

Planning Committee: 22 July 2014

Item Number: 7

Application No: W 14 / 0785

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 22/05/14

Expiry Date: 17/07/14

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228 Valley Road, Lillington, Leamington Spa, CV32 7SZ

Application for the proposed erection of a two storey side extension and single storey ground floor front, side and rear extensions. RESUBMISSION. FOR Mr Phipps

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The applicant seeks to construct a single storey front and side extension in order to accommodate a hall, family room and new garage, with two storey side extension which will enlarge the kitchen, provide a utility room to the ground floor and enlarged existing bedroom with ensuite above.

THE SITE AND ITS LOCATION

The application property is a detached dwelling, positioned to the South of Valley Road on a corner plot which adjoins to the rear of properties fronting Kempton Crescent. The application property benefits from a garage and driveway parking and is set on a slightly elevated position from the public highway.

PLANNING HISTORY

W/13/1684 - application withdraw by the applicant for a similar scheme for the proposed erection of a two storey side extension, single storey front and single storey side extension.

RELEVANT POLICIES

- National Planning Policy Framework
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - Object on the basis that no significant amendments have been made to the application, that the proposal is overbearing, appears to be contrived and has an adverse effect on the neighbours. Raises concerns whether the design complies with the Residential Design Guide.

WCC Ecology - No objection, recommends a note relating to bats as protected species be added to any approval granted.

Tree Preservation Officer - No objection, subject to an arboricultural method statement and details of tree protection methods being submitted.

Public Response - 3 objections have been received on grounds of loss of light, loss of privacy, noise and disturbance and the removal of a tree to the front of the property in terms of its importance of the tree within the landscape.

Assessment

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

- Design
- The impact on the living conditions of nearby dwellings
- Renewable Energy
- Parking
- Ecology Issues
- Arboricultural Matters

Design

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The proposed extensions will be visible within the street scene as they will be positioned on the front and side of the application property. There were concerns regarding the design submitted under a previous application (W/13/1604) in relation to the proposed extensions appearing overbearing and that they did not look subordinate to the original dwelling. Royal Leamington Spa Town Council have objected to this application and comment that no significant amendments have been made to the application and that there are concerns whether the application complies with the Residential Design Guide. However, the agent has made alterations to the design and it is considered that this proposal has addressed these queries; the applicant has reduced the height of the ridge line of the two storey side extension and it is now set back from the front elevation to create a subservient form of extension which complies with the Residential Design Guide. The roof pitch of the two storey side extension mirrors the gradient of the main roof slope and the proposed extensions will be constructed in materials to match those of the existing dwelling and will not be built up to any of the boundaries of the application site. It is considered that the proposal respects the character of the existing dwelling and the wider surroundings. It is therefore considered that the proposal complies with the NPPF, Local Plan policy DP1 and the Residential Design Guide.

The impact on the living conditions of nearby dwellings

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between

properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Number 230 Valley Road is positioned to the Eastern boundary of the application site and will not lie immediately adjacent to the proposed extensions. This neighbour is set slightly further back than the application property, however, this neighbour has extended the garage forwards of the existing dwelling, therefore, there will be no breach of the Council's adopted 45 degree guideline as a result of the single storey front facing extension. The proposed two storey side extension and single storey rear extension will not protrude any further into the garden from the rear elevation and as such there will be no possible conflict of the Council's adopted 45 degree guidance. The proposed extensions will be situated on the opposite side of the application property to this neighbour; therefore it is considered that there would be no significant detrimental impact in terms of loss of light, outlook or privacy.

Numbers 15, 16 and 17 Kempton Close are positioned to the South-Western elevation of the application property and are set down from the existing dwelling. All of these neighbours have objected to the application. Number 15 has objected to the proposal based on loss of light, negative effect on their property value and potential noise and disturbance caused; Number 16 has objected to the application on the basis of loss of light and privacy, concerns regarding the removal of a tree to the front of the property and the potential noise and disturbance during the building works; Number 17 has objected to the application on the basis of loss of privacy, the potential noise and disturbance which may be caused as a result of the development and the loss of the tree to the front of the application property.

The Corsian Pine tree at the front of the property is due to be retained and the applicant has submitted some details regarding the arboricultural issues relating to this. The noise and disturbance caused during the building works and the presumed negative effect on property values are not material planning considerations and as such will not be referred to in this report. As these neighbours are set down from the application property, there will be no breach of the Council's adopted 45 degree guidance and the proposal meets the distance separation guidance as stipulated by the Residential Design Guide. There are no proposed windows whatsoever to the side elevation which could cause a loss of privacy for these neighbours. As this property is set at an elevated position to these neighbours, there may be some loss of light, however, it is not felt that this is so significant as to warrant refusal of the application as the proposal meets the distance separation guidance.

Numbers 18, 19 and 20 Kempton Crescent are positioned to the South elevation of the application property and will not lie immediately adjacent to the proposed extensions. There will be no breach of the Council's adopted 45 degree guidance and the proposal meets the Council's adopted distance separation guidance. It is considered that there would be no significant detrimental impact in terms of loss of outlook, light or privacy for these neighbours which would warrant refusal of the application.

