

**Application No:** W 13 / 1164

**Town/Parish Council:** Whitnash  
**Case Officer:** Rob Young

01926 456535 rob.young@warwickdc.gov.uk

**Registration Date:** 04/09/13

**Expiry Date:** 30/10/13

**471A Tachbrook Road, Whitnash, Leamington Spa, CV31 3DQ**

Demolition of existing coach house and adjacent garage and erection of a new dwelling FOR Mr Christian Matthews

-----

This application was deferred at the Planning Committee meeting on 15 October to enable a site visit to take place. The report that follows is the same as the report to the 15 October Committee, incorporating additional information that was included in the addendum report.

The application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to conditions.

**DETAILS OF THE DEVELOPMENT**

The application proposes the demolition of the existing coach house and adjacent garage and the erection of a replacement dwelling. The replacement dwelling would use the existing vehicular access from Tachbrook Road. Parking would be provided to the front of the property.

**THE SITE AND ITS LOCATION**

The application relates to a coachhouse to the rear of No. 471 Tachbrook Road. The existing coachhouse is a low two storey building with a detached garage to the side / rear. The site adjoins the rear boundary of Nos. 469 and 471 Tachbrook Road to the west, part of the side boundary of No. 467 Tachbrook Road to the north and the rear boundary of Nos. 29, 31 and 33 Ashford Gardens to the east. To the south of the site is an open hard surfaced area between the existing coachhouse and the dwelling that has recently been constructed to the rear of Nos. 475-479 Tachbrook Road. There is vehicular access to the site from Tachbrook Road, in between Nos. 471 and 473. The surrounding area is predominantly residential in character.

## **PLANNING HISTORY**

In 2004 planning permission was refused for the conversion of the coachhouse and adjacent garage into two holiday lets (Ref. W04/0312). This was refused on the grounds that creating 2 units would result in an intensification in the use of a substandard access, to the detriment of highway safety.

In 2009 planning permission was granted for a new dwelling on land to the south of the application site (i.e. the bungalow opposite) (Ref. W09/0734).

In 2012 a Lawful Development Certificate was issued for the use of the coachhouse as a dwelling (Ref. W12/0948).

## **RELEVANT POLICIES**

- National Planning Policy Framework
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- 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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

## **SUMMARY OF REPRESENTATIONS**

**Whitnash Town Council:** Object. Back land development, over development of property, unneighbourly, concern about access for emergency vehicles. Vehicle access to and from a busy road. Loss of a unique coach house.

**Councillor Falp:** Objects on grounds that the development would be overdevelopment compared to what is there now and unneighbourly due to the size of the proposed building. Also raises concerns about the access and the loss of such an unusual building.

**Public response:** 8 objections have been received, raising the following concerns:

- no access for emergency vehicles;
- insufficient vehicle turning space;
- increased traffic;
- detrimental to highway safety;
- increased pollution from vehicles;
- cramped and contrived development;
- overdevelopment;
- noise and disturbance;
- disturbance during demolition / construction works;
- the building is larger than the existing coachhouse;
- inappropriate tandem / backland development;
- contrary to the established pattern of development in the area (i.e. dwellings on large plots fronting onto roads);
- detrimental to the character and appearance of the area;
- inadequate provision for amenity space;
- overlooking of neighbouring properties and gardens;
- loss of outlook for neighbouring properties and gardens;
- loss of light for neighbouring properties and gardens;
- no need for a dwelling here given the number of houses proposed to the south of Whitnash and Leamington; and
- undesirable precedent for future backland development.

**WCC Ecology:** Accept the findings of the bat survey. Recommend a condition to require all destructive works to the roof of the building to be carried out under the supervision of a qualified bat worker. Also recommend notes relating to nesting birds, amphibians and reptiles.

**WDC Environmental Health:** Recommend a condition to restrict noise levels from the proposed air source heat pump.

## **ASSESSMENT**

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

- principle of development;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the area; and
- car parking and highway safety.

### Principle of development

There is already a lawful dwelling on the application site, as confirmed by the 2012 Lawful Development Certificate (Ref. W12/0948). Therefore the proposals for the erection of a replacement dwelling would be acceptable in principle.

### Impact on the living conditions of neighbouring dwellings

The proposed dwelling would be larger than the existing coachhouse. Therefore it would have a greater impact on neighbouring dwellings. The issue to consider is

whether this additional impact would cause unacceptable harm to the living conditions of those dwellings.

Looking first at the impact on the adjacent dwellings in Ashford Gardens, there would be a 14m separation distance between the proposed dwelling and the nearest windows in the rear of those dwellings (the rear windows in the conservatory to No. 31). This would exceed the minimum 12m distance required by the Council's Distance Separation Guidelines. There would be a greater separation distance from the windows in the main rear elevations of those properties (18.5m). In terms of the impact on the gardens of those properties, the proposed building would be set 3m off the boundary, and those properties have reasonably generous rear gardens at 14-15m in length. No upper floor windows are proposed in the east elevation of the proposed dwelling, with the only ground floor windows in that elevation being set 7m away from the boundary. Therefore it is concluded that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for the adjacent properties in Ashford Gardens.

The proposed dwelling would be 17m from the adjoining property to the north (No. 467 Tachbrook Road) and not directly to the rear of that property. Therefore it would not have a significant impact on the rear windows in that property. The dwelling would be 2m off the boundary with No. 467, but this would be alongside the rearmost portion of the 27m long rear garden of that property. The nearest upper floor window facing towards the garden of No. 467 would be 6.4m from the boundary and a condition is recommended to require this to be obscure glazed. Therefore it is concluded that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for No. 467 Tachbrook Road.

