

**Planning Committee:** 12 January 2021

**Item Number:8**

**Application No:** [W 20 / 1531](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jonathan Gentry

**Registration Date:** 29/09/20

**Expiry Date:** 24/11/20

01926 456541 [jonathan.gentry@warwickdc.gov.uk](mailto:jonathan.gentry@warwickdc.gov.uk)

### **8 The Close, Leamington Spa, CV31 2BL**

Proposed erection of single storey side and rear extensions.  
Re-submission of previous application W/20/1197. FOR Ms. J. Auila

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This application is being presented to Committee due to the number of public objection comments received.

#### **RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of the report.

#### **DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the proposed erection of a single storey side and rear extension.

The application forms a re-submission of previous application W/20/1197.

#### **THE SITE AND ITS LOCATION**

The application site relates to a two storey, three bed detached dwelling located to the west of The Close, Leamington Spa, within a predominately residential area. The property is set between two storey properties, that of No.4 and 6, Maisonettes to the north, and No.10 to the south.

#### **PLANNING HISTORY**

W/20/1197 - Change of use to 5 Bedroom HMO and erection of single storey side and rear extensions - Withdrawn

#### **RELEVANT POLICIES**

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- [Guidance Documents](#)

- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document)
- Royal Leamington Spa Neighbourhood Plan 2019-2029  
Officer Note - While this is not yet formally made (as it has not yet been through a referendum) the above document has been through its final examination and as such is afforded substantial weight in the decision making process.
- RLS2 - Housing Design

## **SUMMARY OF REPRESENTATIONS**

**Public Response** - 8 letters of objection received, citing the following concerns:

- Loss of the existing family home
- Concern that the proposal seeks to create a HMO at the property.
- Concern over parking demand generated through creation of a HMO.
- Negative impact on character of street through extension work.
- Negative impact on light to neighbouring properties.

**WCC Ecological Services** - Comments remain as per previous application W/20/1197 - Recommend advisory notes relating to bats and nesting birds attached to any grant of consent.

## **ASSESSMENT**

### Impact on the amenity of neighbouring uses

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy.

The proposed side/rear extension would extend beyond the rear of the property by 4.0 metres. However, owing to the position of the property in relation to those neighbouring, the enlargement would not result in any breach of the WDC 45-degree guideline to neighbouring sites.

It is noted that the maisonettes to the north of the application site feature side facing windows at ground floor level that are directed towards the application site. However, the presence of the existing garage to the side of the application site means that outlook in this direction is already limited. In addition, Officers note that a single storey side extension of similar scale could be constructed in this location without formal planning consent through permitted development rights held by the dwelling. As a result, Officers assess that the proposed single storey extension would not result in the generation of material harm by way of loss of light and outlook.

In addition, no element of the extension is considered to result in the generation of material harm to amenity by way of loss of privacy or overlooking to neighbouring properties.

It is therefore considered that the proposals are in accordance with Local Plan Policy BE3.

### Design and impact on the street scene

Warwick District Local Plan Policy BE1 and Leamington Spa Neighbourhood Plan Policy RLS2 state that development will be permitted where it harmonises with and improves the character of the surrounding area. The adopted Residential Design Guide also sets out design principles to which development proposals will be expected to comply.

The proposed single storey extension will be visible to the side of the property from The Close. The extension features a lean-to roof that accords with the property's primary roof, and adopts a clearly subservient scale, particularly when viewed from its frontage. It would replace an existing flat roof side garage, which makes no notable contribution to the character of the street scene. The proposals are found to harmonise with the existing property and settlement, respect the scale and massing of surrounding of built form, and adopt appropriate materials.

The development is therefore viewed to accord with the guidance set out in the Council's Residential Design Guide, policy BE1 of the Warwick District Local Plan, and Policy RLS2 of the Leamington Spa Neighbourhood Plan.

### Parking

The WDC Parking Standards SPD outlines that properties featuring two or three bedrooms should account for the provision of two parking spaces. While Officers consider that the existing driveway area to the frontage of the property could comfortably accommodate one vehicle, one on street parking space is required.

Noting that garages are not usually held to constitute parking spaces, the single garage currently in place to the side of the property would be lost through construction of the proposed extension.

The development does not propose the creation of any additional bedrooms within the extension area or existing property. As a result, the required parking provision at the site will not be impacted by the scheme.

In line with the above assessment, the proposal is considered to comply with Local Plan Policy TR3.

### Ecology

The Ecologist at Warwickshire County Council has recommended that advisory in relation to bats and nesting birds are attached to any grant of consent. Officers agree with this recommendation and consider that the imposition of explanatory notes regarding the applicant's responsibility with regard to the noted species are appropriate.

### Other matters

The majority of public objection comments received relate to concerns regarding the potential creation of a House of Multiple Occupation (HMO) at the property. The previous application at the site, W/20/1197 proposed the creation of a five

bed HMO alongside the extension proposed under this scheme. The previous full application was withdrawn prior to determination, as assessment of the potential change of use indicated that creation of a HMO was unlikely to be supported in this location.

This application does not propose a change of use to create a HMO, and has been assessed solely in relation to the householder extension proposed. It would not grant consent for the creation of a HMO, and a full application for this change of use would be required, given that the property lies within the Leamington Spa Article 4 Direction that removed permitted development rights for this change of use.

Several comments received referenced the proposed internal layout. The proposed scheme has been subsequently revised to feature a more traditional internal layout. Notwithstanding this, it should be noted that internal reconfiguration works do not constitute development, and as such do not require the consent of the Planning Authority, provided this would not constitute a material change of use.

With mind to the previous application, and the objection comments received, Officers assess that it is reasonable to apply an advisory note to any grant of consent that reiterates that this relates solely to householder extension works, and separate planning consent would be required to create a HMO at this property.

### **Conclusion**

The scheme is considered acceptable, having regard to the character of the street scene, the existing built form, and the impact on the amenity of neighbouring properties. Officers are also satisfied that the scheme would not result in harm to protected species.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved site location plan '4037-01B' submitted on the 29th September 2020, revised drawing '4037-02C' submitted on the 26th November 2020, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.