

Planning Committee: 09 October 2018

Item Number: 14

Application No: W 18 / 1602

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 24/08/18

Expiry Date: 19/10/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

Land adjacent, 2 Mill Road, Leamington Spa, CV31 1BE

Erection of 1no. dwellinghouse (resubmission of application ref: W/18/0591)
FOR Mr J Whitehead & Ms D Hepburn

This application has been requested to be presented to Committee by Councillor Quinney.

RECOMMENDATION

Planning Committee is recommended to refuse planning permission for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of a one bedroom dwelling. The proposed dwelling would have a contemporary style, being one and half stories, with two separate mono-pitched roofs giving the impression of a side facing gable roof, which would be positioned behind a front boundary wall. The proposed dwelling would fill the width of the site, but would provide a small courtyard garden at the rear as well as one parking space, using the existing access.

THE SITE AND ITS LOCATION

The application site is positioned on the north side of Mill Road and is located within the Royal Leamington Spa Conservation Area and Flood Zones 2 and 3. Mill Road originally acted as a service road to serve the large dwellings and their garages fronting Leam Terrace. The street scene is now characterised by large, spacious plots, with some three storey apartment blocks and large dwellings which are positioned close to the application site, with single storey garages opposite to the application site. Mill Gardens and the River Leam are located to the north of the site.

PLANNING HISTORY

W/74/0832 – Erection of a dwelling – refused.

W/91/1419 – Erection of a detached dwelling and garage – refused.

W/97/1286 – Erection of a detached dwelling and garage – refused and dismissed at appeal.

W/98/0279 – Erection of a detached dwelling and garage – refused.

W/14/1796 – Erection of a detached dwelling – withdrawn.

W/18/0591 - Proposed erection of a single storey dwelling - withdrawn.

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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Leamington Town Council: No objection.

Councillor Quinney: Supports application, the development would provide an attractively designed proportionate development. It is unusual and high quality and has excellent sustainability features. Does not consider that the site would be cramped and incongruous.

Private Sector Housing: No objection.

WCC Local Lead Flood Authority: No objection, subject to conditions.

Environment Agency: No objection, subject to conditions.

WCC Ecology: Comments remain the same as for application ref: W/14/1796 - recommend notes in relation to nesting birds, hedgehogs and indigenous plants.

WCC Highways: No objection, subject to condition.

Waste Management: No objection.

Public Response: One letter of support has been received on grounds that the development would be modest scale in tune with the plot, an imaginative solution and high quality design, with excellent sustainable features. It would add to the diversity of housing types needed. The proposal would be in keeping with the wider area and would be an improvement to the Conservation Area.

Assessment

The main issues relevant to the consideration of the application are:

- Principle of development
- The impact on the character and appearance of the Conservation Area
- The impact on the living conditions of nearby dwellings and whether the proposal would provide adequate living conditions for the future occupiers of the development
- Car parking and highway safety
- Drainage/ Flood Risk
- Ecological impact
- Waste

Principle of the Development

Local Plan Policy H1 states that new housing will be permitted in the urban areas. The application site is identified as being within an urban area on the proposals maps and therefore, the principle of housing on this site is considered to be acceptable.

The impact on the Character of the area and the Conservation Area

Local Plan Policy BE1 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. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide SPD 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 important features; respecting the surrounding buildings and using the right materials.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed

against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan Policy HE2 supports this and states that it is important that development both within and outside a Conservation Area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The character of Mill Street, and in particular the side of the road where the proposed dwelling would be positioned, is one of spacious plots, with large amenity areas. To the east of the site, there are two large detached dwellings, with generous plots and each have sizable amenity areas to the front and rear. To the west of the application site, there are relatively large, three storey apartment blocks which again benefit from ample amenity areas to the rear and front of the sites. This creates a sense of openness along this section of Mill Road. On the other side of the road, the character does differ, with large terraced properties which front onto Leam Terrace and their garages which are accessed from Mill Road.

There have been four previous applications on this site for the erection of a residential dwelling which have all been refused. A further application submitted in 2014 for a dwelling was withdrawn (as it was to be refused under delegated powers. Application ref: W/97/1286 for the erection of a dwelling and garage was refused and then subsequently dismissed at appeal. The Inspector noted the generally spacious character of the area and that the intensity of development would detract from the appearance of this part of Mill Road. The Inspector concluded that the development would not harmonise well with its surroundings, thus not preserving the character of the Conservation Area.

It is recognised that there has been a material change in the site circumstances since the dismissal of this appeal, in that the dwelling at No. 2 Mill Road has been erected next to the application site. However, this large detached property is considered to sit comfortably within its context, and benefits from a generous and spacious plot, which reinforces the character of this part of the Conservation Area. The proposed development would be a clear departure from this established character, and would infill the width of a narrow plot being only 9 metres wide. The dwelling itself would be significantly smaller than any of the detached dwellings along Mill Road and would have a completely different character from the traditional dwellings adjacent to the site. The dwelling would be partly screened from the street scene by the proposed high level boundary wall, however, there would be views of the property from the large opening in the wall serving the access and the dwelling would sit higher than the boundary wall. The incongruous, contemporary design shoe-horned into the small plot would appear cramped and at odds with the larger, traditionally designed dwelling it would sit immediately next to.

