

**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2298

**Principal Item Number:** 18

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Alan Coleman  
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**Registration Date:** 23/12/2004  
**Expiry Date:** 17/02/2005

**15 Beverley Road, Leamington Spa, CV32 6PH**

Demolition of existing house and erection of a detached block of 9 apartments. FOR A  
C LLOYD

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**SUMMARY OF REPRESENTATIONS**

**Town Council:** Object on the following grounds:

- "(1) *The development proposed is considered an over intensive use of the site.*"  
(2) *The demolition of the existing dwelling is considered unnecessary.*"

**Highway Authority:** No objection, subject to increase in the width of access to 5 metres wide for the first 7.5 metres from the nearer carriageway edge. Entrance at the frontage site boundary to be not less than 4.6 metres wide.

**WCC (Ecology):** No objection, subject to bat survey being undertaken and standard notes on nesting birds and roosting bats.

**WDC (Environmental Health):** No objection.

**WDC (Leisure & Amenities):** The proximity of the driveway to the adjacent street tree, coupled with the likely highway Authority requirement to widen the driveway to 5 metres is considered likely to be a problem regarding the continued health of this tree arising from construction and changes in the surface treatment.

**Neighbours:** 27 letters which reiterate previous objections raised in respect of application W04/0818 and W04/1739 on the following grounds:-

- the principle of development on the grounds that 1) the site does not fall within the definition of a previously developed site that has unexpectedly become available and has been acquired specifically for the proposed purpose which would compromise the surrounding built environment and set a precedent that would be difficult to resist on neighbouring sites, and 2) the applicants have failed to consider the specific environmental qualities of the area before identifying the site as a previously developed site that can be the subject of new development;
- harm to highway safety caused by an increase in the volume of traffic generated from site, the proximity of the proposed site entrance to adjacent highway junctions, inadequate on-site car parking and a corresponding increase in demand for on-street parking/traffic in Beverley Road that currently experiences problems of congestion from traffic/roadside parking in connection with local schools in the vicinity of the site;
- inappropriate over-development of the site and harm to the environmental quality and character of the surrounding area in terms of the relative size, siting, scale, bulk, mass, design, appearance and density of the building and the development of flats;
- harm to amenity from loss of privacy through overlooking and the proximity of the building to neighbouring properties, over-dominant and overbearing visual impact and noise and disturbance from an intensification in the residential use of the site and the unfettered movement of vehicles.

- inadequate amenity space for future residents.

Objections are also raised on the grounds that the proposal would set an undesirable precedent to the detriment of the character and appearance of the surrounding area and that the proposal does not address Members' reason for refusal in respect of either planning application W04/0818 or W04/1739.

## **RELEVANT POLICIES**

### **National Statements of Planning Policy**

Planning Policy Guidance Note 1: *General Principles*

Planning Policy Guidance Note 3: *Housing*

Planning Policy Guidance Note 13: *Transport*

### **Warwickshire Structure Plan 1996-2011**

Policy GD.1 (overriding purpose)

Policy GD.3 (overall development strategy)

Policy GD.4 (strategic constraints)

Policy GD.5 (development location priorities)

Policy ER.1 (natural and cultural environmental assts)

Policy H.1 (provision of housing land)

Policy H.3 (greenfield land for housing)

Policy T.1 (transport objectives)

Policy T.4 (the impact of development on the transport system)

Policy T.5 (influencing transport choice)

### **Warwick District Local Plan 1995**

Policy (DW) ENV3 (Development Principles)

Policy (DW) H5 (Infill development)

**NB.** Planning Committee on 28th January 2002 resolved that policies H22 (on housing density) and T7 (car parking) were not in conformity with the Warwickshire Structure Plan.

### **Warwick District Local Plan 1996-2011 (First Deposit Version)**

Policy DP1 (Layout and Design)

Policy DP2 (Amenity)

Policy DP3 (Natural Environment)

Policy DP5 (Density)

Policy DP6 (Access)

Policy DP8 (Parking)

Policy UAP1 (Directing New Housing Development).

