

**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2174

**Part 2 Item Number: 01**

**Town/Parish Council:** Leamington Spa  
**Case Officer:** John Beaumont  
01926 456533 planning\_east@warwickdc.gov.uk

**Registration Date:** 07/12/2004  
**Expiry Date:** 01/02/2005

**46 Warwick Place, Leamington Spa, CV32 5DE**

Erection of a dwelling at rear and provision of additional parking space fronting  
Oswald Road FOR Mr & Mrs A Andrews.

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This application was deferred at Planning Committee on the 24th January 2005, to enable a site visit to be undertaken. The addendum to that meeting recorded that:-

Two further local objections on grounds of overdevelopment, loss of privacy through additional entrance, destruction of Victorian wall, loss of on street parking spaces leading to increase congestion and traffic pollution, and additional on street parking difficulties.

CAAF : Consider existing permission for flats requires garden of this size and a further dwelling in the garden would detract from setting of listed building. (The building is an important listed building probably by William Thomas with its original garden). Loss of section of wall would be out of character and would harm what is a fine garden wall.

**SUMMARY OF REPRESENTATIONS**

Town Council:- Object. Detrimental to the setting of the Listed Building No's 44/46 Warwick Place contrary to Policy DAP6 of the emerging Local Plan.  
Neighbours:- 5 letters of objection received. 1 raised no objection to the new dwelling but strong objection to the new parking access onto Oswald Road which would reduce on-street parking and detract from streetscene by altering original wall. 4 object on grounds of overdevelopment, detrimental to setting of Listed Building; loss of light/privacy; unneighbourly, parking and road safety problems.  
WCC (Highways):- No objection subject to access condition.

**RELEVANT POLICIES**

(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)  
(DW) ENV12 - Protection of the Setting of Listed Buildings (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)  
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)  
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

## **HEAD OF PLANNING & ENGINEERING**

This is a Grade II Listed Building in the Conservation Area.

The proposed entails the felling of a row of Leylandi trees and the erection of a single storey pitched roof dwelling containing living rooms, kitchen, bathroom, bedroom and entrance lobby. This dwelling would be sited adjacent to the northern boundary of the site.

The proposal also entails the provision of two parking spaces off Oswald Road with a splayed wall at each side to give visibility of vehicles and pedestrians.

Planning Permission and Listed Building consent for the conversion of No 46 to 8 apartments with 7 forecourt car parking spaces was granted by the Planning Committee in May 2004, reference W040069/0063LB.

Planning Permission for the erection of a pair of semi-detached dwellings fronting Oswald Road and the dwelling the subject of the current application was refused under delegated powers in August 2004 (reference W04/1177) for the following reason:-

"1. The application site is located within the Conservation Area and forms part of the garden to a Grade II Listed Building which itself comprises half of a pair of Victorian Villas.

With the Warwick District Local Plan 1995, Policy (DW) ENV3 requires all development to harmonise with its surroundings; Policy (DW) ENV6 states Conservation Areas will be protected from development which would have a detrimental effect upon their character and appearance; Policy (DW) ENV8 states within Conservation Areas development proposals will be required to achieve a high quality of design, harmonising in scale and form with their surroundings; Policy (DW) ENV11 states applications to extend a Listed Building in such a way as to adversely affect its character will normally be refused whilst Policy (DW) ENV12 states the setting of Listed Buildings will be protected. These policies are reflected by Policies DP1, DP2, DAP6 and DAP10 of the Warwick District Local Plans 1996-2011, first deposit version.

The proposals the subject of this application seek to erect a pair of semi-detached dwellings and a bungalow in the grounds of 46 Warwick Place; the semi-detached dwellings would be linked to the existing boundary wall through which pedestrian access would be gained.

In the opinion of the District Planning Authority, this proposed development would significantly detract from the open setting of the Listed Buildings, Nos 44 and 46 Warwick Place. It would result in an unacceptably cramped form of development with only a communal garden of restricted dimension remaining, within which it would be likely there would be pressure for further development of private amenity space with screen wall/fence features to protect the amenity of the future occupiers of the proposed dwellings which would be to the further detriment of the Listed Building. The proposed development by reason of its proximity, siting and bulk would also detract from the outlook from the existing villas and from the proposed flats within No 46 granted planning permission reference W20040069.

The proposals would thereby conflict with the objectives of the aforementioned policies."

Whilst noting the above refusal, I consider that neither this single storey dwelling in itself or the widening of the vehicular access to Oswald Road would cause harm either to the setting of the adjacent Listed Buildings, the character/appearance of the Conservation

Area or the amenity of neighbours such as to justify refusal. I am conscious of the objection to the loss of on-street car parking but no objection has been raised by the Highway Authority and I do not consider that this would justify a refusal of planning permission.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

GRANT 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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1003/100, 1003/05e, 1003/08C, 1003/09E and 1003/16 and specification contained therein, submitted on 7th December 2004 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 Notwithstanding the details confirmed within the submitted application. No development shall be carried out on the site which is the subject of this permission, until large scale details of rooflights, entrance screen, 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 a high standard of design and appearance for this Listed Building, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policies ENV8 and ENV11 of the Warwick District Local Plan.
- 4 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.
- 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 a high standard of design and appearance for this Listed Building, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policies ENV8 and ENV11 of the Warwick District Local Plan.
- 6 Notwithstanding the details contained with the submitted application. A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted,

and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

- 7 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and 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.
- 8 The dwelling hereby permitted shall not be occupied until the two parking spaces together with the widened access and splayed wall features have been constructed in accordance with details first submitted to and approved in writing by the District Planning Authority. (REASON: In the interest of highway safety in accordance with the requirement of Policy ENV3 of the Warwick District Local Plan).
- 9 Obstructions, including gates and barriers, shall not be placed within the vehicular access to the site. REASON: In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 10 The vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway. REASON: In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 11 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.
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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2175 LB

**Part 2 Item Number: 02**

**Town/Parish Council:** Leamington Spa  
**Case Officer:** John Beaumont  
01926 456533 planning\_east@warwickdc.gov.uk

**Registration Date:** 07/12/2004  
**Expiry Date:** 01/02/2005

**46 Warwick Place, Leamington Spa, CV32 5DE**

Erection of a dwelling at rear and provision of additional parking space fronting Oswald Road FOR Mr & Mrs A Andrews

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This application was deferred at Planning Committee on the 24th January 2005, to enable a site visit to be undertaken. The addendum to that meeting recorded that:-

Two further local objections on grounds of overdevelopment, loss of privacy through additional entrance, destruction of Victorian wall, loss of on street parking spaces leading to increase congestion and traffic pollution, and additional on street parking difficulties.

CAAF : Consider existing permission for flats requires garden of this size and a further dwelling in the garden would detract from setting of listed building. (The building is an important listed building probably by William Thomas with its original garden). Loss of section of wall would be out of character and would harm what is a fine garden wall.

**SUMMARY OF REPRESENTATIONS**

Town Council:- Object. Detrimental to the setting of the Listed Building No's 44/46 Warwick Place contrary to Policy DAP6 of the emerging Local Plan.

Neighbours:- 5 letters of objection received. 1 raised no objection to the new dwelling but strong objection to the new parking access onto Oswald Road which would reduce on-street parking and detract from streetscene by altering original wall. 4 object on grounds of overdevelopment, detrimental to setting of Listed Building; loss of light/privacy; unneighbourly, parking and road safety problems.

**RELEVANT POLICIES**

(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)  
(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
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DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)  
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## **HEAD OF PLANNING & ENGINEERING**

This is a Grade II Listed Building in the Conservation Area.

The proposed entails the felling of a row of Leylandi trees and the erection of a single storey pitched roof dwelling containing living rooms, kitchen, bathroom, bedroom and entrance lobby. This dwelling would be sited adjacent to the northern boundary of the site.

The proposal also entails the provision of two parking spaces off Oswald Road with a splayed wall at each side to give visibility of vehicles and pedestrians.

Planning Permission and "Listed Building" consent for the conversion of No 46 to 8 apartments with 7 forecourt car parking spaces was granted by the Planning Committee in May 2004, reference W040069/0063LB.

Planning Permission for the erection of a pair of semi-detached dwellings fronting Oswald Road and the dwelling the subject of the current application was refused under delegated powers in August 2004 (reference W04/1177) for the following reason:-

"1. The application site is located within the Conservation Area and forms part of the garden to a Grade II Listed Building which itself comprises half of a pair of Victorian Villas.

