

**Planning Committee:** 24 September 2013

**Item Number: 13**

**Application No:** W 13 / 1009

**Town/Parish Council:** Leamington Spa  
**Case Officer:** David Edmonds

**Registration Date:** 31/07/13

**Expiry Date:** 25/09/13

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**77 Coniston Road, Leamington Spa, CV32 6PF**

Formation of hardstanding to provide driveway in front garden (retrospective application) FOR Mrs Sheila Kleinmann

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This application is being presented to Committee due to the number of objections.

**RECOMMENDATION**

It is recommended that planning permission be granted.

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission, in retrospect, for the formation of hardstanding to provide a drive in broadly half of the front garden. The submitted plans show the driveway to be a minimum of 9 metres long and 3.1 metres wide. The specification involves a compacted stone base on a membrane and finished with ornamental gravel contained within edging stones.

It is demonstrated that a dropped kerb was constructed in 2009 with permission from the Warwickshire County Council Highway Authority.

**THE SITE AND ITS LOCATION**

The application property is set within a narrow crescent shaped road layout fronted by pairs of semi detached maisonnettes generally set back from the road frontage to provide reasonable sized front gardens which are enclosed by hedges and low walls. There are roughly 80 maisonnettes within the crescent. There are grass verges between the foot way and carriage way and a large central island of grass which contains semi mature trees. There is evidence of erosion of many of the verges and the grass island indicating their use for car parking on a sustained basis.

The application property is one half of a pair of semi detached maisonnettes set on the outside of a sharp bend in the crescent. This provides a broadly triangular shaped front garden. This has now been subdivided with the driveway in one half and the remaining lawn and pedestrian path in the other path. The dropped kerb has already been constructed.

## **PLANNING HISTORY**

There is no relevant planning history.

## **RELEVANT POLICIES**

- 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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Leamington Town Council:** No objection

**Warwickshire County Ecology Unit:** No objection, but a standard note ought to be added regarding nesting birds.

**Warwickshire County Highway Authority:** No Objection. Permission was granted by the Highways Authority for the creation of a vehicular access crossing at no. 77 Coniston Road. The construction of the driveway in this instance does not in itself reduce the amount of on-street parking available as the vehicle crossing has already been installed.

### **Public Response:**

25 letters of objection and 1 of concern which have been received, mostly from those living or visiting the Crescent. Those objections related to town planning matters are focused on both the merits of the development on the application property and speculation on the consequences of setting a precedent for other properties in the crescent. They can be summarised as follows:

- The character and appearance of the street which is soft landscape dominated with its carefully tended gardens and a tree covered island and grass verge would be unacceptably changed by establishing the principle and setting a precedent of turning the front gardens into parking platforms.
- Pedestrian safety of encouraging cars to cross footways onto front garden drives and obscured visibility of cars reversing out. The footway is well used with an access alleyway to Rugby Road.
- Unacceptable harm to living conditions of the occupants of the upper floor maisonettes in terms of privacy and increased noise/ disturbance
- Rain water run off from the hardsurface would cause drainage problems.
- Unfair penalisation of the owners of upper floor maisonettes leading to diminished community spirit and greater parking in the central grass island and unfairly limiting parking and access to properties which do not have a driveway.
- There would be a net loss of on-street parking in an already competitive parking situation

- It should not be permitted until the overall parking problem in this part of Coniston Road is resolved including creating car parking spaces in the verges and grass island and under use of rear garages.

There is 2 letter of support/ no objection making various points including:

- The development is not harmed the front garden and since the dropped kerb is in place there is no reason which it should not be used
- In the future planning applications ought to be viewed in the context of a workable parking strategy

There are also some points of support in some of objection letters that can be summarised as follows:

- Construction of the driveway to use a pre-existing dropped kerb would not in itself reduce the amount of on-street parking.
- This particular drive is not particularly conspicuous

The driveway is good and the application has started a useful debate

## **ASSESSMENT**

The main issues in the consideration of this application are:

- Whether the development is good design which does not unacceptably harm the character and appearance of the area
- Whether the development would result in an unacceptable net reduction in parking provision
- The effect on the living conditions on the occupants of neighbouring properties
- The effect on Highway safety

### Issue 1: Design, character and appearance

The construction of the drive alters the character and appearance of the front garden of this pair of maisonettes. However, the choice of compacted stone and chippings represents relatively low key engineering, which with the passage of time would mellow further. Also, the design which retains a small segment of lawn and a separate pedestrian path is relatively sensitive. Overall, whilst it may set a precedent for front garden parking development elsewhere in the crescent, it may represent a relatively sensitive design solution for part of the problems of competitive parking. These are manifested by worn and rutted grass verges and parts of the central island. It is not considered that the development results in such harm to the character and appearance of the area as to justify a refusal of planning permission.

### Issue 2: Parking provision

This part of Coniston Road which is fronted by relatively intensive housing has no on-site parking and not enough parking on the roadside. The creation of one off- road parking space is likely to be negated by the loss of at least one car length of roadside parking adjacent to the site. However, there is also scope for tandem parking to accommodate two vehicles with further scope for the continued use of this part of the roadside for parking by the applicant, his guests and any person that he tolerates parking there. It is therefore considered that

the proposal results in an improvement in terms of parking capacity within the crescent.

Whilst there is clear potential for community spirit to be challenged with parking disputes, if repeated it could result in a net increase rather than a net reduction in overall parking provision. This net increase may assist those living in upper floor maisonettes in finding roadside spaces within the crescent or further along the spine of Coniston Road.