Policy SCP1 (Securing a Greater Choice of Housing)

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

## **PLANNING HISTORY**

Planning application W20011757 for the erection of a new dwelling adjacent to 17 Beverley Road was refused under delegated powers on 22nd February 2002 for the following reason:

*"Policy (DW) ENV3 of the Warwick District Local Plan requires all development proposals to achieve a high standard of design and to harmonise with their surroundings. In the opinion of the District Planning Authority the established character of the northern side of Beverley Road is of substantial properties set in landscaped grounds. It is considered that this proposal would appear as a cramped and contrived form of development which would be seriously detrimental to the established character and appearance of the street scene within this locality. Furthermore by reason of its proximity to the side gable to Brookhurst Court which contains side facing windows to 3 flats it is considered that it would fail to properly protect the amenity presently enjoyed by the residents of these flats. The proposed work thereby conflicts with the Local Plan Policy and the principles contained in the Council's adopted Supplementary Planning Guidance 'Distance Separation'."*

An appeal against this decision was subsequently dismissed. In reaching her decision the Inspector concluded that the proposal would be unlikely to harm the living conditions of nearby residents and future occupiers of the proposed dwelling in terms of outlook, loss of privacy and loss of privacy. However, it would harm the character and appearance of the area:

*"The proposed dwelling would reflect the design of No. 15 but would be substantially smaller in scale, due to the width of the appeal site. The proposal would be sited around one metre from No. 15 and a similar distance from the boundary with Brookhurst Court. In my opinion, given the narrow nature of the appeal site and the limited distance proposed between the dwellings, the proposal would appear cramped when viewed from Beverley Road. I acknowledge that Government guidance encourages the reuse of previously developed land, but this should not be at the expense of environmental quality. Although set back slightly from No. 15, I consider that the proposal would create a massing effect, given the distance between it and its neighbour. In my opinion, it would fill an important space between the existing buildings, to the detriment of the character of this part of Beverley Road."*

*Planting along the south western boundary is a prominent feature in the streetscene. Whilst I accept that this could be removed at any time, its loss, together with the impact of the proposal, would in my view lead to built form dominating Beverley Road in this location. I consider that this would be detrimental to the landscape setting that contributes significantly to the character and appearance of this area."*

*I conclude, therefore, that the proposal would harm the character and appearance of the area. As such it would be contrary to Policy H5 of the Local Plan."*

More recently, planning application W20040818 for the demolition of the existing dwelling and erection of a detached block of 8 no. apartments with a two storey detached dwelling at the rear of the site was refused by this 'Committee, contrary to Officer's recommendation, for the following reason:

*"The site is located on the north western side of Beverley Road, in a predominantly residential area comprising mostly large detached dwellings with gardens. There is also a group of terraced dwellings known as The Grange Mews opposite the site and immediately to the south west is a three storey flatted development known as Brookhurst Court. A mix of styles and designs exists and there are both older and*

more modern houses in the area too. Nos. 15 and 17 Beverley Road are more substantial dwellings on generous plots comprising substantial undeveloped mature gardens and one of the most significant features of these dwellings is the space that exists between them.

*The proposed residential redevelopment of the site would introduce a two storey detached apartment building that would be greater in depth and width than the existing dwelling and would stand in closer proximity to the neighbouring properties, together with a two storey detached dwelling located in self-contained grounds at the rear of the site.*

*In the opinion of the District Planning Authority the proposal would constitute inappropriate overdevelopment of the site that would also unacceptably compromise the character and appearance of the area and standards of residential amenity for both the neighbouring residents of 17 Beverley Road and future residents of the proposed apartments by reason of:*

*1) the bulk, mass and proximity of the side elevation of the detached apartment building to No. 17 wherefrom it would have an uncomfortably oppressive and overbearing effect on both the rear garden and side facing habitable room windows;*

*2) the lack of amenity space available to serve future occupants of the proposed apartments which would be compromised by the layout of the access road and parking spaces at the rear of the site, and;*

*3) inadequate space retained between the apartment building and boundaries of the site which would lead to an over dominant scale of development in this part of Beverley Road.*

*The development would thereby be contrary to policies (DW) ENV3 and (DW) H5 of the Warwick District Local Plan 1995 and policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version).*

An appeal against this decision has now been lodged.

