

Application No: W 12 / 0274

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

Registration Date: 27/03/12

Expiry Date: 22/05/12

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23 Woodcote Road, Leamington Spa, CV32 6PZ

Erection of a two storey and single storey rear extension FOR Mr & Mrs
Luckhurst

This application has been requested to be presented to Committee by Councillor Copping due to the proposed extension not conforming to the 45 degree guide as stated in the Residential Design Guide.

SUMMARY OF REPRESENTATIONS

Leamington Town Council: No objection.

Councillor response: Cllr Copping has objected on the following grounds:- Items 7 & 10 of the application form are incorrectly filled in; the house plans show a second staircase leading to a second floor/loft space/attic, but this is not shown on the plans; it is not possible to see if the two skylights in the proposed extension form an annex to the attic or if they are walled off solely for fenestration of the proposed extension and the plans completely ignore the 45 degree SPG of 3/2005, which relates to first floor extensions viewed from neighbours nearest ground floor window. Cllr Copping formally requested the application to be called in to Planning Committee.

Public response: The occupiers of No.21 object on the basis that the proposed two storey rear extension will breach the 45 degree guideline on two points. 1. The imaginary line on the plan is not drawn from the window in the nearest habitable room but from the open side of an alcove, the actual window is clearly visible on the plan; 2. The imaginary line has been drawn from the centre point, for first floor extensions this should be the quarter point. The consequences of not complying with the planning guidance result in an un-neighbourly overbearing effect and cause loss of sunlight and daylight to our property. In particular the patio entertaining and conservatory areas would be dominated by the proposed size of the extension, particularly bearing in mind that No.23 Woodcote Road is at a higher level than our property which will add to the over bearing effect.

The window in the second floor loft room looks directly down on our gardens amenity. Finally, the plan does not show the detail of the rear of our property, particular the patio entertaining area that would demonstrate these objections clearly.

RELEVANT POLICIES

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- 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)

PLANNING HISTORY

There is no previous planning history relating to the site.

KEY ISSUES

The Site and its Location

The application property relates to a two storey detached property. The properties along Woodcote Road vary in design but the majority are set back from the road, and have driveways which can easily accommodate up to four vehicles off road safely.

The neighbouring property No.21 is set further back into its plot than the application property No.23, which means the rear elevation of No.21 is set further into the rear garden, with the rear elevation of No.23 being set back.

The boundary line between the two properties (No.21 & No.23) is at an angle which means the boundary fence between the two properties runs immediately adjacent to the edge of No.21 and then carries on down the garden at an approximate 30 degree angle.

Details of the Development

The application proposes to erect a two storey rear and single storey rear extension.

Assessment

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

- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the area.

The impact on the living conditions of neighbouring dwellings

The proposed two storey extension will extend beyond the wall of the application property by 4.5 metres, it will carry on the gable end of the existing property.

The Residential Design Guide states two storey rear extensions should not infringe on a 45 degree line taken from the quarter point of the nearest habitable room window at ground floor and from the centre point from the nearest habitable room window at first floor.

The concerns raised by the neighbouring property No.21 and Councillor Copping with regards to the breach of the 45 degree sightline and how the drawings

depict the 45 degree guide from the centre of the existing alcove at No.21 and not the quarter point are noted.

The case officer conducted a site visit and measured the relevant window positions. The nearest habitable room window at ground floor at No.21 is a lounge window, however in front of this window is an alcove which benefits from solid brick walls.

If the 45 degree rule is taken from the quarter point of this window it will be infringed by the existing brick wall to the alcove at the neighbouring property, similarly if the 45 degree rule is taken from the centre point of this window it will also be infringed by the brick wall to the alcove.

The agent, acting on behalf of the applicants, indicated a guesstimate of where the neighbouring property's window would be on the drawings . This element of the drawings has been removed as they were misleading and were not an accurate portrayal of the site dimensions.

The proposed two storey rear extension will not infringe on the 45 degree rule taken from the centre point of the first floor window from No.21.

On this basis it is considered that the proposed two storey rear extension will not breach the 45 degree rule when taken from the quarter point or the centre point of the nearest habitable room at No.21 and is in accordance with the guidelines contained within the Residential Design Guide.

The proposed two storey element will be off set from the shared boundary with the other neighbouring property No.25 by approximate 6 metres. It is therefore considered the proposed will not breach the 45 degree rule from the nearest habitable room windows at No.25 and is therefore is considered acceptable.

The single storey element will be tucked into the corner of the original house and the proposed two storey extension. This element is shielded from view from No.21 and is set off the shared boundary by 4.5 metres to No.25.

It is therefore considered the proposed two storey and single storey rear extension conform to the guidance set out within the Residential Design Guide and it is considered the proposal will not have a significant impact through increased visual intrusion or loss of light enough to warrant refusal of the application.

The comments made by the neighbour with regards to the effect the extension will have on the patio and conservatory area are noted. The conservatory is attached to the existing garage at No.21. It is not integral to the house, as to access the conservatory one is required to leave the main house and enter the conservatory separately. It would not be appropriate to use the 45 degree guide in this instance. The existing conservatory is located approximately 5 metres from the shared boundary and is set further into the garden area than the proposed extension. If the 45 degree rule was used to assess the impact on the existing conservatory, the proposed extension would not breach it. The extension is set to the west of No.21, therefore the loss of sunlight will be late into the afternoon as the sun is setting.

With regards to the comments made in relation to the loss of privacy to the patio area at No.21. The existing house at No.23, benefits from windows in the upper floor of the rear elevation. These windows already impact on the amount of

privacy enjoyed by No.21. The projection of the extension will allow for a increase in privacy levels as the windows within the rear elevation of the extension will have a view further along the garden areas.

The impact on the character and appearance of the area.

It is considered that the proposals would have an acceptable impact on the character and appearance of the area. The proposals would result in a significant change in the appearance of the property to the rear, but it is considered it would be acceptable in this location that contains a variety of design of dwellings. The extension is proposed to be constructed using materials which will be of similar appearance to the application property.

Response to comments

In response to Cllr Copping comments regarding Questions 7 & 10 on the application form. These relate to items concerning trees and information for site visits. The property is not located within a Conservation Area and there are no trees which benefit from a Tree Preservation Order. In this instance, whilst Question 7 should have said yes to trees being on the site, the tree in question does not require formal consent from the District Council for its removal.

With reference to the point regarding the second staircase and the lack of floor plans showing this floor. The second staircase is an existing staircase which serves an existing loft conversion which would have no impact on the proposals for No.23 and is not required to be shown on any of the floor plans.

The windows within the roof are roof lights; the roof space will not be converted in the proposed extension.

Other matters

As the proposal includes a significant addition of floor space, the proposals are likely to result in a significant increase in the energy requirements of the application property. Therefore, it is recommended a condition to require the scheme to be submitted to show how 10% of the predicted energy requirements of the development will be produced on site from renewable energy resources, in accordance with Local Plan Policy DP13.

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 application form, site location plan and approved drawing (drawing number Rev B), and specification contained therein, submitted on 16 April 2012 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 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times 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 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:
