

Planning Committee: 20 September 2006

Item Number: 14

Application No: W 06 / 1074 LB

Registration Date: 22/06/06

Town/Parish Council: Leamington Spa

Expiry Date: 17/08/06

Case Officer: Sarah Laythorpe

01926 456554 planning_east@warwickdc.gov.uk

39 Leam Terrace, Leamington Spa, CV31 1BQ

Erection of a rear replacement conservatory and erection of new metal sliding gate and fence FOR Mr S Dunn

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

SUMMARY OF REPRESENTATIONS

Town Council: raises objection on the following grounds:

1. The proposed gates are of a design considered inappropriate to the Conservation Area.
2. The gates and railings are unsympathetic to the appearance of the frontage as they fail to harmonise with the height of the pillars
3. The proposal is considered to have an adverse visual effect on the Conservation Area.

Leisure and Amenities: objects on the grounds 'The tree is an early mature *Aesculus sp.* that makes a very significant contribution to the street scene on Leam Terrace. I would object to any proposal involving its removal.'

(NB. The above comments relate to the application as originally submitted).

RELEVANT POLICIES

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (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 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)

- DAP7 - Changes of Use of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

PLANNING HISTORY

W890942 / W890943LB - application granted for a kitchen extension at the side of the property with a feature wall 2.8 metres in height with an iron gate projecting out from the property into the rear garden.

KEY ISSUES

The Site and its Location

The property relates to a Grade II Listed Building located within Leamington Spa's Conservation Area. It is a 3-storey villa built c.1838 and has a conservatory attached to the rear which was probably built around the same time as the main house. At the rear there is a dilapidated 2.8 metre high wall incorporating an iron gate which projects out into the rear garden from the main house.

The frontage of the property onto Leam Terrace is screened by a 2.5 metre high hedge and various trees and shrubs which obscure the view of the property from the road. Within the streetscene there is a wide variation of boundary treatments onto Leam Terrace. The frontages of properties on the north side of Leam Terrace are primarily high hedges and vegetation whereas those on the south side of the street are traditional iron railings set into a stone plinth which results in the properties on the south side being more visible from the road.

As existing, the application site has one open vehicular entrance onto Leam Terrace with no gates or piers. There is an early mature *Aesculus sp.* tree on the south-west corner of the site adjacent to the pavement of Leam Terrace.

Details of the Development

There are two main elements to this application.

Firstly, the scheme proposes a new frontage which would involve the creation of an in-out driveway incorporating the existing driveway as the entrance and creating a second opening on the opposite side to be used as the exit. Two new brick rendered piers have been proposed, one on the inside of the exit and one on the inside of the entrance opening. The piers would be the same size and design as the existing pier on the boundary with 41 Leam Terrace. The

amended scheme proposes an iron post on the outside of the entrance opening to protect the tree which is located on the south west corner of the site. The proposed gates to the two openings would be flat-topped, metal swing gates and would be finished to match the proposed railings and painted black. The existing hedging would be removed and replaced with a set of railings set into a low level brick plinth with sandstone capping. A landscaping scheme has been proposed to incorporate new trees along the frontage.

The second part of the scheme proposes a rear conservatory in place of the existing 2.8 metre high dilapidated wall but would retain the rendered pillar in its existing location. The conservatory would be approximately 2.4 metres by 3.5 metres and would be attached to the existing kitchen extension. The conservatory would be timber framed on a rendered dwarf wall to match the existing property.

Assessment

In terms of impact on the streetscene, it is considered that the alterations to the frontage would be acceptable. Leam Terrace comprises a variety of boundary treatments to the front of properties therefore I do not consider that the introduction of railings and a new opening would have such a detrimental impact on the streetscene to warrant a refusal. The new landscaping scheme and the planting of new trees would soften the impact of the railings.

In terms of impact on the wider Conservation Area, it is considered that the frontage would be returned to its original traditional form and would retain the historic integrity and character of this Grade II Listed Building. It is considered the 1.2 metre height of the railings is acceptable and would not detract from the character of this property.

The conservatory is also considered to be acceptable, using materials which would harmonise with those of the original property. The size and scale of the conservatory would not be over-dominant in relation to the original dwellinghouse and would appear as a subservient element. It is considered the impact on this Grade II Listed Building would be minimal and would be difficult to refuse.

Whilst I note the original objections regarding the impact on the tree, the amended drawing proposes a metal post on the south-west corner of the site in order to support the railings rather than a pier which would require foundations and may detrimentally affect the tree. It is considered that the tree is an important feature of the streetscene and should be retained as part of this application.

RECOMMENDATION

GRANT subject to the conditions listed below.

CONDITIONS

- 1 Notwithstanding the details in respect of the 1m. long section of railings and low plinth wall shown on the submitted plans adjacent to the existing tree shown to be retained, no development shall be carried out on the site which is the subject of this permission, until amended details of a revised metal railing detail to avoid the need for the construction of footings which may disturb tree roots 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 protect the amenity of the tree which is located in close proximity to the location of the proposed metal post.
- 2 No development shall be carried out on the site which is the subject of this permission until large scale details of the construction of the railings, showing the base of the railings set in the plinth (without a visible bottom rail) together with details of finials 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
- 3 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 Subject to Condition 3 and 4 below, the development hereby permitted shall be carried out strictly in accordance with the details shown on the amended drawings, and specification contained therein, submitted on 10th August, 2006 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 5 A landscaping scheme shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the proposed development does not adversely affect the historic integrity, character or setting of the listed building, is of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the property is situated. The proposal is therefore considered to comply with the policies listed.
