

**Planning Committee:** 03 March 2015

**Item Number: 10**

**Application No:** [W 14 / 1840](#)

<b>Town/Parish Council:</b>	Leamington Spa	<b>Registration Date:</b>	15/01/15
<b>Case Officer:</b>	Helena Obremski	<b>Expiry Date:</b>	12/03/15
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**89 Leam Terrace, Leamington Spa, CV31 1DE**

Erection of single storey side and rear extension and two storey rear extension.  
FOR Mr & Mrs Goodwin

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

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission.

**DETAILS OF THE DEVELOPMENT**

The application proposes the erection of a two storey rear extension with the addition of 3 side facing windows and a single storey rear flat roofed extension with parapet roof detailing.

The application has been amended in line with the Council's Conservation Architect's recommendations so that the entirety of the extensions will be rendered, with no timber cladding as originally proposed and the flat roof now includes parapet detailing.

**THE SITE AND ITS LOCATION**

The application property is a detached dwelling, with integral garage and driveway parking, positioned to the North of Leam Terrace. It is one of five traditional Regency style dwellings which were constructed in the 1920's and is located within the Royal Leamington Spa Conservation Area. The site is also situated within Flood Zones 2 and 3. The street scene is also characterised by other styles of detached and semi-detached properties, along with blocks of relatively modern flats.

**PLANNING HISTORY**

W/81/0622 - application granted for the erection of a single storey lounge and garage extension.

W/87/0870 - application granted for the erection of a kitchen extension and laundry room.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### **The Current Local Plan**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (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)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

### **The Emerging Local Plan**

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### **Guidance Documents**

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Object for the following reasons: (i) The set of five houses in the Conservation Area are still mainly unchanged from when originally built and the proposal will compromise the architectural style both of this and the four similar properties. (ii) The design is disproportional and inappropriate and as a consequence will have an adverse impact on the Conservation Area. (iii) The size of the proposed extensions will adversely impact on the privacy and light of the neighbouring properties.

**WCC Ecology:** No objection, subject to the inclusion of bat and nesting bird notes.

**Health and Community Protection:** No objection, subject to conditions.

**Public Response:** 3 objections have been received on the following grounds - Loss of light; loss of privacy; the two storey element is out of keeping with the existing property and surrounding Conservation Area; the proposed development is overbearing and disproportionate to the original dwelling; will set a precedent for further development of the area; increase in noise disturbance.

## **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 living conditions of nearby dwellings
- The impact on the Conservation Area
- Flooding
- Renewable Energy
- Ecological Impact
- Health and Wellbeing

### The impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development which should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's adopted Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. Emerging Local Plan 2011 - 2029 policy BE1 echoes the existing Local Plan and calls for development to be constructed using the appropriate materials and to enhance the existing settlement. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The proposed development will only be partly visible within the street scene as it will be situated to the rear of the application property. The proposed development is set down from the main ridge line of the application property in accordance with the Council's design guidance and has been amended to reflect the Conservation Architect's comments. The extensions will be constructed and finished using appropriate materials which match those of the existing dwelling and respect the character of the application property. Concerns have been raised by the Town Council and neighbours that the proposed development is overbearing and disproportionate to the original dwelling. However, as the development follows the guidance set out in the Council's Residential Design Guide SPG and will not be readily visible within the street scene, the overall impression of the application property will not be significantly altered and therefore it is not considered that the proposed extensions would constitute overbearing or disproportionate development. The proposal is considered to

comply with the NPPF, Warwick District Council's current Local Plan 1996 - 2011 policy DP1, Emerging Local Plan 2011 - 2029 policy BE1 and the Residential Design Guide SPG.

#### The impact on living conditions of nearby dwellings

Warwick District Council's adopted Local Plan policy DP2 and emerging Local Plan policy BE3 require 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 requirement 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 SPG provides a framework for policies DP2 and BE3, which stipulates 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 and that development should meet Council's adopted distance separation guidance.

The neighbouring property at number 91 is located to the Eastern boundary of the application site and is positioned further back than the application property. This neighbour has objected to the application on grounds of the potential for loss of light to their reception hall, staircase and bedroom corridor. As these are not habitable rooms, it is not considered that this would lead to significant material harm to of their living conditions. Furthermore, as the proposed extensions would not protrude any further than the rear elevation of this neighbour's property, there would be no breach of the Council's adopted 45 degree guidance. The two proposed side facing windows to the Eastern elevation will be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height in order to avoid any perception of increased overlooking. It is considered that there would be no material harm to the living conditions of Number 91 as a result of the proposed development.

