

Planning Committee: 06 January 2004
Application No: W20031641

Principal Item Number: 3

Town/Parish Council: Leamington Spa

Registration Date: 07/11/2003

Expiry Date: 02/01/2004

Case Officer: Alan Coleman
01926 456535 planning_east@warwickdc.gov.uk

Land rear of, 132 Lillington Road, Leamington Spa, CV326LN
Erection of a detached dwelling with new access from Elm Bank Close.
FOR Mr & Mrs C. Ives

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

WCC (Highways) : No objection.

WCC (Ecology) : No objection.

Environment Agency: No comments.

Severn Trent Water Ltd: No objection, subject to condition relating to building/planting within 2.5 metres of public sewer crossing site.

WDC (Leisure & Amenities) : No objection, subject to protection of retained trees and submission of landscaping scheme.

WDC (Environmental Health): No objection.

Neighbours: 16 letters of objection on the grounds of overdevelopment by reason of the disproportionate size of the dwelling in relation to the plot, overdominant/overbearing impact on neighbouring residents' amenities, siting/design/scale/plot size/density of development out of character/incongruous with neighbouring properties, loss of privacy from overlooking of adjacent rear garden, loss of light to adjacent habitable room windows, increased risk of flooding (134 Lillington Road), harm to highway safety/convenience from increase in traffic generated by proposals and impact on continued health of retained trees.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

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

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING HISTORY

Outline planning permission for a detached house was refused by the Leamington Borough Council in 1964 on the grounds of loss of privacy to adjoining properties by overlooking and over-dense development (WDC ref. 10171). The application site was on the southern side of the main house and extended the full length of the site from Lillington Road to the boundary with 1 Elm Bank Close.

Outline planning permission for a detached dwelling on a similar plot to that now proposed was refused in 1981 on the grounds of such development on the size and shape of the plot would be incompatible with the surrounding development (WDC ref. W81/190). A subsequent plot appeal was also dismissed. However, in reaching his decision the Inspector accepted that the development would be compatible with the scale and density of development in Elm Bank Close but found that it would result in a loss of amenity due to the overbearing impact on 1 Elm Bank Close (which was

designed with ground and first floor windows on its western flank) and some loss of privacy in the garden of 134 Lillington Road from overlooking windows.

Planning permission for the erection of a bungalow instead was also refused in 1987 on similar grounds to the previous application. A subsequent appeal was dismissed too. In reaching his decision, the Inspector also concluded that the size of the site was not in itself sufficient reason to refuse the application. Whilst a bungalow would safeguard neighbouring residents amenities, nevertheless this form of development was considered out of keeping with the character of two storey development in the area.

More recently, planning permission was refused by this 'Committee, contrary to Officer's recommendation, for the erection of a two storey detached house for the following reason:

"The application site comprises part of the rear garden of 132 Lillington Road which is situated on the corner of Lillington Road and Elm Bank Close within a predominantly residential area. Policy (DW)H5 of the Warwick District Local Plan 1995 introduces a presumption against infill residential development proposals within existing urban areas that would have an adverse impact on the character and amenity of such areas. Policy (DW)ENV3 also requires all development proposals to have regard to the character of the surrounding area and to harmonise with their surroundings in terms of design and land use. In the opinion of the District Planning Authority, the proposed development would be unacceptable by reason of:

- i) it would constitute overdevelopment due to the disproportionate size of the dwelling in relation to the site having regard in particular to the limited size of the site in relation to other plots in Elm Bank Close;*
- ii) the scale and design of the front elevation of the dwelling in Elm Bank Close would give the appearance of a 3 storey dwelling which would be incongruous and harmful to the street scene;*
- iii) The siting of the dwelling beyond the built frontage formed by the side elevation of the host property and the neighbouring dwellings on this side of Elm Bank Close would be incongruous and harmful to the street scene;*
- iv) the scale and mass of the dwelling would have an overbearing and overdominant visual impact on the amenities of neighbouring residents, in particular at 134 Lillington Road and at 1 Elm Bank Close, which has lounge and bedroom windows at ground and first floor level in the western side elevation.*

The proposal would thereby be contrary to Policies (DW)ENV3 and H5 of the Local Plan."

KEY ISSUES

The Site and its Location

The site comprises the rear portion of the garden of 132 Lillington Road which is situated on the corner of Lillington Road and Elm Bank Close. The site has an area of approximately 400 sq.m. and is situated within an established residential area consisting detached houses of varying styles and designs and larger detached houses in bigger plots in Lillington Road. The rear garden of 134 Lillington Road adjoins the northern boundary of the site and 1 Elm Bank Close adjoins the site to the east.

Details of the Development

The proposal seeks to address the above reason for refusal by amending the dwelling proposed in terms of its size, height and design. In comparison with the previous scheme the main differences comprise:

- i) a reduction in the ridge height from 9.35 metres to 7.3 metres;
- ii) a reduction in the eaves height from 5.2 metres to 4.7 metres;

- iii) a corresponding reduction in the pitch of the roof from 45° to 30°;
- ii) a reduction in width of front elevation from 12.55 metres to 10 metres;
- iii) resiting the dwelling so that the eastern side elevation would now be set between approximately 2.6 - 4.8 metres off the boundary with 1 Elm Bank Close rather than 1.9 metres and between approximately 5.0 - 7.0 metres from the western side elevation of 1 Elm Bank Close rather than 4.4 metres;
- iii) reducing the depth of the dwelling from 9.75 metres to 8.75 metres, and;
- iv) resiting the front elevation approximately a further metre back from the highway boundary / approximately 1.3 metres beyond the front elevation of 1 Elm Bank Close rather than 2.2 metres.

The roof plan and elevations have also been amended accordingly, principally by the omission of the three storey central gable wing from the front elevation, to harmonise with the design and the appearance of the front elevation of 1 Elm Bank Close. The rear elevation would be broadly similar to that of the previous scheme and would also contain a single obscure glazed window at first floor level.

Assessment

PPG3 (2000) promotes making more efficient use of land within urban areas, including the re-use of previously developed land, such as the site, as long as it would not harm the character of the surrounding area. I therefore remain of the opinion that the development is acceptable in principle. Whilst the development would result in the fragmentation of the original plot and would undoubtedly have an impact on the character of the area, nevertheless I do not consider that this would result in an unacceptable degree of harm to it.

In comparison with the previous scheme, the overall height, size and scale of the dwelling has been reduced and its siting, design and appearance amended to address concerns regarding its impact on the street scene and relationship with neighbouring properties. In my opinion, the site has the capacity to accommodate the proposed development in an acceptable manner and would assimilate with its surroundings in these terms. As such, I consider the amendments that have been made are now sufficient to render the scheme acceptable in relation to the previous reason for refusal, neighbour objections, as summarised above, and the relevant policies of the current and First Deposit Draft Local Plans.

RECOMMENDATION

GRANT, subject to condition on access, car parking, drainage, materials, obscure glazing, protection of trees, landscaping, materials and removal of Permitted Development rights.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

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

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