

**Planning Committee:** 11 September 2024

**Item Number:** 10

**Application No:** [W 24 / 0623](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** James Moulding

01926 456728 james.moulding@warwickdc.gov.uk

**Registration Date:** 12/06/24

**Expiry Date:** 07/08/24

**House 3 & 4, 151 Leam Terrace, Leamington Spa, CV31 1DF**

Application for Variation of Condition 2 of application W/23/0728 (part retrospective) - Increase in depth of single-storey rear extension at No. 3, alterations to first-floor rear extension roof at No. 4 to a gable end. FOR Mr and Mr Dhesi

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This application is being presented to Committee due to the number of objections received. The application was deferred at the Planning Committee on 13 August 2024 to enable a site visit to take place.

**RECOMMENDATION**

It is recommended that this application is GRANTED for the reasons set out in this report.

**DETAILS OF THE DEVELOPMENT**

Application for Variation of Condition 2 of application W/23/0728 (part retrospective) - Increase in depth of single-storey rear extension at No. 3, alterations to first-floor rear extension roof at No. 4 to a gable end.

**THE SITE AND ITS LOCATION**

The application site relates to two properties which are located in the Royal Leamington Spa Conservation Area. They form properties 3 & 4 of a 4 dwelling terrace. The application property has permitted development rights under Part 1 and Part 2 removed.

**PLANNING HISTORY**

W/22/1743 - Rear first floor extension to No.151/3. Rear first floor, side and rear ground floor extensions to No.151/4. – Granted

W/23/0728 - Rear first floor extension to No.151/3. Rear first floor, side and rear ground floor extensions to No.151/4. – Granted

W/23/1707 - Property - 151/3 Rear ground and first floor extensions with room in roof space over. Property - 151/4 Rear ground, first and side extensions with room in roof space over. – Refused

W/24/0083 - Variation of Condition 2 for application W/23/0728 - amendments to propose an increase of the roof height of approved extension. - Refused

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NZC4 - Existing Buildings
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area

## **SUMMARY OF REPRESENTATIONS**

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

**Conservation:** Objection to incorporation of boundary wall into side extension, considered to blur the lines between the boundaries and the structure, whilst also increasing the massing of the structure. Detrimental to the Conservation Area to have the ground floor development completely envelop the site, current visual distinction by retaining the existing boundary wall is considered to be more appropriate. No objections to roof alterations at No. 4 and increase in height and depth of single-storey rear extension at No. 3.

Objection considered addressed on receipt of amended plans which reinstate the separate boundary wall.

**WCC Ecology:** Objection pending photos to determine the need for a preliminary bat roost assessment - considered unreasonable given the fallback position of comparable works receiving planning permission.

**Public Response:** 6 objection and 7 support comments raising both material and non-material planning considerations (summarised below):

### Objections:

- Development overshadows neighbouring property, impacts on neighbouring light,
- Overlooking of neighbour, privacy concerns from side facing windows,
- Breach of 45-degree line,
- Noise pollution impact on neighbouring property,

### Support:

- No impact on the Conservation Area or street scene, development to rear,
- In line with extensions to other properties,

### Other (non-material)

- Contentions relating to the applicant's status as a 'building contractor',
- Party wall related issues,
- Miscellaneous building control matters such as drainage,
- Quality of submitted plans.

## **ASSESSMENT**

### BE1 Design & HE1 Impact on Heritage Asset

The NPPF (2023) places an increased emphasis on the importance of achieving good quality design as a key aspect of sustainable development. Paragraph 135 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate external facing materials. Development is expected to function well and add to the overall quality of the area by appearing sympathetic to the local character and history.

Local Plan Policy BE1 echoes paragraph 135 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use. Proposals are also expected to reinforce or enhance the established urban character of streets and reflect, respect and reinforce local architectural distinctiveness. The Council's adopted Residential Design Guide SPD provides guidance to help make the assessment of good design under Policy BE1.

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 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.

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. This is supported by Policy HE1 of the Warwick District Local Plan 2011-2029 which states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

It should be noted that the majority of the development seen in the proposed plans has already received planning permission under application ref: W/23/0728.

Therefore, the only development under assessment in this application is the alteration to part of the first-floor rear extension roof at No. 4, and the alterations to the single-storey rear extension at No.3.