With the Warwick District Local Plan 1995, Policy (DW) ENV3 requires all development to harmonise with its surroundings; Policy (DW) ENV6 states Conservation Areas will be protected from development which would have a detrimental effect upon their character and appearance; Policy (DW) ENV8 states within Conservation Areas development proposals will be required to achieve a high quality of design, harmonising in scale and form with their surroundings; Policy (DW) ENV11 states applications to extend a Listed Building in such a way as to adversely affect its character will normally be refused whilst Policy (DW) ENV12 states the setting of Listed Buildings will be protected. These policies are reflected by Policies DP1, DP2, DAP6 and DAP10 of the Warwick District Local Plans 1996-2011, first deposit version.

The proposals the subject of this application seek to erect a pair of semi-detached dwellings and a bungalow in the grounds of 46 Warwick Place; the semi-detached dwellings would be linked to the existing boundary wall through which pedestrian access would be gained.

In the opinion of the District Planning Authority, this proposed development would significantly detract from the open setting of the Listed Buildings, Nos 44 and 46 Warwick Place. It would result in an unacceptably cramped form of development with only a communal garden of restricted dimension remaining, within which it would be likely there would be pressure for further development of private amenity space with screen wall/fence features to protect the amenity of the future occupiers of the proposed dwellings which would be to the further detriment of the Listed Building. The proposed development by reason of its proximity, siting and bulk would also detract from the outlook from the existing villas and from the proposed flats within No 46 granted planning permission reference W20040069.

The proposals would thereby conflict with the objectives of the aforementioned policies."

Whilst noting the above refusal, I consider that neither this single storey dwelling in itself or the widening of the vehicular access to Oswald Road would cause harm either to the setting of the adjacent Listed Buildings, the character/appearance of the Conservation

Area or the amenity of neighbours such as to justify refusal. I am conscious of the objection to the loss of on-street car parking but no objection has been raised by the Highway Authority and I do not consider that this would justify a refusal of planning permission.

### **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 development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1003/100, 1003/05e, 1003/08C, 1003/09E, and 1003/16 and specification contained therein, submitted on 7th December 2004 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 Notwithstanding the details contained within the submitted application. No development shall be carried out on the site which is the subject of this permission, until large scale details of rooflights, entrance screen 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 a high standard of design and appearance for this Listed Building, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policies ENV8 and ENV11 of the Warwick District Local Plan.
- 4 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.
- 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 a high standard of design and appearance for this Listed Building, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policies ENV8 and ENV11 of the Warwick District Local Plan.

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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 1442

**Part 2 Item Number: 03**

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Joanne Fitzsimons  
01926 456534 planning\_east@warwickdc.gov.uk

**Registration Date:** 02/08/2004  
**Expiry Date:** 27/09/2004

**1-3 Oxford Street, Leamington Spa, CV32 4SA**

Alterations and extensions to create additional flat and construction of 4 dormers to rear elevation. FOR Mr N Singh

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This application was deferred at Planning Committee on the 6 December 2004, for further information on:

- Full description to include all works i.e lightwells
- Structural survey
- Refuse disposal
- Party Wall Act
- Roof terrace and 45° Line
- Concerns regarding loss of chimneys
- Original plans to be displayed
- Intensification of use?

Amended plans to go back to the Town Council and CAAF.

**SUMMARY OF REPRESENTATIONS**

Town Council: Object on grounds that the proposal represents over-development, detrimental to the character and appearance of the buildings and Conservation Area. (Original Plans)

Town Council: No objection (Amended Plans)

C.A.A.F. : Object as rooms are too small, loss of chimney and dormer windows totally unacceptable. (Original Plans)

C.A.A.F. : To be confirmed. (Amended Plans)

1 neighbour objects on grounds that the roofline is to be raised considerably, noise, parking. The properties have suffered from subsidence in the past and there are concerns that this proposal will cause additional problems.

**RELEVANT POLICIES**

(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)

**HEAD OF PLANNING & ENGINEERING**

The description of development remains unaltered as the other works (including lightwells) is covered through the granting of previous applications.

The application site relates to two properties out of a terrace of three dwellings within the Conservation Area. Numbers 1 and 3 are a matching pair, whilst number 5 is of a different style with a gable fronting onto Oxford Street.

The proposal seeks to convert the existing properties to form an additional flat so that the total number will be 5 units. The proposal involves the installation of four dormer windows in the rear elevation and four roof lights to the front elevation following an increase in roof height by 1.1 metres. The chimney stacks are to remain. Following negotiations, the application has been amended to address the concerns raised by the Council's Conservation Architect in respect of the dormer windows. The amended plans now relate to four small dormers which sit well within the roof slope and below the height of the ridge line.

Previous planning permission (reference W930723) was granted for the provision of rear lightwells and W931416 was granted to allow the demolition and re-building of 3 external walls. A structural survey was required under W930723 and such this was accepted by Building Regulations. As these permissions have been commenced they are therefore extant. The proposal has been further amended since being presented to Members at their meeting to alter the internal arrangement so that at first floor side level there is a bathroom window onto the boundary with number 5 Oxford Street, and I am satisfied that this can be successfully conditioned to be obscure glazed. In addition, provision has been made for refuse disposal/storage to the rear of the property.

I note that concern has been raised by the fact that the applicant has not contacted the owners of number 5 Oxford Street regarding The Party Wall Act and I consider this to be a civil matter and not one for consideration under the planning system. With regards to an intensification of use, the existing authorised use of the properties is for 4 flats. This proposal seeks to introduce a new unit to form a total of 5.

There is no breach of the Council's adopted 45° line with regard to neighbouring windows. No. 5 Oxford Street has a first floor doorway leading out onto a roof terrace, which is largely concealed by an existing high parapet wall. The Council's adopted guidance on the 45° line states that it is taken from habitable windows and does not include doorways, however, I am satisfied that this development will not cause harm to their outlook or significantly reduce daylight. As amended I consider the proposal to be acceptable and will not harm the character or appearance of the Conservation Area or street scene generally.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

GRANT 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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 04-102-20 Rev A, 04-102-4 Rev B and 04-102-5 Rev D and specification contained therein, submitted on 10 January 2005 and 25 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 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 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, 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.
- 5 The first floor window in the south elevation of the extension hereby permitted shall be non-opening and obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties.
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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 1878

**Part 2 Item Number: 04**

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Joanne Fitzsimons  
01926 456534 planning\_east@warwickdc.gov.uk

**Registration Date:** 22/10/2004  
**Expiry Date:** 17/12/2004

**Aylesford House 70-72, Clarendon Street, Leamington Spa, CV32 4PE**  
Conversion of building to form 4 apartments together with 4 parking spaces, turning area and bin storage. FOR R J Wood & P J Frampton

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This application has been requested to be presented to Committee by Councillor Crowther.

### **SUMMARY OF REPRESENTATIONS**

Town Council: No objection.

C.A.A.F.: Concern expressed at the rear buildings in the former car park. It is felt to be over-development. Generally the conversion of the building back to apartments was acceptable with the exception of the removal of one chimney breast. It was felt that the scheme would be acceptable without the two new apartments to the rear.

2 Neighbour letters objecting on grounds that the mews cottages would result in a severe lack of light to all windows of number 66D Clarendon Street; the conversion of the building would result in over-looking back into our property; a loss of privacy as all windows face onto car park and garden area; change of character; lack of car parking and devaluing of property.

### **RELEVANT POLICIES**

(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 - Amenities (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

### **HEAD OF PLANNING & ENGINEERING**

The application site relates to a three storey office building and basement located in the Leamington Conservation Area. Access is available from Clarendon Street to a car park at the rear of the building. The application has been amended to omit the two mews buildings at the rear and so now relates solely to the conversion of the office building to four apartments. The car park is to remain largely unaltered, providing four spaces, turning area and bin storage.

