

Planning Committee: 11 October 2005

Item Number: 06

Application No: W 05 / 1234

Registration Date: 21/07/05

Town/Parish Council: Leamington Spa

Expiry Date: 15/09/05

Case Officer: Alan Coleman

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61 Clarendon Street, Leamington Spa, CV32 4PN

Erection of 3 storey rear extension and conversion to 7 self contained apartments, including formation of front lightwell, new ground floor bay window and erection of 2 dormer windows to rear roof slope and 1 dormer window to rear roof slope FOR HR Homes

This application is being presented to Committee due to an objection from the Town Council having been received.

SUMMARY OF REPRESENTATIONS

Town Council (original plans): Object on unspecified grounds that the proposal constitutes overdevelopment of the site.

CAAF: *"It was felt that the front elevation would be an improvement although some concern was expressed at the creation of a large basement lightwell which does not exist elsewhere in the street. Concern was also expressed at the basement flat which appeared only to receive natural light from the front. It was also felt that demolishing the rear wing and rebuilding as a full width extension at the back of the building was overdevelopment and not an improvement to the Conservation Area. It was pointed out that more details concerning the railing and the type of front door were required as those shown on the drawing were inappropriate for this type of building."*

Highway Authority: No objection.

WDC (Environmental Health - Environmental Protection) (amended plans): *"The basement flat is the one that concerns me as you are aware. I have left a message for the architect."*

"The Housing Act 2004 transforms the way we judge these cases, since we will no longer be working to the fitness standard when it is repealed later this year, there will be a hazard based risk assessment, and it is difficult at this stage to predict the likely course of action. In theory at least there will be a power to serve a prohibition notice which will have the same effect as a Closing Order under (the) Housing Act 1985."

WDC (Environmental Health - Waste Management): Provision for storage of domestic refuse required.

Neighbours (original plans): The residents of 63 Clarendon Street support the renovation of the building and restoration of the front facade but object on grounds that:

1. the height, size, scale, design and rendered finish of the proposed rear extension would:
 - be out of keeping with adjacent properties to the detriment of the character and appearance of this and neighbouring properties and the character/appearance of the Conservation Area,
 - restrict sun and daylight to their property, and;
 - result in loss of privacy to the rear garden through overlooking.
2. The cumulative density of the proposal and recent neighbouring developments would harm living conditions through an increase in noise and disturbance, and;
3. inadequate provision for car parking to serve this and neighbouring developments, which would increase pressure for off-street parking in the surrounding area that currently experiences problems of congestion.

In order to address these objections amendments to the height, size, scale, design and external finish of the proposed extension are suggested, together with the removal of balconies and patio doors from the rear elevation, installation of rooflights instead of a dormer window in the rear roof slope of the main body of the building and a reduction in the number of flats proposed.

RELEVANT POLICIES

Policies CF3 and CF6 of the West Midlands Regional Spatial Strategy.

Policy H.1 of the Warwickshire Structure Plan.

(DW) ENV3 - Development Principles (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)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

Warwick District Council Supplementary Planning Document: *Managing Housing Supply* (September 2005).

PLANNING HISTORY

The recorded planning history of the premises dates from 1959 and mainly relates to shopfront alterations and advertisements. More recently, planning

permission and Conservation Area Consent was granted for the demolition of an existing out-building and double garage at the rear of the site to facilitate the erection of a terrace of 4 no. dwellings, which are now occupied (WDC Ref: W20021602/1603CA). In the immediate vicinity of the site, planning permission has also been granted to alterations and extensions to 59 Clarendon Street comprising the refurbishment of 3 no. existing flats and creation of 3 no. additional flats, together with the insertion of front and rear dormer windows (WDC Ref: W04/0770). This scheme has been implemented and is nearing completion. Planning permission and Conservation Area Consent has also been granted for the redevelopment of units 1 and 2 at the rear of 63 Clarendon Street to 2 no. dwellings, which have also been erected (WDC Ref: W02/1748/1749CA).

KEY ISSUES

The Site and its Location

The premises comprise a 3-storey unlisted terraced building that stands on the eastern side of Clarendon Street within a predominantly residential part of the Conservation Area. The property has a 2-storey rear wing and currently comprises a vacant retail shop on the ground floor that was last occupied as an off-licence, whilst the authorised planning use of the upper floors is as a 4-bed house-in-multi-occupation with separate and independent access from the ground floor. There is also basement and attic accommodation that is currently unused. A right of way is maintained for access from Lansdowne Road via a passageway between the southern boundary and rear elevation of the newly constructed terraced houses at the rear of the property.

Details of the Development

The proposals relate to the conversion and extension of the property to form 7 no. self-contained flats that would entail the erection of a new rear wing extension, use of the basement and attic, creation of a basement lightwell to Clarendon Street and installation of a bay window to replace the existing shopfront, together with new dormer windows to the front and rear roof slopes of the main body of the building. There is also provision for a communal bin store and cycle store at the rear of the site.

The scheme has now been amended by reducing the height and width of the proposed rear wing extension, rear dormer window and alterations to the internal layout, which result in the number of flats being reduced by one. These amendments would also enable the provision of additional rooflights to serve the basement flat.

Assessment

As amended, I consider the proposals are acceptable in terms of design and appearance in relation to the host and neighbouring properties and the impact on the character and appearance of the Conservation Area, which I consider would be enhanced by the proposed restoration of the facade. Indeed, this

aspect of the scheme would be similar to the alterations approved and undertaken at the adjoining premises at 59 Clarendon Street.

I note the concerns of Environmental Health regarding the basement flat, which I consider justifies refusal on grounds of harm to future residents' amenities as a result of inadequate natural light and ventilation. Otherwise, I am satisfied that the site has the capacity to accommodate the remaining flats in the amended scheme without having an unacceptable impact on either neighbouring or future residents' amenities in terms of loss of privacy through overlooking, loss of day/sunlight or excessive noise and disturbance.

Whilst no on-site car parking is proposed nevertheless, given the defined Town Centre location of the site, I do not consider this would be inconsistent with advice contained in PPG13 : *Transport* and recent permissions granted for residential development in the immediate vicinity of the site. The lack of objection from the Highway Authority reinforces my view on this matter.

In my opinion, the proposals would therefore restore the property to its original residential use in an acceptable manner and would be consistent with the predominantly residential character of surrounding properties in the Conservation Area. However, I am also conscious of the Council's Supplementary Planning Document: *Managing Housing Supply*, which was ratified by the Executive Committee at their meeting on 12 September 2005. This was reported to Members at the last meeting on 21 September 2005 and aims to limit the overprovision of new housing within the District, including conversion schemes, in accordance with Policies CF3 and CF6 in the Regional Spatial Strategy, Policy H.1 in the Warwickshire Structure Plan and Policies UAP1 and SC8a in the Warwick District Local Plan (Revised Deposit Version) 1996-2011. It does this by restricting the location and/or type of new windfall housing permissions granted by the Council.

The proposals would therefore be contrary to the aims and objectives of the SPD and aforementioned policies. Thus, whilst I consider the proposals to have wider conservation benefits, nevertheless I am not in a position to recommend the application for approval on these grounds, despite the possible consequences this may have on the future condition and use of the building and the impact on the character and appearance of the Conservation Area. In addition, the poor level of amenity for the basement flat represents a further ground for objection in this case.

REASON FOR RECOMMENDATION

The proposal is considered to be contrary to the Council's Supplementary Planning Document: *Managing Housing Supply*, which aims to limit the overprovision of new housing within the District, including conversion schemes, in accordance with Policies CF3 and CF6 in the Regional Spatial Strategy, Policy H.1 in the Warwickshire Structure Plan and Policies UAP1 and SC8a in the Warwick District Local Plan (Revised Deposit Version) 1996-2011. The standard of accommodation provided by the proposed basement flat is also considered to be below acceptable acknowledged standards and

detrimental to future residents' amenities, contrary to Policy DP2 of the Warwick District Local Plan 1996-2011 (Revised Deposit Version).

RECOMMENDATION

REFUSE for the following reason :

- 1 The application is for a windfall housing development that does not meet one of the criteria set out within the Council's supplementary planning document: "Managing Housing Supply". This policy seeks to limit the over-provision of new homes in the District in accordance with policies CF3 and CF6 in the Regional Spatial Strategy, policy H.1 in the Warwickshire Structure Plan and policies UAP1 and SC8a in the Warwick District Local Plan (Revised Deposit Version). To permit the development would, therefore be contrary to the aforementioned policies.
- 2 District-Wide Policy ENV3 of the Warwick District Local Plan 1995 requires all development proposals to achieve a high standard of design, having regard to its surroundings. Policy DP1 of the emerging Warwick District Local Plan 1996-2011 (first deposit version) requires all development proposals to make a positive contribution to the character and quality of its environment through good layout and design and Policy DP2 of the same plan states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and / or does not provide acceptable standards of amenity for future uses / occupiers of the development.

In the opinion of the District Planning Authority, the development would result in unacceptable living conditions for future residents of the proposed basement flat by reason of inadequate natural light and ventilation. The application is therefore considered contrary to the objectives of the aforementioned Local Plan Policies.
