

Planning Committee: 22 June 2005

Item Number: 28

Application No: W 05 / 0788

Registration Date: 09/05/2005

Town/Parish Council: Leamington Spa

Expiry Date: 04/07/2005

Case Officer: John Beaumont

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The Coachhouse, Northcote Street, Leamington Spa

Retention of existing dwelling without compliance with Condition 9 of planning permission W04/0870 (i.e. to obscure glaze lower pane of existing bedroom window on 'The Old Post Office', not resiting the window) FOR Mr A J Knibb

SUMMARY OF REPRESENTATIONS

Town Council : Objection. The protection of privacy provided by the condition of the original planning consent is presumably as valid now as it was then.

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 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

Planning permission for the erection of a new house to The Old Post Office Gallery, Radford Road, Leamington Spa was granted by the Planning Committee on 16th March 2004, reference W20031964.

Subsequently an amended design was granted planning permission under delegated powers, W20040870. As part of those proposals, an existing first floor bedroom window on the rear of the Old Post Office was shown to be bricked up and a replacement window to that room opened up onto Northcote Street. The reason for these works was to prevent overlooking onto the side elevation of the proposed new house which contained windows to a WC and hallway and a secondary window to a lounge on the ground floor and a secondary bedroom window on the first floor. A condition No. 9 was imposed on the planning permission requiring the proposed works to infill the existing bedroom window and open the new one to be undertaken prior to the first occupation of the permitted new dwelling.

KEY ISSUES

The Site and its Location

The proposed new dwelling (which replaced an earlier coach house) fronts onto Northcote Street and has now been constructed. The existing bedroom window on the first floor of the rear elevation of The Old Post Office, which fronts Radford Road has not been infilled. The site is in a generally residential area located within the Conservation Area.

Details of the Development

The proposal now submitted by the applicant is that rather than brick up the existing window he wishes to leave it as existing but instead to obscure glaze the lower pane of glass (it is a sliding sash window, comprising two sliding panes of glass).

Assessment

The approved scheme achieved a protection of privacy and an avoidance of overlooking (both real and perceived) between the existing dwelling, The Old Post Office, and the new dwelling fronting Northcote Street, by infilling and relocating an existing first floor bedroom window on The Old Post Office. It is now proposed to achieve this effect by obscure glazing the lower pane of the existing bedroom window in The Old Post Office.

Given the fact that this existing bedroom window looks onto the side elevation of the new dwelling which contains mainly small, secondary windows, I consider that this proposal for obscure glazing would be equally acceptable in achieving the desired protection of amenity for the occupiers of the new dwelling.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following condition :

- 1 Before the new dwelling, The Coachhouse, Northcote Street, Leamington Spa is first occupied, the lower pane of the first floor sash window on the rear elevation of The Old Post Office shall be glazed with obscure glass which shall thereafter be retained as such at all times. **REASON** : To protect residential amenity in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan 1995.