I note the concerns received from the Conservation Area Advisory Forum, however I consider the amendments to the scheme address these issues. Furthermore, the chimney breasts are to remain intact and are not subject to removal. The rear of the building measures approximately 17 metres from the rear of No. 66C Clarendon Street to the rear and does not sit directly opposite, but at an oblique angle. The Council's

Separation Distances do not apply in Conservation Areas, and whilst I recognise that the conversion of this building into apartments will increase activity(ie: beyond office hours and at weekends), given that the building is currently in active use, I do not consider an increase in activity in itself to justify a reason for refusal.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

GRANT 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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 7403.03A, 7403.04A and 7403.05A and specification contained therein, submitted on received on 18 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 development in accordance with Local Plan Policy ENV3.
  - 3 No development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed door, window (including a section showing the window reveal, heads and cill details) rooflight and railings 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.
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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 1880

**Part 2 Item Number:** 05

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Joanne Fitzsimons  
01926 456534 planning\_east@warwickdc.gov.uk

**Registration Date:** 20/10/2004  
**Expiry Date:** 15/12/2004

**rear of, 67 Clarendon Street, Leamington Spa, CV32 4SR**  
Erection of one new dwelling FOR N Charlton & K Mulgrey

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### **SUMMARY OF REPRESENTATIONS**

Town Council: Object on grounds that the proposal is contrary to Policy DP1 by virtue of its inappropriate size and failure to harmonise with the existing settlement; loss of amenity for future users and is considered unacceptable and contrary to Policy DP2 of the emerging Local Plan.

2 neighbours object on grounds of lack of parking; reduced sunlight; proximity of foundations; contrast in roof pitches along Lansdowne Road; over-development and problems concerning maintenance of wall/guttering.

WCC Highways: No objection as site is within a sustainable location where services are accessible by walking, cycling and public transport, in line with Government Guidance, PPG13 Transport.

WCC Ecology: Records do not indicate features of nature conservation.

CAAF: Have no comment.

### **RELEVANT POLICIES**

(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)

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

### **HEAD OF PLANNING & ENGINEERING**

The application site relates to the rear garden area of number 67 Clarendon Street, within the Leamington Spa Conservation Area. It is accessed via Lansdowne Road which runs parallel with Lansdowne Street. In the recent past, development has taken place along this road in the form of residential units and this proposal seeks to 'infill' the remaining gap at this end.

The design has been amended to introduce a gable fronting on to Lansdowne Road in order to relate to the design of the adjoining units. There are no windows at first floor as the roof space is to be lit by one "Conservation" rooflight at the rear. As such, I am satisfied there is no over-looking and that the 3 metre high screen wall will protect the future occupiers from potential disturbance associated with vehicle/pedestrian movements along Lansdowne Road.

Whilst I note the concerns from neighbours with regard to limited parking, as a Town Centre location which is easily accessible by other means of transport such as walking or cycling, I do not consider a refusal on these grounds to be sustainable. With regards to foundations, these are building control matters, and the issue of maintenance of walls and guttering is a private matter between the two land owners.

As amended, I consider the scheme to be acceptable within the Conservation Area and I am of the view that it makes a positive contribution to the character and appearance of this particular area thereby complying with Local Plan objectives.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

GRANT 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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 1132/03, 1132/02A and 1032/04 and specification contained therein, submitted on 20 October 2004 and 26 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 development in accordance with Local Plan Policy ENV3.
- 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, 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.
- 4 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.
- 5 All rainwater goods for the development hereby permitted shall be constructed of metal. **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.

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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 1931

**Part 2 Item Number:** 06

**Town/Parish Council:** Whitnash  
**Case Officer:** David Edmonds  
01926 456521 [planning\\_appeals@warwickdc.gov.uk](mailto:planning_appeals@warwickdc.gov.uk)

**Registration Date:** 11/11/2004  
**Expiry Date:** 06/01/2005

**174 Brunswick Street, Whitnash, Leamington Spa, CV31 2ER**

Erection of detached building in the curtilage of dwelling house for use as family/hobby room (Retrospective Application) FOR Mr N K Rajput

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**SUMMARY OF REPRESENTATIONS**

Whitnash Town Council: *'Object to back garden development. Insufficient drawings supplied'.*

**RELEVANT POLICIES**

(DW) ENV3 - Development Principles (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)

**HEAD OF PLANNING & ENGINEERING**

The application site lies within the rear (south-west) curtilage of one of a pair of semi detached houses that front onto the south -west side of Brunswick Street. A public footpath linking Brunswick Street and Langley Road/ Masters Road runs between the side elevations of no's 174 and 172, both of which have been extended by two storey side extensions. This limits views along the path from Brunswick Street.

Planning permission, in retrospect, is sought for a brick and tile detached building that is 7.6 metres wide x 4.5 metres deep with a ridged roof that is 3.9 metres high to the ridge and 2.7 metres to the eaves. It is built broadly at the bottom of a 22 to 24 metre long back garden; set in from both sides and rear curtilage boundaries by 0.4 metres. It has a central glazed door with wide windows either side facing the rear elevation of the house. It has an concrete floor and the inside walls are lined with plasterboard. It is currently not being used, but the covering letter states it would be used as a garden store that would be also be used in the summer months as a 'family room' and for hobbies.

The rear garden is enclosed by a 1.8 metre high fence supplemented by a dense conifer hedge of at least 4 metres adjacent to the footpath. There are relatively small detached wooden sheds at the bottom of the garden of the adjacent property, no 176 Brunswick Street and at the bottom of the garden of no. 11 Langley Road, one of the properties that back onto the application site.

There was some debate with the applicant and his agent regarding the need for planning permission. It was concluded, by reason of its intended part use as a family room, that it would fall within Schedule 2, Part 1, Class A of the General Permitted Development Order (dwelling house enlargements). However, it was not permitted development because part of it would be built nearer to a highway (the public footpath) than the original dwelling house. The two storey side extension had been built between the original dwelling house and the footpath.

In terms of the effect on the character and appearance of the area, although this is a relatively substantial building using permanent materials it does not appear to be unduly cramped, as it is set within a relatively substantial and secluded back garden, with only glimpsed views being obtained from the public footpath. Also, it harmonises with the similar materials used in the house.

In terms of the effect on living conditions, by reason of substantial distance separation from the rear elevations of houses on both Brunswick Road and Masters Road/ Langley Road and some intervening outbuildings, it does not unduly dominate the outlook of these properties. There is no directly relevant guideline in the Council's Distance Separation Guidance. Moreover, it is not considered that the proposed part incidental, part primary residential accommodation use would be unduly harmful in terms of noise/ disturbance or loss of privacy. It should be noted that any use of the building as a separate dwelling would require a further planning permission.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

GRANT.

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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2086

**Part 2 Item Number:** 07

**Town/Parish Council:** Warwick  
**Case Officer:** Debbie Prince  
01926 456555 [planning\\_west@warwickdc.gov.uk](mailto:planning_west@warwickdc.gov.uk)

**Registration Date:** 29/11/2004  
**Expiry Date:** 24/01/2005

**80 Stratford Road, Warwick, CV34 6AT**

Erection of a single storey side, single and two storey rear extensions FOR Mr & Mrs Newman

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**SUMMARY OF REPRESENTATIONS**

Warwick Town Council : No objections.  
Neighbours: No views received.

**RELEVANT POLICIES**

(DW) ENV3 - Development Principles (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)

**HEAD OF PLANNING & ENGINEERING**

This application is brought to Committee as the applicant is an employee of this Council. The application property is a traditional style detached property on Stratford Road located close to the junction with Shakespeare Avenue. The residential character of this area is made up of similar style detached and semi-detached dwellings, some of which have already benefitted from substantial extensions. A neighbouring property no 78 has a lean-to conservatory to the rear.

There is currently a single storey element of the property built on to the boundary with No78 which conflicts with the 45 degree line taken from the original elevation by 0.6m. This would be replaced by a new single storey extension in the same position, but brought forward in line with the front of the house to provide a utility room and hall.

The proposal also involves a single and two storey extension of sympathetic design to the rear of the property. The two storey element of the scheme is set well off the boundaries of the property. The scheme has been amended to ensure that neither of these proposed extensions conflict with the Council's 45 degree guidelines.

Consequently, I consider that the addition of these extensions and the replacement and enlargement of the side element of the property would not have any significant detrimental impact on the amenity of the neighbours or the appearance of the property.

