

**Planning Committee:** 05 April 2006

**Item Number:** 21

**Application No:** W 06 / 0317

**Registration Date:** 15/02/06

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 12/04/06

**Case Officer:** Joanne Fitzsimons

01926 456534 [planning\\_east@warwickdc.gov.uk](mailto:planning_east@warwickdc.gov.uk)

**Land rear of 31, Clarendon Square, Leamington Spa, CV32 5GZ**  
Erection of two dwellings (amended design to W050653) FOR Crab Curtis Ltd

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

### **SUMMARY OF REPRESENTATIONS**

**Town Council:** Object as the proposal is considered to represent an over-intensive use of the site which will result in development which is detrimental to the setting of a listed building.

**Severn Trent Water:** No objection subject to a condition on drainage works.

**Neighbours:** 5 letters of objection have been received on grounds that the development would constitute an excessive dwelling on a site of limited size. Result in a cramped over-bearing effect on the outlook from neighbouring properties and the cat slide roofs would neither preserve or enhance the Conservation Area. The proposal is not in keeping with the Listed Building and will de-value the adjacent apartments.

### **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).
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)
- The 45 Degree Guideline (Supplementary Planning Guidance)

### **PLANNING HISTORY**

Planning permission (reference W04/2160) was refused for the erection of 3 no. dwellings on the following grounds:

*(1) 3 no 2 bedroomed dwellings would constitute excessive development on a site of limited size resulting in an unacceptably cramped development which will have an unneighbourly, overbearing effect on the outlook from neighbouring properties, and;*

*(2) The development would neither preserve or enhance the character or appearance of either the Conservation Area or that of the Listed Building, no. 31 Clarendon Square, or its setting, by reason of the proposed siting and design of the 3 dwellings, in particular the use of 'cat-slide' roofs to the south elevations of the dwellings.*

This decision was upheld at appeal.

In 2005 (reference W05/0653 & W050654LB) planning and Listed Building Consent was granted for the erection of 2 dwellings without any off road parking. The development has commenced and the site has been cleared and is fenced off from the road.

## **KEY ISSUES**

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

The site is situated on the southern side of Trinity Street within a predominantly residential part of the Conservation Area. The site has an area of 225 sq. m. and was formerly part of the rear garden serving 31 Clarendon Square, which is a Grade II Listed Building that has been converted to self-contained flats. The neighbouring dwelling at 161 Trinity Street is to the west and a garage courtyard is to the east.

There is a mix of properties in the vicinity of the site, including flat conversions in 31 Clarendon Square and neighbouring properties in Clarendon Square, out-building conversions and infill mews dwellings on the southern side of Trinity Street between the site and junction with Binswood Street that stand opposite a terrace of 8no. 3-storey houses first approved in 1988.

### **Details of the Development**

The application seeks to amend the design of the approved dwellings to include a single storey rear extensions. The depth of the approved houses is 8.7 metres, and the proposed extension to each of them would increase this depth to 11 metres (an additional 2.4 metres). The design is such that it would have a lean to style roof sloping back towards the rear of the dwellings and would have 3 rooflights in each part of roof.

### **Assessment**

I consider the main issue in assessing this application is whether the additional lean to extension to the rear of the properties would result in unacceptable harm to neighbours and the setting of the Grade II Listed Building, 31 Clarendon Square. The principle of constructing two dwellings on this site has been established through the granting of planning permission W05/0653. The neighbouring property at number 161 Trinity Street is approx

1 metre longer than the extensions and therefore there is no breach of the Council's adopted 45 degree line with regard to neighbouring windows.

The rear of 31 Clarendon Square would be in excess of 15 metres from the single storey extension which I consider to be acceptable in retaining the setting of this Grade II Listed Building.

Whilst I note the objections received, in this instance I do not consider that the principle of development can be reviewed as the erection of 2 dwellings is the 'fall back' position. In considering a single storey extension to both the units, I am of the view that no unreasonable harm would result from this additional element to the approved scheme.

### **RECOMMENDATION**

GRANT, subject to the conditions listed below.

### **CONDITIONS**

- 1 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.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 1463/10 and 1463/11 and specification contained therein, submitted on 15 February 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.
- 3 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.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of the 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.

- 5 Notwithstanding the details in respect of the rear rooflights shown on the submitted plans, these shall be of a conservation style, details of which shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development hereby permitted. 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.
- 6 Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage.
- 7 All window frames shall be constructed in timber and painted, not stained. **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.

## **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 is of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and does not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. Furthermore, the development is considered to be of an acceptable standard of design which is in keeping with the architectural and historic character of the Conservation Area within which the site is located. The proposal is therefore considered to comply with the policies listed.