

Planning Committee: 31 March 2015

Item Number: 12

Application No: W 14 / 1842

Town/Parish Council: Leamington Spa
Case Officer: Emma Spandley

Registration Date: 19/02/15

Expiry Date: 16/04/15

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18 Lee Road, Leamington Spa, CV31 3JG

Erection of a two storey side / rear extension; Erection of a single storey rear extension; Change of use from a 3 bedroomed House in Multiple Occupation (HMO) (Use Class C4) to a 7 bedroomed House in Multiple Occupation (HMO) (Sui Generis). FOR Mr & Mrs Mann

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.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a two storey side extension which will project which will extend the full depth of the house and then 3.7 metres beyond the rear elevation. A single storey rear extension is also proposed and will have a projection of 3 metres along the boundary with No.16 Lee Road.

The proposed extensions will allow the property to increase from a 3 bedroomed House in Multiple Occupation to a 7 bedroomed HMO.

A gap of 1 metre at the front increasing to 1.6 metres to the rear is retained between the shared boundary with No.2 Westlea, which is set at 90 degrees to the application site.

THE SITE AND ITS LOCATION

The application property is a two storey semi detached established 3 bedroomed HMO, located on the west side of Lee Road within a predominantly residential area.

PLANNING HISTORY

There is no planning history relating to the site.

RELEVANT POLICIES

- National Planning Policy Framework

- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (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)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council : Object for the following reasons:

1. There is already a significant over concentration of HMOs within this area which is well in excess of the limitations set in the current HMO policy and by increasing the capacity of this property the impact would be detrimental to the amenities of residential occupants, particularly in respect of noise, litter and waste management within the surrounding area.
2. The communal space shown on the plans is considered to be insufficient for the proposed number of occupants.

WCC Ecology: No objection, subject to a condition regarding the time table of works

WCC Highways: No objection

Waste Management: No objection as long as there is sufficient storage space for bins.

Councillor Gill: Objection on grounds of overdevelopment, parking, refuse and that there are already enough HMOs in the area. Requested that the proposal be assessed in accordance with the HMO Policy.

Councillor Knight: Objection on grounds of parking, refuse and that there are already enough HMOs in the area. Requested that the proposal be assessed in accordance with the HMO Policy.

Public Response: 2 objections received on grounds of loss of light, loss of privacy, noise and disturbance, traffic generation and access with insufficient parking.

ASSESSMENT

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

- whether the proposals would cause or add to a harmful over-concentration of student accommodation in this area;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the area;
- car parking and highway safety;
- Renewables / energy efficiency

Whether the proposals would cause a harmful over-concentration of student accommodation in this area

Policy H6 of the Draft Local Plan 2011-2029 which can be afforded significant weight, states that planning permission will only be granted for Houses in Multiple Occupation where:-

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

The supporting text at para. 4.64 states "*the purpose of this policy is to control the location of new HMOs in order to prevent these uses from either exacerbating existing concentrations or leading to new concentrations*" it goes on to say that "*the policy aims to prevent concentrations at both levels by ensuring that within a 100 metre radius of the proposal not more than 10% of dwellings are HMOs.*"

The existing property is a lawful HMO which could lawfully accommodate up to 6 people without requiring further planning permission for a change of use. While the proposal includes extensions to facilitate the increase in the number of bedrooms (this element will be assessed below), the actual increase in bedrooms which will form part of this assessment in terms of the change of use is from 6 to 7.

Notwithstanding the above;

- a) The number of HMOs within a 100 metre radius is 11, which includes the application site. The percentage of HMOs is already at 11%.

The proposal is not for an additional HMO as the property is an established HMO and therefore the concentration levels will not be changed. As stated above the policy is concerned with the number of properties being a HMO within a 100 metre radius not the number of people living with individual properties.

- b) The nearest bus stop is located within Queensway which is within 400 metres of the application site
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) adequate provision is made for the storage of refuse containers within the rear garden accessed via the walkway between the proposed extension and the shared boundary with No.2 Westlea.

