

Planning Committee: 03 July 2012

Item Number: 14

Application No: W 12 / 0510

Town/Parish Council: Leamington Spa
Case Officer: Emma Spandley

Registration Date: 26/04/12
Expiry Date: 21/06/12

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49 Russell Terrace, Leamington Spa, CV31 1HE

Proposed change of use from dwellinghouse (Use Class C3) to HMO (Sui Generis) and three storey side extension FOR Mr B Patel

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

Leamington Town Council: Objection on the proposal does not meet the criteria of Warwick District Councils Parking Standard Supplementary Planning Document.

WCC (Ecology): Informative bat note.

Conservation Officer: Raised concerns with regards to the design of the original extension. Requested the extension to be set back from the front elevation of the building with a lower roof line and the windows to be either timber painted windows or powder coated aluminium.

Public Response: 23 letters of objection have been received. Concerns raised regarding vehicle parking; Saturation of HMOs; noise; change to the character of the area; effect on services such as sewage; density of the population; anti social behaviour and loss of a family home.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

W/03/1127 - R/0 49 Russell Terrace - Erection of new garages; Withdrawn 2003;

W/03/1126 - R/O 49 Russell Terrace - Erection of 5 garages, Withdrawn 2003;
W/05/1908 - R/O 49 Russell Terrace - Demolition of existing lock of garages,
Refused 2006;
W/05/1905 - R/O 49 Russell Terrace - Erection of a dwelling; Refused 2006;
W/05/1290 - R/O 49 Russell Terrace - Demolition of block of 6 concrete garages;
Refused 2005;
W/05/1280 - R/O 49 Russell Terrace - Erection of dwelling; Refused 2005.

KEY ISSUES

The Site and its Location

The application property is a three storey terraced property located on the north side of Russell Terrace within the Leamington Spa Conservation Area. Russell Terrace is characterised by varying styles of properties ranging from Grade II listed buildings, 1960's terraced properties and purpose built blocks of flats.

Details of the Development

The application proposes to demolish the existing single storey garage; erect a three storey side extension and to convert the existing property from a C3 use to a House in Multiple Occupation. (Sui generis)

Assessment

The main issues relevant to the consideration of this application are as follows:

- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the Conservation Area and;
- the impact on parking.

The impact on the living conditions of neighbouring dwellings

Warwick District Local Plan Policy DP1 states extensions should harmonise and enhance existing settlements and reinforce or enhance the established urban character of streets; reflect local architecture and historic distinctiveness and respect the surrounding buildings in terms of scale, height, form and massing.

Policy DP2 states development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The Residential Design Guide (April 2008) provides a design framework for Policy DP1 & DP2 and states side extensions should not infringe on an imaginary 45 degree sightline taken from the quarter point of the nearest habitable room at ground and the centre point at first floor level from a neighbouring property.

The neighbouring property No.51 benefits from a two storey projecting wing which extends into the rear garden, past the rear elevation of the application property. Within the side elevation of No.51, there are a number of windows at first floor level. The windows serve a bathroom and two toilets. The window furthest to the rear of the property, contained within the wing, is a secondary source of light to a habitable room.

Due to the two storey wing of No.51, projecting further than the rear elevation of the existing application property the 45 degree rule will not be breached.

The two storey side extension will not restrict the level of light or outlook to habitable room windows within the side gable of the neighbouring property or breach the 45 degree rule. It is considered the proposed three storey extension will not have an adverse impact of the occupiers of the neighbouring property through visual intrusion or loss of light.

The impact on the character and appearance of the Conservation Area

The Residential Design Guide (April 2008) states side extensions should relate to the design of the original building with matching roof shape and pitch; set backs to ridge levels and facade junctions helps to ensure that new extensions remain subordinate to the existing house.

The extension has been amended to incorporate a set back from the front elevation by 450mm, and therefore the roof has been lowered slightly. The amendments are in line with the Conservation Officers advice. It is considered the design of the proposed extension is in accordance with the Warwick District Local Plan and Policy DP1 and will not introduce an incongruous feature within the street scene.

The Warwick District Local Plan Policy DAP8 states development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas.

The objections raised relate to the change in street character and amenity which may be affected by the proposed change of use to a House in Multiple Occupation, and that the occupants of the house will have a differing lifestyle and thus cause problems. The NPPF does not contain any specific guidance with regards to multiple occupation, although the general guidance at paragraph 50 on the need for authorities to plan for a mix housing based on current and future demographic trends, market trends and the needs of different groups in the community is relevant.

The existing character of Russell Terrace is a mixed and varied one. The Street includes a row of shops; two and three storey houses which incorporate basements; large detached dwelling houses which have been converted to flats and houses in multiple occupation; purpose built maisonettes and two guest house.

On balance and taking into account all the objections raised, it is considered that as Russell Terrace includes a mixture of housing types, the street has the capacity to absorb the use without seriously impacting on the setting or appearance of the Conservation Area or the character of the area.

The Article 4 Direction in existence across the whole of Leamington Spa removes the right to change the use of a property from a single dwelling house (C3) to a house where more than 3 people live together who are unrelated (C4) without requiring planning permission. This Direction was introduced, not to prevent any further changes of use to house in Multiple Occupation / student accommodation in Leamington, but to control the location of any new uses to minimise the impact on the settled community. Therefore all planning applications would be assessed against the policies in place and on their own individual merits.

Parking

The Warwick District Local Plan Policy DP8 states development will only be permitted that makes provision for parking. The Vehicle Parking Standards Supplementary Planning Document states, the parking standards required for Residential Development are 1 space per 2 bedrooms.

The application property will have 8 bedrooms all with en suite facilities. It is acknowledge that the application property can only accommodate 3 spaces on the front garden area (which is existing), however a parking survey has been submitted which was undertaken on a weekday night between the hours of 12.30am and 5.30am. The reason for the time selection was to capture the maximum demand for residential parking, i.e when most residents will be home. The survey includes the whole of Russell Terrace, part of Forfield Place and Farley Street. The survey generally covers a 200 metre distance from the application site.

The survey shows that there is capacity for on street parking and therefore the shortfall of the one car parking space required to meet the minimum requirement of the Vehicle Parking SPD can be accommodated on-street. It is therefore considered that the proposed application will not have a detrimental impact on the residents of Russell Terrace by increasing the pressure for on street parking.

CONCLUSION/SUMMARY OF DECISION

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of parking or use which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

RECOMMENDATION

GRANT, subject to the following conditions.

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 application form, site location plan and approved drawing Nos. Loc 1 & CC/BP/03/12/RT/P/PA/02 Rev D and specification contained therein, submitted on 4th & 23rd April 2012 and 13th June 2012. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.