

Planning Committee: 14 February 2005
Application No: W 04 / 2123 LB

Principal Item Number: 20

Town/Parish Council: Leamington Spa
Case Officer: Alan Coleman
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Registration Date: 01/12/2004
Expiry Date: 26/01/2005

1 Bertie Terrace, Leamington Spa, CV32 5BL

Conversion of existing house into 1 mews dwelling , five flats and new detached dwelling
to rear FOR Hazelmark Properties

SUMMARY OF REPRESENTATIONS

Original Plans

Town Council: "Concern is expressed regarding the provision of a new detached dwelling which will lead to an over intensive form of development that will compromise amenity and distract from the setting of the Listed Building within the Conservation Area."

CAAF: "Generally conversion to the existing building was considered acceptable. Concern however, was expressed at the mews dwelling at the back which it was considered inappropriate in this location. It was felt that the amenity space and parking would be reduced for the flats and that this part of Gulistan Road did not warrant a further dwelling."

Neighbours: Two letters of objection from the residents of 7 and 8 Vodena Court on grounds of loss of parking by the siting of the proposed dwelling causing an increase in demand for on-street parking in Gulistan Road in particular that already experiences problems of congestion; over-development of the site to the detriment of neighbouring/future residents' amenities; inadequate justification for proposed dwelling as enabling development, and; disruption to local residents during construction.

Amended Plans

Town Council: "(1) Concern is expressed regarding the provision of a new detached dwelling, which will lead to an over intensive development that will compromise amenity and detract from the setting of the listed building. (2) The proposal is considered to be of a poor quality design which will have an adverse impact on the existing settlement."

WDC (Environment Health): "*The amended plans detail the provision of appropriate sound insulation between floors to reasonably limit noise breakout - both impact and airborne sound - between separate flats, particularly where bedrooms are sited directly below "living" rooms.*"

RELEVANT POLICIES

(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)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV15 - Encouragement of full use of Listed Buildings (Warwick District Local Plan 1995)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Planning permission for the conversion of the property into 6no. self-contained flats and the erection of 5no. garages was granted in 1966 under application 11199. Permission was also granted for the conversion of the third floor to a self-contained flat in 1972 under application 15395. More recently, applications for Listed Building Consent and Planning Permission for internal and external alterations including the installation of replacement windows, reinstatement of the entrance, repair and replacement of railings, recovering front bay, repointing etc. and provision of a rear parking area was granted on 12th June 1990. A previous application for the conversion of premises to form 1 no. self-contained basement flat, 5 no. self-contained flats on the upper floors, 2 no. mews dwellings and re-building of rear wing was withdrawn on 22nd June 2004 (WDC Ref: W04/0105).

KEY ISSUES

The Site and its Location

The premises comprise a 4-storey Grade II listed town house that stands on the northern side of Warwick Place at the end of a terrace of similarly listed properties, collectively known as Bertie Terrace, within a predominantly residential part of the Leamington Conservation Area. The property is broadly similar in design, appearance and layout to the neighbouring properties in the terrace, all of which have been converted into flats. The property was formerly managed by Orbit Housing Association and is currently vacant.

The front of Bertie Terrace is served by a private driveway accessed from Warwick Place. The rear boundary of the site is open to Gulistan Road, which is a cul-de-sac providing vehicular access to neighbouring properties in Bertie Terrace, 20-28 (evens) Warwick Place as well as Gulistan Court, Voden Court and No's 5-21 (odds) that stand on the opposite side of the road. A forecourt of garages serving Voden Court stands opposite the rear boundary of the site. There are 2 no. mews dwellings at the rear of 8 Bertie Terrace that stand on the corner of the junction of Gulistan Road with Union Road. There are also coach house style out-buildings of differing size and scale at the rear of 3 and 7 Bertie Terrace. There are no parking restrictions in Gulistan Road, although capacity is limited by the number of dropped kerb openings on both sides of the road.

The property is in a deteriorating condition and has a number of structural defects, which have necessitated certain remedial works being undertaken to stabilise the building. The nature and extent of these works is summarised by the applicant as follows:

- Demolition and rebuilding of several structural walls within basement area which were severely deflected (bowed) owing to a tendency for the whole terrace to have moved in an east-west direction. Supporting of structural walls above by means of "pinning" during works.
- Removal of remaining brick vaults beneath hallway, which were about to collapse due to above structural movement.
- Replacement of hall floor with concrete beam and block construction. This has been extended to include the entire ground floor, as the remaining rooms had substandard flooring which had been affected by dry rot. The structural engineer felt the beam

and block system would provide improved stability for the building and would help counter any tendency for future movement.

- Demolition to ground level and rebuilding in reclaimed brickwork of entire rear stairwell abutment which was subsiding and falling away from main building due to lack of footings, poor drainage and poor construction. This had been shored up with scaffolding for five years after Orbit Housing had pulled its tenants out of the property.
- Rebuilding of part of staircase and replacement of large sash window in above structure.
- Extensive mass concrete underpinning where required by above works (stairwell, internal walls, rear outer wall etc.). Replacement and improvement of front buttress.
- Partial demolition and rebuilding of structural landing walls, also affected by historic movement.
- Restraining of rear wall of main house (previously rebuilt, but not restrained) by means of several steel beams bracketed to wall.
- Removal of a large unsupported stud wall which was deflecting the floor carrying it, and dragging a masonry archway down with it.
- Replace a number of floor joists at upper levels affected by dry rot.
- Eradicate source of dry rot (not previously identified) by reclaiming in-filled rear chamber in basement where previous builders had dumped approx. 20 tonnes of waste including rotting organic material (timber etc.).
- Repair leaks to roof of side wing, which had caused damage to ceilings beneath. Replace ineffective gutters throughout to eliminate water spillage down brickwork.
- Replace poor and leaking main roof covering with reclaimed slate. Repair and improve dormer windows.
- Repair or replace many roof timbers, including replacing main purlins which were bent and cracked due to movement and increased loads from dormers.
- Add ridge beam to support sagging roof.
- Remove and replace majority of third floor (loft floor) which was up to six inches out of level due to deflection of old timbers and general structural movement.
- Stabilise and support main roof truss which had become disengaged with main front and rear walls of property, and was providing little support to the roof.
- Steel beams fitted to provide support to the truss will also reduced any future tendency for outward splaying of walls.
- Replace potentially damaging soakaway with new drainage.

