

**Planning Committee:** 22 November 2006

**Item Number:**

**Application No:** W 06 / 1224

**Registration Date:** 31/07/06

**Town/Parish Council:** Radford Semele

**Expiry Date:** 25/09/06

**Case Officer:** Sarah Laythorpe

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**108 Lewis Road, Radford Semele, Leamington Spa, CV31 1UP**

Erection of a conservatory at rear FOR Miss N Osbourne

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This item is being reported to committee to request authorisation for enforcement action.

### **SUMMARY OF REPRESENTATIONS**

**Parish Council:** no comments received

#### **Neighbours:**

106 Lewis Road - supports the application and comments 'I had my doubts when this building was being erected. The wall it was built on is below the boundary fence, and being glass above that height, it does not restrict my light too much.'

### **RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

### **PLANNING HISTORY**

W2002/0903 - Permission was granted for the erection of a single-storey side and rear extension and the insertion of a side dormer window.

ENF 257/27/06 - Enforcement case opened regarding the construction of a conservatory. The conservatory is the subject of this current planning application.

### **KEY ISSUES**

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

The application site comprises a 2-storey semi-detached property which has previously been extended by a single-storey rear extension which is approximately 60m<sup>3</sup>. A conservatory has since been added onto the extension which measures 3.8m by 4m and projects out along the shared boundary with 106 Lewis Road. The conservatory is the subject of this application. There is a 2 metre high fence along the shared boundary of the application site and 106 Lewis Road.

## **Details of the Development**

This scheme is a retrospective application for the rear conservatory which has been added on to the existing rear extension. The conservatory is 3.8m by 4m and extends along the shared boundary of 106 Lewis Road. There is 500mm of obscure-glazing visible above the fence from the side of 106 Lewis Road. The glazed roof of the conservatory pitches back away from the boundary.

## **Assessment**

The conservatory breaches the 45 degree code by 4.2 metres as taken from the centre point of the nearest habitable window of the original property. It also breaches the 45 Degree Code as taken from the centre point of the lean-to which is attached to the rear of the property and is positioned along the shared boundary of 106 Lewis Road.

The conservatory has the effect of incrementally increasing development along the common boundary such that there is now over 7 metres of development along the boundary, albeit partially mitigated by the neighbours own conservatory. It is considered that the cumulative impact of these extensions is unneighbourly primarily by reason of the enclosing effect on the neighbour but also due to the impact on eight of the neighbours property, given the extension is due south of this neighbour. The light spillage from the conservatory which is visible above the fence between the two properties is also considered to be detrimental to the amenities of this property.

## **RECOMMENDATION**

REFUSE subject to the refusal reasons listed below.

## **REFUSAL REASONS**

- 1 Policy (DW) ENV3 of the Warwick District Local Plan requires all development proposals to achieve a high standard of design which harmonises with its surroundings. This is reflected by Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version) which states development will only be permitted which positively contributes to the character and quality of its environment and does not have an adverse effect on neighbours' amenities. The District Council has also adopted Supplementary Planning Guidance on the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

The application site relates to a 2-storey semi-detached property. Due to the proximity of 106 Lewis Road to the application site, this proposed development would breach the Council's adopted Supplementary Planning Guidance on the 45 Degree Guideline. The proposed conservatory would have an unacceptable overbearing effect on the rear lounge window and the rear extension of 106 Lewis Road which is situated close to the boundary of the two properties. Furthermore, the proposed conservatory would significantly reduce the daylight entering both the lounge window and

the rear extension and unacceptably harm the outlook presently enjoyed by the occupants of 106 Lewis Road. The proposal would therefore be unneighbourly and contrary to the aforementioned policies.

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