**REASON FOR RECOMMENDATION**

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

## **RECOMMENDATION**

GRANT 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     The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 1168-1 and 1168-2F, and specification contained therein, submitted on 29th November 2004 and 12th January 2005 respectively 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     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 ENV3 of the Warwick District Local Plan.
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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2109

**Part 2 Item Number:** 08

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Joanne Fitzsimons  
01926 456534 planning\_east@warwickdc.gov.uk

**Registration Date:** 29/11/2004  
**Expiry Date:** 24/01/2005

**Emmanuel Evangelical Church, Heath Terrace, Leamington Spa, CV32 5LY**  
Extension of existing church to include No 3 Gulistan Road together with extensions to link the two buildings together; car parking and access onto Gulistan Road. FOR Trustees for Emmanuel Church

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### **SUMMARY OF REPRESENTATIONS**

Town Council: Object on grounds of poor design adversely affecting the integrity and character of the Conservation Area; roof design is harmful to the church hall; loss of residential accommodation and No. 3 Gulistan Road will be over-dominated by the extension.

C.A.A.F: Felt to be a reasonable scheme which did not affect the church building and maintained the interesting house in Gulistan Road. Concern over the loss of garden however it was hoped that the detailing could be in character with the building.

W.C.C Highways: No objection, subject to one access being 5 metres in width and closure of any other access not included in scheme.

English Heritage: Do not wish to make representations.

Neighbours: 5 letters of objection on grounds of increased parking pressure both on Heath Terrace and Gulistan Road, increased in noise and activity; destruction of a mature garden into car parking which will change the street scene within the Conservation Area and loss of residential at No. 3 Gulistan Road.

### **RELEVANT POLICIES**

(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)

### **HEAD OF PLANNING & ENGINEERING**

The application site comprises of garden area serving number 3 Gulistan Road which runs parallel with Heath Terrace. Whilst the site is within the designated Leamington Spa Conservation Area, neither the Church Hall or indeed No. 3 Gulistan Road are Listed Buildings. The proposal has been the subject of pre-application discussions with the Council's Conservation Architect and the application is required to provide additional accommodation for the Church and related activities.

The proposal involves the erection of a 'link' extension between the existing church hall and No. 3 Gulistan Road in the form of a long sloping slate roof which marries into a partially glazed atrium in the middle before continuing into a pitched roof. This will

provide a second hall. The use of the ground floor of No. 3 will be utilised as an office and library, whilst the first floor will remain in residential use and will be occupied by a staff member. A single storey brick and slate extension to no. 3 will provide additional classrooms, a creche and new rear entrance from the car park.

The scheme has been amended to 're-organise' the layout of the car park to the rear to comply with the requirements of the Highway Authority. The amendments also involve improvements to the boundary treatment to the rear onto Gulistan Road which will now continue the 2 metre high brick wall, which will lessen views into the parking area. In addition, it is proposed to landscape some of the car park. Furthermore there is to be a pedestrian gate to allow access into the site without the need for opening the vehicular gate.

Whilst I am mindful of the concerns and objections received from local residents, the design of the extension is such that its roof slopes away from No. 7 Heath Terrace (to the East) and windows in Vodena Court (to the West). The extension is to be set off the boundary by 1.5 metres to No. 7 Heath Terrace and will be 3 metres in height at its nearest point (eaves level). Whilst No. 7 has a window in its rear wing closest to the boundary, given the orientation of the site and the considerable trees/vegetation along the boundary within the curtilage of No. 7, in my opinion only minimal sunlight in the late afternoon and evening will be lost. As such I consider this to be acceptable.

The additional parking area off Gulistan Road will provide 16 parking spaces and should help to reduce current pressure on street parking.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

GRANT 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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers PA.2/02 and PA/2/01 and specification contained therein, submitted on 29 November 2004, 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 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, 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.
- 4 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.

- 5 The development hereby permitted shall not be brought into use until all parts of existing accesses to Gulistan Road, 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.
- 6 The vehicular access to the site from Gulistan Road shall not be less than 5 metres wide. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2137

**Part 2 Item Number:** 09

**Town/Parish Council:** Kenilworth  
**Case Officer:** Penny Butler  
01926 456544 planning\_west@warwickdc.gov.uk

**Registration Date:** 02/12/2004  
**Expiry Date:** 27/01/2005

**2 Hodnet Close, Kenilworth, CV8 2NG**

Erection of single storey side and two storey rear extensions FOR Mr & Mrs Tsang

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**SUMMARY OF REPRESENTATIONS**

Town Council: Recommend refusal. The size of the proposal would constitute overdevelopment, and it would be unneighbourly by virtue of overlooking at first floor level and being too close to the boundary line.

Neighbours: One objection from 19 Leyes Lane on the following grounds. Overdevelopment of the site, the extension would be less than 12 metres from their main rear wall, and create maintenance problems for their boundary wall and the proposed extension. Rubbish may collect between the extension and the neighbours wall, and guttering would overhang their land. The extension is excessive in size, will be unneighbourly, dominating the small gardens of neighbouring properties. There will be less space for parking which may lead to obstruction of the right of way, and the proposed garage will only house small cars. They have also overtaken some highway land, and there may be covenants on the site. A site visit is welcomed.

**RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP2 - Amenities (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Distance Separation (Supplementary Planning Guidance)

**HEAD OF PLANNING & ENGINEERING**

This detached dwelling is located at the head of a small cul-de-sac. Following a previous refusal of planning permission for a two storey side extension (W20040082) which breached distance separation standards, it is now proposed to erect a single storey side extension in front of the existing set back detached garage. The garage will then be converted into accommodation and be linked to the house by a two storey rear extension. A single garage will be provided at the front of the house, with a 9 metre long drive retained for parking.

The rear extension is 3 metres deep and the full width of the dwelling, which complies with the District Councils adopted 45 degree guideline. It extends in line with the dwelling so the two storey part of the house does not come closer to neighbouring houses to the side on Leyes Lane. The side extension extends up to the boundary of the property, which forms the rear boundary of 2 houses on Leyes Lane. Their rear garden boundaries consist of a brick wall with wooden infill panels. The rear of 19 Leyes Lane directly faces the two storey side wall of the applicants house, and the proposed single storey extension will be viewed against this with a mono pitch roof sloping down to the boundary. For these reasons it is not considered that there would be a serious

adverse impact on this neighbour in terms of loss of light or overbearing impact. The resulting dwelling will be slightly larger than surrounding dwellings, but it is not considered that it would appear out of character or represent overdevelopment of the site. Distance separation standards are also met so, subject to a condition preventing side windows being inserted at first floor, any increase in loss of privacy would not contravene guidelines.

The width of the garage doors is the same as the existing garage, and there would be ample space for one car to be parked on the drive, or possibly two depending on their length (a standard parking space is 4.8m long), this is in line with government guidance which advises an average of 1.5 spaces per dwelling. Any obstruction or use of highway land is covered by other legislation.

The concerns of the Town Council and neighbour are noted, however, given the compliance of the extensions with Local Plan policies and supplementary planning guidance, it is not considered that refusal is warranted on the grounds of impact on neighbouring amenity or general street scene. Restrictive covenants are not a planning matter, and maintenance of walls or overhanging guttering are private matters between the applicants and neighbours.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

GRANT 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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (Drawing no. P 550/2), and specification contained therein, submitted on 2 December 2004 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 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 ENV3 of the Warwick District Local Plan.
- 4 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 windows other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the extension. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.

**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2141

**Part 2 Item Number: 10**

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Joanne Fitzsimons  
01926 456534 planning\_east@warwickdc.gov.uk

**Registration Date:** 02/12/2004  
**Expiry Date:** 27/01/2005

**37 Moncrieff Drive, Leamington Spa, CV31 1YY**

Variation of Condition 2 of Planning Permission W04/0873 to erect a 6ft fence in lieu of planting a replacement hedgerow FOR Mr Woodforth

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**SUMMARY OF REPRESENTATIONS**

Town Council: Object on grounds that there is no justification to vary the condition and therefore see no reason to support the application.

**RELEVANT POLICIES**

(DW) ENV3 - Development Principles (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)  
SC5 - Protecting Open Space (Warwick District Local Plan 1996 - 2011 First Deposit Version)

**HEAD OF PLANNING & ENGINEERING**

The application site relates to a section of boundary hedge separating the curtilage of the application property with the open space at Hastang Fields. Planning permission (reference W04/0873) was granted in July last year for the removal of part of this hedgerow as the roots had caused damage to an extension to the property approved in 1999. A condition was attached which required new planting to be secured. This application now seeks to vary this condition to allow a fence to be erected in lieu of new planting on the basis that in the long term damage to the property may still continue due to the root problem.

