

Application No: [W / 19 / 0447](#)

Town/Parish Council: Leamington Spa
Case Officer: Rebecca Compton
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Registration Date: 14/03/19
Expiry Date: 09/05/19

76 The Fairways, Leamington Spa, CV32 6PP

Application to amend the height of the parapet wall over the single storey rear extension and amend the design of the front porch granted under planning permission ref: W/16/0552 (part-retrospective application). FOR Dr Anissa Tse

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee is recommended to GRANT planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This application seeks part-retrospective permission for a parapet wall of 0.5m over the previously approved single storey rear extension and design amendments to a porch that were granted under planning permission ref. W/16/0552.

THE SITE AND ITS LOCATION

The application site relates to a detached two storey dwellinghouse located on the north side of the road. The character of properties within The Fairways and nearby Beverley Road vary in design and style with no uniform appearance.

PLANNING HISTORY

W/16/0552 - Application for a two storey side and rear extension - Granted

This application was also subject to a minor amendment to alter the pitch of the two storey rear extension which was granted.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- 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.

WCC Ecology: Raised concerns that condition 5 of the original approval has not been discharged.

Public Response: 5 letters of objection have been received with concerns regarding the impact on light and outlook, the overbearing nature of the parapet wall and the revised design of the front porch.

ASSESSMENT

Design and impact on the street scene

Policy BE1 of the Local Plan states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they (inter alia) harmonise with the existing settlement in terms of physical form, patterns of movement and land use, relate well to local topography and landscape features, reflect, respect and reinforce local architectural distinctiveness and respect surrounding buildings in terms of scale, height, form and massing.

The rear extension is not visible from within the street scene. The parapet wall is considered to be of an acceptable design for the existing property and has been constructed using matching brick.

The proposed changes to the approved porch are considered minimal and largely involve changes to glazing. The proposed changes are considered of an acceptable design for the existing property and the wider street scene.

The proposal is therefore considered to comply with Local Plan policy BE1.

Impact on the amenity of neighbouring properties

Warwick District Local Plan policy BE3 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 SPD provides a framework for policy BE3, 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.

For the purposes of calculating the 45° line it is necessary to consider whether the increased height of the extension would still constitute a single storey extension and therefore still comply with the original 45° taken from centre point of the nearest window serving No.74 or whether it is now akin to a two storey extension whereby the 45-degree line must be taken from the quarter point. Although the height of the extension has been increased, the resulting height at 3.5m is still considered to constitute a single storey extension. In coming to this view officers have also considered the Government's General Permitted Development guidelines which state a single storey extension should be no more than 4m in height with an eaves height of 3m for a flat roof extension. Therefore, in view of what has been recognised as an acceptable height for a single storey extension and the application extension does not

exceed the recognised 3m eaves height and overall height of 4m, the extension is considered to comply with the original 45° line and does not result in material harm to the living conditions of the occupiers of the neighbouring property in terms of loss of light or outlook.

A number of objections have been received with concerns that the parapet wall has a harmful impact on No.74 through a loss of light and outlook. Concerns have also been raised regarding the impact on a side facing window serving an extension to No.74.

With regard to the parapet wall, the extension is considered not to breach the Council's adopted 45° line. The 45°-line Guidance SPD also states that side facing windows will not be taken into account when assessing impact on light and outlook. Therefore, it is the view of Officers that the parapet does not present an unacceptable level of harm to the amenity of the neighbouring properties that would warrant the refusal of the application.

Concerns have also been raised regarding an increase in size of the porch. The concerns regarding the porch are noted, however, the size of porch is in line with the previous approval and the only changes to the porch are glazing and minor design changes, which are considered to be acceptable in the streetscene.

The amendments to the approved scheme are therefore considered not to result in material harm to the living conditions of neighbouring properties and the proposal is therefore considered to comply with Local Plan Policy BE3.

Other matters

The previous application was approved subject to a condition requiring a bat worker to be present on site during destructive works to the roof and for a report to subsequently be submitted to the LPA with the findings. As the County Ecologist states in her consultation response, this condition has not been discharged and this part of the development has already been completed. Consequently, it is not considered appropriate to repeat this condition on any approval granted under the current application, however, the matter has been passed to the Enforcement team for investigation.

Conclusion

The addition of a parapet wall over the approved single storey rear extension is considered of an acceptable design that would not be detrimental to the amenity of neighbouring properties. In addition, the revised design of the approved porch is considered acceptable for the existing property and the street scene.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2016-1551-2B, 2016-1551-3E, 2017-1551-4E, and specification contained therein, submitted on 14th March 2019.
REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.