

Planning Committee: 08 November 2022

Item Number: 9

Application No: W 22 / 1022

Town/Parish Council: Leamington Spa
Case Officer: Josh Cooper

Registration Date: 16/06/22
Expiry Date: 11/08/22

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17 Vicarage Road, Lillington, Leamington Spa, CV32 7RH

Demolition of existing rear extension and erection of replacement single storey rear extension with green roof and subterranean level and a two storey side extension FOR Downes

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

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the proposed demolition of the existing single storey rear element of the property and the proposed replacement with a single storey rear extension with a green roof in addition to a two-storey side extension.

The proposed side extension will be finished in white render and have a hipped roof. The proposed single storey rear extension is to be constructed of large aluminium framed glass panes. it also includes a subterranean element.

THE SITE AND ITS LOCATION

The application site relates to a semi-detached dwelling in Lillington, Leamington Spa. The dwelling is located within the Royal Leamington Spa Conservation Area, specifically Area 35: Lillington Village. The application property is situated directly opposite the Church of St Mary Magdalene, a noted significant building within the Conservation Area.

The dwelling is characterised by red brick on the lower half, white render on the upper half and character bay windows located on both the principal and rear elevations. The roof is constructed of tiles, with character dormer windows present. The dwelling is set back from Vicarage Road, with a small walled front garden separating the dwelling from the roadway.

The street scene is also characterised by red brick and white render. The principal elevations of the other semi-detached properties in the same street share a strong uniform character with the application site.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE4 - Landscape
- TR3 - Parking
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection on grounds of breach of 45-degree line from No. 15.

WCC Ecology: Objection

WDC Tree Officer: No objection

Cllr Daniel Russell: Objection on grounds of breach of 45-degree line from No. 15 and the inclusion of a subterranean area seems unprecedented in the locality which is also a conservation area.

Public Response: 5 objections received on the following grounds:

- breaches 45-degree guidelines
- out of character within the Conservation Area
- proposed subterranean level is much larger than any other in the vicinity and there is concern for potential non-residential uses
- extensions result in a loss of character to the existing dwelling
- extensions may compromise the root systems of nearby Lime Trees within the curtilage of an adjoining neighbour's plot
- extensions will be visible from surrounding roads in the Conservation Area

- potential noise and disturbance of the works being conducted would be significant
- property is already large and so further enlargement is inappropriate
- proposed subterranean level may kill surrounding root networks of protected trees
- proposed side extension unbalances the character semi-detached property
- proposed extensions will affect the garden amenity of surrounding gardens
- vegetation for the proposed green roof is unspecified and may hinder outlook from neighbouring windows
- proposed subterranean element may cause ground instability
- proposed rear extension will have unreasonable material impact on light and outlook to neighbouring properties
- proposed extensions will be detrimental to the setting of two nearby listed buildings St Mary Magdalene Church and the Manor House
- proposed new subterranean level will negatively impact the water table and cause damp issues to surrounding cellars
- The content of the Arboricultural Assessment conducted was unacceptable

Assessment

Design and Impact on Conservation Area

Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the street-scene is respected. Policy BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

Royal Leamington Spa Neighbourhood Plan Policy RLS3 states that Development proposals that are within or directly affect a Conservation Area must assess and address their impact on their heritage significance.

The proposed two-storey side extension is considered to be of an acceptable design. The proposed extension is subservient, as it is stepped down from the original roof pitch, shares the original roof style and it adopts appropriate materials to respect the surrounding character and therefore accords with the guidance set out in the Residential Design Guide SPD. The extension will be partially visible from the street scene, but the matching materials allow the subservient extension to harmonise with the local street scene and character.

The proposed single storey rear extension is considered to be a modern and contrasting addition to the traditional dwelling. The proposal provides a good juxtaposition between the old and the new and the use of glass and thin aluminium framing results in a lightweight aesthetic. The proposed rear extension is considered to be subservient to the host dwelling and the proposed green roof is also deemed to be sensitive to the views of the rear extension from above which

would be visible from neighbouring properties. The proposed rear extension would not be visible from Vicarage Road, but it would be visible from Elm Road and Manor Road to the rear. However, given the proposed design and the distance from the extension to the roads to the rear the visual impact on the wider Conservation Area is considered acceptable.

The Conservation Officer made no comments and had no objection to the proposed development.

The proposed narrow two-storey side extension would be visible from Vicarage Road and Church Lane, but the design and use of materials is considered to be subtle enough to result an acceptable impact on the Conservation Area. The proposed two-storey side extension is considered to have an acceptable impact on the listed building directly opposite the application site. The proposed single storey rear extension is considered subservient and respectful of the visual dominance of the existing property whilst be lightweight and purposefully contrasting to the existing character property. Even though the proposed single storey rear extension may be visible from specific positions on surrounding streets, it is not considered to be detrimental to the overall character of the Conservation Area. The demolition of the existing single storey rear element did not raise concern from the Conservation Officer. It is also noteworthy that number 15 Vicarage Road has also had the single storey rear element removed in the past.

The proposed subterranean level and its use is not considered to be a concern as there is no evidence of anything other than residential uses intended.

Concerns have also been raised regarding the proposed vegetation that will be used on the green roof. No details have been provided regarding the type, layout or forms of vegetation that would be used and these details are not something the Council would require for a planning application such as this. Planting can also be undertaken without planning permission as it does not constitute development and so it is considered the lack of detail regarding the proposed roof vegetation is acceptable.