In my view, given that permission has previously been granted for the removal of this section of hedgerow, the issue to consider in this application is whether a fence is acceptable. In my opinion, this will achieve a satisfactory appearance and I do not consider the proposal to cause harm to the amenity of the area.

**REASON FOR RECOMMENDATION**

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

**RECOMMENDATION**

GRANT 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 No development shall be carried out on the site which is the subject of this permission, until further details of the proposed fence (such as colour, design and position) 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 protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2144

**Part 2 Item Number:** 11

**Town/Parish Council:** Leamington Spa  
**Case Officer:** John Beaumont  
01926 456533 planning\_east@warwickdc.gov.uk

**Registration Date:** 01/12/2004  
**Expiry Date:** 26/01/2005

**Land rear of 1, Northumberland Road, Leamington Spa, CV32 6HE**  
Erection of a detached dwelling. FOR Mr & Mrs Hiles

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### **SUMMARY OF REPRESENTATIONS**

Town Council : Object. Application will detrimentally affect the amenity of the surrounding area, contrary to Policy DP2 of emerging local plan and is considered of a design and arrangement unlikely to harmonise with or enhance locality.  
CAAF : Design not as acceptable as original approval. Use of wide gable to frontage unacceptable. Building more visible behind wall than previous one. An increase in height of stone wall would not be acceptable.  
WCC : No objection subject to access conditions.

### **RELEVANT POLICIES**

(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)

### **HEAD OF PLANNING & ENGINEERING**

Planning permission for the erection of a dwelling and two garages on this site was granted in March 2004; W20031867.

The present application is for a scheme to provide a detached dwelling with integral garage designed as a 'coach house' with an attached range of single storey outbuildings. The design of this proposal has been amended to address the concerns of the Town Council and CAAF whose comments relate to the application as originally submitted; it is not proposed to raise the boundary wall to Rugby Road.

As amended, I consider that this design would be an equally acceptable alternative to the approved scheme which would not harm the amenity of the neighbouring properties or the character/appearance of the Conservation Area.

### **REASON FOR RECOMMENDATION**

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

## **RECOMMENDATION**

GRANT 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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the amended drawings received on 1st February 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 No development shall be carried out on the site which is the subject of this permission, until large scale details of dormer windows, 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.
- 4 All window frames shall be constructed in timber, painted and not stained, and be of a side hung casement type set in reveals of 75mm from the face of the building. **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 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.
- 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 7 The garaging shown on the plans hereby approved shall be retained and kept available for such purposes and shall not be altered either internally or externally without the prior consent of the District Planning Authority. **REASON** : To ensure that there are adequate parking facilities to serve the development, in accordance with 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 Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of residential amenity.

- 9 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements 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 Geathead Road, 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.
- 11 The development hereby permitted shall not be brought into use until the proposed means of access has been constructed in strict compliance 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.
- 12 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2193 CA

**Part 2 Item Number: 12**

**Town/Parish Council:** Warwick  
**Case Officer:** Steven Wallsgrove  
01926 456527 planning\_west@warwickdc.gov.uk

**Registration Date:** 10/12/2004  
**Expiry Date:** 04/02/2005

**Land adjacent to Gymnasium, Kings High School for Girls, Smith Street, Warwick,  
CV34 4HJ**

Demolition of a section of boundary wall FOR Warwick Independent School

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This application was deferred at Planning Committee on the 24th January 2005, to enable a site visit to take place on 5th February 2005. The report which follows is that which was presented previously.

**SUMMARY OF REPRESENTATIONS**

Warwick Town Council : No objections.  
Neighbours : One neighbour objects to access being provided at this point due to proximity to Mitchell House.  
CAAF : Consider design of new building inappropriate and overbearing.

**RELEVANT POLICIES**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)

**HEAD OF PLANNING & ENGINEERING**

This proposal is directly related to the application for the erection of the teaching and sixth form centre block (see the Principal Item report) and is for the demolition of a short section (6m) of the front boundary wall to enable contractors to have access to the site. The wall would be reinstated on completion of the works, as provided for in the planning application. This access is at the end where a gap is to be retained down the end of the building, whereas the existing gate at the other end, by the gymnasium, is to be built on and, therefore, would not give access to the whole development site during the construction period.

**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.
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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2196

**Part 2 Item Number:** 13

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Fiona Blundell  
01926 456545 [planning\\_east@warwickdc.gov.uk](mailto:planning_east@warwickdc.gov.uk)

**Registration Date:** 10/01/2005  
**Expiry Date:** 07/03/2005

**1 Coach House, 59a Lillington Road, Leamington Spa, CV32 6LF**  
Erection of a single storey rear extension. FOR Mr A. Lawrence

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### **SUMMARY OF REPRESENTATIONS**

Town Council: No objections

Neighbours: Objections received from three of the neighbouring properties as follows: loss of the conifer hedging next to the boundary wall of the application site and properties on Almond Avenue, and likely demolition of old boundary wall. No. 55 requested condition restricting extraction or ventilation from the kitchen wall due to concerns about potential emission of fumes etc. Further concerns were expressed about the future use of the dwelling as a potential student accommodation. No. 2 also expressed concerns regarding a loss of light as a result of proposed extension.

### **RELEVANT POLICIES**

(DW) ENV3 - Development Principles (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)

### **HEAD OF PLANNING & ENGINEERING**

The application site relates to one half of a pair of semi-detached cottage style dwellings located within the Conservation Area, to the rear of 59 Lillington Road. The side gable of the application property abuts the rear garden boundary of two houses in Almond Avenue, (numbers 55 and 57). The proposal is a revised scheme, which seeks to erect a single storey rear extension to provide additional living accommodation.

The application has been amended to incorporate sliding sash window and a slate tiled roof, so that the scheme is in keeping with the surrounding Conservation Area. The extension projects 3.5 metres into the rear garden and there is no breach of the Council's adopted 45° line with regards to any neighbouring windows, since the extension is 1.5 metres from the boundary and the adjoining neighbour's conservatory is set 1.4 metres from the boundary.

Whilst I note the objections /concerns received from the neighbours, I do not consider that there is justification for a refusal, as the extension is well designed and in scale to the main property. Furthermore, although I note the neighbours' concerns relating to the line of conifer trees, it is not within the remit of this planning application to take them into consideration as part of the assessment.

### **REASON FOR RECOMMENDATION**

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

## **RECOMMENDATION**

GRANT 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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (Ref Drawing No. 397-01 E, and specification contained therein, submitted on 8th December 2004) 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 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows and rooflight (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.
- 4 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 window other than those expressly authorised by this permission, shall be placed at any time in the east elevation of this extension. The proposed window in the east elevation shall be non-opening and obscured glazed and retained as such at all times thereafter. **REASON**: To retain control over future development so that the residential amenity of adjoining occupiers is protected.
- 5 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.
- 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 7 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.

**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2231

**Part 2 Item Number:** 14

**Town/Parish Council:** Kenilworth  
**Case Officer:** Penny Butler  
01926 456544 planning\_west@warwickdc.gov.uk

**Registration Date:** 16/12/2004  
**Expiry Date:** 10/02/2005

**34 Malthouse Lane, Kenilworth, CV8 1AD**

Erection of a two storey front extension and detached double garage, following demolition of existing garage. FOR Mr S Lambert

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**SUMMARY OF REPRESENTATIONS**

Town Council: Recommend refusal. The garage is in front of the general building line, and its bulk and size with blank brick walls offends the street scene in a sensitive area. Neighbours: 3 letters object to the garage, 1 objects to the extension and 1 objects to both proposals. The garage will project forwards of the building line, appearing out of character and setting a precedent for future proposals. It will also destroy the openness of the front garden and views of the house, and require removal of the established planting (boundary hedge and conifer). Malthouse Lane was referred to in a recent appeal decision as a road characterised by properties with long frontages, which would be permanently destroyed if building occurred in the front gardens.

The front extension would be intrusive and affect the character and amenity of the area, It would appear out of character with the neighbours of the same design. The extension would also be unneighbourly, and the two storey blank side wall will be an eyesore to neighbours on this side. Very little of the front elevation of the house would be visible from the road, light to the application dwelling would be reduced, and the plot overdeveloped. Parking space on the driveway would be reduced, possibly resulting in on road parking and traffic congestion. The proposals would be contrary to Policy DP5 of the Local Plan. A site visit is recommended.

WCC Ecology: No objection subject to bat notes being added to the approval.

