

**Planning Committee:** 11 September 2024

**Item Number:** 4

**Application No:** [W 23 / 0894](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Jack Lynch

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**Registration Date:** 04/08/23

**Expiry Date:** 29/09/23

**8 Spencer Street, Leamington Spa, CV31 3NF**

Erection of mansard roof extension. Remodelling of frontage, including removal of bay window. Erection of first floor rear extension. FOR GSD Commercial Ltd  
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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions outlined at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The applicant seeks full planning permission for:

- The erection of a mansard roof extension,
- Remodelling of the frontage, including the removal of a bay window, and
- The erection of a first-floor rear extension.

**THE SITE AND ITS LOCATION**

The application site relates to 8 Spencer Street, located in Leamington Spa Town Centre. The site neighbours 6 Spencer Street to the West and 10 Spencer Street to the East. The buildings on the opposite side of Spencer Street are quite uniform in their design and building heights, whereas the buildings immediately neighbouring the application site are mixed in their design. The buildings in the locality are largely finished in render and have 3 storeys, with rooves sloping away from the frontage.

The neighbouring sites to 8 Spencer Street are of mixed use, largely with flats on the upper floors. The application site has an existing ground floor use as a hot food takeaway (Class Sui Generis) and an existing first floor use as a 1-bedroom flat (Class C3).

The application site is located in the Leamington Spa Conservation Area.

**PLANNING HISTORY**

No relevant planning history.

**RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- NZCSPD – Net Zero Carbon Supplementary Planning Document (SPD)
- NZC4 - Existing Buildings
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS16 - Royal Leamington Spa Town Centre

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council** – No objection, subject to no breach of the 45-degree guideline and no objection from highways, environmental health, conservation and contract services.

**WCC Ecology** – No objection, subject to a condition requiring a scheme for the provision of a bat box to be installed on site. The County Ecologist has also added advisory notes for the protection of birds and bats.

**WDC Conservation** – No objection, subject to conditions requiring the submission of large-scale details and facing materials.

**WDC Environmental Health** – Neutral comment. They have highlighted that based on the existing use and arrangement of the site, the proposed internal alterations combined with the proposed conditions will represent an improvement from the existing site.

**Public Response** – 6 comments of support. 9 Comments of objection.

Summary of support comments:

- Good design and in keeping with the design of the locality,
- Will improve the appearance of the site,
- Appropriate provision has been made for the amenity of future occupiers, and
- The extensions will not have a detrimental impact to the amenity of neighbouring uses.

Summary of objection comments:

- Concerns over noise and odours,

- Concerns over the stress on on-street parking and no cycle provision,
- The impact on the amenity of neighbouring uses, and
- Concern over the refuse arrangement.

## **ASSESSMENT**

### Visual impact / character of the conservation area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. While primarily applicable to residential development, it is still worth noting the Residential Design Guide SPD (2018) which provides a framework through which additional design principles are set out to ensure that high quality design is promoted, sensitive to, and in keeping with the area in which it is located.

Policy RLS3 of the RLSNDP states that development proposals that are within or directly affect a Conservation Area must assess and address their impact on their heritage significance and must demonstrate attention to certain criteria specified within the policy.

The existing building in its current form does not have a particularly positive influence on the design of the street scene or the character of the conservation area. It is currently two-storey in height. The existing hot food takeaway forms the design of the ground floor frontage. The first floor is rendered with a bay window on to the frontage, which is not a feature that would be associated with this part of Spencer Street.

Amended drawings have been received for this scheme following initial objections from officers and the conservation officer. The revised scheme consists of the erection of a mansard roof extension above the existing first floor. The principle elevation will remain as a render finish and the bay window has been replaced with a timber framed window. The mansard roof will be finished in natural slate to match the existing building and neighbouring buildings. The extensions to the rear have been completed in matching brickwork to the existing building and include new timber frame windows. The first-floor rear extension has a hipped roof. The Conservation Officer has raised no objection to the amended scheme, subject to the imposition of a condition requiring the submission of large-scale architectural details.