At the meeting on 15th November 2004 a revised application for the demolition of the existing house and erection of a detached building of 8 apartments was also refused by this 'Committee for the following reason:

*"The site is located on the north western side of Beverley Road, in a predominantly residential area comprising mostly large detached dwellings with gardens. There is also a group of terraced dwellings known as The Grange Mews opposite the site and immediately to the south west is a three storey flatted development known as Brookhurst Court. A mix of styles and designs exists and there are both older and more modern houses in the area too. Nos. 15 and 17 Beverley Road are more substantial dwellings on generous plots comprising substantial undeveloped mature gardens and one of the most significant features of these dwellings is the space that exists between them.*

*The proposed residential redevelopment of the site would introduce a two storey detached apartment building that would be greater in depth and width than the existing dwelling and would stand in closer proximity to the neighbouring properties.*

*In the opinion of the District Planning Authority the proposal would constitute inappropriate overdevelopment of the site that would also unacceptably compromise the character and appearance of the area and standards of residential amenity for both the*

neighbouring residents of 17 Beverley Road and future residents of the proposed apartments by reason of:

1) the bulk, mass and proximity of the side elevation of the detached apartment building to No. 17 wherefrom it would have an uncomfortably oppressive and overbearing effect on both the rear garden and side facing habitable room windows, and;

2) inadequate space retained between the apartment building and boundaries of the site which would lead to an over dominant scale of development in this part of Beverley Road.

*The development would thereby be contrary to policies (DW) ENV3 and (DW) H5 of the Warwick District Local Plan 1995 and policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version)."*

In my opinion, these decisions are significant material considerations in the assessment of the current proposals in terms of whether the current proposals satisfactorily address these objections.

## **KEY ISSUES**

### **The Site and its Location**

In consideration of the appeal referred to in the Planning History section, the character and appearance of the site and its surroundings was described as follows:

*"The site is located on the north western side of Beverley Road, in a predominantly residential area. There is significant tree planting along this road, which creates an attractive landscaped setting. The properties in the vicinity of the site are mostly large detached dwellings with gardens, although opposite the site is a group of terraced dwellings known as The Grange Mews and immediately to the south west is a three storey flatted development known as Brookhurst Court. A mix of styles and designs exists and there are both mature and more modern houses in the area. Nos. 15 and 17 are more substantial dwellings on generous mature plots. One of the most significant features of the north west side of Beverley Road, at this point, is the space between the existing dwellings."*

The site currently contains a two storey detached house that is set back approximately 12 metres from the highway verge behind a low front boundary wall along a common building line with the properties either side. The house is owned by the applicant and is currently vacant. Access to the site is from Beverley Road from which there are two points of vehicular access/egress adjacent to the side boundaries of the property. The driveways serve a gravelled forecourt parking area and a large car port structure attached to the north eastern side elevation of the dwelling that extends up to the boundary with No. 17. There is a large garden to the rear of the house that extends to over 65 metres in length and from 30 - 15 metres in width between the rear elevation and rear boundary of the site.

The inspector also made reference to the existence of mature tree and shrub planting along the south western side boundary of the site that provides an effective screen between the site and Brookhurst Court. There is also mature tree and shrub planting along the north eastern boundary of the site that provides effective screening between the site and 17 Beverley Road too.

Trinity School with its associated buildings adjoins the rear boundary of the site whilst a block of garages serving Brookhurst Court adjoins the rear half of the south western boundary. As such, the site is surrounded by development on all sides with residential properties of mixed style, type, density and character taking precedence within the wider area.

In terms of the density of residential development in the surrounding area, this varies from approximately 55 dwellings per hectare in relation to Brookhurst Court, approximately 26 dwellings per hectare in relation to The Grange Mews and, on average, between approximately 4 - 16 dwellings per hectare in relation to the detached properties in Beverley Road and The Fairways to the north east.

Opposite the site is the junction of Beverley Road and Cliffe Road, whilst to the north east there is a confluence in Beverley Road where it divides into two separate carriageways. There are no roadside parking restrictions on Beverley Road and, as referred to in the above 'Consultations' section, local residents report a high incidence of roadside parking associated with local school traffic.

### **Details of the Development**

The proposal is for the demolition of the existing house on the site and the erection of a building containing nine two bedroom apartments on 3 floors. Provision for 14 off-road parking spaces to serve the apartments is proposed which would be laid out to the front of the building. Access to the site would remain from Beverley Road via one of two existing driveway openings adjacent to the boundary with Brookhurst Court. The width of this driveway has now been amended in accordance with the requirements of the Highway Authority. The other driveway opening would be closed as part of the development. The majority of boundary trees and shrubs would be retained as part of the development and the whole of the garden area would now be utilised as amenity space to serve the development.