Amended plans have been received which remove the proposed development of building the single-storey side and rear extension at No. 4 up to and on top of the existing boundary wall. This element was objected to by the Conservation Officer, Planning Officers, and the public. It is therefore considered that objections relating to this element have been overcome as the design is now in accordance with that which has already received planning permission.

The proposed development includes a change to the original lean-to first floor roof at No. 4 to a gable design. It is not considered that this change would result in an unacceptable design due to its location at the rear between the two-storey side and rear extension and the neighbouring first-floor rear extension. It is also considered consistent with the gabled architectural design of the host dwelling. No objections from the Conservation Officer or the public have been made to this change.

The second element of change is to the single-storey rear extension at No.3, including increasing the projection to the rear and the overall height of the structure. It is noted that the shell of this element has already been constructed. The proposed increase in depth would bring this extension in-line with the single-storey rear extension previously approved at No. 4, as such there is no objection to the proposed depth. The proposed height increase is in relation to the eaves. The previous hipped design would have a higher apex at 4m, while the proposed flat roof would have a height of 3.3m. Given the siting of the extension adjacent to an already approved flat roofed extension, and the previous approval, it is not considered that the proposed design would result in any further harm to the Conservation Area or result in unacceptable design. There is no objection to this element from the Conservation Officer or the public.

It is therefore considered that the proposed development would comply with Local Plan Policies, BE1, HE1, Residential Design Guide SPD, and Neighbourhood Plan Policy RLS3.

In making this assessment, I have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

### BE3 Neighbouring Amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, the Residential Design Guide Supplementary Planning Document includes the 45 Degree Guideline which aims to prevent any unreasonable effect on the neighbouring property by reason of loss of daylight or sunlight and by creating an unneighbourly and overbearing effect.

Several objections have been raised regarding the proposed development's impact on neighbouring light, outlook, privacy, and noise pollution. It should be

noted that the majority of this scheme already benefits from approval, and that the only aspects relevant for assessment are the change in roof design on the first-floor rear extension at No. 4, and the increase in depth and eaves height of the single-storey rear extension at No. 3.

Due to the positioning of the first-floor rear extension change, between the two-storey rear and side extension and two-storey rear extension at No. 3, it is not considered that this change would have any increase in impact on the amenity of neighbouring occupiers. There would be no breach of the 45-degree line or increase in overlooking from this element. It is also not considered that the increase in projection to the single-storey rear extension at No. 3 would result in a breach of the 45-degree line to the neighbouring rear extension.

Comments received regarding an increase in overlooking from the side facing windows are addressed by these elements having received planning permission and being conditioned as obscure glazed and non-opening up to 1.7m.

It is therefore not considered that the development proposed in this application would result in any increased harm to the amenity of neighbouring occupiers.

The proposed development would comply with Local Plan Policy BE3 and the Residential Design Guide SPD.

### Ecology

The county ecologist has objected and requested that photos are provided to determine whether or not a preliminary roost assessment should be required. This is considered unreasonable as the applicant benefits from a fallback position which would result in comparable works and therefore impact.

### Other Matters

Public objections have also been received relating to queries about the applicant's status as a 'building contractor', party wall disputes, building control issues such as drainage, and the quality of the submitted plans.

It should be noted that the majority of these are not planning matters and therefore hold no bearing on the determination of the application. Regarding the plans, such plans have been accepted on previous proposals and are technically sufficient to warrant a valid submission. It is considered unreasonable to reject the submitted plans.

### **Summary**

The proposals are considered to have an acceptable impact on the character and quality of the street scene and Conservation Area through the proposed layout, building materials and scale of the development. The proposals would also have an acceptable impact on the living conditions of neighbouring dwellings. The proposals are therefore in accordance with Local Plan Policies HE1, BE1, BE3, the Residential Design Guide SPD, and Neighbourhood Plan Policy RLS3. It is recommended this application is GRANTED.

## **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 2300/3/, 2300/4/, and specification contained therein, submitted on 25/07/2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
  - 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 BE1 of the Warwick District Local Plan 2011-2029.
  - 4 Prior to the occupation of the development hereby permitted, the windows in the south facing elevation of house number 4 shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of future users and occupiers of the property and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
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