

Planning Committee: 11 January 2006

Item Number: 01

Application No: W 05 / 0574

Registration Date: 24/03/05

Town/Parish Council: Leamington Spa

Expiry Date: 19/05/05

Case Officer: David Edmonds

01926 456521 planning_appeals@warwickdc.gov.uk

5 Radford Road, Leamington Spa, CV31 1NG

Retention of house in multi-occupation for 6 bedrooms FOR Mr Runjit Bhopal

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: *The subdivision of the house to facilitate separate units of accommodation represents an inappropriate change of use by virtue of creating an over-intensive use of the dwelling.*

CAAF: It was considered that the internal accommodation was poor illustrated by one bathroom having to be entered through another person's bedroom. Verbal concerns also expressed about the creation of the large 'box' dormer on the rear elevation.

RELEVANT POLICIES

- ER.1 - Natural and Cultural Environmental Assets (Warwickshire Structure Plan 1996-2011).
- (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)

INTRODUCTION.

The assessment of the application has been delayed partly as a result of difficulties in arranging an internal inspection with the applicant, who does not live in the property. Also, this has enabled the assessment to take account of two relevant appeal decisions made during the autumn of 2005 that raised some similar issues; a proposed 17 bed House in Multiple Occupancy at 64 Russell Terrace, a road running parallel with Radford Road to the north and a proposed day care nursery at 15 Radford Road, about 60 metres to the east.

PLANNING HISTORY

An application for planning permission for the erection of a single storey rear extension; formation of a front lightwell enclosed by metal railings, and an enlargement of the roof to create a rear facing 'box' dormer, was granted permission

in September 2002, (Reference W2002.1142). The original environmental health concerns regarding lighting to the basement were allayed by confirmation from the applicant that the basement would be used for storage associated with the continued use of the property as a single dwellinghouse. This was granted before the Leamington Conservation Area was extended to include this part of the road.

In 2004 reports were received that the house was being used as a House in Multiple Occupancy (HIMO), for 6 persons, with the basement not having been altered, at that stage.

An application for planning permission, in retrospect, for the change of use from dwellinghouse to a house in multiple occupation for a maximum of 8 people, involving the creation of bedrooms within the basement and a front light well, (Reference W2004/2263) was withdrawn. This followed environmental health concerns with these proposals including the light to the proposed basement bedrooms.

KEY ISSUES

The Site and its Location

The application property is a two storey, Victorian, semi detached dwelling. The approximately 0.18 hectare site fronts onto the north side of the A425 Radford Road, a radial road linking the southern part of the Leamington Spa Town Centre to Southam and Daventry. The site lies in predominantly residential area within the 'Old Town' part of Leamington town centre, broadly 40 metres to the east of the commercial core, as defined by the Warwick District Local Plan proposals map. The application is located within the Leamington Spa Conservation Area. There is a public footpath between the side of no's 5 and 7 Radford Road providing rear access to the application site and to properties fronting George Street and Forfield Place. The adjacent property, at no.7, has recently been converted to seven flats with the benefit of planning permission granted in December 2004. This stretch on the north side of Radford Road, therefore, has an intensive residential character interspersed with some commercial uses

Details of the Development

Planning permission, in retrospect is sought for the retention of the use of the property as a 6 bedroom HIMO. The floor plans show two bedrooms at ground floor level (in place of the former lounge and dining room), with a kitchen within the extended rear wing. The first floor plans show 3 bedrooms and bathroom. The upper floor plan shows a large bedroom in the roof space with a roof light on the roof plane facing the road and a large dormer window facing the rear. The basement would be retained as two store rooms, with a lightwell in the front.

Assessment

The main issues are the effect on the character and appearance of the Conservation Area, the effect on living conditions of future occupants and highway safety.

Regarding the effect on the appearance of the Conservation Area, all the alterations indicated on the proposed floor plans, including the large front lightwell and rear flat roof dormer, were granted planning permission under application reference W2002/1142. They are not therefore part of the development for which planning permission is being sought.

In respect of character, the development has and would result in a more intensive use and has altered the balance of uses between single family dwellings and HIMO's/flats. Such issues were considered by the Inspector for the 64 Russell Terrace proposals for a much more intensive proposed HIMO. He noted, however, that there is no specific policy guidance regarding the definition of what an acceptable balance might be or whether the appeal proposal would tip the balance away from family dwellings and towards multioccupation to result in detriment to the area. He also concluded that the proximity to more established or permanent residential properties should act as a brake on the worst excesses of any anti social behaviour. There is no reason to believe, in the event that this application was refused and was the subject of an appeal, that the outcome would be any different particularly as this case is for a far less intensive residential development.

In respect of living conditions for future occupants, an internal inspection reveals that the subdivision of the house has still left a modicum of communal space in the shared and extended kitchen. The rear garden offers some modest amenity space together with space for a bin store and cycle store. The number of bedrooms is not considered excessive for a property of this size and in some respects the overall layout is less cramped than the 64 Russell Terrace proposal where the original front rooms have been divided by partitions in the middle of the front bay windows. Regarding the specific concerns of the access to the bathroom, it is considered this is an environmental health rather than planning matter, and in any event, the floor plans indicate that access is indeed separate from the bedroom concerned.

Regarding the effect of a more intensive residential use on the highway conditions of this section of Radford Road, it is not considered that the limited extra demand for on street parking spaces would compromise the safe and free flow of traffic and safe use of the road to an unacceptable extent, particularly as it is now an application for a 6 rather than 8 bed HIMO. It is probable that the occupants of the HIMO would have a lower than average car ownership and that the location of the site just within the town centre and close to public transport links would mean that the extra demand for roadside spaces would be minimal. There is also some scope to park in the side roads of George Street and Forfield Place and there is space in the rear garden for cycle storage.

The Inspector, in respect of the more intensive 64 Russell Terrace proposal, concluded that the demand for extra on street parking spaces would not so seriously overwhelm the local availability of on-street parking spaces as to warrant refusal on highway grounds. Although these two cases are not directly comparable, with Radford Road being more busy, this would be compensated by the significantly lower extra demand. Also, it is not considered that the intensity of use is comparable with the proposed day care nursery use (for 47 children) at 15 Radford Road, on which an appeal has recently been dismissed, for highway safety reasons.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 Within six months of the date of this permission, facilities for the storage of refuse shall be constructed in accordance with details that shall first have been submitted to and approved, in writing, by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of occupiers of the site and the

character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan.

- 2 Within six months of the date of the permission cycle parking facilities shall be constructed, laid out and available for use, in accordance with a plan showing the layout and surface treatment that shall first have been submitted to and approved, in writing, by the District Planning Authority. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development.

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 development does not adversely impact on the character and appearance of the area and does not give rise to traffic effects which would be detrimental to highway safety. The proposal is therefore considered to comply with the policies listed.
