

Planning Committee: 28 February 2012

Item Number: 14

Application No: W 11 / 1457

Town/Parish Council: Leamington Spa
Case Officer: Rob Young
01926 456535 planning_east@warwickdc.gov.uk

Registration Date: 06/12/11
Expiry Date: 31/01/12

Mortimer Lodge, 52 Kenilworth Road, Leamington Spa, CV32 6JW

Demolition of existing single storey side extension and erection of replacement single storey side extension; and demolition of existing front boundary wall and erection of replacement front boundary wall and gates. FOR Mr Kohli

This application is being presented to Committee due to an objection from the Town Council having been received. The application has also been requested to be presented to Committee by Councillor De Lara Bond.

SUMMARY OF REPRESENTATIONS

The following comments were submitted in relation to the original plans. The Town Council and neighbours have been renotified following the receipt of amended plans and any further comments will be included in the addendum report to Planning Committee.

Town Council: The demolition of the existing boundary wall and mature hedge and the replacement with a new wall and gates will adversely impact on the Conservation Area.

Cllr De Lara Bond: Requests that the application be determined by Planning Committee. The application relates to developments within the Conservation Area of which some aspects will have a negative effect detracting from, opposed to enhancing or preserving the designated area.

Public response: The occupier of the coach house at the rear of the application site has objected to the proposals on the following grounds:

- in this part of Kenilworth Road only one property has gates - No. 58 - and those are left open and not automated;
- the gates would prevent deliveries and emergency services from accessing their property; and
- cars waiting for the gates to open would overhand the highway, causing a hazard.

Conservation Area Advisory Forum: Members supported the proposed side extension. Concern was however expressed in respect of the boundary wall treatment. In principle they were not against the front treatment but would like to keep/see a hedge retained. The "Buckingham" Palace style gates were not felt to be appropriate; straight rather than a concave curve, was felt to be preferable; the fact that they were noted as being sliding and of solid

construction was also not felt to be appropriate. Investigation should be undertaken to ascertain if there were any records of what was there "historically"

WCC Highways: No objection. However the replacement boundary wall must not encroach into the limits of the public highway. Proposed ground floor plan 11.165-005a indicates the position of the existing and proposed pillars and wall, and whilst the replacement wall would appear to be along exactly the line of the existing wall, the pillars would appear to encroach into the limits of the existing highway. The new pillars must not be positioned any further forward into the public highway than the line on which the existing ones are currently positioned.

WCC Ecology: I would recommend bat and nesting bird notes are attached to any approval granted. Also, any existing trees and hedgerows to be retained that may be impacted through the works should be protected by works by an appropriate buffer, 2-3m, from the existing canopy edge.

WDC Conservation: This proposal is for the replacement of an existing summer house / conservatory with a larger garden room. The present sun lounge appears to be a later addition to the house, however it would be helpful to gain access to the rear garden to inspect this fully before the final permission for its demolition. The proposed replacement building is a suspended structure with similar detailing to the main house. I consider that the scale is generally appropriate; an alternative would be to reflect the full two storey height, however this may be out of character considering the scale of these houses and the likelihood of a traditional garden room being slightly lower than the main storey height. I consider that, subject to appropriate detailing, the front elevation is acceptable. In terms of the rear elevation, this has tall bi-folding doors with a small glazing bar section to the head of each door. It may be more appropriate in this context to treat the upper part of the door as a fixed fan light with a folding section being the lower part. I would generally consider this extension to be acceptable, subject to large scale detailing and choice of materials. In terms of the alterations to the front wall, I would like to consider this in the context of adjacent front walls. I note that certain panelled walls have been built in other locations in Kenilworth Road, however I would like to consider in more detail the boundary treatment on site. The gate similarly with arched tops, I consider, would be more appropriate with a straight top. Full details of gates will need to be submitted with samples of the heads to be used before the work commences.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)

PLANNING HISTORY

There have been a number of previous planning applications relating to the application site but none of these are relevant to the consideration of the current application.

KEY ISSUES

The Site and its Location

The application relates to a two storey detached Victorian villa situated on the eastern side of Kenilworth Road. The application site is situated within a predominantly residential part of the Leamington Spa Conservation Area. The rear wing of the property is divided into flats while the main part of the building fronting onto Kenilworth Road comprises a two storey house.