The following schedule summarises the main differences in the height and siting of the building in comparison with the previous schemes:

#### Current Proposal : Demolition of existing house and erection of a detached block of 8 apartments.

- The front elevation of the building would be set back from the front boundary of the site by 16 metres.
- From the front corner of the side elevation the building would be set off the boundary with 17 Beverley Road by 4.8 metres and by 4.3 metres at the rear would stand 11.8 metres away from the side elevation of No. 17 at its closest point.
- The side elevation of the rear wing would stand 9.6 metres away from the boundary with 17 Beverley Road.
- From the front corner of the side elevation the building would be set off the boundary with Brookhurst Court by 3.4 metres and by 1.6 metres at the rear and would stand 8.4 metres away from the side elevation of Brookhurst Court at its closest point.
- The building would stand 6.2 metres at the eaves and 9.5 at the ridge.
- The east elevation adjacent to 17 Beverley Road would contain 5no. windows and 2no. side lights at ground floor that would serve a living room, 2no. bedrooms, a kitchen and a dining room. The first floor would contain 2no. obscure glazed windows that would serve a kitchen and a dining room. There would be 5no. rooflights to a living room, 2no. bedrooms, a kitchen and a dining room.

- The west elevation adjacent to Brookhurst Court would contain 4no. windows and 2no. side lights at ground floor that would serve 2no. living rooms, 2no. bedrooms and an en-suite bathroom. The first floor would contain 2no. no. windows and a side light that would serve 2no living rooms and an en-suite bathroom. There would be 5no. rooflights to 2no. living rooms, 2no. bedrooms and an en-suite bathroom.

In addition, the car parking layout would result in changes to the design of the front elevation by the omission of the archway opening proposed by both previous schemes which would now be symmetrical in appearance. Bin storage is now proposed to serve the development at the front of the site adjacent to the proposed access instead of to the rear of the building.

Planning Application W20041739 : Demolition of existing house and erection of a detached block of 8 apartments.

- The front elevation of the building would be set back from the front boundary of the site by 13.4 metres.
- From the front corner of the side elevation the building would be set off the boundary with 17 Beverley Road by 4.4 metres and by 4 metres at the rear and would stand 11.2 metres away from the side elevation of No. 17 at its closest point.
- The side elevation of the rear wing would stand 8.4 - 9.2 metres away from the boundary with 17 Beverley Road.
- From the front corner of the side elevation the building would be set off the boundary with Brookhurst Court by 4.4 metres and by 2.8 metres at the rear and would stand 9 metres away from the side elevation of Brookhurst Court at its closest point.
- The building would stand 6.2 metres at the eaves and 9.5 metres at the ridge.
- The east elevation adjacent to 17 Beverley Road would contain 3no. windows and a side light at ground floor that would serve a kitchen and 2no. living rooms, together with an entrance door. The first floor would contain 1 no. obscure glazed kitchen window and a side living room window. There would be 5no. rooflights to 2no. living rooms, 2no. bedrooms and a kitchen.
- The west elevation adjacent to Brookhurst Court would contain 3no. windows at ground floor that would serve a dining/living room to flat 2. The first floor would contain 2 no. windows and a side light that would serve 2no. living rooms and a dining room. There would be 5no. rooflights to 2no. living rooms, 2no. bedrooms and a dining room.
- 14no. parking spaces are proposed to serve the development that would comprise 9no. to the front of the site and 5no. to the rear accessed via an archway opening in the apartment building via an existing driveway opening from Beverley Road adjacent to the boundary with Brookhurst Court. The second existing access adjacent to the boundary with 17 Beverley Road would be closed off.

Planning Application W04/0818 : Demolition of existing house and erection of a detached block of 8 no. apartments and a two-storey detached dwelling to rear.

- The front elevation of the building would be set back from the front boundary of the site by 13.4 metres.
- From the front corner of the side elevation the building would be set off the boundary with 17 Beverley Road by 3.8 metres and by and by 3.4 from the rear corner and would stand 10.8 metres from the side elevation of No. 17 at its closest point.

