

Planning Committee: 12 July 2005

Item Number: 16

Application No: W 05 / 0809

Registration Date: 16/05/2005

Town/Parish Council: Leamington Spa

Expiry Date: 11/07/2005

Case Officer: Joanne Fitzsimons

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2 Cloister Way, Leamington Spa, CV32 6QE

Erection of a dwelling and garage (Revision to W02/1466) FOR Mr Mrs
Bennett

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

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

WCC Highways: No objection subject to a condition relating to the surface of the access being of a bound macadam material in order to prevent material being deposited on Cloister Crofts.

4 Neighbours: Object on grounds that this proposal is much larger than the previous dwelling, the height of the garage and car port roof will be over-dominant and excessive; dominant and results in over-development of a small plot, larger first floor with overlooking from new windows; also concern regarding overhang of gutter and additional rain run-off; inadequate amenity space.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (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)

PLANNING HISTORY

In 2002, planning permission reference W02/1466 was granted by Members of the Planning Committee at their meeting held on 13 November 2002 for the erection of a 3 bed detached dwelling utilising the existing access onto Cloister Crofts.

KEY ISSUES

The Site and its Location

The site relates to a corner plot serving as a garden area to No. 2 Cloister Way. There is existing access from the site to Cloister Crofts which leads to a car port and garage. The boundary to the plot consists of dense, mature hedging of significant thickness along Cloister Crofts and Cloister Way.

Details of the Development

The proposal seeks to alter the design of the dwelling, making the proposed dwelling 4 bedroomed and incorporating the car port and garage into its design.

Assessment

I am satisfied the principle of a new dwelling on this site has been explored and accepted through the granting of planning permission in 2002. Therefore I consider the main issue in determining this current application relates to its design and impact on the streetscene and neighbouring amenities. The footprint of the dwelling is largely similar to that which has been granted and would be set further away from the adjacent property at No. 7 Cloister Crofts. The design incorporates the existing car port and single garage into the development through the introduction of a solid roof, pitched away from the boundary with No. 7 Cloister Crofts.

The design of the dwelling is such that it reflects the frontage of the neighbouring dwelling, No. 2 Cloister Way whilst having the principal elevation onto Cloister Crofts, in keeping with properties along this road. The two first floor windows facing No. 7 Cloister Crofts are to serve shower rooms and therefore could be conditioned to be obscure glazing.

Whilst I am mindful of the neighbours' objections to the dwelling being larger than the previous approval, I do not consider this to represent over-development and I such I am of the view that a refusal could not be sustained on these grounds.

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 4608-2-1 and 4608/2/2 and specification contained therein, submitted on 16 May

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 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.
- 4 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment 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 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 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 The first floor windows in the east elevation of the dwelling hereby permitted shall be non-opening and obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties.