The application property has an existing single storey brick and glazed extension on the southern side of the main house that is not in keeping with the character and appearance of the Conservation Area. The front boundary of the application site is currently defined by a low brick wall with a hedge behind. There are more substantial rendered piers at either end of the site frontage. There are two vehicular accesses at either end of the site frontage and these are not currently gated. The northerly of these is shared with the coach house dwelling to the rear of the site.

Details of the Development

The application proposes the following development:

- demolition of the existing single storey side extension and erection of a replacement single storey side extension; and
- demolition of the existing front boundary wall and erection of a replacement front boundary wall and gates.

The following amendments have been made to the application:

- front wall reduced in height to 1400mm;
- gates changed to a flat top design;
- gates changed to inward opening;
- gate piers set back off adopted highway; and
- rooflights to extension reduced in size.

Assessment

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

- the impact on the living conditions of neighbouring properties;

- the impact on the character and appearance of the Conservation Area; and
- highway safety.

Impact on the living conditions of neighbouring properties

I do not consider that the proposals would have a significant impact on the living conditions of neighbouring properties. The proposed single storey side extension would be situated alongside the old people's home at No. 50 Kenilworth Road and would replace an existing smaller extension. The proposed extension would be separated from the nearest windows in the side of No. 50 by the existing 1.8m high boundary wall and the driveway to No. 50. Therefore, being a single storey structure viewed against the existing two storey bulk of the application property, I do not consider that it would cause undue loss of light or loss of outlook for No. 50.

I note the concerns that have been raised by the neighbour in the coach house at the rear of the application site regarding the impact of the proposed gates on access to their property for visitors and deliveries. However, this issue relates to private rights of access and this is not a matter that can be considered in the assessment of a planning application.

Impact on the character and appearance of the Conservation Area

As amended, I am satisfied that the proposals would preserve the character and appearance of the Conservation Area. The amendments have addressed the concerns of the Council's Conservation Architect. The reduction in the height of the front boundary wall will ensure that the proposed wall does not appear unduly tall in comparison with the other front boundary walls in this part of Kenilworth Road. The amended design for the gates shows a more traditional flat top and inward opening arrangement. The design and form of the proposed extension would be in keeping with the application property and surrounding development.

With regard to the comments of CAAF regarding the design of the gates, the amendment to show a flat top would address part of their concerns. However, the amended gates remain solid, which was another cause for concern for CAAF. Nevertheless, I am not convinced that solid painted timber gates with ironwork attached to the outer face would be inappropriate for this location.

I note the comments of the neighbour about there being no other gates in this part of Kenilworth Road. However, I do not consider that this would justify a refusal in principle to the provision of any form of gates at this site. Subject to an appropriate design (which has now been achieved), gates would not look out of place on a property of this type.

I note the concerns of the Town Council and CAAF about the loss of the boundary hedge. However, whilst the existing hedge is an attractive feature in the street, the proposed wall would be an appropriate front boundary treatment for this part of the Conservation Area. Furthermore, this hedge is not considered

to be worthy of a Tree Preservation Order and consequently consent would not be required for its removal.

Highway safety

I note the concerns that have been raised by the neighbour about access for emergency services and vehicles overhanging the public highway. However, there has been no objection from the Highway Authority and therefore I am satisfied that the proposals would be acceptable from a highway safety point of view. On the particular issue of access for emergency services, as this relates to a private access serving 5 dwellings this is a private matter to be agreed between the various properties with rights to use this access. A grant of planning permission would not override any private rights of access.

The gate piers have been relocated so that they would not encroach onto the public highway and this has addressed the issue raised by the Highway Authority.

Other matters

In view of the small size of the extension, the proposals are unlikely to result in a significant increase in the energy requirements of the application property. Therefore I do not consider that it would be appropriate to require on-site renewable energy production as part of these proposals, in accordance with Local Plan Policy DP13.

RECOMMENDATION

GRANT, subject to the conditions listed below.

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(s) 11.165/005b, 11.165/006c, 11.165/007b & 11.165/008a, and specification contained therein, submitted on 23 November 2011 & 1 February 2012, 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves,

rainwater goods, the boundary wall, entrance piers and gates at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

- 4 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 5 All rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 6 The gates hereby permitted at the entrances to the site shall not open outwards towards the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. Furthermore, the proposal would not adversely affect the amenity of nearby residents and would be acceptable in terms of highway safety. The proposal is therefore considered to comply with the policies listed.