Overall, and in light of the amended plans, officers are satisfied that the resulting development would represent a sympathetic addition to the locality and would be aesthetically preferable to the building currently in situ.

Accordingly, it is not considered that the proposed external works would result in any material harm to the visual amenities of the site and surrounding area, nor to the character and appearance of the Conservation Area. The development is therefore considered acceptable in this regard and as such accords with the aforementioned policies.

#### Impact on neighbouring / residential amenity

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

Objections have been received raising concerns over the potential impact of the extension on the amenity of neighbouring uses. However, since these objections have been received, the applicant has submitted amendments reducing the depth of the extension and removing the breach of the 45-degree guideline.

As existing the ground floor of this site extends to the rear boundary. The proposal includes a first-floor rear extension which extends 1.7 metres back. The proposed extension will not breach the 45-degree guideline in relation to either neighbours' nearest habitable window on the ground or first floor. The mansard roof extension will also not breach the 45-degree guideline of either neighbours' habitable windows.

There is a window located in the loft space of the neighbouring dwelling to the west. As existing, the pitched roof of the application site blocks a significant amount of light from this window as it is positioned directly in front of it. As existing, this window does not have appropriate outlook, as it faces directly onto the roof of 8 Spencer Street and partially onto the opposing flat's side elevation. Further, because of its relationship with the number 8's roof, the availability of natural light is limited.

The alterations included in this application remove the pitched roof on 8 Spencer Street, thereby clearing any obstruction of this window that is currently in place. The mansard roof that replaces the pitched roof will be located 0.75 metres away from the window to the north, thereby improving the outlook and availability of light for this window. Though there will be a small increase in roof height of approximately 0.38m, when weighing up the new location of the roof, which will be sloping away from the existing window, against the existing arrangement, the amended location of the roof will provide a much-improved outlook for the relevant window and allow for more appropriate levels of light.

Following the submission of amendments, officers are satisfied the proposal would result in no material harm by reason of additional loss of light, loss of privacy or loss of outlook.

The impact of the relocated flue is considered in more detail in the following section. However, in relation to the impact on the neighbouring properties, based

on the advice from Environmental Health this is considered to be no worse than the situation with the existing flue.

Accordingly, officers are satisfied that the development is acceptable in this regard and as such accords with Policy BE3.

#### Impact on living conditions of the existing first floor flat

Local Plan Policy BE3, requires development to provide acceptable standards of amenity for future users and occupiers of the development.

As existing, this site is currently used as a takeaway (which includes a kitchen) on the ground floor and a separate one-bedroom flat on the first floor. The existing arrangement of the first floor flat consists of a lounge to the front with an outlook to Spencer Street and the bedroom the rear with an outlook onto the building behind the application site.

The proposal includes the internal remodelling of the first floor flat. The kitchen and lounge will have an open plan style and will be served by the main window fronting 8 Spencer Street. The rear of the first floor will be host to the utility and bathroom, both of which will have obscured windows. The mansard roof extension will facilitate the single bedroom to the frontage with an outlook onto Spencer Street. To the rear of the roof extension will be the ensuite and stairway from the first floor, both of which will have rear facing obscured windows.

The habitable rooms for this one-bedroom dwelling will have appropriate levels of outlook and are considered to be an improvement from the existing arrangement.

Objections have been received raising concerns about the levels of amenity for the living spaces in the first floor flat. The LPA's Environmental Health Officer has been consulted as part of this application and following submission of amended plans, they have highlighted that based on the existing use and arrangement of the site, though there are concerns from a noise and odour perspective, the proposed internal alterations combined with the proposed conditions will represent an improvement from the existing situation. It should be noted that as existing there is a flue located to the rear of this building and the rear of the neighbouring building. The application site's flue head is located directly outside the rear bedroom that has an openable window.

