEVELOPMENT**

The application seeks a retrospective planning permission for a rear extension with dual pitched roof. The rear extension is on a raised platform and as a result of this, the height of the rear extension is more than a standard single storey from the level of the garden. The new development is constructed in a way to match the existing dwellinghouse.

**THE SITE AND ITS LOCATION**

The applicant site relates to a semi-detached dwellinghouse located on Warwick New Road, Leamington Spa. The property is set back from the road behind hard surfacing which provides off-street parking for the property. At the rear, the property benefits from a large garden with tall timber fence on all sides for the purpose of privacy.

**PLANNING HISTORY**

**W/99/0672** - Erection of a ground floor rear and two-storey side extension. Granted on 6<sup>th</sup> August 1999.

**W/19/1094** - Prior Notification for larger home extension for the erection of a single storey rear extension; 6m depth; 4m height and 2.5m to the eaves. Outcome: 'Prior Approval Not Required' decided on 2<sup>nd</sup> August 2019. However, this was incorrectly submitted as a prior approval notification because the extension contravened the limitations of permitted development and therefore required planning permission.

**W/19/1442** - Certificate of lawful development for rear extension. 'Not Lawful Use' decided on 4<sup>th</sup> November 2019.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

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

**Public consultation:** 6 comments of support in relation to the design being in keeping with the streetscene, not of an inconvenience to neighbours, and a modest addition.

## **ASSESSMENT**

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

- the impact on the character and appearance of the area;
- the impact on the living conditions of neighbouring dwellings;

### Impact on the character and appearance of the area

Section 7 of the National Planning Policy Framework (NPPF) places significant weight on requiring good design which is a key aspect in achieving sustainable development. New development should positively contribute towards making places better for people.

Policy BE1 of Warwick District Council's Local Plan 2011 – 2029 reinforces the importance of good design as explained by the NPPF. The Policy requires all development to respect surrounding buildings in terms of scale, height, form and massing.

The Residential Design Guide SPD sets out steps which must be taken in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting surrounding buildings and using the right materials.

The single storey rear extension is considered to be acceptable in terms of design. The materials used on the extension matches those on the existing property. Furthermore, the design and form of the extension is in keeping with that of the existing dwelling.

### Impact on the living conditions of neighbouring dwellings

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy.

The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of a neighbouring property. This serves to protect against loss of light and outlook.

The rear extension breaches the 45-degree line when taken from the middle of the two principal light sources (window and the French door) on the rear elevation of No.127 Warwick New Road which serve a kitchen. The development breaches the 45-degree line by 1.6 metres. Therefore, it is considered that the extension contravenes the 45-degree guideline as set out on the Residential Guide SPD (2018). As a result, it is considered that the rear extension causes unacceptable loss of light and loss of outlook for the affected windows.

There are no overriding considerations for the 45-degree line not to be applied on this instance and for this reason, the rear extension is contrary to Local Plan Policy BE3.

#### Other matters

The applicant has referred to a similar extension that was approved at a nearby property (No. 133) in 2007. However, that is not comparable to the current situation because the extension in that case replaced a previous extension that had been erected without the need for planning permission under a previous permitted development regime. As the replacement extension had no greater impact than the pre-existing structure there were no grounds for refusing permission in that case.

### **REFUSAL REASONS**

- 1 Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The 45 degree line taken from No.129 Warwick New Road is breached by the rear extension and therefore the development results in material harm to that property by reason of loss of light and outlook.

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

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