

Planning Committee: 03 August 2005

Item Number: 05

Application No: W 05 / 0570

Registration Date: 08/04/05

Town/Parish Council: Leamington Spa

Expiry Date: 03/06/05

Case Officer: John Beaumont

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19 Sherbourne Place, Clarendon Street, Leamington Spa, CV32 5SW

Demolition of double garage and erection of new dwelling ('coach house')

FOR Amar Developments Ltd

This application is reported to the Committee because of the objections received from the Town Council and neighbours. See also application W05/0571CA on this agenda.

SUMMARY OF REPRESENTATIONS

Town Council : (Comments on original plans) - Object. (1) The design of the 'coach house' is considered unsympathetic to the dwelling and its neighbourhood. (2) The proposal represents an over-intensive use of the site and the loss of amenity space. (3) The proposed conversion to multi-occupation represents the loss of a significant independent dwelling. (4) The loss of parking space within the site will lead to further pressure on parking within the highway.

(Comments on amended plan) - Object. The proposal is considered to be unacceptable backland development.

Neighbours : 13 neighbours wrote to object to the application on grounds of increased on-street car parking problems, the site of the coach house should be used for off-street car parking; loss of light to adjacent gardens due to the coach house (comment on original plans).

One letter expressing pleasure that the house is no longer to be converted into flats but still objecting to the coach house proposal has been received. A petition of 96 signatures was received objecting to the original application for the conversion of original house to 4 dwellings and the erection of a coach house.

CAAF : The house should be retained as a single dwelling. The coach house was poorly designed and did not enhance this Conservation Area. It was felt that this would be better kept as a single dwelling with a large garden which would be marketable to anyone looking for this size of house. (comments relate to original application).

Head of Environmental Health : No objection.

WCC (Highways) : No objections subject to highway conditions. (NB. due to the limited dimensions of the parking areas, medium/large cars may have difficulty closing the gates and opening the french doors fully.)

Head of Amenities : "The TPO on the hybrid black poplar was made in response to a Conservation Area notification that put forward no good reason for the removal of the tree. However, in the context of a development that will markedly improve the character of the area I would have no objection to the removal of this tree, provided that a suitable replacement could be secured within the site. Hybrid black poplar is not, in any event, an ideal species for this location.

If it is desired to retain the trees through development then some issues need addressing. Both the boundary (less than 1m from the tree base) and nearby hard paving will need to be constructed in such a fashion as to avoid root severance. The hard surface will also need to be permeable. To this end, detail of the boundary construction and hard surface construction, including existing and finished levels, will need to be submitted. If the area is to have any vehicular access then details of how levels will be matched to the level of the highway without significant excavation will be needed.

A rather more significant issue is that the building comes within 4m of the two trees. This distance is not sufficient given the size of the trees. 4m is an absolute minimum distance for protective fencing around trees of this site, and that can be applied to one side only. Given that additional room for working is required the footprint of the building needs to move away from the trees by at least 1.5m.

In this situation, I believe the most sustainable solution is to remove the trees and take the opportunity to secure replacement planting with a more suitable species elsewhere within the site."

RELEVANT POLICIES

(DW) ENV24 - Tree Preservation Orders (Warwick District Local Plan 1995)
(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

There is no relevant planning history.

KEY ISSUES

The Site and its Location

The site is located within Leamington Spa in the Conservation Area and has a frontage to Sherbourne Place with its side elevation onto Lower Villiers Street and its rear boundary fronting Hill Street. The property is presently vacant. To the rear of the site are a pair of prefabricated concrete garages accessed off Lower Villiers Street. The site also contains two trees, one of which (a black poplar) was made the subject of a provisional TPO on 20th May 2005 albeit this notice has not yet been confirmed.

Details of the Development

As originally submitted this application included a proposal to convert the existing house into four flats; this element of the scheme has been withdrawn and the property will remain as a single dwelling. The proposal is now to erect a single coach house dwelling at the rear of the site on the footprint of an existing pair of prefabricated garages which it is proposed would be demolished (see application W05/0571CA on this agenda). An amended design of coach house has been submitted which would have a hall, W.C. and living room/kitchen on ground floor with two bedrooms and a bathroom on the first floor. The 'coach house' would adjoin the Hill Street frontage with a gable onto Lower Villiers Street; part of the rear wing to the 'coach house' would be single storey. It is proposed to construct a new boundary wall and a sliding timber gate to a parking space/garden area accessed off Lower Villiers Street.

Assessment

As amended, this application now relates solely to the replacement of the existing prefabricated concrete garages with a 'coach house' dwelling. Attention is drawn to Conservation Area application W05/0571CA on this agenda for the demolition of the existing building. The erection of the replacement coach house raises issue of design/Conservation Area; impact on neighbours amenity, car parking/highways safety, impact on trees.

With regard to design, I consider that as amended this would be a wholly acceptable addition to the Conservation Area which would be a significant enhancement of this prominent corner site. Whilst recognising that it would be a larger building than the present garages, I do not consider it would cause unacceptable harm to neighbours amenity and I note vehicular access to the existing garages already exists off Lower Villiers Street. Whilst conscious of the opposition raised to the application as originally submitted on car parking grounds and recognising that this application will create one additional unit of accommodation on the site of existing garaging serving 19 Sherbourne Place, I do not consider a refusal of this amended application for a single dwelling on car parking grounds could be sustained; the scheme as submitted does include the possibility of one car being parked on site.

I note the comments of the Amenities Officer regarding the possible adverse impact of this development on the TPO 'Black Poplar'. I am mindful, however, that the rear part of this 'coach house' has been designed to be single storey and that the proposed works would only affect parts of the possible root spread of this tree. In these circumstances, I consider it possible that the tree

could be retained and therefore rather than removing the tree as suggested by Amenities and requiring its replacement, I consider the undertaking of the works and the construction of the development and hard surfacing/boundary detail should be conditioned to seek to ensure that this tree is retained as a feature of the Conservation Area.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT as amended subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 Subject to Condition 9 below, the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 106/SK/101/A and 106/SK/102/A, and specification contained therein, submitted on 6th July 2005 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 Local Plan Policy ENV3.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 The roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 5 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 6 No development shall be carried out on the site which is the subject of this permission, until large scale details of sliding timber gate doors, windows

(including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 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 : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

- 7 No work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason.
REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan.
- 9 Notwithstanding the details shown on the approved plans, the gates and adjacent coach house boundary wall fronting Lower Villiers Street shall not exceed 0.9 metres in height and details of the surface treatment and means of enclosure of the rear courtyard shall be submitted to and approved in writing by the District Planning Authority. The development shall be carried out strictly in accordance with the approved details. **REASON** : In the interests of highway safety in accordance with the requirement of Policy ENV3 of the Warwick District Local Plan.
- 10 The development hereby permitted shall not be brought into use until all parts of existing accesses to Lower Villiers Street, not included in the proposed means of access, have been permanently closed and reinstated in accordance with details approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.