There are no front facing neighbours which could be impacted by the proposed development.

Royal Leamington Spa Town Council have also objected to the application on the basis that it has an adverse effect on the neighbouring properties, however it is considered for the aforementioned reasons that there would be no significant detrimental impact on any of the adjoining neighbours which would warrant a reason for refusal of the application. Therefore, the proposal is considered to comply with Local Plan policy DP2, the Residential Design Guide, the Council's adopted 45 degree guideline and the Council's adopted distance separation guidance.

Renewable Energy

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables in accordance with Policy DP13 and the associated SPD would not be appropriate.

Ecology

WCC Ecology have commented on this application site, however, they consider that a cautionary bat note would be sufficient and that this application in its present form is acceptable and complies with Warwick District Council Policy DP3.

Arboricultural Matters

The applicant submitted a tree schedule, with Tree Constraints Plan and Arboricultural Impact Plan. There has been no objection received by the Tree Preservation Officer subject to the provision of an arboricultural method statement and tree protection methods by the applicant to Warwick District Council prior to the commencement of any proposed works which can be conditioned. The proposal is therefore considered to comply with Local Plan policy DP3.

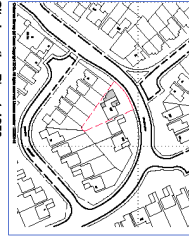
Conclusion

In conclusion, the proposed single storey front, single storey rear and two storey side extension are considered to be of acceptable design and scale which would not impact adversely on the on the character or appearance of the street scene and do not substantially impact on the amenity of neighbouring properties which would support a reason for refusal.

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 2364-02C, and specification contained therein, submitted on 22nd May 2014. **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 No development or other operations (including demolition, site clearance or other preparatory works) shall commence until tree protection measures have been submitted to and approved in writing by the local planning authority and any approved mitigation or protection measures shall be put into place prior to and remain in place during any construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
 - 4 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 DP1 of the Warwick District Local Plan 1996-2011.
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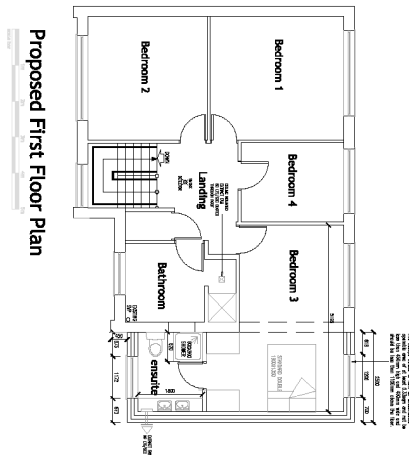
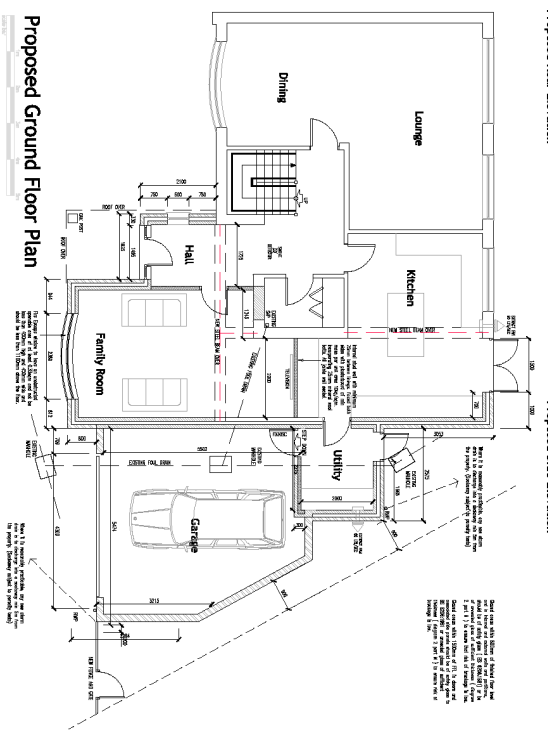
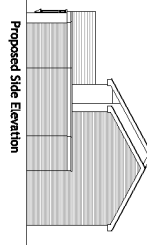
Existing Side Elevation

Existing Ground Floor Plan

The plan shows a central hall connecting several rooms. To the top left is a Lounge with a fireplace and a bay window. To the top right is a Dining area. To the bottom right is a Kitchen with a sink, stove, and refrigerator. To the bottom left is a Utility room with a washing machine and a door to a Garage. A staircase is located in the hall, leading up and down. A front door is also shown in the hall.

The floor plan of the second floor includes four bedrooms, a bathroom, and a central landing. Bedroom 1 is located at the top left, Bedroom 2 at the top right, Bedroom 3 at the bottom right, and Bedroom 4 at the bottom left. The bathroom is situated between Bedroom 2 and Bedroom 3. A central landing provides access to all rooms and a staircase.

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Approved Planning

Planning permission has been granted for the proposed development by the relevant authority. The planning application number is [Number].

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