The Conservation Officer has objected to the proposed development, stating that *"the proposed dwelling is of domestic proportions, and is set within a very small plot; it would appear incongruous in the street scene and would harm the appearance of the Conservation Area, which is characterised by grander detached houses or apartment blocks set in extensive grounds."* This supports Officer's views stated above.

It is recognised that under the recent application which was withdrawn (ref: W/18/0591), the Conservation Officer did not object to the proposed development. However, at this time the Conservation Officer was not fully aware of the extensive planning history and in particular the dismissal of the appeal for application ref: W/97/1286. With the benefit of reading the Inspector's decision, the Conservation Officer has made an informed response and no longer supports the proposal.

The development is considered to appear cramped and contrived and out of keeping within the street scene and Conservation Area. The harm identified is considered to be less than substantial, however it is considered that there are no public benefits which would outweigh this harm. The development is therefore considered to be contrary to Local Plan policies BE1, HE1, HE2 and the Residential Design Guide SPD.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site

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. Development should not 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 the nearest front or rear facing habitable room of a neighbouring property.

Impact on Neighbouring Amenity

The proposed dwelling would sit in close proximity next to 2 Mill Road. There is a ground floor window serving a habitable room at the front elevation of this neighbour's property, with a side facing window serving the same room acting as a secondary light source. Under the previously withdrawn application for a similar form of development, there would have been a small breach of the Council's adopted 45 degree guidance from this front facing window as a result of the proposed dwelling. However, the current proposal has been amended so there is no breach.

There would be no conflict with the Council's adopted 45 degree guidance from Cecil Court, to the west of the application site and there are no other neighbours which could be impacted as a result of the proposed development.

Living conditions for the future occupiers of the site

The proposal would provide a small courtyard garden to the rear of the site and a parking area to the front. Whilst the rear courtyard is small, in relative terms to the size of the property, this is considered to be adequate. It is recognised that the outlook for the "siting room" and "dining" area would be somewhat restricted, however, this would be a similar relationship to a courtyard garden serving a terrace property found within the wider area, which traditionally look onto a high level brick built boundary wall. Therefore on balance, the scheme is considered to provide adequate living conditions for the future occupiers of the dwelling.

Therefore, the scheme is considered to be in accordance with Local Plan policy BE3 and the Residential Design Guide SPD.

Car Parking and Highway Safety

Policy TR3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety. Policy TR3 also states that development will be expected to comply with the parking standards set out in the most recent Parking Standards Supplementary Planning Document.

The proposal has been submitted as a one bedroom dwelling. The parking requirement for a 1 bedroom dwelling in accordance with the Council's adopted Vehicle Parking Standards SPD is 1 space, which is provided off-street. The Highways Authority have confirmed that the layout would allow for one car to enter and exit the site safely, and have no objection to the proposal on this basis, subject to conditions.

The proposed development is therefore considered to be in accordance with Local Plan Policies TR1 and TR3, and the Council's Vehicle Parking Standards SPD.

Drainage/Flood Risk

The application site is located within Flood Zones 2 and 3. The Local Lead Flood Authority objected to the previously withdrawn application because of a lack of information in order to assess the application. The required details have been provided as part of this application and they have no objection to the proposal, subject to conditions.

The Environment Agency have also been consulted and agree with the details contained within the Flood Risk Assessment as provided as part of the application, subject to conditions restricting the raising of ground levels and finish floor levels. This condition would have to form part of any approval granted.

The proposed development is therefore considered to be in accordance with Local Plan policies FW1, FW2 and the NPPF.

Ecological Impact

WCC Ecology have commented on the application and note that their comments remain the same as for previous application ref: W/14/1796. They recommend notes in relation to nesting birds, hedgehogs and indigenous plants. These are considered to be reasonable and could be added if the application were approved.

Waste

There is adequate space to the front of the site for the storage of waste and recycling. It is noted that Waste Management have no objection to the proposal.

Other Matters

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities for the new dwelling. A condition could be added to secure this if the application were being approved.

A condition to secure compliance with FW3 (water efficiency) could also be added to any approval granted.

Conclusion

The proposed development would represent a contrived, cramped and incongruous form development which would be harmful to the street scene and Conservation Area. The development is therefore considered to be contrary to Local Plan policies BE1, HE1, HE2 and the adopted relevant guidance. The application should therefore be refused.

REFUSAL REASONS

- 1 Local Plan Policy BE1 requires all development to respect surrounding buildings in terms of scale, height, form and massing and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The explanatory text for Policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan Policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

In the opinion of the Local Planning Authority the proposal would represent a contrived, cramped and incongruous form of development which would be at odds with the generous, spacious nearby plots and the character and appearance of this part of the Conservation Area. The

development is not considered to harmonise well with the existing built form within the street scene and Conservation Area by virtue of its relatively small, contemporary and cramped design. This is not considered to preserve or respect the character of the Conservation Area.

The harm identified is considered to be less than substantial, however it is considered that there are no public benefits which would outweigh this harm. The development is thereby considered to be contrary to the aforementioned policies.