The neighbouring property at number 87 is located to the Western boundary of the application site and benefits from a conservatory extension. This neighbour has objected to the proposal on grounds of the potential for loss of light, loss of privacy and increase in noise disturbance. At ground floor, the proposed development will not protrude any further than the existing ground floor extension, and therefore there will be no conflict with the Council's adopted 45 degree guidance. Furthermore, due to the distance separation between the properties at first floor, there is no conflict with the Council's adopted 45 degree guidance. The proposed first floor side facing window to the Western elevation will be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height in order to avoid any loss of privacy. However, it is considered that the windows facing the rear elevation will not cause any more increased overlooking than the existing rear facing windows. Noise relating to the development will be temporary during the construction phase and is therefore considered to be acceptable. It is considered that there would be no material harm to the living conditions of Number 87 as a result of the proposed development.

The neighbour at number 85 Leam Terrace which is located to the West of the application property has objected to the application due to loss of light and loss

of privacy. As this neighbour is not directly positioned next to the application property, it is not considered that there would not be a material loss of light as a result of the proposed development. Furthermore, the proposed side facing window to the West elevation of the application property will be obscure glazed as previously discussed in order to avoid any potential for loss of privacy.

There are no rear facing neighbours which could be impacted as a result of the proposed development.

It is considered that the proposed development complies with Warwick District Council's adopted Local Plan policy DP2, emerging Local Plan policy BE3 and the Residential Design Guide SPG.

#### The impact on the Conservation Area

Adopted Warwick District Local Plan policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views from inside and outside of the boundary. Emerging Local Plan policy HE2 requires that new development within the Conservation Area should make a positive contribution to the local character and distinctiveness of the Conservation Area. Current Local Plan policy DAP9 relating to unlisted buildings in Conservation Areas reiterates this by stipulating that alterations and extensions should be refused where they adversely affect the character, appearance or setting of a Conservation Area.

The proposed development will be constructed using sympathetic materials which match those of the existing dwelling and will not substantially alter the wider views of the Conservation Area. The proposed development is considered to respect the original dwelling in terms of scale and design.

The Town Council and three neighbours have objected to the application on grounds that the proposed development will harm the character and appearance of the Conservation Area. The concerns focus on the fact that this row of 5 detached properties has remained largely unchanged since they were constructed and that the proposal will unbalance and break up the rhythm of the architecture at the rear of these properties. However, it is considered that the proposed development has been sympathetically designed to respect the character of the application property through discussions between the agent and Conservation Architect. It is noted that the application property is not a listed building and that the established street scene will not be significantly affected by the proposal. Therefore, it is considered that the proposed development complies with Warwick District current Local Plan policy DAP8 and Emerging Local Plan policy HE2.

#### Flooding

The application was accompanied by a Householder Flood Risk Assessment required as part of the Environment Agency's (EA) standing advice for householder development in Flood Zones 2 and 3. It is stated that floor levels within the proposed development will be set no lower than existing levels and

flood proofing of the proposed development will be incorporated. No details have been provided, however, it is considered that this can be secured by condition. The proposal therefore satisfies the requirements of the EA and will provide an appropriate form

### Renewable Energy

Due to the scale of the proposed extensions the applicant has submitted information detailing how 10% of the energy is to be provided by renewables. Further information is required in relation to this which will be secured by condition. The neighbours at numbers 87 and 91 have commented that they have concerns regarding the potential noise disturbance caused by an air source heat pump as proposed. However, a condition will be imposed in order to ensure that the noise generated by the air source heat pump is limited. As such, the proposals are considered to be in accordance with current Local Plan policies DP12 and DP13 and the emerging Local Plan policy CC2.

### Ecological Impact

WCC Ecology have commented on this application site, however, they consider that a cautionary bat note and nesting bird note would be sufficient and that this application in its present form is acceptable and complies with current Local Plan policy DP3 and emerging Local Plan policy NE2.

### Health and Wellbeing

N/A.