It is considered that as the proposal is already a lawful HMO, the increase in bedroom numbers will not add another HMO to the area and therefore the proposals accord with Policy H6 contained within the Draft Local Plan 2011-2029.

The impact on the living conditions of neighbouring dwellings

The Warwick District Local Plan Policy DP2 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The Residential Design Guide SPG (April 2008) provides a design framework for Policies DP1 & DP2 and states rear extensions should not breach a 45 degree line taken from the centre point of the nearest habitable room of a neighbouring property at ground floor, nor should an extension restrict the outlook or amenity of a neighbouring property.

The objections of the neighbouring property, No.16 Lee Road are noted and it is acknowledged that the ground floor element of the proposed extension breaches the 45 degree sightline taken from the neighbour's window. However, in 2008 the Permitted Development Rights criteria was changed to an impact based approach, whereby the Government deemed a 3 metre deep single storey rear extension on a semi-detached property to be acceptable. The 45 degree sightline is not breached from the quarter point at first floor from No.16's nearest window.

The relationship between the proposed single storey rear extension and the neighbouring dwelling is one that is deemed to be acceptable under the impact based approach to permitted development rights and is supported on this basis. Therefore, taking this into account, together with the non breach of the 45 at first floor level. It is considered that the proposals would not cause unacceptable loss of light or outlook to No.16 Lee Road.

In terms of the objection from No.2 Westlea Road, which is at a 90 degree angle to the application property, the Distance Separation Supplementary Planning Guidance (SPG) provides an objective standard against which to assess the impact of development upon the amenities of the adjoining occupiers. The

guidance serves to limit the potential for over-development, loss of privacy and dominance over adjoining dwellings and secure a reasonable standard of amenity and outlook for local residents. The SPG states that there should be a minimum 12 metre separation distance between the rear of a two storey house facing onto a first floor blank gable end of a two storey building. Whilst there are windows within the side elevation of the proposed extension, these will be obscured glazed as they serve bathrooms. For the purposes of the application, the side elevation is considered as blank. The proposed 2 storey side / rear extension will project adjacent to the common boundary with No.2 Westlea Road, however, it will be set off by 1.5 metres increasing to 2.1 metres. The width of the side extension has been reduced in order for a 12 metre separation distance to be achieved. On this basis, it is considered that the proposed extensions to No.14 Lee Road will not have a detrimental impact through visual intrusion, loss of light or loss of privacy to either 2 Westlea Road and 16 Lee Road to warrant refusal of the application.

In terms of the objections based on increase noise and disturbance, the Council's Environmental Health team have produced a "hot spots" map which identifies areas which are particularly prone to anti-social behaviour and noise nuisance. The maps illustrate that the application property is not located within a hot spot area and therefore without further evidence of noise and disturbance it is considered unreasonable to refuse permission.

The impact on the character and appearance of the area

Policy DP1 of the Warwick District Local Plan Policy states extensions should harmonise and enhance existing settlements and reinforce or enhance the established urban character of streets; reflect local architecture and historic distinctiveness and respect the surrounding buildings in terms of scale, height, form and massing.

It is considered that the proposals would have an acceptable impact on the character and appearance of the area. The design and form of the proposed extensions would be in keeping with the application property and surrounding development and accord with the principles set out in the Residential Design Guide SPG.

Car parking and highway safety

Policy DP8 of the Warwick District Local Plan states that development will only be permitted which does not result in on-street parking detrimental to highway safety. In addition, the Vehicle Parking Standards SPD sets out the required off street parking for HMOs which requires 1 car parking space per 2 bedrooms.

The drawings, as originally proposed indicated that there would be four off road parking spaces. The Highway Authority have stated that they do not object to the principle of the development, however, they have raised concerns regarding the full length of the proposed dropped kerb and have confirmed that this should not exceed 5 metres in width, which would mean that off street parking could only be provided for 2 vehicles on site. Amended drawings have been submitted accordingly. Nevertheless, the Highway Officer has undertaken various site inspections at various times of the day, and considers that there is sufficient

capacity on the road to accommodate the additional 2 car parking spaces without causing issues with regards to Highway Safety. As a result there would also be no material harm to residential amenity by reason of parking stress.

