

Planning Committee: 23 April 2019

Item Number: 18

Application No: [W 19 / 0387](#)

Town/Parish Council: Leamington Spa
Case Officer: George Whitehouse
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Registration Date: 08/03/19

Expiry Date: 03/05/19

20 Warwick Place, Leamington Spa, CV32 5BP

Erection of a two storey rear extension, single storey rear extension. Erection of front garden wall & gates with hardstanding for parking. FOR Mrs Meakin

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

RECOMMENDATION

It is recommended that Planning Committee grant this application.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a two storey and single storey rear extension. Erection of front garden wall & gates with hardstanding for parking.

THE SITE AND ITS LOCATION

The application property is a detached dwelling in a row of detached c.1930's style dwellings which fall within the Royal Leamington Spa Conservation Area. The site lies adjacent to 1-8 Bertie Terrace, which is Grade II Listed. This is a distinctive and characteristic terrace of 8 houses, now houses and flats, and attached railings. The listed building is constructed of reddish-brown brick with painted stucco facade, Welsh slate roof and cast-iron balconies and railings.

PLANNING HISTORY

W/18/2131 - Erection of single and two storey rear extension with raised ridge height to include loft conversion with rooflights; Alterations to existing front garden wall to increase width of site access and enlarge hardstanding area - Refused on: Scale, design impact on the conservation area and impact on neighbours.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council - Objection based on increased bulk and mass, impact on the amenity of the neighbour and loss of rear garden space.

Highways Authority - No Objection

Public - 1 objection based on the proposals being out of character and style of the conservation area; and loss of privacy and light and loss of rear garden.

ASSESSMENT

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPG 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 a neighbouring property. This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

While there is a breach of the 45 degree line from the rear of Bertie Terrace the breach occurs at a distance of over 8m. The Residential design guide states that breaches that occur at a distance of 8m or more are not considered to result in material harm to light and outlook. Officers consider this to be the case in this instance in that there will be no material impact on the amenity of the occupiers of Bertie Terrace.

One public objection cites loss of light and amenity for the occupiers at 22 Warwick Place. There is no breach of the 45 degree guideline from any habitable room windows of 22 Warwick Place. Considering the aspect of the dwellings and their relationship any loss of amenity or light as a result from this proposal would not be so significant as to cause material harm. There are also no first floor side facing windows which would add to levels of overlooking.

The objections also refer to the loss of rear garden being unacceptable. The amount of rear garden remaining after the proposed extension is 2.9 times the size of the minimum standards for outdoor private amenity space a 4 or more bed house. It is therefore considered the loss of some of the rear garden space is acceptable in this case given the remaining size of the private amenity space.

Therefore, it is considered that the proposals are compliant with Local Plan Policy BE3.

Design and Impact on designated heritage assets

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 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Warwick District Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Local Plan Policy BE1 states that new development should make a positive contribution to its surroundings.

Following the previous refusal pre-application advice was sought from the Council's Conservation Officer. The scheme was amended in order to be set down from the roof of the original dwelling and to accord with the Council's adopted Residential Design Guide. As part of the proposals the front elevation will remain unchanged from the original dwelling and the extensions will have no impact on the street scene or views of the listed building. By way of design it is considered the proposed extensions are subservient to the original dwelling and acceptable within the context of the designated heritage asset since or the neighbouring Listed Building they respect the view of the original dwelling within the street scene. With regard to the new boundary treatment there is little change from the existing, established boundary and therefore this element is considered to be acceptable. The above conclusions are further supported by the Conservation Officer's stance of no objection.

It is considered that the proposals comply with Local Plan Policy HE1, BE1 and the Council's Adopted residential design guide.

The impact on highway safety

Policies TR1 and TR3 of the Local Plan seek to ensure that there is no impact on highway safety and that there is adequate parking provided for the needs of the dwelling. The NPPF is also noted as a material consideration.

Highways Officers raise no objection, subject to a condition requiring gates to be inward opening.

As such, taking account of the advice of highways officers, the proposals are considered to be in accordance with Policies TR1 and TR3 of the Local Plan and the aims and objectives of the NPPF.

Ecology and protected species

Policy NE3 seeks to safeguard protected species from harm. The County Ecologist has recommended that a preliminary bat survey is required prior to the determination of the application. This request has been carefully considered against the urban location, the extent of works, the general lack of tree cover and natural features in the area and the urbanised characteristics of the local area.

Further bats are a protected species under separate legislation and a duty of care by the applicants to ensure protected species are not harmed by the proposal. On this basis, it is not considered that it is appropriate or practicable to request a bat survey be submitted.

On the basis of the above, it is considered that the imposition of an explanatory note regarding the applicants responsibility with regard to protected species is sufficient in this case and the proposals are considered to be acceptable and in accordance with Policy NE2 of the Local Plan.

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 9/11/1702-REV H, and specification contained therein, submitted on 08/03/2019. **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 Gates erected or retained at the entrance to the site for vehicles shall be hung so as to open inwards. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 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 BE1 of the Warwick District Local Plan 2011-2029.