- The side elevation of the rear wing would stand 7.8 metres away from the boundary with 17 Beverley Road.
- From the front corner of the side elevation the building would be set off the boundary with Brookhurst Court by 5 metres and by 3.4 from the rear corner and would stand 11.3 metres from the side elevation of Brookhurst Court at its closest point.
- The building would stand 6.2 metres at the eaves and 9.5 at the ridge.
- The east elevation adjacent to 17 Beverley Road would contain 3no. windows, a side light at ground floor that would serve 2no. living rooms and a kitchen, together with an entrance door. The first floor would contain an obscure glazed kitchen window and a side light to a living room bay window.
- The west elevation adjacent to Brookhurst Court would contain 3no. windows at ground floor that would serve a living/dining room to flat 2. The first floor would contain 2 no. windows that would serve a living room and dining room, together with a side light to a living room bay window. There would be 4no. rooflights to 2no. living rooms, a bedroom and a study.
- 14no. parking spaces are proposed to serve the development that would comprise 9no. to the front of the site and 5no. to the rear accessed via an archway opening in the apartment building via an existing driveway opening from Beverley Road adjacent to the boundary with Brookhurst Court. The second existing access adjacent to the boundary with 17 Beverley Road would be closed off.

## Assessment

I consider the proposal raises similar key issues as the previous applications, namely:-

### 1. The Principle of Development

The site is not within a Conservation Area. Thus, the demolition of the existing house is not subject to planning control and it does not require planning permission. I do not consider the building is of 'listable' status either. PPG3: *Housing* states that the Government is committed to promoting more sustainable patterns of development by concentrating new housing development within urban areas, making more efficient use of land by maximising the re-use of previously developed land. The definition of previously developed land is set out in PPG3 as follows:-

*"Previously-developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The definition covers the curtilage of the development. The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously developed land....."*

It is therefore clear that the garden of a dwelling is classified as previously developed land. Indeed, the inclusion of gardens as residential land capable of development has been part of the land use classification system since 1975. Whilst noting the objections raised in principle to the loss of the existing dwelling and the residential redevelopment of the site, I consider such an objection could not be sustained in principle and inasmuch as it has not been formally allocated for development in the Local Plan, it properly falls to be considered as a 'windfall site'. Moreover, no objection in principle was raised by Members in respect of the previous applications.



## 2. Impact on Character and Appearance

Pertinent advice is contained in national statements of planning policy, namely Planning Policy Guidance Note 1: *General Policies and Principles* and Planning Policy Guidance Note 3: *Housing*. PPG 1 encourages Local Planning Authorities to consider the land use requirements for various types of housing and then to make effective use of land within their urban areas whilst protecting open space, playing fields and green spaces. The Guidance Note makes it clear that the appearance and treatment of the spaces between and around buildings is often of comparable importance to the design of buildings themselves and that it is proper to seek to promote and reinforce local distinctiveness, particularly where development proposals may have a significant affect on the character or quality of the area within which they are proposed.

PPG 3 continues this theme. While recognizing that it is necessary to provide sufficient housing within an area and at an appropriate mix of dwellings, size, type and affordability, it states clearly that not all land defined as “previously developed land” should, therefore, be re-developed. In such circumstances, it is important for the Local Planning Authority to make a judgment bearing in mind a wide range of planning considerations which must take into account such factors as how the site relates to the surrounding area, the character of the area, policies for the protection of open space etc.

This guidance is well set out in paragraphs 54-56 of PPG 3 which identifies that the Government’s objectives to make the best use of previously developed land should not be seen in isolation. A parallel motive is the need to improve the quality and attractiveness of residential areas. In seeking to achieve these objectives Local Planning Authorities and developers are encouraged to think imaginatively about designs and layouts which make more efficient use of land. However, such proposals must be brought forward “without compromising the quality of the environment”.

Objection continues to be made on the grounds that the proposed development would harm the character and appearance of the area and wholly compromise the quality of the environment in a manner contrary to the motives of paragraph 54 of PPG3 in terms of its density, height/size/scale/massing and spatial relationship with the neighbouring properties. These objections are reflected in the reasons for refusal given in respect of the previous applications. The extent to which these particular issues have been addressed by the current proposals is assessed under the headings below.

