

Application No: [W 15 / 1036](#)

Town/Parish Council: Whitnash
Case Officer: Rob Young

Registration Date: 13/07/15
Expiry Date: 07/09/15

01926 456535 rob.young@warwickdc.gov.uk

17 Whitnash Road, Whitnash, Leamington Spa, CV31 2HW

Demolition of existing bungalow; construction of two new dwellings and a new vehicular access off Whitnash Road. FOR Mr Dorgan & Ms B Scanlon

This application has been requested to be presented to Committee by Councillor Falp.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application proposes the demolition of the existing bungalow and the erection of two new dwellings. One of the dwellings would be accessed via the existing vehicular access from Halls Close, while the other would be accessed via a new vehicular access from Whitnash Road.

The following amendments have been made since the application was submitted:

- driveway to Dwelling A increased in width;
- windows relocated and obscure glazing and external blinds added to certain windows to ensure an adequate level of privacy between the two proposed dwellings;
- Dwelling A reduced in size and moved closer to Hall's Close to provide a minimum 7m separation from the rear boundary; and
- boundary fence set further back from Hall's Close.

THE SITE AND ITS LOCATION

The application relates to a bungalow situated on the western side of Whitnash Road. The site occupies a corner plot at the junction of Whitnash Road with Halls Close, which runs along the southern boundary of the site. The dwelling at No. 2 Halls Close is situated to the west of the site, while the northern boundary of the site is shared with the dwellings at Nos. 19 and 19A Whitnash Road.

The site is situated adjacent to the Whitnash Conservation Area. The Conservation Area boundary runs along the eastern and part of the northern boundary of the site. The adjacent property to the north is a Grade II Listed Building (19 Whitnash Road).

Halls Close is mostly fronted by two storey terraced dwellings, with the exception of a detached house that has recently been constructed adjacent to No. 1,

diagonally opposite the current application site. There is an existing vehicular access to the site from Halls Close.

PLANNING HISTORY

There have been two previous applications for the erection of houses on the application site but these have been withdrawn (Refs. W10/0191 & W13/1464).

In 2014 planning permission was refused for "Proposed conversion of existing bungalow to house, raising roof by 2.5 metres, two storey front extension, front and rear dormers, also, proposed two storey detached three bay garage with playroom and store over" (Ref. W14/0869). The reasons for refusal related to harm to the neighbouring dwelling at No. 19 Whitnash Road, harm to the setting of the adjacent Listed Building and Conservation Area and the substandard length of the driveway to the front of the proposed garage.

RELEVANT POLICIES

The Current Local Plan

- 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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- 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)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Town Council: No objection, but Members have concerns about the vehicular access for property 'A' as the access is on a bend.

Public response: One neighbour (No. 15 Whitnash Road) has objected on the following grounds:

- overshadowing of Glamis Cottage (No. 19 Whitnash Road);
- overdevelopment;
- loss of hedgerows;
- out of character with the area;
- impact on parking in Halls Close and Whitnash Road minor, which are very narrow; and
- detrimental to highway safety.

Cllr Falp: Objects and requests that the application is determined by Committee. Raises highway safety concerns regarding the access.

WCC Highways: Initially objected, but following the receipt of amended plans make no objection, subject to conditions.

WCC Archaeology: No objection, subject to a condition to require a scheme of archaeological works.

WCC Ecology: Recommend notes in relation to bats and nesting birds.

ASSESSMENT

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

- the principle of development;
- the impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants of the proposed dwellings;
- the impact on the character and appearance of the area;
- the impact on the setting of the adjacent Listed Building and Conservation Area;
- car parking and highway safety; and
- health and well-being

Principle of development

The proposals would be contrary to Local Plan Policy UAP1 because residential gardens are not considered to be previously developed land. However, the Council is unable to demonstrate a 5 year supply of housing land. Therefore, given that Policy UAP1 is a policy for the supply of housing, paragraph 49 of the NPPF dictates that it should be considered out of date and consequently the test in paragraph 14 of the NPPF should be applied, i.e. whether any adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole". Therefore, given the pressing need for housing within the District, garden plots such as this are considered to be suitable for development, provided the proposals do not cause unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area and provided that suitable provision can be made for parking. These matters are considered in the following sections.

Impact on the living conditions of neighbouring dwellings

Dwelling B would infringe a 45-degree sight-line in relation to the nearest window in the rear of the neighbouring dwelling at No. 19 Whitnash Road. However, this would be at a distance of 7m from the affected window. Furthermore, it is important to bear in mind that Dwelling B would occupy a similar position to the existing bungalow, which already infringes the 45-degree sight-line from this window. The part of Dwelling B closest to No. 19 is further from the boundary and less bulky than the existing bungalow. Dwelling B is also further away from the side facing windows in No. 19 than the existing bungalow. Therefore it has been concluded that the proposals would not cause unacceptable loss of light or loss of outlook for No. 19.

