

**Planning Committee:** 22 June 2005

**Item Number:** 24

**Application No:** W 05 / 0562

**Registration Date:** 08/04/2005

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 03/06/2005

**Case Officer:** John Beaumont

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**33 Avenue Road, Leamington Spa, CV31 3PG**

Proposed conversion of existing building to 4 no. one bedroom flats with single storey and one and a half storey extension to rear of building to form three bedroom house. Existing basement unit to remain FOR Mr & Mrs J Evetts

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**SUMMARY OF REPRESENTATIONS**

Town Council

Proposed construction of the additional house, constitutes overdevelopment; adverse impact on No. 31 Avenue Road; provision for parking in site is inadequate; provision for communal refuse disposal inadequate; determination of application should be deferred pending preparation of a development brief for Avenue Road and Station Approach.

C.A.A.F.

Existing basement unit to remain. Conversion of house felt to be acceptable. The 2 storey house extension at rear felt to be overdevelopment which would detract from the rear of the house and have a poor relationship to the adjacent house. It was pointed out that the numbers were increasing in the house although no car parking facilities.

W.C.C. (Highway)

No objection.

**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)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

## **PLANNING HISTORY**

A change of use of this property from a residential rest home to a house in multiple occupation was granted in 2002, reference W20020735. Subsequently permission for a detached 2 bedroomed dwelling on land to the rear of the existing building was refused in 2004, reference W20040327; an appeal against the refusal was subsequently dismissed. The reasons for refusal for that application were as follows:-

- 1) Policy (DW) ENV3 of the Warwick District Local Plan, 1995 requires all development to harmonise with its surrounding, providing a satisfactory means of access, whilst Policy DW (H5) states infill development will be permitted which does not have a serious adverse impact upon the amenity and environment of their surroundings. Within the Warwick District Local Plan 1996-2011, First Deposit Version, Policy DP1 states development will only be permitted which positively contributes to the character of its environment through good layout and design whilst Policy DP2 states development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed dwelling would be sited as a tandem development to the rear of No. 33 Avenue Road. It would occupy a significant proportion of the existing rear garden to No. 33 Avenue Road and will itself have an outlook across a sunken area, some 2.5m wide, to a parking area, beyond which is the substantial rear wall of a commercial building fronting Station Approach.

In the opinion of the District Planning authority the proposed development would unacceptably conflict with the objectives of the aforementioned policies by reason of:-

- (i) The use of the single width access drive by both pedestrians and vehicles accessing the proposed dwelling, including the likely manoeuvring of vehicles along its length, would be likely to result in an unacceptable level of noise and disturbance to the significant detriment of the living conditions of the neighbouring residents;
  - (ii) The proposed development would constitute an unacceptably cramped and contrived form of development which by reason of its size and siting would detract from the outlook from No. 33 Avenue Road, significantly reducing the available amenity space for the general enjoyment of the occupants of No. 33 Avenue Road (including the area available for bin storage, cycle parking and external drying) whilst failing to provide an acceptable outlook and amenity for the occupants of the proposed dwelling who would look out across a sunken courtyard 2.5m wide to a parking area beyond which is the substantial rear wall of a commercial building fronting Station Approach.
- (2) Policy (DW) ENV3, states the Conservation Areas in the District of the Warwick District Local Plan, 1995 will be protected from development which will have a detrimental effect upon their character or appearance, whilst Policy (DW) ENV8 requires development proposals to achieve a high quality of design appropriate to the special historic or architectural character of the area; proposals must harmonise in scale and form with their surroundings and natural and traditional building materials should normally

be used. Within the Warwick District Local Plan, 1996-2011, First Deposit Version, Policy DAP10 states development will be required to protect and enhance the historic quality, character and appearance of Conservation Area.

In the opinion of the District Planning Authority this form of backland development with its partly sunken design, occupying a substantial part of the rear garden of No. 33 Avenue Road, would represent an incongruous and alien form of development which would fail to harmonise with its surroundings, would detract from the setting of No 33 Avenue road and hence would be harmful to the character and appearance of the Conservation Area. The proposal will therefore prejudice the objectives of the aforementioned policies.

## **KEY ISSUES**

### **The Site and its Location**

The application site comprises an imposing double fronted villa with an existing modest single width garage to the side. The site is within the Conservation Area but the building is not 'listed' as being of special architectural or historic interest. At the present time the building is a basement 3 bed roomed flat, with 15 bedrooms for use as a house in multi-occupation on the ground and first floor. The adjoining property to the east, No. 31, is subdivided and in use as flats whilst to the west, No. 35, is a guest house; to the rear is the present site of the Physiotherapy Unit.

### **Details of the Development**

The proposal entails the retention of the existing basement flat, conversion of the ground and first floor of the existing building to form 4, 1 bedroom flats with the rear of the existing building being altered and extended to form a 3 bedroomed dwelling; these extensions would entail the demolition of the existing garage. Access to the proposed house would be via the existing side vehicular access with the possibility of off-road parking to serve that dwelling being retained. Amended drawings have been submitted to show a revised rear elevation and to include a communal dustbin storage area.

### **Assessment**

Having regard to the existing permitted use of this site as a house in multi-occupation, I consider its conversion to 4 flats (with the retention of the present basement flat) would be acceptable in principle. I note the objections raised to the extensions proposed to the rear of the building to form a 3 bedroomed house but I consider the design has been carefully produced to avoid an unacceptable effect on the neighbouring properties whilst sympathetically reflecting the character and appearance of the existing villa.

Details of refuse disposal have now been provided and given the present lawful use of the site as a house in multi-occupation and its location close to the town centre, I do not consider an objection on car parking grounds could be sustained; off-street car parking for the dwelling to the rear would be maintained. I am clearly conscious of the previous refusal of a detached house on the rear garden

(and the dismissal of an appeal against this refusal) but I consider this present proposal has reasonably addressed the grounds of objection to that scheme.

### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

### **RECOMMENDATION**

GRANT, as amended, subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved Drawing Nos. 05/01-01A, 02A, 04A and 05A deposited with the District Planning Authority on 3rd June 2005 and Drawing No. 05/01--03 deposited with the District Planning Authority on 8th April 2005, and specification contained therein, 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.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of glazed canopy, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 4 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 5 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 6 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 development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order,

without the prior permission of the District Planning Authority. **REASON :**  
This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan.

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