

**Application No:** [W 17 / 1000](#)

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

**Registration Date:** 14/06/17  
**Expiry Date:** 09/08/17

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**23 St Marys Road, Leamington Spa, CV31 1JW**

Proposed internal reconfiguration of existing property (containing 6no. 1 bed flats) to provide an additional 3no. 2 bed flats, and an additional 1 bed flat, with a two storey rear extension, front and rear facing dormer windows, and front light-wells. FOR Mr K Sahota

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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 the conditions listed in this report.

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the proposed internal reconfiguration of existing property (which currently contains 6no. 1 bed flats) to provide an additional 3no. 2 bed flats, and an additional 1 bed flat. The development includes the erection of a two storey rear extension (which would be viewed as a single storey rear extension), the installation of 2no. front and 3no. rear facing dormer windows to the roof-slopes, and the insertion of front and side facing light-wells. The development will be constructed from matching materials to those of the existing dwelling and parking for the additional residential units would be accommodated within nearby unrestricted on-street parking.

The proposal has been amended to remove the new access and parking to the rear of the application site. There are two large trees and a lamp post on the public footpath at the rear of the site, which means that the proposed access could not have achieved the required visibility splays and could have been harmful to these protected trees. Furthermore, the light-wells have been made larger to ensure that adequate light and outlook are provided for the future occupiers of the units. The internal layout has also been rearranged to provide adequate living conditions for the future occupiers. This application seeks to overcome concerns raised under the previous two applications.

**THE SITE AND ITS LOCATION**

The application relates to an existing two storey villa (with basement and attic) which is currently occupied as 6no. one bed roomed flats. The application site is positioned to the east of St Marys Road and benefits from a private road directly in front of the application site. Furthermore, Chesham Street is located directly behind the application site. The site is located within the Conservation Area and

there are a number of similarly designed villas within close proximity of the application property.

## **PLANNING HISTORY**

W/15/1712 - application withdrawn for internal reconfiguration of existing 6 no 1 bed flats and introduction of 4 no 2 bed flats, three storey rear extension, front and rear facing dormer windows and front light-wells and parking at rear.

W/17/0161 - application withdrawn for internal reconfiguration of existing 6 no 1 bed flats and introduction of 2 no 2 bed flats, and additional 2 No 1 bed flats and three storey rear extension, front and rear facing dormer windows and front light-wells and parking at rear.

## **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)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (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)
- CC1 - Planning for Climate Change Adaptation (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)
- TR4 - Parking (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)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)

- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Objection, due to lack of adequate parking.

**Open Space:** No objection subject to a contribution of £5,824 towards the improvement of local open spaces.

**Waste Management:** No objection.

**Inland Waterways:** No objection.

**Canal and River Trust:** No objection.

**WCC Ecology:** Comments remain the same as for W/15/1712 and W/17/0161 - no objection subject to the inclusion of a bat note.

**WCC Highways:** Objection withdrawn following submission of amended scheme.

**3 Public Responses:** Objections on the following grounds: the development is harmful to the Conservation area by virtue that the symmetry of the properties at the rear should be maintained and the flat roof rear extensions: the proposal represents overdevelopment of the site; inadequate parking provision which would put pressure on existing congested parking areas..

## **ASSESSMENT**

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

- Principle of the Development
- Impact on the Character and Appearance of the Area
- Impact on Heritage Assets
- Impact on Nearby Uses and Living Conditions of Future Occupants
- Highway Safety and Parking
- Waste
- Sustainability
- Open Space
- Ecological Impact
- Health and Wellbeing
- Other Matters

## Principle of the Development

The proposed development would accord with Policy UAP1, which seeks to direct residential development to previously developed land and buildings within the confines of urban areas. Furthermore, the application site is located within a primarily residential area.

## Impact on the Character and Appearance of the Area

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.

There are a number of similarly designed villas to either side of the application property which have already been altered and extended. The proposal seeks permission for two flat roof dormer windows to the front roof-slope which would usually be contrary to the Residential Design Guide. However, they are modest additions on a high level roof which would not appear incongruous within the street scene because there are already similar dormers to nearby roof-slopes which were recently approved by the Local Authority. Furthermore, the proposed railings and canopy to the front elevation have been designed to reflect those of the neighbouring property. The proposed light-wells to the front elevation would not be harmful to the street scene as the property is set back well from the main highway and there are similar examples to properties within the wider area.

To the rear of the property, the proposal includes a flat roof two storey extension which would actually be viewed as a single storey extension as part of it forms the basement. This rear extension provides a modest and simple addition to the rear elevation and represent a subordinate form of development. Furthermore, the three flat roof dormers to the rear roof-slope are considered to be acceptable owing to similar forms of development on neighbouring properties recently approved.

There have been public objections to the proposed development which state that the proposal represents overdevelopment of the site. However, this site benefits from a large plot and there would still be a large amenity area for the occupants to enjoy. Officers view is that it does not result in overdevelopment

The development is to be constructed from appropriate matching materials and will benefit from timber sash windows which are improve the existing rear

elevation. The development is therefore considered to comply with the NPPF, adopted Local Plan policy DP1 and the Residential Design Guide.

### Impact on Heritage Assets

Warwick District Local Plan Policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. It goes on to state that development should respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

There have been objections from members of the public that the development is harmful to the Conservation area by virtue that the symmetry of the properties at the rear should be maintained and the flat roof rear extension is detrimental.

However, the design of the proposed development has been carefully negotiated between the agent and officers following on from the withdrawal of the previous schemes. The box dormers are modest in nature, do not significantly interfere with the roof slopes, and there are other similar examples within the Conservation Area. Therefore, they are considered to be acceptable. The rear extension does have a flat roof, but benefits from a parapet wall, which is commonly found in this part of the Conservation Area.