The subterranean cellar has also been objected on grounds it is out of character for the area. As the new cellar will not be visible from above ground, it is considered its impact on the Conservation Area would be negligible. The proposed cellar is bigger than existing cellars in similar neighbouring properties, but the subterranean room is considered to have minimal visual impact and is therefore acceptable. Concerns raised regarding the impact of the new cellar on surrounding trees have been alleviated through the Tree Officer's comments regarding the Arboricultural Assessment provided. The proposed cellar would have to be built in accordance with building regulations to ensure its safety and structural stability and this not a material planning consideration in this assessment.

Further objections raised concerns of overshadowing and the resultant loss of light to surrounding properties. The proposal has been amended to reduce the height of the rear extension, so it is no taller than the existing single storey element and the extension has been moved further away from the shared boundary and back

to the footprint of the existing single storey element. It is considered that as amended, the impact on the neighbour is acceptable. The proposed two-storey side extension adheres to separation distances to adjacent properties. Whilst the proposed extension is closer to the boundaries of adjoining properties on Church Lane, it is still a reasonable distance from the shared boundaries and so overlooking into these adjoining gardens is considered not to result in material harm to amenity.

The proposal is therefore viewed to be in accordance with the guidance set out in the Council's Residential Design Guide SPD and Local Plan Policy BE1, as well as Royal Leamington Spa Neighbourhood Plan Policies RLS3.

Amenity

Warwick District Local Plan Policy BE3 requires development to have acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light and outlook.

The Royal Leamington Spa Town Council and other public responses objected to this application on grounds that the proposed development breaches 45-degree guidelines.

The proposed development does breach the 45-degree guideline. However, the existing rear single story element also breaches the 45-degree guideline. As the proposal has been amended to be set back further away from the shared boundary to the footprint of the existing single storey rear extension and the proposed extension has been reduced in height and is now no taller than the existing, it is considered that the proposal would not result in any additional harm over and above that which exists at present.

An objection made by a member of the public raised concerns over the noise and disturbance caused by construction works if permission was to be granted. Whilst noise impacts are a material planning consideration it would be unreasonable to refuse planning permission on the basis of temporary noise and disturbance relating to a period of building works. Notes on good working practices will be added to any approval granted.

The proposal adheres to the separation distances set out in the Residential Design Guide SPD. As such, the proposal is not considered to result in an unacceptable loss of privacy for surrounding occupiers.

The impact that the proposal will have on the amenity of the current and future occupiers of the subject dwelling is considered acceptable. The open plan layout of the rear extension provides adequate light and outlook to habitable rooms. The application site will be left with adequate private outdoor amenity space in accordance with the Residential Design Guide SPD.

Therefore, the proposal is considered acceptable and in accordance with Local Plan Policy BE3.

Ecology

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to state that all proposals likely to impact on these assets will be subject to an ecological assessment.

The County Ecologist has recommended a Preliminary Bat Survey be undertaken. However, Officers are mindful that there are no specific bat records for the application site itself, the roof space could be converted without the need for planning permission, and the property is well sealed and situated in built-up area. Moreover, bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. It is a criminal offence to recklessly disturb or destroy a bat 'roost'. Where a bat 'roost' is present a licence may be necessary to carry out any works. If evidence of bats is found whilst carrying out works, there is a legal requirement to stop work and notify Natural England. A note advising the applicant of this will be added to any approval granted.

Therefore, subject the imposition of explanatory notes, the proposed development is considered to be in accordance with Policy NE2 of the Local Plan.

Impact on Trees

Local Plan Policy NE4 states that new development will be permitted that positively contributes to landscape character.

Given that on the application site and in close proximity to the boundary of the site there are significantly large trees, an Arboricultural Impact Assessment was requested to assess the impact that the proposed development would have onto the nearby landscape character features.

The Tree Officer was consulted upon receipt of the Arboricultural Impact Assessment. The Tree Officer has no objection to the proposed development subject to pre-commencement condition.

Another objection raised concerns that the Arboricultural Impact Assessment had missed important information out regarding the Lime Trees just outside the application site boundary on land believed to be of 28 Church Lane. The objection also raises concerns that the trees are much closer to the proposed development than the plans show. The Tree Officer was satisfied with the content and conclusions of the Arboricultural Impact Assessment and the tree protection measures contained within. As the Tree Officer is satisfied with the Arboricultural

Impact Assessment provided and has made no objection, this Officer considers the proposed development to be in accordance with Local Plan Policy NE4.

Parking

The proposed development does not increase the number of bedrooms in the dwelling. The existing property has no designated off-street parking and has had to make use of available on-street parking. It is considered that the proposal will not further compromise or improve the dwelling’s parking amenity.

The proposal is therefore considered to be acceptable and in accordance with Local Plan Policy TR3.

Summary and Conclusion

The proposal is considered to constitute acceptable design quality and an acceptable impact on the conservation area, an acceptable impact on the amenity of the neighbours and the current and future occupiers of the dwelling. The development is considered to pose a low risk to protected species and will not be detrimental to highway safety. The proposed development is in accordance with all of the aforementioned policies, and it is therefore recommended that planning permission be 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 drawing(s) 3254 S3 100 A, 3254 S3 200 A, 3254 S3 300 A, 3254 S3 100 B and 3254-S3-001 specification contained therein, submitted on 19th August 2022. **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.