Renewable energy/reduction in carbon footprint.

The application proposes to install solar thermal panels on the southern roof slope. These will provide the hot water to the whole house. It is considered that this can be controlled by a suitably worded condition.

SUMMARY/CONCLUSION

The supporting text of the Draft Policy H6 states it seeks to control the number of dwellings that change from a house to a HMO. The existing house is already a HMO and therefore there will not be an increase in the number of HMOs within the area. The hot spots maps illustrate that the application property is not located within a hot spot area and therefore without further evidence of noise and disturbance it is considered unreasonable without any substantive evidence to refuse planning permission on the grounds of noise and disturbance.

Whilst the proposed single storey extension infringes the 45 degree sightline, the impact based permitted development criteria indicate that the 3m projection would be acceptable. It is considered wholly unreasonable for the District Council to require the applicant to build the ground floor extension first and then apply for planning permission for the two storey element. Therefore using the permitted development allowances as a genuine fall back position the proposed extensions as a single proposal are considered acceptable.

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) 14/44-02 Rev B, 14/44-03 Rev A and specification contained therein, submitted on 19th March 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 The development shall be timetabled and carried out as outlined by Cotswold Wildlife Surveys in the Bat Survey report for 18 Lee Road dated 8th January 2015.
 - a) timing of the construction of the upper levels and roof of the building should avoid the bird breeding season (March to September inclusive)

to prevent possible disturbance to a red list bird species. If this is not possible then works should not commence until a qualified ecologist has been appointed by the applicant to inspect the building for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

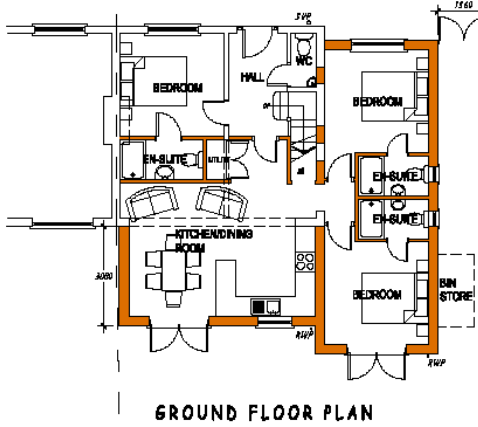
b) No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes to be erected on trees/buildings within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location and timing works. Thereafter, the box(es) shall be installed and maintained in perpetuity.

REASON: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 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.

- 5 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details as shown on drawing no.14/44-02 Rev B submitted on 19th March 2015 . The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