**RELEVANT POLICIES**

(DW) ENV3 - Development Principles (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)

**HEAD OF PLANNING & ENGINEERING**

The applicants detached dwelling is set at an angle to Malthouse Lane, and forms part of a group of three staggered dwellings with the same design. The rear of 36 Malthouse Lane to the north is in front of the applicants dwelling due to the staggered position, with a glazed side door on this side, one metre off the boundary. The application dwelling is set back behind a long front garden, with boundary hedge planting along the side boundary next to 36 Malthouse Lane. A detached double garage with pitched roof is to be positioned level with the front of the garage at number 36 which, due to the angle of the dwellings to the road, will be in front of the building line drawn diagonally across the face of the three properties. The applicants existing garage will be replaced on the same footprint with a living room, and two bedrooms above, creating a projecting front gable.

The front extension will change the character of the dwelling as it will appear much larger and no longer similar to the other two dwellings in the same style. A large two storey blank wall would also be visible looking northwards down Malthouse Lane, but this view is partially screened by several trees along the road frontage, and the elevation would be viewed against the side elevation of number 34 which projects much further towards the road. The neighbour on this side, number 30/32, has a large garage on this side of the property, with facing secondary side windows some distance away. The character of the dwelling would change but in my opinion this would not be so harmful to the character or amenity of the street scene or neighbours as to justify refusal.

The garage would project in front of the building line created by dwellings along this side of the road, but this alone is not a reason for refusal. Each application must be considered on its merits, and in this case while the building would be closer to the road than any other, resulting in a change to the character of this frontage, it is not considered that this would be unduly intrusive within the street scene. Planning permission is not required to remove the hedges so could not be used as a reason for refusal, and adequate parking would be retained for the dwelling.

Any future applications would be considered on their merits so it is unreasonable to refuse this application on the grounds that a precedent may be set. Overall, the proposals are considered to be well designed and would not unacceptably compromise the amenity of the area. It is considered that the proposals do not conflict with the key objectives of the relevant Local Plan Policies, and do not cause such harm as would warrant refusal.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

GRANT 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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (Ref: 484-02), and specification contained therein, submitted on 15 December 2004 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 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 ENV3 of the Warwick District Local Plan.
- 4 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 windows other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the extension. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.

**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2255

**Part 2 Item Number: 15**

**Town/Parish Council:** Leamington Spa  
**Case Officer:** John Beaumont  
01926 456533 planning\_east@warwickdc.gov.uk

**Registration Date:** 20/12/2004  
**Expiry Date:** 14/02/2005

**Rear of 54, Leam Terrace, Leamington Spa, CV31 1BQ**

Erection of a two storey building to provide 1 No. Studio Apartment, 2 No. Two Bedroom Flats and garage for use by 54 Leam Terrace FOR Miss V S Bailey Will Trust

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**SUMMARY OF REPRESENTATIONS**

Town Council: Proposal considered to represent an intensity of development that will be detrimental to the setting of the Listed Building, contrary to Policy DAP6 of the emerging Local Plan.

Neighbours: One neighbour has raised objection. Excessive size and suitability, loss of light, noise/disturbance, inadequate car parking. One neighbour has written to support the scheme as being a wholly acceptable development.

W.C.C. (Ecology): No objection subject to bat note.

W.C.C. (Highways): No objection subject to access condition.

C.A.A.F.: Overdevelopment. Too many units in this small space; does not look like a mews building; inappropriate in the Conservation Area.

**RELEVANT POLICIES**

(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 - Amenities (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

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

**HEAD OF PLANNING & ENGINEERING**

Planning permission for the demolition of a garage and erection of a new dwelling and garage on this site was granted in April 1999, reference W990110. Subsequently, applications for a larger building have been refused; the most recent refusal was for the erection of a 2 storey detached building comprising a garage for the sole use of 54 Leam Terrace with a self-contained studio above and 2 no., 2 bedroomed flats, reference W04/1539. The reason for refusal raised the following issue:-

"The application property directly adjoins the rear garden of No. 56 Leam Terrace and is overlooked by the rear elevation of that property. In the opinion of the District Planning Authority, the height, mass and siting of the proposed development would have a wholly unacceptable effect on the outlook from No. 56 Leam Terrace, significantly detracting from the enjoyment of that property and its garden by reason of the resulting

overdominant effect and the loss of light. The application would therefore be contrary to the objectives underlying the aforementioned policies."

The current application has been submitted to seek to address that reason for refusal by amending the design of the building to set it in part off the neighbours boundary. The scheme as refused had a building 10.8 m long, some 4 m to eaves, abutting the neighbours boundary. As now proposed, the building would be 7.5 m long, some 4 m to eaves abutting the neighbours boundary with a single storey flat roof extension to the rear, some 3.4 m long and 0.3 m above the existing boundary wall; a higher pitched roof rear extension some 4.2 long and 4 m to eaves would be inset some 2.7 m off the neighbours boundary.

I consider that this proposal would break up the massing of this proposed building insofar as it affects the neighbour and whilst it will be clearly visible from the rear garden of No. 56 Leam Terrace, I do not consider its impact will now be harmful to a degree to justify refusal. I remain of the view that the design of this building will not adversely affect the setting of any Listed Building, the character/appearance of the Conservation Area or the amenity of neighbours. Whilst recognising that the proposed flats would not have off-street car parking, I do not consider that would justify refusal on this town centre site.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

GRANT 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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 4414.01A, 20 and 21, and specification contained therein, submitted on 20th December 2004 and drawing no. 4414.12C deposited on 1st February 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 rooflights, dormer window, 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 The development hereby permitted shall not be brought into use until all parts of existing accesses to New 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.
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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2268

**Part 2 Item Number: 16**

**Town/Parish Council:** Cubbington  
**Case Officer:** John Beaumont  
01926 456533 planning\_east@warwickdc.gov.uk

**Registration Date:** 20/12/2004  
**Expiry Date:** 14/02/2005

**Land at, Church Lane, Cubbington, Leamington Spa, CV32 7JT**  
Erection of dwelling and vehicular access FOR Mr D Rose

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### **SUMMARY OF REPRESENTATIONS**

Town Council : Objection. Arrangements for access onto Church Lane are inadequate and hazardous; development would be detrimental to character of the area (being within the Conservation Area).

WCC (Highways) : No objection subject to access conditions.

Head of Environmental Health : Recommend a land contamination condition.

WCC (Archaeology) : No objection.

WCC (Ecology) : No objection.

### **RELEVANT POLICIES**

(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 - Amenities (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

### **HEAD OF PLANNING & ENGINEERING**

This site lies outside the Conservation Area, the boundary of which adjoins the site frontage (i.e. it runs along the western side of the pavement fronting Church Lane).

Planning permission for a 3 bedroomed house with a basement double garage and vehicular access off Church Lane was granted by a Planning Inspector on appeal in November 2004, reference W20031271.

The present application is for an amended design of dwelling, incorporating additional accommodation at a basement level, a single storey extension to provide a further room at ground floor level with an extension at a first floor level to enable the provision of 3 larger bedrooms (one with an 'en-suite') and a bathroom. The scheme has been amended to delete a proposed rear facing dormer window which would have looked towards the rear of properties fronting Broadway.

Whilst recognising the objection of the Parish Council, the scheme as now proposed is not wholly dissimilar to that granted planning permission on appeal and I do not consider it would cause harm either to the setting of the Conservation Area or the amenity of neighbours such as to justify a refusal of planning permission.

Given the similarity to the scheme granted permission on appeal, I also consider it appropriate to recommend the conditions as imposed by the Planning Inspector on application W20031271 with additional conditions as now recommended by the Head of Environmental Health.

### **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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) R121.02.04A and R121.02.03C, and specification contained therein, submitted on 20th December 2004 and 3rd February 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 No development shall take place until full details of both hard and soft landscape works and a programme for implementation have been submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved. Details of hard landscape works shall include finished ground and floor levels, retaining structures and other means of enclosure, and hard surfacing materials. Details of soft landscape works shall include any existing trees to be retained and measures for their protection during the course of development, together with proposed new trees and shrubs, their species, sizes and positions. If, within a period of 5 years from the date of planting, any tree or plant is removed, uprooted, destroyed or dies, another of the same species and size shall be planted in the same place, unless the District Planning Authority gives its written consent to any variation. **REASON** : To protect and enhance the amenity of the area in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan 1995.
- 5 The dwelling hereby permitted shall not be occupied until an unobstructed visibility splay of 2 x 60 metres to the near edge of the carriageway has been provided to the north of the access point in accordance with details, including details of any regrading works and retaining structures, which shall first have been submitted to and 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 1995.
- 6 Gates provided at the entrance to the site shall not be hung so as to open within 5.5 metres of the public highway. **REASON** : In the interests of highway safety in

accordance with the requirements of Policy ENV3 of the Warwick District Local Plan 1995.