**Density** - The existing density of the site equates to 4.6 dwellings per hectare. The proposed scheme would have the same density as the original application (W04/0818) of 41.3 dwellings per hectare, which would thereby be greater than the density generated by the previous application (W04/1739) of 36.7 dwellings per hectare. PPG3 (Housing) advises, however, that land is a finite resource and urban land can often be underused; it advises in paragraph 58 that local authorities should therefore encourage housing development which makes more efficient use of land, between 30 and 50 dwellings per hectare whilst avoiding development below 30 dwellings per hectare; no upper limit is placed on an acceptable level of density. The question of appropriate site density, however, has to take account of the aims of good design and layout and the advice in PPG3 that new housing development should not be viewed in isolation but must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.

In this instance, I am mindful that the character of the wider locality around the site is mixed with low density detached housing adjoining and adjacent to the application site to the north east with substantial villas to the south in Guy's Cliffe Avenue, and higher density development adjoining the site to the south west at Brookhurst Court, The Grange Mews on the opposite side of Beverley Road, at Somerville Mews and Coniston Court with terraced housing further afield in Cliffe Road and Coniston Road. Clearly the

proposal will still result in a substantial increase in the density of the site. However, given the reduction in the density of the site in comparison with the density of Brookhurst Court on the adjoining site I remain satisfied that this increase would not, in itself, result in harm to the character of the area in these terms or represent inappropriate overdevelopment of the site. I therefore remain of the opinion too that the proposal represents a responsible stewardship of land within a sustainable location and will make positive use of previously developed land as advocated by PPG3.

The concerns raised regarding overdevelopment of the site in respect of the previous scheme manifested themselves in specific concerns regarding the siting and physical impact of the development (in terms of its scale, height, massing and design) on neighbouring/future residents' amenities and the character and appearance of this part of Beverley Road. In order to assess the impact of the development in these terms I consider it remains pertinent to compare the scheme now proposed with the size and scale of the neighbouring properties.

**Scale/Massing/Height/Design** - In terms of its footprint, the proposed apartment building would remain largely unaltered from the previous scheme. As such, it would still occupy a much larger overall area than the adjoining detached house at 17 Beverley Road. However, it would remain significantly smaller than Brookhurst Court. In terms of height, the apartment building would stand at the same height of 9.5 metres at the ridge and 6.2 metres at the eaves, no more than 0.5 metres taller than either of the neighbouring properties. In terms of the width, the building would be comparable with both properties either side. The depth of the building also remains unchanged but would extend 2.6 metres further back into the site beyond the rear elevation of either the existing dwelling or 17 Beverley Road. Likewise, however, it would be smaller but similar in configuration to Brookhurst Court. With regard to design, no objection has previously been raised in respect of the elevational treatment to Beverley Road, which has now been amended by the omission of the driveway arch allowing a symmetrical treatment of the facade. I consider this would improve the appearance of the building and, as such, its design would remain acceptable in terms of reflecting and satisfactorily harmonising with the principal design features of older established properties in the surrounding area.

However, a significant consideration remains the massing of the development and its spatial relationship with the neighbouring properties. This was a principal consideration in respect of both the previous appeal and application decisions. I therefore consider it would be appropriate to compare the schemes in these terms.

The appeal decision was in respect of a single dwelling, to be located between the existing property and Brookhurst Court. It would have been sited approximately one metre from No. 15 and a similar distance from the boundary with Brookhurst Court. The inspector considered the proposed dwelling would appear cramped and would fill an important space between the existing buildings, to the detriment of the character of this part of Beverley Road. She also considered the loss of vegetation between the proposed dwelling and Brookhurst Court would lead to built form dominating Beverley Road, to the detriment of the landscape setting of the area, and concluded that there would be harm to the character and appearance of the area.

When measured between the front elevations the existing dwelling stands approximately 15 metres apart from Brookhurst Court and approximately 16 metres apart from 17 Beverley Road. However, there is a large car port structure that extends up to the boundary and a detached garage to the rear of the dwelling so that the unbuilt gap with No. 17 is approximately 7 metres. In comparison, the proposed scheme would now be set back approximately 3.4 metres behind the front elevation of the existing house and some 1.6 metres behind the front elevation of 17 Beverley Road. The existing vegetation along the south western boundary would be retained, as in the previous schemes.