With the exception of the final work to the main roof, and the replacement of the gutters, most of the above has already been carried out. It was felt that much of these repairs were of a pressing and essential nature, and it was obvious that in the five years since Orbit had abandoned the property, many of the defects were becoming more acute. Gaps in the brickwork were becoming large enough to put a hand in, and the only thing keeping the basement walls and vaults in place were a series of timber props. The cost of these works to date is estimated to be in the region of £200,000. Although not inspected, these works are considered to be acceptable. The rear stairwell has also been re-built in consultation with English Heritage and is also considered to be acceptable.

Details of the Development

Planning application W04/0105 was withdrawn in light of concerns regarding the nature and extent of the conversion works proposed to sub-divide the property into 8no. separate dwellings. The current application seeks to address these concerns by reducing the number of dwellings within the building and includes a proposal for a detached dwelling at the rear of the site, essentially as 'enabling' development to offset the cost of the remedial structural works. The proposals described above have now been further amended to largely address concerns regarding the proposed layout of the property and comprise measures to retain the configuration and architectural features of the rooms.

The siting, scale, design and appearance of the dwelling at the rear of the site has also been amended to have an 'L' shaped layout incorporating a gable elevation and front boundary wall in alignment with Gulistan Road. The height has also been reduced to 7 metres at the ridge to allow first floor accommodation in the roof space, whilst the main body of the dwelling has an asymmetric roof descending in height to the rear to some 2.5 metres at the eaves. 2no. rooflights are proposed in the rear roof slope whilst the rear gable elevation would incorporate a vertically boarded timber escape door at first floor level. Provision for 2 no. surface parking spaces is proposed to serve the dwelling that would be located alongside the western side elevation. Private amenity space to serve the dwelling is also proposed in the form of a walled courtyard at the rear that would extend across the width of the dwelling to a depth of approximately 7 metres.

There would be a distance separation of between 12-15 metres between the rear elevations of the proposed dwelling and 1 Bertie Terrace, which would utilise existing windows to serve habitable rooms. The intermediate area outside the walled courtyard would provide shared amenity space for future residents of the proposed apartments. There would be a distance separation of over 20 metres between the front elevation of the proposed dwelling and the nearest dwelling opposite at 5 Gulistan Road.

Assessment

As amended, I consider the proposed conversion works are acceptable in terms of the impact on the fabric, character and appearance of this Listed Building. The structural condition of the building would also be restored in an acceptable manner which would enable full residential use of the property to be resumed. In my opinion, the proposals would thereby also enhance the setting of the neighbouring Listed Buildings in Bertie Terrace and the character and appearance of the Conservation Area.

I note the objections raised in respect of the proposed new dwelling. However, as amended, I consider the site has the capacity to accommodate the dwelling without detriment to the setting of the host or neighbouring Listed Buildings, the character or appearance of the Conservation Area or the amenity of nearby dwellings; it has been specifically designed to avoid overlooking and in my opinion will not result in an overdevelopment. With regard to car parking the site layout includes two off-street car parking spaces for the dwelling, which I consider acceptable in this edge-of-town centre location. Indeed, I note the observations of the Highway Authority which reinforces my opinion on this matter.

REASON FOR RECOMMENDATION

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

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The works hereby permitted must be begun not later than the expiration of five years from the date of this consent.
REASON : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 The works hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing 421-09 and specification contained therein, submitted on 30th November 2004 and approved drawings 421-05C, 06C, 07C, 08A and 10A and specification contained therein, submitted on 24th January 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 works in accordance with Local Plan Policy ENV3.
- 3 No works shall be carried out on the site which is the subject of this permission, until large scale details of doors, architraves, windows (including a section showing the window reveal, heads and cill details), railings (including means of installation, staircase bannisters, spindles and newel posts, rooflights, dormer windows, cornices, skirting boards, picture rails, eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The works shall not be carried out otherwise than in full accordance with such approved details.
REASON : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
- 4 No works shall be carried out on the site which is the subject of this permission, until details of fireplaces, the proposed boundary courtyard wall, metal spiral staircase, extraction vents, grills and any proposed television aerials and satellite dishes have been submitted to and approved by the District Planning Authority. The works shall not be carried out otherwise than in full accordance with such approved details.
REASON : Insufficient details were submitted for these matters to be fully and properly considered in respect of the approval hereby granted.
- 5 No works shall take place until details of all external facing and surfacing materials have been submitted to and approved by the District Planning Authority. Development shall be carried out in accordance with the approved details.
REASON : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
- 6 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
- 7 No works shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne noise between the proposed dwellings and neighbouring property at 2 Bertie Terrace have been submitted to and approved by the District Planning

Authority and such works shall not be carried out otherwise than in full accordance with such approved details.

REASON : To ensure a high standard of design and treatment for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.