- 7 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 windows or dormer windows at first floor or roof level, other than those expressly authorised by this permission, shall be constructed in the north, west or south elevations of the dwelling without the prior written consent of the District Planning Authority. **REASON** : To protect the amenity of the area in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan 1995).
- 8 No development shall take place until:-
- (a) A desk top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.
  - (b) If identified as being necessary having completed the desk top survey study, a site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the District Planning Authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
    - A risk assessment to be undertaken relating to ground water and surface waters associated on and off site that may be affected, and
    - Refinement of the conceptual model, and
    - The development of a method statement detailing the remediation requirements.
  - (c) The site investigation has been undertaken in accordance with details approved by the District Planning Authority and a risk assessment has been undertaken.
  - (d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the District Planning Authority. This should be approved in writing by the District Planning Authority prior to the remediation being carried out on the site and all development of the site shall accord with the approved method statement. **REASON** : In the interests of the amenity of future occupancy of the site in accordance with the provisions of Policy DW ENV3 of the Warwick District Local Plan 1995.
- 9 If during development contamination not previously identified is found to be present on the site, then no further development shall take place (unless otherwise agreed in writing with the District Planning Authority as an addendum to the method statement approved in accordance with Condition 8 above). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with and the development shall then proceed strictly in accordance with the approved method statement and the approved addendum thereto. **REASON** : In the interests of the amenity of future occupancy of the site in accordance with the provisions of Policy DW ENV3 of the Warwick District Local Plan 1995.
- 10 Upon completion of the remediation detailed in the method statement approved in accordance with Condition 8 above and any addendum approved thereto, a report shall be submitted to the District Planning Authority that provides verification that

the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. **REASON** : In the interests of the amenity of future occupancy of the site in accordance with the provisions of Policy DW ENV3 of the Warwick District Local Plan 1995.

- 11 Two full copies of reports at each stage should be provided to the District Planning Authority as required by Conditions 8, 9 and 10 above. **REASON** : In the interests of the amenity of future occupancy of the site in accordance with the provisions of Policy DW ENV3 of the Warwick District Local Plan 1995.
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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2302

**Part 2 Item Number:** 17

**Town/Parish Council:** Leamington Spa  
**Case Officer:** John Beaumont  
01926 456533 [planning\\_east@warwickdc.gov.uk](mailto:planning_east@warwickdc.gov.uk)

**Registration Date:** 30/12/2004  
**Expiry Date:** 24/02/2005

**13 Heath Terrace, Leamington Spa, CV32 5NA**  
Demolition of existing dwelling and erection of two new dwellings. FOR Mr & Mrs  
Noonan

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### **SUMMARY OF REPRESENTATIONS**

Town Council : Object. Erection of 2 dwellings will result in an undesirable density of development to the detriment of the character/amenity of the area.

Neighbours : The Directors and two residents of Voden Court (adjoining the site) have objected; loss of light, privacy, overdevelopment, difficulties of access, parking and construction. The occupiers of a flat to the north of Heath Terrace, with both basement and first floor windows overlooking the site, have raised objection on grounds of loss of light/outlook, cramped overdevelopment detrimental to street scene, parking congestion, undesirable precedent. A further letter from residents opposite the site raises objection on grounds of harm to character of street scene, intensification, parking difficulties, loss of green space within the conservation area.

One neighbour has written to state no objection in principle; while 2 smaller houses will not be in keeping with the row of existing houses, they should not be too detrimental providing brickwork/details traditional.

CAAF : Principle of demolition and replacement with smaller houses unacceptable. This forms part of a group of substantial well designed inter-war family homes and it was felt a difficult precedent would be set if one were demolished and replaced; could lead to a breakdown in character in this part of the road.

CLARA : Object. Will ruin this pleasant group of houses; increase in site density will not enhance Conservation Area. Precedent for undesirable intensive redevelopment.

WCC (Highways) : No objection.

WCC (Ecology) : Bat survey should be undertaken prior to determination.

### **RELEVANT POLICIES**

(DW) ENV27 - Ecological Development (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) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

(DW) ENV7 - Demolition of Non-Listed Buildings 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)

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

## **HEAD OF PLANNING & ENGINEERING**

This existing dwelling is not 'listed' but the site lies within the Conservation Area. Heath Terrace has a mixed architectural quality and this site is adjoined to the east by a modern 3 storey block of flats and to the west by 3 further plots of a similar plot width with single dwellings of a similar age to the property on this site.

The proposal entails the demolition of the present property and its replacement with two detached houses with integral single garages. The dwellings have been designed to reflect the inter-war character of the existing dwelling.

Whilst conscious of the objections raised to this proposal, I do not consider that the architectural quality of the present dwelling and its contribution to the street scene in this part of the Conservation Area is such that its demolition and replacement could reasonably be resisted. Whilst the present scheme proposes two dwellings, I consider that their design would complement the existing street scene and that their siting would not cause such harm to the amenities of nearby dwellings such as to justify refusal. I note that the Highway Authority has raised no objection and I consider a bat survey could be conditioned so that any necessary mitigation works could properly be undertaken before the demolition of the existing building.

## **REASON FOR RECOMMENDATION**

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

## **RECOMMENDATION**

GRANT 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 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing no. 400-02A, and specification contained therein, submitted on 2nd February 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 No development shall be carried out on the site which is the subject of this permission, until large scale details of rooflights, 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.
- 4 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.

- 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 A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 The garaging shown on the plans hereby approved shall be retained and kept available for such purposes and shall not be altered either internally or externally without the prior consent of the District Planning Authority. **REASON** : To ensure that there are adequate parking facilities to serve the development, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 8 The development hereby permitted shall not be brought into use until the proposed means of access has been constructed in strict compliance 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.
- 9 The existing building shall not be demolished unless and until a bat survey has been submitted to and approved in writing by the District Planning Authority and any necessary mitigation measures contained within the approved bat survey have been wholly implemented. **REASON** : To ensure the ecology of the area is properly protected in accordance with the provisions of Policy ENV27 of the Warwick District Local Plan.
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**Planning Committee:** 14 February 2005  
**Application No:** W 04 / 2304 CA

**Part 2 Item Number: 18**

**Town/Parish Council:** Leamington Spa  
**Case Officer:** John Beaumont  
01926 456533 planning\_east@warwickdc.gov.uk

**Registration Date:** 30/12/2004  
**Expiry Date:** 24/02/2005

**13 Heath Terrace, Leamington Spa, CV32 5NA**  
Demolition of existing dwelling. FOR Mr & Mrs Noonan

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### **SUMMARY OF REPRESENTATIONS**

Town Council : Object. Erection of 2 dwellings will result in an undesirable density of development to the detriment of the character/amenity of the area.

Neighbours : The Directors and two residents of Voden Court (adjoining the site) have objected; loss of light, privacy, overdevelopment, difficulties of access, parking and construction. The occupiers of a flat to the north of Heath Terrace, with both basement and first floor windows overlooking the site, have raised objection on grounds of loss of light/outlook, cramped overdevelopment detrimental to street scene, parking congestion, undesirable precedent.

One neighbour has written to state no objection in principle; while 2 smaller houses will not be in keeping with the row of existing houses, they should not be too detrimental providing brickwork/details traditional.

CAAF : Principle of demolition and replacement with smaller houses unacceptable. This forms part of a group of substantial well designed inter-war family homes and it was felt a difficult precedent would be set if one were demolished and replaced; could lead to a breakdown in character in this part of the road.

CLARA : Object. Will ruin this pleasant group of houses; increase in site density will not enhance Conservation Area. Precedent for undesirable intensive redevelopment.

WCC (Highways) : No objection.

WCC (Ecology) : Bat survey should be undertaken prior to determination.

