

**Planning Committee:** 13 September 2016

**Item Number: 5**

**Application No:** [W 16 / 0715](#)

**Town/Parish Council:** Leamington Spa

**Registration Date:** 14/06/16

**Case Officer:** Holika Passi

**Expiry Date:** 09/08/16

01926 456541 holika.passi@warwickdc.gov.uk

**32B Kenilworth Road, Leamington Spa, CV32 6JE**

Erection of two storey side extension and front and rear dormers FOR Mr G Dhaliwal

-----

This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

The Planning Committee is recommended to grant planning permission for the application.

**DETAILS OF THE DEVELOPMENT**

The proposal is for a two storey extension to the front elevation of the dwelling (and the rear elevation of the overall building and the existing rear wing) and internal layout changes. The scheme has been amended to include 2 pitched roof dormers to both planes of the existing main roof. As part of the new layout, there will be a dressing room and a wardrobe to the second floor, the dormers will simply extend this floor which is already said to be in use. All matching materials are proposed (roof tiles and render to match). There will be no increase in bedrooms; the existing and proposed bedroom number will be 1. The previous approval included a single storey extension the position of the proposed two storey extension.

**THE SITE AND ITS LOCATION**

The application property is situated to the rear wing of a villa to the east side of Kenilworth Road in the Royal Leamington Spa Conservation Area. Large villas of the same design and style are characteristic of the road and certainly of the immediate area, and the existing rear wing has no direct impact upon the street scene. The orientation of the property at No. 32B is that the front of the dwelling is on the rear elevation of the building.

**PLANNING HISTORY**

W/07/0588 - Refuse. Appeal Dismissed – 32 Kenilworth Road - Conversion of rear wing to form two mews dwellings, provision of additional car parking and relocation of communal bin store (part retrospective application)

W/07/2034 - Refuse. Appeal Dismissed – 32 Kenilworth Road - Conversion of rear wing to form two mews dwellings; single storey side extension; and relocation of communal bin store (part retrospective application)

W/08/1341 - Withdrawn - 32 Kenilworth Road - Proposed change of use of rear wing from its lawful use of one two and one one bed flats (planning permission W2007/0777) to two two-bed mews dwellings involving the alterations to the existing unauthorised two four bed dwellings to create two two bed dwellings.

W/09/0213 – Granted - 32 Kenilworth Road - Proposed change of use of rear wing from its lawful use of one 2 and one 1 bed flats (planning permission W2007/0777) to one 2 and one 1 bed mews dwellings, involving the alterations to the existing unauthorised two four bed dwellings together with the proposed retention of 3 car parking spaces and a proposed fence in the rear garden subdividing private from communal gardens

W/15/0411 – Granted - 32 Kenilworth Road - Erection of single storey extension

There is a varied and long history on the site. It is noteworthy that the site had 2 refusals and associated appeals which were dismissed in 2007 (one of which was W/07/2034, which included an additional single storey extension). Within these appeals, a conclusion was reached that there was a need to strike a fine balance between the suitable intensity of the development of the site with the impact on the Conservation Area, the need for an appropriate level of parking while securing a suitable level of and space for landscaping and a retained/reinstated amenity area.

A 2009 application (for a change of use of the rear wing to 2 mews dwellings and other aspects) reached these fine balances and was granted and implemented, where the maximum required level of parking on the site as a whole for No. 32 was 9 spaces as per the vehicle parking standards, where 8 on balance it was agreed that 8 would be sufficient provision. This involved 3 spaces being retained to the rear of the site, and an area of landscaping for a communal garden area was also proposed to the rear.

There has since been an approval for an additional single storey extension to the rear of 32B in 2015, which has not yet been implemented, the footprint of which this subject application seeks to build upon at first floor.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection

**WCC Ecology:** No objection subject to bat note and bird note

**WDC Conservation:** No objection subject to comments. Extension is large and original flat roof dormers would cause a top heavy appearance but due to position of it, the proposals would have little impact on the conservation Area, due to be tucked away to the rear of the property. Proposals have since been amended to include pitched dormers instead of flat roof dormers, which it was then optionally suggested may need a flat top as near to the ridge.

