

Application No: [W 24 / 0133](#)

Town/Parish Council: Leamington Spa
Case Officer: Thomas Senior
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Registration Date: 27/03/24
Expiry Date: 22/05/24

3 England Crescent, Leamington Spa, CV31 3JH

Erection of two storey side and rear extension to facilitate the increase in number of bedrooms from a 3 to 6 bed property. FOR Mr Asbool

This application is being presented to Committee due to an objection from the Town Council and an objection from a Ward Councillor, with this application recommended for approval.

RECOMMENDATION

Planning Committee is recommended to approve this application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the erection of a two-storey side and rear extension to facilitate the increase in number of bedrooms from a 3 to 6 bed property.

As existing, the application property is a lawful 3 bed House in Multiple Occupation (HMO), with the proposed increase of bedrooms from 3 to 6 still within the remit of a property that falls within the C4 Use Class.

Therefore, whilst the proposal will result in the intensification of the existing use, planning permission is not required for a change of use as the property will remain within the same use class. As such, this report focuses only upon the proposed extensions.

THE SITE AND ITS LOCATION

The application site relates to one half of a pair of semi-detached dwellings located on the east side of England Crescent in a predominantly residential area.

RELEVANT PLANNING HISTORY

W/23/1537 – Planning permission was granted for a retrospective application for the change of use from a 3 bed dwellinghouse (Use Class C3) to a 3 bed House in Multiple Occupation (Use Class C4).

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking

Net Zero Carbon Development Plan Document

- NZC4 - Existing Buildings

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS4 - Housing Character Outside the Conservation Areas

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - Object to the proposal on the following grounds:

- Possible overdevelopment
- Biodiversity net loss
- Lack of parking survey
- Concerns over whether there is sufficient refuse storage

WCC Ecology - No objection.

Private Sector Housing - No objection, subject to confirmation from Contract Services that they are satisfied with the provision of refuse storage.

Contract Services - Object to the proposal on the grounds of no storage space being identified on the plans.

Public Response - Three objection comments have been received, one of these being from the Ward Councillor, Councillor Chilvers, with these objections covering the following grounds:

- Increased noise and disturbance
 - Impact on privacy
 - Parking and traffic concerns
 - Loss of light
 - No biodiversity net gain
 - Discrepancies in the application form
- No additional bin and cycle storage shown

ASSESSMENT

Design and impact on character and appearance of the streetscene

The NPPF (2023) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness.

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.

Neighbourhood Plan Policy RLS4 relates to housing character outside of the Conservation Areas. In residential areas, the policy requires applicants to demonstrate how proposals have taken into account and responded to the predominant character (including local building styles and materials) in the street/road/locality within which the proposed development is situated.

The proposed rear extension is considered to have an acceptable impact on the streetscene, predominantly due to its siting at the rear resulting in it having a limited visual impact from public vantage points. Nevertheless, the proposed extension is comprised of a subservient design that is set down considerably from the ridgeline of the original property and comprised of matching materials that will harmonise with the host dwelling.

The Residential Design Guide SPD sets out guidance for two-storey side extensions. The proposed two storey side extension has been amended so that the entire side extension is set away from the shared boundary with 5 England Crescent by 1 metre at first floor level as set out in the SPD to avoid the creation of a terracing effect.

In addition, the first floor of the proposed two-storey side extension is set back from the front façade of the property by well over the 450mm outlined within the

Residential Design Guide SPD and is also appropriately set down from the ridge line of the original dwellinghouse (over 225mm) to create a subservient design.

The Residential Design Guide also sets out how side extensions should be no more than 2/3 of the width of the original property, with the proposed side extension also being in accordance with this design requirement. As amended, the proposed side extension is considered acceptable from a design perspective, providing a subservient addition to the original dwellinghouse that both maintains and reinforces the overarching character of the wider streetscene.

One of the grounds in which the Town Council have objected to the proposed scheme is in regards to the scheme being considered as a "possible overdevelopment". However, from the above assessment, it is considered that the proposed development is in accordance with the guidance set out within the Residential Design Guide, with this ensuring that the proposed scheme will appear as a subservient addition to the host property.

Therefore, in light of the above assessment, it is considered that the amended scheme would be in accordance with Local Plan Policy BE1, the Residential Design Guide SPD and Policy RLS4 of the Royal Leamington Spa Neighbourhood Plan.

Impact on neighbouring properties and the current and future occupiers of the development

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of a neighbouring property. This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

The proposed scheme will not result in a breach of the 45-degree line from either neighbouring property, with the proposed development therefore considered to have an acceptable impact on the light and outlook of neighbouring occupiers.

An objection comment has been received from the occupier of the adjoining property raising concerns in regards to the impact that the rear extension would have on their privacy, particularly in relation to potential views into their kitchen. This comment has been duly considered, however there are no windows proposed to the side elevation of the extension, with all windows facing directly out to the rear amenity space. Consequently, it is considered that the proposed rear extension will not result in a loss of privacy through overlooking into the neighbouring property.

An objection comment has also been received by the occupier of No.2 England Crescent, with this property lying opposite the application site. Within this comment, concerns are raised in regards to the impact the proposed development will have upon the loss of light to the front of this property and loss of privacy through people looking straight across to No.2.