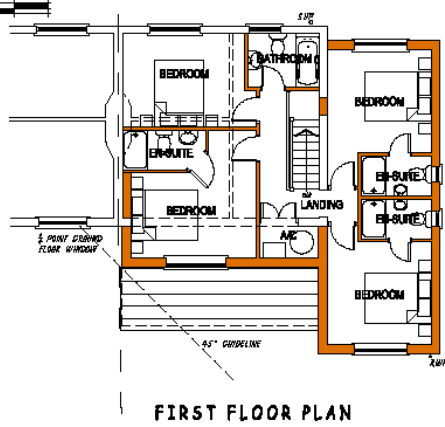
DRAWINGS TO BE USED FOR PLANNING PERMISSION APPLICATION PURPOSES ONLY



GROUND FLOOR PLAN

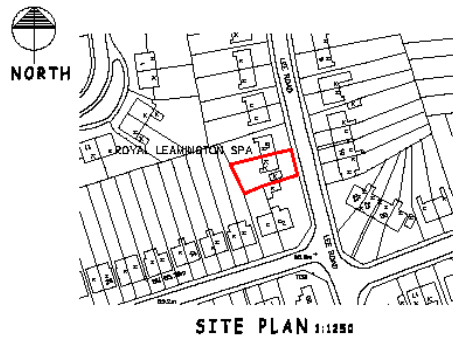


EXISTING GARAGE

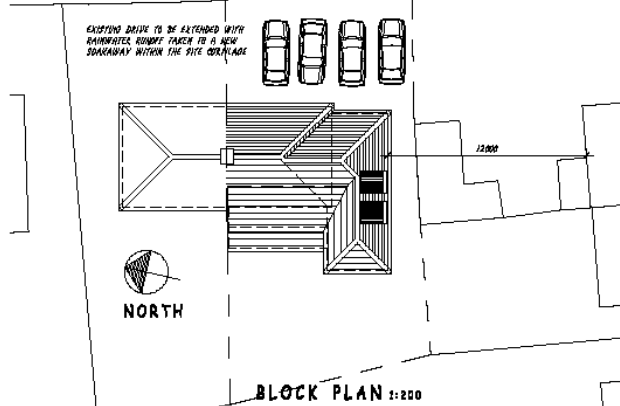


FIRST FLOOR PLAN

DRAPPED AREA TO BE EXTENDED TO ALLOW FOR 6 VEHICLE PARKING



SITE PLAN 1:1250



BLOCK PLAN 1:200

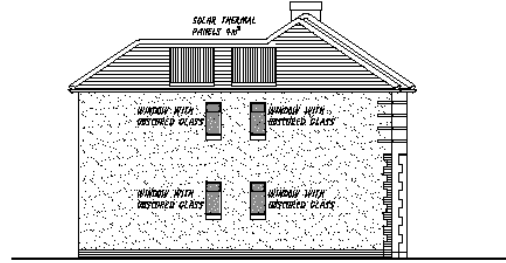
Revisions
 REV. A - DRAWING AMENDED TO INDICATE NEW BEDROOM LAYOUT.
 REV. B - EXTENT OF SUB/REAR 2 STOREY EXTENSION REDUCED. BIN STORAGE AREA INDICATED.
 This subject is trading name of specialist company registered under 0489720

king designs
 21 King Avenue - Millington - Leamington Spa
 Warwickshire - CV32 7DE. Telephone
 architectural consultants 01926 745538 or mobile 07789 913516
 Project Description: PROPOSED EXTENSION(S) AND ALTERATIONS at 18 LEE ROAD,
 LEAMINGTON SPA For Mr & Mrs MAHJIB
 Drawing Description: PROPOSED PLANS, BLOCK PLAN AND SITE LOCATION PLAN
 Dwg No. 1444-02 B Scale @ A3: 1:1000/1:200/1:1250

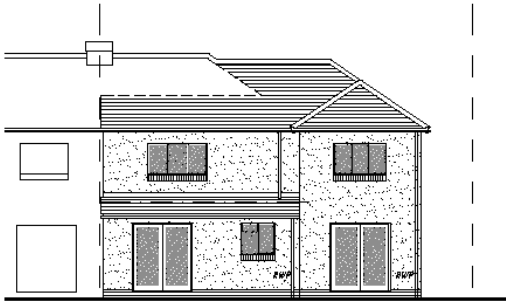
DRAWINGS TO BE USED FOR PLANNING PERMISSION APPLICATION PURPOSES ONLY



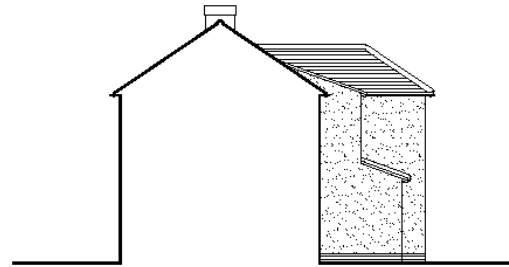
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION

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Revisions
REV A: EXTENT OF SUB/REAR 2 STOREY EXTENSION
REDUCED.

king designs 21 Newcastle - Millington - Leamington Spa
Warwickshire - CV32 7DE. Telephone
architectural consultants 01926 749238 or mobile 07785 913516
Project Description: PROPOSED EXTENSION(S) AND ALTERATIONS at 18 LEE ROAD,
LEAMINGTON SPA For Mr & Mrs MAHNE
Drawing Description: PROPOSED ELEVATIONS
Dwg No. MAH-03A Scale @ A3: 1:100

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