At the rear of the application property and neighbouring dwellings, they do generally benefit from a two storey wing which can be viewed within the street scene from Chesham Street. However, they are not all identical. The addition of what effectively will be read as a single storey rear extension is not considered to significantly unbalance the rear elevations of these properties.

The scheme has been amended to reflect the officer's requests for matching materials, black cast iron rainwater goods and consistent approach towards the size of the windows. All of the proposed windows will be vertical sliding painted timber sash windows.

The development is not considered to cause harm to the Conservation Area and is considered to comply with the NPPF and adopted Local Plan policy DAP8.

### Impact on Nearby Uses and Living Conditions of Future Occupants

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 SPG 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.

There is a high level boundary wall which separates the application property from 25 St Marys Road. As the proposed rear extension will only extend at the basement and ground floor, there will be a very limited impact on this neighbouring property as the boundary wall already obscures the views towards the application property from ground floor windows.

There is a 2 metre high brick boundary wall which separates the application property from 21 St Marys Road. However, the proposed rear extension will not extend the entire width of the rear elevation and is positioned on the opposite side of the application property to this neighbour. Therefore, there will be no breach of the Council's adopted 45 degree guidance from any rear facing windows serving this neighbour's property. There is a ground floor side facing window which could be impacted as a result of the proposed development serving a habitable room. However, this already faces onto a blank wall and as the extension is set in from the side of the application property, it is unlikely that the proposed development would have a significant impact in terms of loss of light or outlook.

Some of the windows serving the proposed flats will not meet modern window-to-window separation standards set in SPD. However, many of the existing flats which form part of the application property already have these existing relationships and the gaps between buildings will remain commensurate to those within the existing locality. It is important to note that the SPG does specify that within Conservation Areas where the overriding need is to preserve or enhance the character of the area the provisions of SPG guidance will not directly apply. Therefore, it is considered that the proposal accords with the SPG and this would not warrant a reason for refusal of the application. Furthermore, the light-wells have been increased in size to maximise the light and outlook for the future occupants of the site.

The development is therefore considered to comply with the NPPF, adopted Local Plan policy DP2 and the Residential Design Guide.

### Highway Safety and Parking

Initially, the applicant proposed a new access to the rear of the site to allow car parking to the rear.. However, concern was raised by WCC Highways regarding the impact this would have on two highway trees.. Furthermore, WCC Highways considered that the required visibility splays for the site could not be achieved owing to a telegraph pole which was positioned close to the proposed access raising an objection to the proposal. The access was therefore removed from the scheme by the applicant and the rear boundary wall is to be retained as existing, with pedestrian access.

The applicant also provided a car parking survey as part of the submission shows that there are 11 available spaces within nearby unrestricted parking at all times when the survey was carried out (Tuesday 16th May and Wednesday 17th

May at three time intervals for both days: 10:00 - 11:00, 14:00 - 15:00 and 00:30 - 05:30 - this was during university term time). The proposed development creates a requirement for an additional 6 car parking spaces. Therefore, it is considered that the unrestricted car parking within a 250 metre radius of the site can accommodate this increase. Based on this information, WCC Highways have subsequently withdrawn their objection.

Leamington Spa Town Council and members of the public have objected to the proposed development on the basis that the development provides inadequate parking. However, as demonstrated above, the car parking demand for the proposed development can be accommodated on-street within walking distance of the site without harm being caused to public safety. It is noted that there is a nursery and church which may create additional demands to on street parking. However, this would only be a temporary demand which is unlikely to significantly affect parking for future occupants of the site. A cycle store has been provided in the rear of the site which can be accessed from Chesham Street or St Marys Road. The development is therefore considered to comply with adopted Local Plan policy DP8.

### Waste

Waste Management have been consulted and have no objection to the proposed development. A bin store has been provided to the rear of the site so the applicants can present their waste either to Chesham Street or St Marys Road. There would be space within the site boundaries to accommodate additional recycling storage also.

### Sustainability

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 or a 10% reduction in CO<sup>2</sup> production through a fabric first approach would be appropriate. No details have been provided in reference to this matter, however, this information can be secured by condition.

The proposed development is therefore considered to comply with adopted Local Plan Policies DP12 and DP13 and the associated SPD.

### Open Space

The Open Space team have commented on the application and have no objection to the proposed development, subject to a contribution of £5,824 towards the improvement of local open spaces. They have confirmed that the contribution would be put towards the development objectives of Rushmore Street, relating specifically to the provision of play equipment. They note that Rushmore Street scored only "average" in the latest Parks Audit (2016) and the Green Space Strategy sets out the objective of having public open space rated as "good" or better by 2026. At the time of responding, Open Space note that there are no Section 106 agreements assigned to this project. No contribution has been provided by the applicant, however, this can be secured by condition.

The proposed development is therefore considered to comply with the NPPF, adopted Local Plan policy SC13 and the Open Space SPD.

## Ecological Impact

WCC Ecology have commented on the application and recommend that a bat note is attached to any approval granted, which will be added.

## Health and Wellbeing

The proposed development would provide an additional four residential units which is a wellbeing benefit.

## **CONCLUSION**

The proposal would provide a sensitively designed reconfiguration and extension of an existing property in need of redevelopment to deliver an additional 4no. residential units. The development will enhance the Conservation Area by rationalising the rear elevation of the villa and using more appropriate and sensitive materials. The proposed development provides adequate waste and cycle storage, and parking can be accommodated within walking distance of the site in on-street unrestricted parking areas. The proposed development should therefore be approved.

## **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 amended drawings 3047-01F, 3047-02E, 3047-03D and 3047-04E, and specification contained therein, submitted on 2nd August 2017. **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 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.



- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of the balcony metal work and windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's 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.
- 6 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 7 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 8 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.