

Application No: W 09 / 1528

Registration Date: 21/12/09

Town/Parish Council:

Leamington Spa

Case Officer:

Sandip Sahota

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Land adjacent 36 Berenska Drive, Leamington Spa, CV32 5WB

Erection of detached dwelling FOR Mr K Smoult

This application was presented to Committee on 31st March due to the number of objections and an objection from the Town Council having been received. At that meeting, the application was deferred to allow a site visit to be held on 24th April.

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Raises objection on the following grounds - *"The proposal is an overdevelopment of the site and in addition the proposed dormer window is unsightly and out of keeping with the adjacent properties"*.

Public Response: 9 letters of objection have been received on the following grounds: Overdevelopment of a small site; too close to adjacent properties; loss of privacy; loss of light; parking; loss of trees and harm to ecology; not in keeping with streetscene; noise and disruption during the construction period; poor design; potential for increased localised flooding.

A petition with 28 signatures raising objection to the proposed dwelling has also been submitted to the District Planning Authority.

Councillor Goode: Requests that the application be presented to Planning Committee if the Planning Officer is minded to grant planning permission.

WCC Highways Authority: *'No objection subject to the following condition: 1. The development shall not be commenced until a turning area has been provided within the site so as to enable the largest anticipated vehicle on site to leave and re-enter the public highway in a forward gear'*.

Cultural Services: Raises no objection subject to - *"condition requiring protection of retained trees as per Brian Higginson report"*.

WCC Ecology: *"From aerial photography there appears to be a number of mature trees along the southern boundary of the site. I would recommend that these are retained and protected with an adequate buffer (2-3m from outer canopy). I would also recommend a combined note relating to bats and nesting birds, as protected species, is added to any approval granted as they may be present within the trees, in particular as we have 2 bat records nearby"*.

RELEVANT POLICIES

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

PLANNING HISTORY

Planning permission (ref: W86/910) for 'erection of 54 dwellings' was granted in 1986.

Planning permission (ref: W06/0458) for 'erection of a two storey side and front extension' was granted in 2006. This permission was never implemented and has now expired.

A planning application (ref: W09/0689) for 'erection of detached dwelling' was submitted to the District Planning Authority in August 2009. The application was subsequently withdrawn by the applicant to allow for the submission of an amended scheme to address issues of concern raised by your officers.

KEY ISSUES

The Site and its Location

The application relates to a semi-detached property situated on a larger than average plot at the head of the cul-de-sac at the end of a long row of similarly designed pairs of semi-detached properties set in a staggered layout on the west side of Berenska Drive, a development which was built in the late 1980's. Off street parking together with a detached double garage are situated in front of the property accessed over a private driveway shared with the neighbouring properties at numbers 31 and 34 Berenska Drive. Properties on Wathen Road back onto the southern boundary of the application site, which also forms the boundary of the Royal Leamington Spa Conservation Area (the application site is outside the conservation area). 15 trees within the application site are situated along or adjacent to this boundary which screen the application site from the properties on Wathen Road. The site backs onto Oak Tree House on Lillington Road.

Details of the Development

Erection of detached 3 bed two storey dwelling. The dwelling incorporates a rear dormer to enable use of the roofspace as bedroom 3.

Assessment

The main considerations in the determination of this application are:

1. The effect of the proposal on the character and appearance of the area.
2. The effect of the proposal on the living conditions of the occupiers of the neighbouring properties and whether it would provide adequate living conditions for the future occupiers of the proposed development.
3. Parking.
4. Drainage.
5. Renewables.
6. Refuse storage.
7. Trees/ Ecology.

Character and appearance:

This 1980's residential development is predominantly characterised by similarly designed pairs of two-storey semi-detached properties laid out in a staggered arrangement set behind gardens and driveways with off street parking to the front and gardens to the rear.

The proposed dwelling has been designed to broadly follow the scale, design and layout of the other properties within this estate. The proposed dwelling is set 1 metre away from the existing dwelling in order to retain access to the rear of that property whilst having its own access to the rear on the opposite side.

The siting of the proposed dwelling is such that it is set back approximately 2 metres from the existing dwelling thereby following the existing staggered arrangement.

Whilst the proposed dwelling has been designed to harmonise with the existing development, given the location of the site tucked away in the far corner of this cul-de-sac set back from the existing property, I am of the view that on the ground it is likely that the proposed dwelling will not be readily visible within the streetscene. The proposed dormer window would be situated within the rear roof slope where it would not generally be visible from public vantage points. The design and scale of the dormer has been amended so that it now meets the requirements set out in the Council's Residential Design Guide SPD. Whilst I note that the properties within this estate generally do not have dormer windows to the rear, the reality is that the existing properties could build dormer windows larger than that proposed as permitted development. I am therefore of the view that the proposal would not harm the character and appearance of the area.