However, in comparison with the previous application the main body of the apartment building would now be set closer to the side boundary and elevation of Brookhurst Court at a distance of some 3.4 and 8.4 metres respectively at its closest point and further away from the side boundary and elevation of 17 Beverley Road at a distance of 4.8 and 11.8 metres respectively at its closest point.

The amount of space retained between the proposed apartment building and boundaries of the site has therefore changed in comparison with the previous applications, as detailed in the above schedule. Whilst I understand Members concerns regarding this particular aspect of the proposals, nevertheless I remain firmly of the opinion that the characteristic spacing between the dwellings would not be unacceptably diminished by the proposals and the change in the built form brought about by this proposal would not equate to '*an overdominant scale of development*' that would harm to the street scene as to warrant the raising of objection.

Similarly, I am aware of previous concerns raised by the Head of Amenities and Members regarding the effect of the development on the beech tree situated in the forecourt of 17 Beverley Road and the highway trees. Whilst no objection was raised to these aspects of the scheme, nevertheless I am satisfied that the siting of the building would remain in excess of the protective distance of 8 metres advised by BS No. 5837:1991. Similarly, I am satisfied that, subject to an appropriate landscaping condition regarding the maintenance of existing levels for the widening of the access driveway, the proposed development would not have a detrimental effect on any of the trees within Beverley Road either.

### 3. Car Parking and Highway Safety

Neighbouring residents have also continued to express concerns regarding the impact of the development on highway safety arising from the level of car parking provision proposed to serve the development, increasing demand for on-street parking on Beverley Road and the surrounding streets, which currently experience problems of congestion, increasing volumes of traffic, congestion and prevailing road conditions.

Provision is made for 14 parking spaces within the site to serve the 9 proposed flats.

PPG3 Housing advises that:-

- "62. *Car parking standards that result, on average, in development with more than 1.5 off-street car parking spaces per dwelling are unlikely to reflect the Government's emphasis on securing sustainable residential environments. Policies which would result in higher levels of off-street parking, especially in urban areas, should not be adopted.*"

The proposed parking provision is slightly above this average and furthermore, public transport is available within easy walking distance of the site providing access to town centre services and facilities, employment areas and the railway network.

No objection to this aspect of the proposals was previously raised by Members. I therefore remain of the opinion that these are insufficient grounds for raising an objection to the proposals. The lack of objection from the Highway Authority reinforces my view on this issue.

#### 4. Residential Amenity

In comparison with the existing density and layout of the site the proposals would, like the previous schemes, result in a significant intensification in the residential use of the site and would, in my opinion, undoubtedly have an impact on the living conditions of neighbouring residents. Concerns have again been expressed that the development would detract from current levels of amenity in terms of noise and disturbance from the unfettered movement of vehicles that would be introduced within the site, the loss of privacy from overlooking and the over-dominant/overbearing impact of the building.

The closest flats in Brookhurst Court are around 5 metres from the boundary of the site and, given the increase in the separation distance between the side elevations of the proposed development and 17 Beverley Road and the height of the tree planting that would be maintained along this boundary, which I recognise is largely deciduous, and the additional planting that is proposed, I remain satisfied that the proposal would not lead to an unacceptable loss of privacy from overlooking for either neighbouring or future residents of the development. I am also satisfied that there would be no significant loss of daylight to the occupiers of these flats and nor would the outlook for neighbouring and future residents of the proposed flats be unduly harmed to a degree which would justify refusal. The development would also remain in compliance with the 45° Code SPG when measured from the rear facing windows of No. 17.

These aspects of the scheme were not objected to by Members in relation to the previous proposals. However, the bulk, mass and proximity of the eastern side elevation of the building to No. 17 was still considered by Members to have '*an uncomfortably oppressive and overbearing effect on both the rear garden and side facing windows*' of this property. No reduction in the depth or height of the eastern side elevation of the development is proposed under the terms of this application. However, the building has been resited 2.6 metres further back into the site and further away from the boundary than either of the previous schemes. In addition, the brick detailing and mini bay ground floor windows with canopies previously proposed have been retained as part of the design incorporated to '*alleviate the brickwork mass and soften the impression of the building*'. In itself, I do not consider brick detailing would be sufficient to alleviate Members concerns. However, taken together with the increased distance of the side elevation and rear wing away from the boundary with No. 17 and the height of existing boundary trees and vegetation to be retained and planted along the side boundary, I consider the impact of the development would remain acceptable.