Again, these comments have been considered and it is considered that the proposed scheme will have an acceptable impact upon the amenity of this neighbouring occupier.

Whilst the extension will introduce a two-storey side extension that will contain a window that will provide the outlook to Bedroom 5, this is positioned well over 22m away from the front of this property and is therefore in accordance with the distance separation guidelines and would not be considered to have an unacceptable impact the amenity of this occupier. Furthermore, the proposed extensions are considered to have an acceptable impact upon levels of light to this property.

The proposed scheme will also have an acceptable impact upon the current and future occupiers of the property, with all habitable spaces set to benefit from acceptable provisions of light and outlook. Additionally, the rear amenity space will be well above the minimum standard that is set out within the Residential Design Guide SPD.

Therefore, the proposal is considered to be in accordance with Local Plan Policy BE3.

Ecology

Local Plan Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to the wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

As part of the application, the applicant submitted a Preliminary Bat Roost Assessment which concluded that there were no obvious features present at the property which would be suitable for crevice dwelling bat species. In light of this the County Ecologist has confirmed that they are content to conclude that protected species are unlikely to be impacted by the proposed works. Nevertheless, if approval were to be forthcoming, an advisory note relating to the protection of bats will be added to the decision notice.

Objection comments from both the Town Council and Councillor Chilvers have both commented on the potential loss of biodiversity from the proposal, stating

how the application does not indicate how a biodiversity net gain will be achieved. Whilst these comments have been noted, this is a "householder application" and applications of this type are not required to demonstrate how the proposed works would result in a biodiversity net gain. Consequently, as this exemption is present, there is no requirement for this additional information in the assessment of this application.

In light of the above, the proposal is considered to comply with Local Plan Policy NE2.

Parking

Local Plan Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards SPD.

A number of objections have been received in relation to parking provision, with these from the two public objection comments and from Leamington Spa Town Council and the Ward Councillor. The proposed development will increase the number of bedrooms from three to six, with this increase resulting in an increase in the number of allocated spaces required by the SPD from two to three.

It is considered that there would be sufficient capacity on-street to accommodate one extra vehicle, as set out within the Parking Standards SPD. Nevertheless, a parking survey has also been undertaken following the objection comments from Councillor Chilvers and the Town Council, with the results of this survey demonstrating that there is sufficient capacity in the area for one additional parking space as required.

As such, in light of the above assessment the proposed scheme is considered to be in accordance with the Parking Standards SPD and Local Plan Policy TR3.

Planning for Climate Change Adaption

As required by the Council's Net Zero Carbon Development Plan Document (DPD) Policy NZC4, an Energy Statement has been submitted which demonstrates a consideration to sustainable construction and design, in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation. The applicant has demonstrated how the requirements for the policy have been complied with, as well as including justification as to why certain measures have not been incorporated, such as measures relating to minimising flood risk.

As such, the proposal is considered to be in accordance with the DPD and specifically Policy NZC4.

Refuse

Both the Town Council and Councillor Chilvers have raised concerns in regard to how the property will be able to accommodate the increased bin storage

requirements. Contract services have been consulted on the proposed scheme and have objected to the proposals on the basis that the plans do not show any storage space for the increased number of waste containers (2x240 litre grey refuse bins, 2x240 litre blue lidded recycling bins and 2x23 litre food waste bins).

However, the amended scheme has resulted in the proposed two-storey side extension being set in from the existing side boundary by just over 1m, meaning that there is now access to the rear amenity space without going through the dwellinghouse. Consequently, it is considered that this objection has been overcome, as there will be sufficient storage space within the rear garden, with the waste containers able to be moved externally to the roadside through this newly created side passage on waste collection day.

Other Matters

Within the objection received from Councillor Chilvers comments are made in regards to sections of the application form, with these relating to tree/hedge removal and whether the development can be seen from the public highway. Firstly, in regards to the tree/hedge removal, there are not considered to be any trees/hedges that would be impacted by the proposal. Secondly, whilst the applicant has stated in the application form that the site cannot be seen from the public highway, it is evident the side extension will be visible, however the rear extension would not be visible. As such, this is not considered to be an inaccurate statement when considering the assessment of the entire proposal.

A predominant concern within the objections received by the neighbouring occupiers relates to increased levels of noise and disturbance caused by the scheme. These issues were raised in the previous application on site, with this report setting out how the existing area is comprised of a very low concentration of HMO's, concluding how one additional HMO will not result in material harm to local residents that would warrant a reason for refusal on this application.

SUMMARY AND CONCLUSION

The amended scheme is considered to constitute good quality design in respect of providing a subservient addition which enhances the existing dwellinghouse whilst respecting the surrounding buildings in terms of its scale, form and adoption of appropriate materials. The proposal is also considered to have an acceptable impact on neighbouring amenity levels, ecology and parking. As such, the proposal is in accordance with the aforementioned policies, and it is therefore recommended for approval.

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) MRA640 002C, and specification contained therein, submitted on 23/08/2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 3 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 Policy BE1 of the Warwick District Local Plan 2011-2029.
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