

**Planning Committee:** 23 August 2005

**Item Number:** 24

**Application No:** W 05 / 1050

**Registration Date:** 28/06/05

**Town/Parish Council:** Leamington Spa

**Expiry Date:** 23/08/05

**Case Officer:**

John Beaumont

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**Land rear of 7 & 9, Beauchamp Avenue, Leamington Spa, CV32 5RE**

Erection of 2 dwellings fronting Trinity Street FOR Marson Homes Ltd

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

**SUMMARY OF REPRESENTATIONS**

**Town Council:** The proposal is considered contrary to policies (DW) ENV3 and (DW) ENV8 of the Local Plan in that the design will have a detrimental impact on the Conservation Area. Contrary to policy DAP10 as the proposal fails to enhance the quality, character or appearance of the Conservation Area. Proposal constitutes backland development.

**Neighbours:** None received.

**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) H5 - Infilling within the Towns (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)

**PLANNING HISTORY**

An application (W041525) for the demolition of the existing garages on the site and their replacement by 4, two storey houses into 6 built-in garages was refused in October 2004 for the following reason:-

"Policy ENV3 of the Warwick District Local Plan requires all development proposals to achieve a high standard of design, having regard to the character of the area and harmonising with their surroundings. Policy DP1 of the Warwick District Local Plan 1996-2011 (first deposit version) requires all development proposals to make a positive contribution to the character and quality of its environment through good layout and design and Policy DP2 of the same plan states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and / or does not provide acceptable standards of amenity for future users / occupiers of the development.

This application site also falls within the Conservation Area and hence Policies ENV8 in the Warwick District Local Plan 1995 and DAP10 in the Warwick District Local Plan 1996-2011 (first deposit version) state development will be required to protect and enhance the historic quality, character and appearance of such areas.

The application site presently forms part of the rear gardens to Nos 7 and 9 Beauchamp Avenue, Leamington Spa, and is presently occupied, in part, by single storey garages with a frontage to Trinity Street; this frontage has the appearance of a brick boundary wall within which are openings for garage doors and pedestrian gates.

In the opinion of the District Planning Authority the proposed development of a terrace of four, two-storey houses incorporating dormer windows and rooflights would be seriously harmful to the established character and appearance of this locality by reason of its bulk, height and design which would fail to harmonise with its surroundings in this section of Trinity Street. Furthermore, it is considered the proposal would have both an unacceptable overbearing effect and cause unacceptable overlooking of neighbouring properties.

The proposal is therefore considered contrary to the objectives underlying the aforementioned policies."

An appeal against this refusal was dismissed in May 2005. The Inspector concluded that residential development is acceptable in principle in this location and that the proposals would not harm neighbours living conditions or the setting of a listed building. However, he considered that the form of the existing low level building contributed to the character and appearance of the Conservation Area and the proposed two-storey development would be an unacceptably bulky form of development which would appear obtrusive in the streetscene and hence would not be acceptable.

## **KEY ISSUES**

### **The Site and its Location**

The site is located in the Leamington Spa Conservation Area and has a frontage to Trinity Street. Nos. 7 and 9 front Beauchamp Avenue and are substantial semi-detached dwellings which have rear gardens onto Trinity Street with single storey garaging, garden walls and pedestrian access onto that street.

### **Details of the Development**

The proposal entails the demolition of the existing buildings on the site (see application W051051CA on this agenda) and their replacement by a new single storey building fronting Trinity Street. This building is designed to have the appearance of a row of converted garages but would contain 2 two-bedroomed single storey dwellings with a central pedestrian access and two rear wings projecting back into the site. No off-street parking is proposed for the dwelling.

### **Assessment**

Clearly a significant material consideration in the determination of this application is the conclusions of the Planning Inspector in the recent appeal decision on this site as set out in the Planning History section above. I consider, therefore, that the key issues now to be considered are has this scheme for 2 single storey dwellings addressed the Inspectors reservations regarding design and impact on the character/appearance of the Conservation Area and has it raised any new issues.

With regard to design, I consider the scheme as now proposed would reflect the character of the streetscene and pattern of development in this part of Trinity Street which is predominantly single storey in appearance. I am of the opinion that it would sit comfortably in the streetscene and would not harm the character/appearance of the Conservation Area. Consequently, I conclude it has successfully addressed the objections raised by the Planning Inspector to the bulkier, two-storey development previously proposed.

I am of the view that this scheme would not harm neighbours living conditions or the setting of any nearby 'listed' building and whilst I note that this proposal would not provide off-street car parking spaces for the proposed dwellings, given their town centre location, I do not consider this would justify the refusal of planning permission having regard to Government guidance in PPG3 (Housing).

I conclude, therefore, that this proposal for 2 single storey dwellings has overcome the Planning Inspectors objection to 4, two storey houses on this site and would be a wholly acceptable addition to 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 approved drawing numbers 1170/02, 03 and 04, and specification contained therein, deposited with the District Planning Authority on 27th June 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 parapets, garden walls, 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 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.

- 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 development hereby permitted shall not be brought into use until all parts of existing accesses to Trinity 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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