### **RELEVANT POLICIES**

(DW) ENV27 - Ecological Development (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)

(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)

(DW) ENV7 - Demolition of Non-Listed Buildings 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)

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

## **HEAD OF PLANNING & ENGINEERING**

This existing dwelling is not 'listed' but the site lies within the Conservation Area. Heath Terrace has a mixed architectural quality and this site is adjoined to the east by a modern 3 storey block of flats and to the west by 3 further plots of a similar plot width with single dwellings of a similar age to the property on this site.

Whilst conscious of the objection raised to this proposal, I do not consider that the architectural quality of the present dwelling and its contribution to the street scene in this part of the Conservation Area is such that its demolition could reasonably be resisted. I consider an acceptable replacement scheme has been proposed on planning application W04/2302 and subject to the approval of that scheme and a contract for its implementation being in place (to prevent the creation of an unacceptable 'gap' site), I consider this consent should be granted.

## **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 demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under W04/2302 has been made.  
**REASON** : To enable the Commission to decide whether to make a record of the architectural and structural history of the building.

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**Planning Committee:** 14 February 2005  
**Application No:** W 05 / 0028

**Part 2 Item Number: 19**

**Town/Parish Council:** Shrewley  
**Case Officer:** Sandip Sahota  
01926 456522 [planning\\_appeals@warwickdc.gov.uk](mailto:planning_appeals@warwickdc.gov.uk)

**Registration Date:** 10/01/2005  
**Expiry Date:** 07/03/2005

**Pine Tree Cottage, Shrewley Orchard, Hockley Road, Shrewley, Warwick, CV35  
7AT**

Retention of timber car port/garden store for temporary personal use (retrospective application) FOR Mr & Mrs P Goodell

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**SUMMARY OF REPRESENTATIONS**

Highways Authority - No objection.  
Shrewley Parish Council - No objection - The Parish Council supports this application  
Neighbours - Two neighbours have supported the application on the following grounds:  
Use of naturally sustainable resources and sympathetic design makes the carport a welcome addition to the site; tidies up the site replacing a dilapidated timber building; not visible from road and only visible to three residents of Shrewley Orchard; Without the carport Mr & Mrs Goodall, who are both disabled, would be parked on the narrow lane which would be inconvenient and hazardous as the lane needs to be kept clear for LPG lorries/ emergency vehicles; carport blends in with surroundings; Does not have detrimental effect on privacy or light on any properties; Causes no noise or disturbance.

**RELEVANT POLICIES**

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)  
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)  
(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)  
DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 First Deposit Version)  
RAP8 - Converting Rural Buildings (Warwick District 1996 - 2011 First Deposit Version)

**HEAD OF PLANNING & ENGINEERING**

An application for the retention of the same structure was refused by delegated powers on the 19th November 2004. This proposal amends the description to state that it is for temporary personal use. However, I do not consider that this overcomes the reasons for the previous refusal.

The application site relates to a barn conversion situated to the southwest of Hockley Road which forms part of Shrewley Orchard - a complex of 5 barn conversions which lies within the West Midlands Green Belt and the Ancient Arden Special Landscape Area. The conversion was granted consent in 1988 and permitted development rights for subsequent extensions and outbuildings removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside were respected and protected.

The timber structure erected (painted green) is large, measuring 5.4 metres in width x 5.7 metres in depth with a height of 2.4 metres which slopes down to 2.2 metres to the rear. The structure is positioned immediately to the left hand side as you enter the drive to the Shrewley Orchard complex, approximately 10 metres north east of Pine Tree Cottage and backs onto Hockley Road. Although it is relatively well screened from

Hockley Road by the presence of a hedge, this hedge could be removed in the future, and does not overcome the fact that the structure is highly visible from within the complex itself.

The proposal is considered to be inappropriate development in the Green Belt as per advice provided by central government guidance in PPG2. Inappropriate development is by definition harmful to the green belt and in this case it has a detrimental impact on the rural landscape due to visual intrusion and erodes the openness of the Green Belt. The reasons given regarding parking difficulties and resin from Pine Trees ruining vehicle paint work are not considered to constitute the very special circumstances required to outweigh the presumption against such development. Moreover, Pine Tree Cottage already has a garage at the rear which is accessed through the drive to the side of the dwelling. This was a former outbuilding which was converted at the same time as the barn itself.

The Council's policies generally preclude the erection of outbuildings to barn conversions. In my opinion the timber carport detracts from the original character and appearance of the complex of buildings. Moreover, if permitted, this type of outbuilding could set a precedent for outbuildings/ garages to other converted barns which would be difficult to resist, thereby cumulatively eroding the openness of the Green Belt and the character and appearance of the Special Landscape Area.

### **REASON FOR RECOMMENDATION**

The proposal is not considered to comply with the policies listed above.

### **RECOMMENDATION**

REFUSE for the following reasons :

- 1 The site is situated within the Green Belt and the Warwickshire Structure Plan 1996-2011 together with the Warwick District Local Plan and Planning Policy Guidance Note 2 states that, within the Green Belt, the rural character of the area will be retained, protected and wherever possible enhanced. Local Plan policy (DW) ENV1 and emerging policy DAP1 of the first deposit version of the Local Plan (1996-2011) state that development will not normally be permitted, except in very special circumstances, for the construction of new buildings, unless it fulfils specific criteria. The proposed development does not satisfy any of these criteria and, in the Planning Authority's view, very special circumstances sufficient to justify departing from the development plan have not been demonstrated.
- 2 The application site is within a Green Belt and Special Landscape Area, where both Structure Plan and Local Plan policy seek to conserve and protect the rural landscape. It is considered that the proposed development would have a detrimental impact on the rural landscape due to visual intrusion and impact on the openness of the area, and would thereby be contrary to policies GD.6 and ER.4 of the Warwickshire Structure Plan and Policies (DW) ENV1 and (DW) C8 of the Warwick District Local Plan and emerging policy DAP1 and DAP3 of the first deposit version of the Local Plan (1996-2011).
- 3 The application site which lies within the Green Belt and Special Landscape Area, comprises a converted former agricultural building which is part of a larger complex of barns now used for residential occupation. Barn conversion schemes are carefully considered in relation to policy C3 of the Warwick District Local Plan 1995 and the Council's approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions and

outbuildings are removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected and protected.

In the opinion of the District Planning Authority, the proposed timber store/ carport detracts from the original character and appearance of the complex of buildings, thereby prejudicing the objectives of Policy C3 of the Local Plan and emerging policy RAP8 of the first deposit version of the Local Plan (1996-2011). If permitted, this type of outbuilding could act as a precedent for outbuildings/ garages to other converted barns which would be difficult to resist, thereby cumulatively eroding the character and appearance of the countryside to the detriment of the wider Green Belt and Special Landscape Area.

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**Planning Committee:** 14 February 2005  
**Application No:** W 05 / 0034

**Part 2 Item Number: 20**

**Town/Parish Council:** Whitnash  
**Case Officer:** Joanne Fitzsimons  
01926 456534 planning\_east@warwickdc.gov.uk

**Registration Date:** 10/01/2005  
**Expiry Date:** 07/03/2005

**1 Firethorn Crescent, Whitnash, Leamington Spa, CV31 2RX**  
Erection of extension to rear boundary wall and new boundary side fence measuring  
1.8m in height. FOR Mr D Robertson-Skeoch

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### **SUMMARY OF REPRESENTATIONS**

Town Council: Object to the enclosure of open space.

### **RELEVANT POLICIES**

(DW) ENV3 - Development Principles (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)

### **HEAD OF PLANNING & ENGINEERING**

The proposal relates to the 'straightening out' of an existing boundary fence which runs along Erica Drive, to the side of the applicant's property which fronts onto Firethorn Crescent. The 'dog leg' in the fence is a result of this part of the road being used as a turning head for vehicles prior to Erica Drive being fully opened to the continued development of the area.

The fence will continue at a height of 1.8 metres (as it is already) and return to meet the existing boundary and will still retain a 2.5 metre grassed strip between the back of the pavement and the aligned fence and as such, I do not consider that this will detract from the character of the area. A previous application for this scheme (reference W03/1099) was withdrawn as the applicant was not the owner of the land on which the fence was to be re-positioned, however this has been resolved and as part of the application, documentation has been submitted to demonstrate this.

I am satisfied that this proposal is acceptable in terms of policy requirements and given the retention of a substantial grassed strip, I do not feel that a refusal could be justified.

### **REASON FOR RECOMMENDATION**

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

### **RECOMMENDATION**

GRANT 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.
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