

**Application No:**W13 / 0300

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Emma Spandley

**Registration Date:**11/03/13

**Expiry Date:**06/05/13

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**1 Staunton Road, Leamington Spa, CV31 2PN**

Change of use to house in multiple occupation and erection of a single storey rear extension FOR Mr & MrsDhami

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This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

**RECOMMENDATION**

Planning Committee are recommended to grant planning permission subject to the conditions mentioned below.

**DETAILS OF THE DEVELOPMENT**

The application proposes to convert the existing three bedroomed dwelling (Use Class C3) into a 6 bedroomed House in Multiple Occupation (HMO) (Use Class C4) and the erection of a single storey rear / side extension.

**THE SITE AND ITS LOCATION**

The application property is a two storey dwelling house located on the north side of Staunton Road, close to the junction with Southway. The property currently benefits from an integral garage which is located to the west side of the dwelling, adjacent to the rear / side garden of No.5 Southway. The property also benefits from existing off road parking for two vehicles, albeit in tandem with the current access arrangements.

The neighbouring property No.3, benefits from a single storey rear extension which projects along the shared boundary with the application property by 4 metres.

**PLANNING HISTORY**

There is no planning history relating to this site.

**RELEVANT POLICIES**

- National Planning Policy Framework
- Vehicle Parking Standards (Supplementary Planning Document)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

## **SUMMARY OF REPRESENTATIONS**

**Leamington Town Council:** Objection is raised for the following reasons: 1. This is an inappropriate proposal in a predominantly residential area and the Council considers the property should remain as a family house. 2. There is insufficient parking provided.

**Councillor response:** Two Councillor responses have been received which object to a HMO and concerns over parking.

**Public Response:** 6 objections have been received from residents on the grounds of over concentration, potential noise disturbance, rubbish left in street, lack of parking, over development, loss of family home.

## **ASSESSMENT**

The main issues relevant to the consideration of this application are as follows:

- Whether the proposals would cause a harmful over-concentration of such accommodation in this area;
- the impact on highway safety relating to vehicle parking;
- the impact on the living conditions of neighbouring dwellings, and
- the impact on the character and appearance of the area.

Whether the proposals would cause a harmful over-concentration of such accommodation in this area.

The Town Council has raised significant concern with regards to the appropriateness of the use within a predominantly residential area.

The Council have recognised that this is an issue of concern in South Leamington that should be addressed in planning decisions and have made an Article 4 Direction restricting Class C4 houses in multiple occupation (HMOs). The report to the Council's Executive Committee on 26th January 2011 in relation to the Article 4 Direction identified a particular problem with the concentration of student accommodation in South Leamington, resulting in problems with noise and anti-social behaviour, increased crime, a negative impact on the physical environment including inadequate attention to waste disposal, lower levels of community involvement and pride in the area, impact on local services and pressure on spaces for on-street parking. The report on the Article 4 Direction was supported by information from the Council's Private Sector Housing team showing that a high proportion of HMOs are concentrated in South Leamington and crime statistics showing significantly higher rates of anti social behaviour in other parts of the District.

The objections received relate to the principle of the change of use, the concentrate of HMOs within the area, increased noise levels and waste issues.

Grosvenor Road, which is a main thoroughfare, is located 60 metres to the north of the application site. If a 100 metre radius is taken from the centre of the application property there are 86 properties, 13 of which are shared houses. This equates to 16% of the total amount of properties being HMOs. However, as mentioned above Grosvenor Road is a busy main road and a bus route. On the northern side of Grosvenor Road there are 4 HMOs, as these are separated by a main road and the assessment is on the impact on the concentration of HMOs within a residential area, the properties on the northern side of Grosvenor Road have been omitted. The concentration of the HMOs to the south of Grosvenor Road is 9 properties out of 77 properties, which equates to a 12% concentration.

In terms of national policy, Paragraph 50 of the National Planning Policy Framework (NPPF) requires the Council to plan to create inclusive and mixed communities. Meanwhile, Paragraph 58 requires the Council to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Policy DP2 of the Warwick District Local Plan 1996 - 2011 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

It is considered that there are 9 HMOs within the immediate residential area, which is a small number in comparison to the total number of properties within the surrounding residential streets. It is therefore considered the proposed change of use will not lead to an over concentration of HMOs within the area and therefore will not have an adverse impact on the amenity of nearby uses in accordance with Policy DP2.

#### Car Parking and highway safety

Policy DP8 states development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Supplementary Planning Document (SPD) *Vehicle Parking Standards* sets out Warwick District Councils detailed parking standards for developments.

Table two of the SPG states properties which are proposed to be converted to a HMO require 1 space per 2 bedrooms. The existing house is required to have 2 off road parking spaces under the current parking standards.

The existing property does benefit from one off road parking space located in front of the existing garage. The property is proposed to convert to a 6 bed roomed HMO, which would require 3 spaces off road parking to be included. The proposal includes the removal of the existing front wall and to increase the length of the drop kerb to the front of the property to facilitate three cars to be parked off road. The extension of the drop kerb does not require planning permission, however, it is felt a suitably worded condition could control the

implementation of this element. It is considered the proposed change of use will not have a detrimental impact on highway safety.

#### The impact on the living conditions of neighbouring dwellings

The Warwick District Local Plan Policy DP1 states extensions should harmonise and enhance existing settlements and reinforce or enhance the established urban character of streets; reflect local architecture and historic distinctiveness and respect the surrounding buildings in terms of scale, height, form and massing. Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The Residential Design Guide (April 2008) provides a design framework for Policy DP1 & DP2 and states rear extensions should not breach a 45 degree rule taken from the middle of the nearest habitable room of a neighbouring property at ground floor, nor should an extension restrict the outlook or amenity of a neighbouring property.

Due to the existing extension at No.3, the proposed rear extension does not infringe on a 45 degree sightline taken from the middle of the nearest habitable room window.

No.5 Southways rear elevation faces the side boundary of the application property, therefore the proposed extension will not infringe a 45 degree sightline.

It is therefore considered the proposed extension will not have a detrimental impact on the occupiers of the neighbouring properties through visual intrusion or loss of light.

#### The impact on the character and appearance of the area.

The proposed extension will be to the rear of the property and not highly visible within the street scene. It is considered that the proposed extension will have an acceptable impact on the character and appearance of the area. The design and form of the extension would be in keeping with the application property and surrounding development.

### **SUMMARY/CONCLUSION**

It is considered that due to the small amount of existing HMOs within the area described above, the proposed change of use will not lead to an over concentration of HMOs within the area and therefore will not have an adverse impact on the amenity of nearby uses in accordance with Policy DP2. The off road parking provision is consistent with Policy DP8 of the Warwick District Local Plan 1996-2011.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning 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 1988/2/A & 1988/3/A and specification contained therein, submitted on 15th April 2013. **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 proposed use of the property hereby permitted shall not commence unless and until a pavement and verge crossing has been constructed to the site in strict accordance with the approved drawing No.1988/3/A showing the existing front boundary wall to be removed and the existing footway crossing extended. **REASON:** To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
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