The proposed dwelling would be 19m from the nearest windows in the rear of the main rear elevation of No. 469 Tachbrook Road (there are no windows in the rear elevation of the rear wing of that property). This would exceed the minimum 12m separation distance required by the Distance Separation Guidelines. The proposed dwelling would be 3m off the boundary with No. 469 and would not have any windows in the west elevation. Therefore it is concluded that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for No. 469 Tachbrook Road. The proposals would have a similar acceptable impact on the applicant's dwelling at No. 471 Tachbrook Road.

The nearest dwelling to the south in Tachbrook Road is No. 473. The proposed dwelling would be 19m from the nearest windows in the rear of that property, again well in excess of the minimum distance required by the Distance Separation Guidelines. The first floor window in the front of the proposed dwelling that would be closest to the rear garden of No. 473 would serve an ensuite and so would be obscure glazed. The other first floor window would be 8m away from the boundary of No. 473 and is offset far enough to ensure that it would not cause undue overlooking. Therefore it is concluded that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for No. 473 or the other dwellings to the south in Tachbrook Road.

The remaining neighbouring dwelling to consider is the bungalow that has recently been constructed to the rear of Nos. 475-479 Tachbrook Road. The separation distance from that property would be 19.5m, which would be slightly less than the 22m front-to-front distance specified in the Distance Separation Guidelines. However, this would be same as the separation distance from the existing coachhouse. Therefore it is considered that the proposals would not cause unacceptable additional loss of light, loss of outlook or loss of privacy for the new bungalow compared with the existing coachhouse.

Neighbours have raised concerns about noise and disturbance. Once the demolition and construction works are complete, this would be no worse than would occur with the existing dwelling on site. In terms of demolition and construction noise, this would be a temporary impact that could be controlled by Environmental Health if a problem were to arise. This would not justify a refusal of planning permission.

In summary, it is concluded that the proposals would not cause unacceptable harm to the living conditions of neighbouring dwellings.

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

The concerns of neighbours regarding backland development are noted, however there is already a lawful dwelling on this site. In terms of the principle of backland development, the proposed dwelling would have no greater impact than the existing coachhouse. The proposed dwelling would not be readily visible from public vantage points because it would be largely hidden behind the existing frontage development on Tachbrook Road and Ashford Gardens. However, it would be visible from surrounding gardens. The proposed dwelling would be modern in design with a mixture of render and cedar cladding to the walls. This is considered to be an appropriate design approach for this backland site and would be in keeping with the bungalow that has recently been constructed on the site opposite. Therefore it is considered that the proposals would have an acceptable impact on the character and appearance of the area.

#### Car parking and highway safety

There are substantial existing areas of hardstanding between the coachhouse and the new bungalow opposite and to the front of the existing dwelling at No. 471 Tachbrook Road. These areas provide more than enough parking for the proposed dwelling and the existing dwellings, in accordance with the Council's Parking Standards. With regard to the concerns that have been raised about turning space, there is a 6.5m wide turning area behind the parking spaces, which exceeds the minimum 6m width required by the Parking Standards. In any case, there is already a lawful dwelling on this site and consequently there can be no highway grounds for objecting to the principle of erecting a replacement dwelling. This would apply to all matters relating to highway safety or emergency access. The proposed development would have, at worst, a neutral impact on highway safety when compared with the existing coachhouse.

### Other matters

It is proposed that an air source heat pump will be installed to meet 10% of the predicted energy requirements of the proposed dwelling. This would meet the requirements of Local Plan Policy DP13.

The proposed replacement dwelling is unlikely to result in any greater impact on public open space than the existing dwelling. Therefore it would not be appropriate to require an open space contribution in this case.

The proposed bin storage area is more than the normal recommended minimum 25m distance from the public highway. However, this is no different than the situation with the existing dwelling and therefore a refusal of planning permission would not be justified on these grounds.

With regard to the neighbour's concerns about the provision of private amenity space for the proposed dwelling, it is considered that there is sufficient space provided in the proposed layout, with garden areas to the front, rear and both sides of the dwelling.

Neighbours have raised concerns about increased pollution. However, as this is a replacement dwelling, it is not considered that there would be a material increase in pollution.

### **SUMMARY/CONCLUSION**

The erection of a replacement dwelling on this site would be acceptable in principle. The proposed dwelling would not cause unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area. The proposals are also considered to be acceptable in terms of car parking and highway safety. Therefore it is recommended that planning permission is granted.

### **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 drawing(s) 2542-100A & 2542-101B, and specification contained therein, submitted on 16 August 2013. **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 only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwelling hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 4 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 6 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 Policies DP1 and DP2 of the

- 7 The dwelling hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 9 Prior to the occupation of the development hereby permitted, the following windows shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view:
- (a) the first floor window in the north elevation; and
  - (b) the first floor ensuite window in the south elevation.
- 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.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted which comes within Part 1, Classes A, B & E of Schedule 2 of this Order, without the prior written approval of the local planning authority. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is



carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

- 11 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roofs of the buildings. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works shall be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, a report from the qualified bat worker detailing their findings shall be submitted to the local planning authority within 1 month following completion of the supervised works. **REASON** : To ensure that protected species are not harmed by the development.
  - 12 Noise arising from any plant or equipment at these premises, when measured one metre from the façade 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.
-