**Public response:** 10 objections

- Site already overdeveloped
- Detriment to the character of the Conservation Area
- Highway safety and impact on visibility due to increased lack of parking upon existing situation (if number of residents was to increase and due to extension itself)
- Extensions previously refused, and other planning and appeal history

- Noise will increase if number of residents increase
- Loss of light to Flat 4, 32 Kenilworth Road
- Disruption of building works
- Unsightly
- Impact on Listed Building (not a Listed Building)
- Concerns that it will reduce the value of nearby property

## **KEY ISSUES**

### **Assessment**

#### Design and Impact on the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed design of the extension is subservient and acceptable in accordance with the Residential Design Guide. The pitch and shape of the gable roof matches the main roof. The dormers have been amended to be small-scale pitched roof dormers, which are suitable within a Conservation Area. While they are slightly higher up within the roof than is traditional by the guidance, given their position which will have minimal impact within the street scene and is not considered to have a harmful impact on the street scene nor the Conservation Area. Lead will be conditioned as a material for the dormer cheeks as recommended by Conservation.

While the original villa is already extended, the new extension to this dwelling is not considered disproportionate in width or depth. Therefore despite objections regarding it being unsightly and harmful, the new extension at first floor will preserve the character of the Conservation Area.

While objections were raised concerning the site being overdeveloped, the principle and footprint of a further extension has already been established by the approval at W/15/0411, in which case it is considered acceptable already. Therefore, despite the history on the site which has been shown and described above, it should be noted that there have been progressive decisions and approvals, and this has been taken into account also. The balance between all of the issues previously found was reached in 2009, and has been maintained in the last approval of 2015, and this application.

### Impact on Neighbour Amenity

The dormer windows which will face the side will be obscure glazed as shown on the plans to ensure no overlooking, which is acceptable in terms of the applicant's own amenity as they are not within habitable rooms (dressing room and wardrobe). The first floor window to the south elevation will look upon the applicant's own garden and the 2 side windows to the east elevation will look upon the shared car park area and open communal area, in which case no harmful overlooking will occur. The first floor window proposed to this new bedroom on the north elevation faces one window at first floor on the adjacent building at 34, and therefore this window will be obscure glazed as secured by condition.

Objections were raised with the concern that noise will increase if the number of residents increases. However, as the residential use is established and will not change, and the flat is in a residential area, the noise impact of extra residents would not be of a harmful or significant level. In any case, the number of bedrooms will not increase as part of this development, and therefore the number of residents may not increase.

An objection was raised that there would be a loss of light to Flat 4, 32 Kenilworth Road, however due to the position, scale and orientation of the property and the proposed extension, and its distance from other units and properties, it is not considered that there will be any further impact than the existing building in terms of loss of light. There will also be no breach of the 45 degree angle to the rear habitable room windows of the adjacent properties.

### Parking and Landscaping

In line with the previous approval in 2015, the assessment for the parking still applies here, which was that the proposal does not encroach upon the car parking area as it only builds upon the patio area. As the footprint for the proposed development is the same and there is no increase in bedrooms, the parking requirement remains as it was at a maximum of 9 spaces for the whole site as per the 2009 approval, with 3 of those to the rear, as maintained by the 2015 approval and the current proposal. No detail or change is shown to the landscaping.

### Renewables

The proposed new floor space will exceed 35 sq m. Given the scale of the proposed development it is considered that a requirement to provide 10% renewables/ fabric first approach in accordance with Policy DP13 and the associated SPD would be appropriate. This can be secured by condition.

### Other Matters

Other non-planning matters were raised which are not material considerations and cannot be dealt with as part of the consideration of the application. Also an

objection was raised about the impact on the Listed Building, however it is not Listed, in which case this objection is not relevant.

## **Summary/Conclusion**

The proposed application is considered to be of acceptable design and will preserve the character of the Conservation Area, neighbouring and applicant amenity and standards of living, with little views from the street scene. It strikes a consistent balance between the previous issues raised in refusals and appeals and addressed within subsequent approvals, between the Conservation Area, parking and landscaping, and takes account of sustainability and ecology considerations also.

## **CONDITIONS**

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2844-01 received on 24th May 2016 and 2844-02B received on 11th August 2016, and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority.

If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

The development shall not be first occupied until all the works within

the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings and to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP13; DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building, shall be constructed with lead cladding to the 2 dormers.

**REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the window to be formed in the north elevation, in the proposed first floor bedroom facing the side elevation of No 34 Kenilworth Road hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed and shall be maintained in that condition thereafter without further written consent of the Local Planning Authority. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
-