Moreover, this is a relatively sustainable location with relatively good access to local shops and schools including a pedestrian short cut to Rugby Road. This together with the small size of the properties means it is likely that not all the occupants would own or at least not need to use a car on a daily basis.

It is not considered appropriate to refuse such an application on the basis that it could it unacceptably upset the overall parking demand and supply of the area. The general background parking problems are only indirectly related to the application development.

#### Issue 3: Living conditions:

Intensive housing such as maisonettes inherently involves compromises particularly in terms of privacy and noise. There is no evidence that a driveway for one car in a front garden unacceptably harms the living conditions of the occupants of the first floor or the adjacent maisonettes.

#### Issue 4: Highway safety:

Driveway parking and foot way crossovers particularly for just one car would not cause unacceptable safety problems. Moreover, in this case the crossover is already lawful. Vehicles are likely to manoeuvre slowly into and out of the space giving pedestrians plenty of time to see and hear them. There are no issues of sub-standard visibility and the fact that there is no highway objection reinforces this opinion.

#### Other issues:

The potential for rainwater run off is limited by the permeable nature of the construction materials and the proposal accords with the requirements of Policy DP11 of the Warwick District Local Plan 1996-2011.

### **SUMMARY/CONCLUSION**

The development represents good design which does not unacceptably harm the character and appearance of the area and the living conditions of its occupants. It would not unacceptably worsen the competitive parking situation or be unduly dangerous. The proposal is therefore considered to accord with all of the aforementioned policies.

## **CONDITIONS**

1. The development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawing(s): block plan dated 16/07/13, and drive plan dated 31/07/13 and specification contained therein. **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.

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SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 430697, 266139

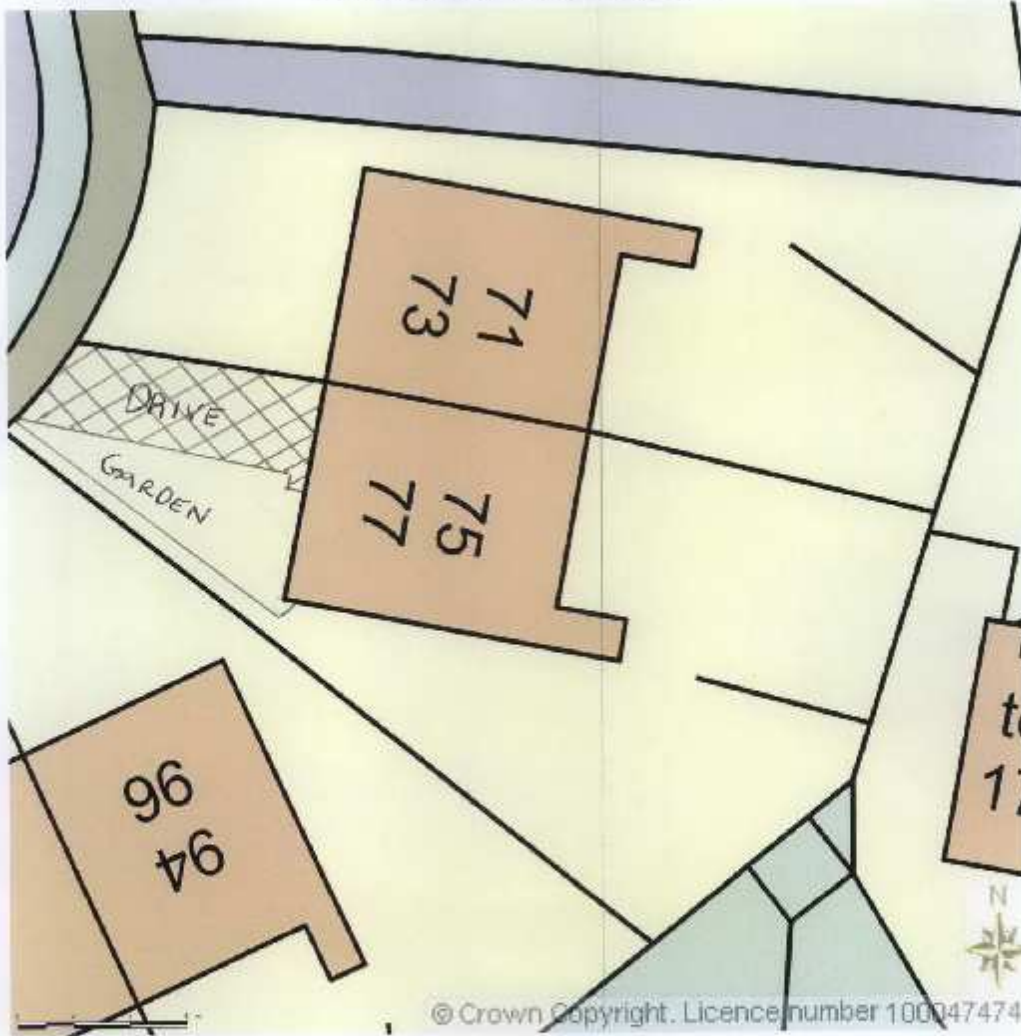
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WDC PLAN
Ref
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16 JUL 2013
SCANNED
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BLOCK PLAN  
AREA 36m x 36m  
SCALE 1:200 on A4  
CENTRE COORDINATES: 430697, 266139



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Application site

