

Planning Committee: 22 June 2005

Item Number: 04

Application No: W 05 / 0513

Registration Date: 29/03/2005

Town/Parish Council: Leamington Spa

Expiry Date: 24/05/2005

Case Officer: Alan Coleman

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Land at, Leam Street, Leamington Spa, CV31 1DY

Demolition of existing garage block and erection of single dormer bungalow
FOR Mr & Mrs Ballinger

This application was deferred at Planning Committee on the 25 May 2005, to enable a site visit to take place on 11 June 2005. In the meantime the scheme has been amended. However, no neighbour comments or re-consultation responses have been received at the time of writing this report. The report which follows is that which was presented previously, with additional comments on the proposed amendments. Any consultation responses that are received in the meantime will be reported to this 'Committee in the addendum to the agenda.

SUMMARY OF REPRESENTATIONS

Town Council: Object on unqualified grounds and comment: *"The Council recommends that the Planning Committee visit this site to assess adequately the effect on neighbours."*

Highway Authority: No objection, subject to conditions on access and turning space.

Neighbours: 2 letters in support of the proposals and 5 letters of objection on grounds of harm to the character of Leam Street and the Conservation Area by the introduction of a new dwelling of a style out of keeping with that of existing Victorian terraced houses in the surrounding area and use of unsympathetic construction materials; inadequate car parking; cumulative impact of traffic generated by proposal and recent developments in Northcote Street resulting in excessive demand for on-street parking on Leam Street and surrounding roads that currently experience of congestion; consequent harm to highway safety and convenience; inadequate access for construction, emergency and future residents' vehicles along roads of restricted width; noise and disturbance from construction works; loss of established trees, and; pressure on services such as water supply and sewage disposal.

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)
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Planning application W04/2270 for the erection of a pair of semi-detached houses was withdrawn on 9 February 2005 to allow consideration of the current proposals.

KEY ISSUES

The Site and its Location

The site comprises a pair of single-storey garages that stand on a plot of some 138 sq.m. within a predominantly residential part of the Conservation Area at the end of Leam Street. The garages are currently vacant and are identified as being within the curtilage of a pair of semi-detached houses at 27/29 Leam Street that stand to the south-west of the site.

The site is contained by a 2 metre high (approx.) wall that separates it from recreational open space to the north, the rear gardens of 164 and 166 Leam Terrace to the east and the parking court of the flat development known as Albert Court at 168-172 Leam Terrace to the south. The site has an open plan frontage to the west that adjoins the front garden of 28 Leam Street, a detached dwelling that stands at a distance of some 6 metres away to the north-west. The western boundary of this garden is enclosed by the two-storey side gable elevation of 26 Leam Street that stands opposite the site at a distance of some 10 metres at its closest point. Access to the site is from Leam Street via a private driveway that runs in-between the front gardens of No's. 27/29 and 28, which is restricted at the highway junction by a telegraph pole and a lamppost.

It is understood that there was a mature silver birch tree on the site that has been felled. This matter is currently under separate investigation.

Details of the Development

The proposals entail the demolition of the existing garages to facilitate the erection of a detached dwelling. The garages are in a deteriorating state of repair and, in my opinion, do not have any particular architectural merit or distinction in themselves to warrant retention. Whilst the garages could be repaired and brought back into active use for their original intended purposes, nevertheless I do not consider their proposed demolition would detract from the character and appearance of the Conservation Area.

The proposed dwelling would extend some 9.5 metres across the full width of the site. The dwelling would be 'L'-shaped with accommodation at ground floor and in the roof space served by a two rooflights and a dormer window in the front roof slope and three rooflights in the rear roof slope. The rear elevation would be set off the rear boundary of the site by approximately 4 metres to provide a separation distance of between 15-19 metres with the rear wings and elevations of 164 and 166 Leam Terrace. The dwelling would have a front gable wing that would be some 3.5 metres in depth with an eaves height of some 3.3 metres. In this form and position, it would stand approximately 13.5 and 7 metres apart from 26 and 28 Leam Street at its closest point.

Forecourt car parking would be available to serve the dwelling and the host properties at 27 and 29 Leam Street with access retained from Leam Street, which may require the existing lamppost to be relocated.

The scheme has now been amended to address concerns raised by the Planning Committee at the previous meeting that the dwelling would be too modern in its appearance and out of keeping with the style of development in Leam Street. Amendments to the elevational treatment of the dwelling have now been made that entail revisions to the style of doors and windows that are more characteristic of the surrounding properties, together with decorative brickwork detailing at the eaves. The height of the building has also been increased by approximately 1 metre to 6.6 metres at the ridge and 3.3 metres at the eaves.

Assessment

In terms of the principle of re-use of the site for residential development, I consider the proposal accords with national statements of planning policy contained within PPG3 and Development Plan Policies regarding the re-use of previously developed land.

Given the location of the site within a Conservation Area, whose character is primarily residential in nature in the vicinity of the site, I am also of the view that a residential use will reinforce and enhance the character of this part of the Leamington Conservation Area. As amended, I am also satisfied that the site has the capacity to accommodate the form of development proposed, in

terms of its siting, size, scale, design and appearance within this part of the Conservation Area. Whilst I note residents objections regarding construction materials and the appearance of the dwelling, nevertheless I am satisfied that these concerns have been addressed by the amendments and that in any event suitable conditions regarding facing, window and roofing materials, rainwater goods and large scale architectural details would ensure a satisfactory standard of design and appearance for the development within this part of the Conservation Area.

In my opinion, the proposal would also make satisfactory provision for car parking to serve the host and proposed dwelling without harm to the highway safety of Leam Street or the surrounding roads. The lack of objection from the Highway Authority reinforces my view on this issue. With regard to the impact of the development on the amenities of neighbouring properties I am also satisfied that the development would not have an unacceptable impact on the living conditions of either future or neighbouring residents in terms of privacy, light, noise, disturbance or outlook, particularly in the context of a Conservation Area development where the Council's approved distance separation standards are not directly applied.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT 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 in accordance with the details shown on the approved drawing 2450/002A, and specification contained therein, submitted on 17 May 2005 except as required by condition 3 below and 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 Notwithstanding any details shown on the submitted plans all door and window frames (including the dormer window) shall be constructed in timber, painted and 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.
- 4 Large scale details of doors, windows (including a section showing the window reveal, heads and cill details), rooflights, dormer window, eaves, verges and rainwater goods at a scale of 1:5 shall be submitted to and

approved by the District Planning Authority before these items are installed. 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 The vehicular access to the site shall not be less than 3.0 metres wide for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway.

REASON : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 6 The dwelling hereby permitted shall not be occupied unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Details of the size and surface treatment of the turning area shall be submitted to and approved by the District Planning Authority before development commences.

REASON : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 7 Prior to the commencement of the development hereby permitted, a plan to show the layout and surface treatment of car parking spaces in accordance with the Council's standard shall have been submitted to and approved by the District Planning Authority. The car parking spaces shall be constructed, surfaced, laid out and available for use prior to the first occupation of the dwelling hereby permitted, in full accordance with the approved plan.

REASON : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 8 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

- 9 The roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the 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.

- 10 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.
- 11 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatments have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such 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.
- 12 A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted.
REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 13 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.
REASON : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 14 No lighting shall be fixed to the external walls or roof(s) of the building(s) hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority.
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.
- 15 Development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards.

No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority.

REASON : To protect the health and safety of future occupiers.

- 16 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 located within the Leamington Conservation Area, 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 maintain an appropriate standard of design and appearance within the Conservation Area and to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 and ENV8 of the Warwick District Local Plan.