The main body of the apartment building would now stand behind the front elevation of No. 17 and would stand 5 metres closer to the boundary than the existing dwelling. Concerns have been expressed that this would provide an opportunity for overlooking into the front garden. Whilst I again accept that the potential level of intrusion into this area would be greater in comparison with the existing dwelling, nevertheless I remain of the opinion that the privacy of this area does not carry with it an overriding degree of weight to render the scheme unacceptable. Indeed, no objection was raised by Members to this aspect of the previous proposals.

In conclusion, I consider that, cumulatively, sufficient revisions have been made to render the scheme acceptable in comparison with the previous applications. Whilst I note neighbouring residents concerns regarding the potential precedent this would set for further development of a similar nature in the surrounding area, nevertheless it is a fundamental planning principle that each proposal should be considered on its own merits.

## **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 drawings 1166, 1166/10, 1166/11, 1166/12, 1166/13 and 1166/14 and specification contained therein, submitted on 23rd December 2004 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 Policy (DW)ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011.
- 3 The vehicular access to the site shall not be less than 4.5 metres wide at the highway boundary.  
**REASON** : To enable 2 vehicles to pass one another when entering and leaving the highway in the interests of highway safety, in accordance with the requirements of Policy (DW)ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.  
**REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy (DW)ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011.
- 5 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatments 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 ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy (DW)ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011.
- 6 No lighting shall be fixed to the external walls or roof of the building hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority.  
**REASON** : To ensure that the amenities of neighbouring residents are protected, and to satisfy the requirements of Policy (DW)ENV3 of the Warwick District Local Plan 1995 and Policy DP2 of the Warwick District Local Plan 1996-2011.

- 7 The car parking areas shown on the approved plans shall be constructed prior to occupation of the development and thereafter be permanently retained for parking purposes for the development hereby permitted.  
**REASON** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy (DW)ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011.
- 8 A landscaping scheme 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.  
**REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW)ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011.
- 9 Samples of all external facing, roofing and surfacing 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 (DW)ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011.
- 10 Before the development hereby permitted is begun details of the method for the protection of all retained trees shall be submitted to and approved in writing by the District Planning Authority. The details shall include the plans of protection zones around the trunks of all retained trees together with the protection of these zones by fencing that is a minimum of 1.2 metres high in accordance with the section 8 and figures 4 to 6 of the BS 5837 : 1991 Guide for trees in relation to construction sites'. The erection of fencing for the protection of these retained trees shall be undertaken before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the District Planning Authority.  
**REASON** : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and the surrounding area, and to satisfy Policy (DW)ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011.
- 11 Before the development hereby permitted is begun a statement of the proposed method of implementing the construction of the development shall be submitted to and be approved, in writing, by the District Planning Authority. The details shall include the sequencing of operations, the method of construction of the driveway, forecourt parking area (including re-surfacing works and surfacing materials),

access works and provision of drains, services and utilities in the vicinity of the adjacent trees to be retained within and adjacent to the site and the methods of protecting root systems of all trees to be retained within and adjacent to the site during the construction process from direct or indirect damage, Operations on the application site shall be carried out in accordance with the approved details and no part of the operations shall be amended or omitted without the prior written approval of the District Planning Authority.

**REASON** : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and the surrounding area, and to satisfy Policy (DW)ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011.

- 12 The existing trees shown on the approved plans to be retained shall not be wilfully damaged or destroyed, uprooted, felled, lopped or topped without the prior written consent of the District Planning Authority. Any trees removed or dying or being severely damaged or becoming seriously diseased shall be replaced with healthy trees of such size and species as may be agreed in writing by the District Planning Authority.

**REASON** : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and the surrounding area, and to satisfy Policy (DW)ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011.

- 13 Before any works are undertaken within the protected zones of the retained trees, including excavations, topping, lopping or pruning, 7 days written notice of the nature of this work shall be given to the District Planning Authority to enable the work to be considered with the benefit of a site visit(s) from officer(s) of the Council. The approved works shall not commence until written approval has been given by the District Planning Authority.

**REASON** : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and surrounding area, and to satisfy Policy (DW)ENV3 of the Warwick District Local Plan 1995 and Policy DP1 of the Warwick District Local Plan 1996-2011.

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