Dwelling A would not infringe a 45-degree sight-line in relation to the nearest windows in the rear of the adjacent dwelling at No. 2 Halls Close. Therefore it has been concluded that the proposals would not cause unacceptable loss of light or loss of outlook for that property.

The proposed dwellings are far enough away from other neighbours to ensure that the proposals would not have any significant implications in terms of loss of outlook or loss of privacy for any other dwellings.

In terms of privacy, the amendments have ensured that there is sufficient distance between the first floor windows in the proposed dwellings and the boundaries with neighbouring dwellings. Therefore the proposals would not cause unacceptable loss of privacy for neighbours.

Provision of a satisfactory living environment for future occupants of the proposed dwellings

The amendments to the windows will ensure that an adequate level of privacy will be provided between the proposed dwellings. Therefore it has been concluded that the proposals would provide a satisfactory living environment for future occupants of the proposed dwellings.

Impact on the character and appearance of the area

The proposed dwellings have a contemporary design, with rendered walls, a modern fenestration arrangement and asymmetrical roofs. The surrounding area contains a variety of designs of building, including brick and rendered houses in a variety of post-war styles as well as black and white timber-framed cottages. In this context the proposed contemporary style is considered to be an appropriate design solution. In terms of siting and massing the proposed dwellings are in keeping with the layout and density of surrounding development. Therefore it is considered that the proposals would have an acceptable impact on the character and appearance of the area.

Impact on the setting of the adjacent Listed Building and Conservation Area

The adjacent Listed Building and Conservation Area are already closely adjoined by modern residential development (on three sides of the Listed Building). Dwelling B would be closest to the Listed Building and the Conservation Area, but this has been sited and designed to open up views of the Listed Building across the frontage of the application site. Therefore, the development would have no greater impact on the Listed Building and the Conservation Area than the existing bungalow, and in some respects would have less of an impact.

Car parking and highway safety

Objectors have raised highway safety concerns relating to the accesses to the proposed parking areas. However, there has been no objection from the Highway Authority. Whilst Hall Road is rather narrow, the applicant has submitted tracking plans to show how cars will enter and leave the driveway to Dwelling A. Furthermore, it is notable that there is already an access in this position serving the existing bungalow. The new access onto Whitnash Road would be provided with adequate visibility splays and is far enough away from the nearby Whitnash Road / Hall Road junction. Each of the dwellings would be provided with 2 parking spaces, in accordance with the Council's Parking Standards. Therefore it is considered that the proposals would be acceptable in terms of car parking and highway safety.

Health and well-being

The proposals would contribute to meeting the housing needs of the District. This is a benefit that contributes to health and well-being.

Other matters

The application proposes to install combined solar thermal / photovoltaic panels to meet 10% of the predicted energy requirements of the proposed dwellings. This would meet the requirements of Local Plan Policy DP13 and the associated SPD.

An objector has raised concerns about the loss of the hedge along the front and side boundaries of the site. However, many of the frontages along Whitnash Road and Halls Close are open without any form of boundary hedging. Therefore the hedge around the application site is not considered to be such a defining characteristic of the area such as would justify the Council insisting upon its retention.

The applicant has agreed in principle to make a contribution of £3,768 towards the provision or enhancement of public open space. This would meet the requirements of Local Policy SC13 and the associated SPD. A condition is recommended to secure this.

Taking account of the comments of WCC Ecology, it is considered that the proposals will have an acceptable ecological impact.

A condition is recommended to require a programme of archaeological works to be undertaken, as advised by WCC Archaeology. This will ensure that any archaeological remains are preserved and recorded.

SUMMARY/CONCLUSION

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore, the proposals would have an acceptable impact on the setting of the adjacent Listed Building and the Conservation Area. The proposals are also considered to be acceptable in terms of parking and highway safety. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) MP/1503/005A, MP/1503/006B, MP/1503/007A, MP/1503/008A, MP/1503/009A, MP/1503/10B, MP/1503/11B & MP/1503/14B, and

specification contained therein, submitted on 18 August 2015.

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 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 DP1 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.
- 5 No development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.
- 6 The proposed car parking areas for the development hereby permitted

shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plans. The car parking areas shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted.

REASON : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

- 7 Dwelling A shall not be occupied until an access for vehicles has been provided to that dwelling not less than 5.5 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. Dwelling B shall not be occupied until an access for vehicles has been provided to that dwelling not less than 3 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway.

REASON : In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

- 8 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 9 Neither of the accesses to the site for vehicles shall be used in connection with the development until they have been surfaced with a bound material for a distance of 7.5 metres into the site as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 10 The accesses to the site for vehicles shall not be used unless public highway footway/verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 11 The accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

- 12 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
-