The alterations as part of this application will see that all windows to the rear of the first floor and roof extension will serve rooms that are not considered to be habitable rooms. They will also have windows that are fixed and obscured to remove the possibility of odours accessing these floors. The applicant has also altered the existing flue so that it will have a Swedish Cowl Head as opposed to the existing Weather Cowl so that odours will emit upwards, as opposed to laterally. Moreover, the flue will be fixed with anti-vibration mounts to limit the noise that can be generated from the flue.

Accordingly, officers are satisfied that the development is acceptable in this regard and as such accords with Policy BE3.

#### Access and parking

Policy TR1 requires development to provide safe, suitable and attractive access routes for all road users; including drivers of motor vehicles as well as cyclists, pedestrians and public transport users.

Policy TR3 requires development to make provision for parking which has regard to the location and accessibility of the site by means other than the private car, does not result in on-street car parking detrimental to highway safety; takes account of the parking needs of disabled car users, motorcyclists and cyclists; and takes account of the requirements of commercial vehicles. Moreover, development will be expected to comply with the parking standards set out in the most recent Parking SPD.

The proposal does not alter the use of the existing building, nor does it increase the number of bedrooms in the upper floor flat. The parking requirement therefore does not change. It is acknowledged that the site is situated within a sustainable location with good public transport links.

Objections have been received raising concerns over the parking provision for the site. The amended plans submitted demonstrate that there will be no increase in the number of bedrooms and no change of use involved for this proposal. The proposed works are solely for the roof extension and first floor rear extension. These works do not require the provision of any additional parking spaces.

For the above reasons officers are satisfied that the development is acceptable and as such accords with Policies TR1 and TR3.

#### Impact on Ecology

Local Plan Policy NE2 requires designated areas and species of national and local importance to be protected for biodiversity and geodiversity. Policy NE3 requires development not to lead in any losses to biodiversity and to avoid any negative impacts on existing biodiversity.

A bat survey has been submitted following a request from WCC Ecology. The County Ecologist has recommended that the works are carried out sensitively. They have raised no objection subject to the imposition of a condition requiring the installation of a bat box feature on the building. Appropriate notes have also been attached.

Officers are therefore satisfied that the works would not result in any harm to protected species and the development accords with Policies NE2 and NE3.

#### Sustainability

As required by the Council's Net Zero Carbon Development Plan Document (DPD) Policy NZC4, an Energy Statement has been submitted which demonstrates a consideration to sustainable construction and design in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation. The applicant has included justification for why measures have not been incorporated, taking into consideration the limited alterations to an existing building.

The proposal is therefore considered to comply with DPD Policy NZC4.

## **Other matters**

### Waste

Objections have been received raising concerns over the refuse arrangement for this site. It should be noted that this application is solely for the erection of a first-floor rear extension and roof extension and therefore there will be no impact on the refuse requirements in this case.

## **Conclusion**

Overall, and having regard to all of the above considerations, officers recommend that planning permission be granted subject to the conditions set out below.

## **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 23/16-02 REV J, and specification contained therein, submitted on 28th August 2024. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No part of the development hereby permitted shall be commenced until a scheme for the provision of a bat box/bat roosting feature to be erected on buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location, and timing of works. Thereafter, the box shall be installed and maintained in perpetuity. **Reason:** In accordance with NPPF, ODPM Circular 2005/06.
- 4 The development hereby permitted shall not commence unless and until a noise insulation scheme has been submitted to and agreed in writing by the local planning authority to ensure that noise levels from the existing ground floor premises do not cause detriment to the amenity of the occupiers in the proposed first floor residential premises. Once approved, the noise insulation scheme shall be implemented in full accordance with the approved details and shall be retained thereafter. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not commence unless and until:

a) a noise assessment has been undertaken to assess the impact of entertainment noise, commercial plant/equipment, and road traffic noise on the proposed dwelling in accordance with a methodology first agreed in writing with the local planning authority; and

b) the results of the noise assessment carried out to comply with criteria (a), together with details of any necessary noise, ventilation, and/or overheating mitigation measures, have been submitted to and approved in writing by the local planning authority.

The development hereby permitted shall not be occupied until any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details. The mitigation measures shall be retained at all times thereafter.

**Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

6 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

7 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

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