## **CONCLUSION**

In conclusion, it is considered that the proposed two storey rear extension and single storey rear extension are acceptable in terms of flooding, its character and appearance within the street scene and does not significantly impact on the amenities of surrounding neighbours or the Conservation Area such as would support a reason for refusal.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 141190-PL02 Revision A, and specification contained therein, submitted on 17th February 2015. **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 development hereby permitted shall not be commenced unless and

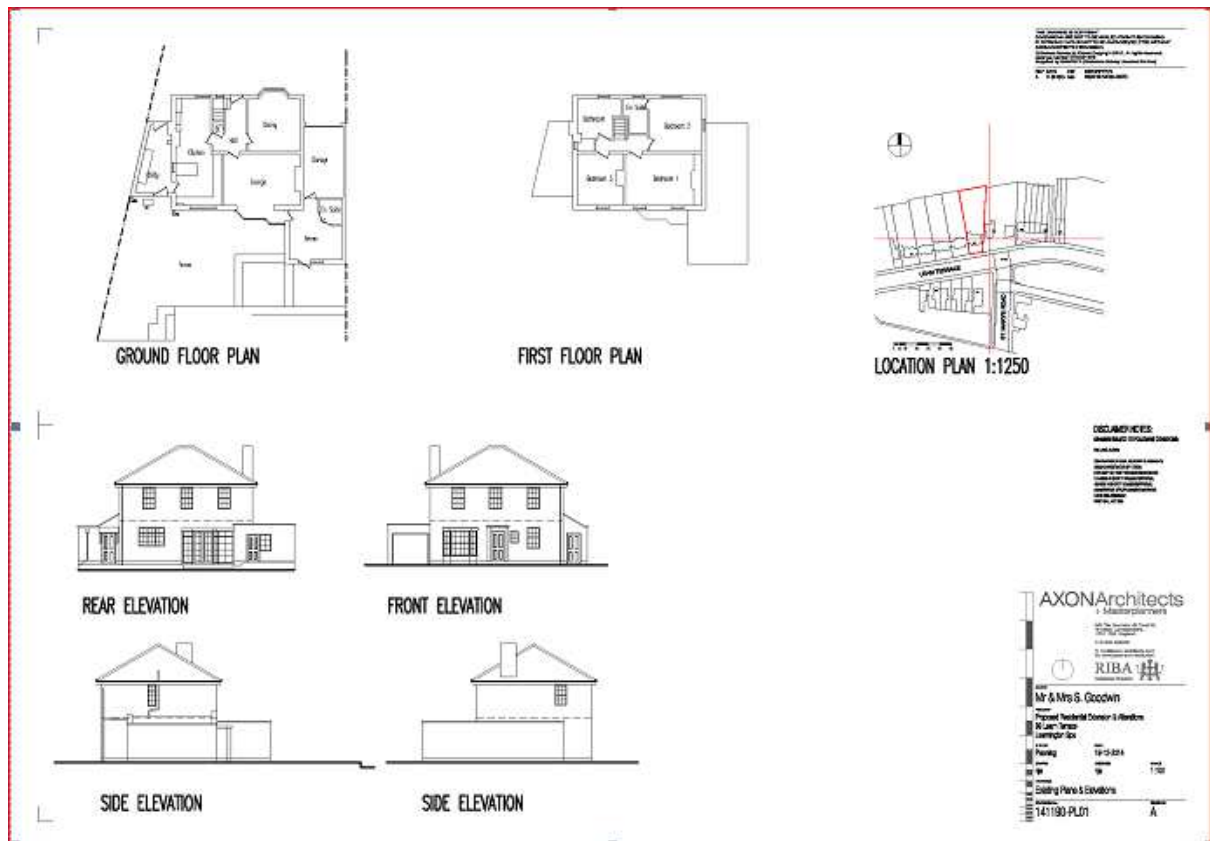
until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

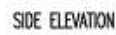
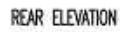
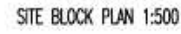
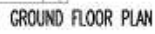
**REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 4 The development hereby permitted shall not commence until details of proposed floor levels and flood proofing / resilience and resistance techniques in accordance with 'Improving the flood performance of new buildings' (DCLG 2007) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with the approved details. **REASON:** To secure a satisfactory form of development in accordance with the Environment Agency's Standing Advice.
- 5 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **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 Before the development hereby permitted is occupied, a Flood Management Plan shall be submitted to and approved in writing by the local planning authority.
  - a) Contact numbers and sources of additional information for occupants
  - b) Triggers in respect of flood risk events that require a response
  - c) A clear set of actions for each phase of the response; and
  - d) Provision for regular updating and testing of the plan.
- 7 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 Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.

- 8 Prior to the occupation of the development hereby permitted, the side windows in the North East and South West elevations shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 9 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
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**DISCLAIMER NOTES:**  
 CHINA RISK FACTOR REPORTING SYSTEM  
 2012.03.20

DISCLAIMER: THE REPORTING SYSTEM  
 IS NOT A FINANCIAL ADVICE.  
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Mr & Mrs S. Goodwin

Proposed Residential Center in Alameda  
No. 1, San Jose

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10

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