Living conditions:

The proposed dwelling would not breach the 45 degree line when measured from the existing property. Whilst the rear garden of the existing dwelling would be reduced in size to accommodate the additional dwelling and the garden which would be retained by no. 36 would be of an awkward configuration, I am of the view that it would provide an adequate external amenity space to satisfy the requirements of this size of dwelling. In the absence of specific standards relating to amenity space, I feel it would be difficult to sustain a refusal of planning permission on grounds of an inadequate provision of external amenity space in this case. In the case of the proposed dwelling, whilst the rear garden would be smaller than other properties in the area benefit from, I am of the view that it would be large enough to serve the requirements of future occupiers. Overall, I am therefore of the view that the proposal would not result in material harm to the living conditions of the occupiers of that property or to the existing property.

The side (south) elevation of the proposed dwelling would be set approximately 17 metres from the rear elevation of 13 and 14 Wathen Road. This is in excess of the minimum distance separation standard of 12 metres as set out in the Council's Distance Separation SPG. I am therefore of the view that the proposal would not cause material harm to the living conditions of the occupiers of these properties.

I note the objections raised by the occupiers of no. 31 Berenska Drive on grounds that the proposed dwelling will overlook their rear garden. However, the proposed dwelling will in fact be set approximately 11 metres away. To a certain extent, that property is already overlooked by the existing dwelling on the site and given the distance involved, I am of the view that the proposal would not

result in material loss of privacy such as to justify a refusal of planning permission in this case.

Parking:

The existing double garage is to be demolished as part of the proposed development which will enable 3 no. surface parking spaces to be accommodated off street. A further parking space will be provided directly in front of the existing dwelling, a common arrangement on this estate. A total of 4 no. parking spaces will therefore be provided which would satisfy the requirements set out in the Council's Vehicle Parking Standards SPD.

The County Highways Department have raised no objections on highway safety grounds, but have requested that a condition be imposed regarding the provision of a turning area to allow egress in a forward gear. The 7.2 metres shown on the submitted plans is considered sufficient to satisfy this requirement.

Drainage:

The proposed dwelling is to be connected to the existing foul sewerage system which runs along the front of the existing property and to the existing storm water system which runs along both the front and rear of the existing property. The Foul Sewerage and Utilities statement submitted with the application states that water butts will be installed to the rear down pipes to allow sustainable reuse of the rain water. The statement demonstrates that there is enough capacity within the existing system to accommodate the proposed additional dwelling.

Renewables:

The Sustainable Buildings Statement submitted with this application indicates that 2no. solar collectors fixed to the south side elevation would provide a minimum of 10% of the predicted energy requirement of the proposed dwelling.

Refuse storage:

The proposed dwelling will have a side access to the rear garden which will allow for bins to be stored at the rear of the property. I am therefore satisfied that the proposal would not result in refuse being in areas which would be visible from public vantage points which could otherwise harm the amenity of the area.

Trees/ ecology:

The existing garden enjoys a mature landscape with a variety of trees, shrubs and hard landscape features. The most significant tree (T1) is a semi-mature Cedar Tree which will be retained and has been provided with sufficient room to develop to a mature size. The 14 other trees (T2-T15) on and adjacent to the southern boundary of the site will be removed to make way for the proposed development. Whilst these trees provide a pleasant screen at the rear of some of the properties on Wathen Road, they are not widely visible from public vantage points and are therefore not considered to make such a valuable contribution to the amenity of the area such as to justify a Tree Preservation Order or indeed to refuse planning permission for the proposed development.

A condition requiring a details of a landscaping scheme to be submitted and approved by the District Planning Authority prior to commencement can be added to any approval granted. The tree report states that the development does not fall within the root protection zone of the Cedar and that the tree will

be protected during construction. The Council's Arboricultural Officer has raised no objections subject to a condition regarding the protection the Cedar tree. Whilst I note the comments made by the County Ecology department, I do not consider that the removal of a habitat of this scale would justify a refusal of planning permission.

RECOMMENDATION

GRANT, subject to the conditions listed below.

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 drawings (drawing numbers 951-05A & 951-06A), and specification contained therein, submitted on 19 February 2010 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 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.
- 4 The proposed car parking area 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 plan. **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.
- 5 The area indicated on the plans hereby approved for vehicle parking and manoeuvring space shall at all times be kept free of obstruction and be available for those purposes. **REASON**: To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 6 Prior to commencement of the development hereby approved, details of a porous surface treatment for all new areas of hardstanding or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The new hardstanding shall be constructed and surfaced, in full accordance with the approved details. **REASON** : To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, walls or means of enclosure shall be erected, constructed or placed in front of any part of a main wall of a building which fronts onto a public highway, including a public footpath, without the prior written permission of the District Planning Authority. **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.
- 8 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 5837:2005. 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 DP1 of the Warwick District Local Plan 1996-2011.
- 9 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. 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 in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.
