

**Planning Committee:** 29 January 2019

**Item Number:** **12**

**Application No:** [W 18 / 2012](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** George Whitehouse  
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**Registration Date:** 17/10/18  
**Expiry Date:** 12/12/18

**53 Chesham Street, Leamington Spa, CV31 1JS**

Erection of single storey rear courtyard infill and replacement single storey rear extension FOR Mr C Challis

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This application is being presented to Committee as there are more than 5 letters of public support for the application and it is recommended for refusal.

**RECOMMENDATION**

Planning committee are recommended the refuse planning permission for the reasons set out in the report

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of a single story side / rear extension alongside the existing rear wing (a 'courtyard infill') as well as a single storey rear extension.

**THE SITE AND ITS LOCATION**

The application site is a Victorian mid-terrace dwelling located on the east side of Chesham Street, Leamington Spa.

The property is located within the Leamington Spa Conservation area.

The historic built form of this section of the Leamington Spa Conservation Area is characterised by Victorian terraces incorporating two storey rear wings with undeveloped side courtyards alongside. This section of Chesham Street is unique in that the two storey element of the properties are uniformly aligned on the northern edge of the property with the courtyard area on the southern edge.

**PLANNING HISTORY**

Historical Information

The property currently benefits from a single storey rear extension attached to the rear elevation of the two storey rear wing. It is clear from the historic maps that originally 53 Chesham Street benefited from a small outbuilding, most likely a coal store or an outside water closet, which has been replaced with, or extended, to create the existing rear flat roof extension.

W/18/0920

Planning permission was sought on 23/05/2018 for the erection of a single storey side and rear wrap-around extension. This application was withdrawn due to concerns about the adverse impact on the conservation area.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (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**

**Leamington Spa Town Council** - No Objection

**Councillor C. Quinney** - Support

**Neighbour Comments** - 8 Letters of Support

### **ASSESSMENT**

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

- the impact on the character and appearance of the conservation area; and
- the impact on neighbour amenity.

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Local Plan Policy HE1 states that, where 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, including securing its optimum viable use.

The Council's Residential Design Guide sets out how the Council will deal with side courtyard extensions to terraced houses in conservation areas. Under this guidance, side courtyard extensions are required to be predominantly glazed,

and to incorporate a set back from the rear of the original rear wing. The purpose of these requirements is to reflect the open side courtyard feature which formed part of the traditional layout of these properties. The set back is necessary to differentiate the extension from the original rear wing.

In this case the extension is not set back from the original rear wing, it projects some way beyond this. It does incorporate a set back from the rear of the previous extension, but this extension is not reflective of the historic layout.

The current proposal does not respect the historic built form of this dwelling. This is further evidenced by the lack of information regarding the historic importance of the Leamington Spa Conservation Area in the submitted heritage statement. The justification proposed in this document is that the space is needed to create an open plan kitchen and living space. This does not outweigh the harm to the conservation area that would arise from interrupting the historic built form of the dwelling.

199 Leam Terrace has been cited as justification for allowing non-compliance with the above policies. However, that property had pre-existing side courtyard extension that caused significant harm to the character and appearance of the conservation area. Consequently the proposals in that case were viewed as being an improvement, reducing the harm. In make that decision, Members indicated that it was a unique case that should not set a precedent for courtyard infill extensions in the Leamington Spa Conservation Area.

There is no existing harm to the conservation area at 53 Chesham Street, the current proposals for the courtyard infill introduce harm to this historic designation and are not considered acceptable.

There are 8 letters of public support. None of these supply evidence as to why the proposals are acceptable within the conservation area or generate an improvement to this historic designation.

It has therefore been concluded that the proposals cause unacceptable harm to the character and appearance of the conservation area, contrary to Local Plan Policy HE1. This represents less than substantial harm under this policy, but this harm is not outweighed by any public benefits.

#### Impact on Neighbour Amenity

As existing, the single storey rear extension breaches the 45 degree line to the adjacent neighbour to the north of the site, No.51 Chesham Street. This has been taken from the mid-point of the ground floor window on the rear elevation of the dwellinghouse which serves a dining room. However, it is considered that the erection of the proposed single storey rear element of the extension will not result in any additional impact to the amenity of this neighbour as the eaves of the proposed extension are no greater in height than the existing flat roof extension. Furthermore, the dual pitch roof will slope away from the window, mitigating the impacts of any increase in overall height.

The south site boundary is defined by a 3.50 metre brick wall, which extends from the rear elevation of the two storey rear wing at No.55 Chesham Street to

a depth of approx. 7.0 metres when measured from the existing ground floor living room window on the rear elevation of No.53 Chesham Street. As the depth of the proposed side extension is 6.20 metres, when measured from the same living room window, and the height of the eaves is 2.80 metres, it is considered that the proposed extension will have no impact on the amenity of the neighbours at No.55 Chesham Street.

The proposed extension is therefore considered to be acceptable in terms of neighbour impact and in accordance with Local Plan Policy BE3.

### **Summary**

The proposal is contrary to Local Plan Policy HE1 and the NPPF. The development is harmful to the character and appearance of the Conservation Area by reason of inappropriate design which does not reflect the original side courtyard feature of the dwelling house or reflect the historic built form of the Victorian terraces. It is therefore recommended that planning permission is refused.

### **REFUSAL REASONS**

- 1 The application property is a traditional Victorian terraced dwelling incorporating a rear wing with an open courtyard to the side. The proposed extension does not respect this traditional built form due to the extension projecting some distance beyond the original rear wing. As such, the proposals would cause significant harm to the character and appearance of the conservation area. This harm is not outweighed by any public benefits.

The proposals therefore conflict with Local Plan Policy HE1 and the Residential Design Guide.

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