Planning Committee: 20 June 2017 **Item Number:** **11**

Application No: W 17 / 0637

Registration Date: 07/04/17
Town/Parish Council: Leamington Spa **Expiry Date:** 02/06/17
Case Officer: Dan Charles
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12 Park Road, Leamington Spa, CV32 6LG

Garage conversion; erection of flat roof canopy to front elevation; erection of single and two storey rear extension; decking area to rear; erection of detached outbuilding in rear garden; elevational changes to dwelling; enlargement of driveway area and additional site access with dropped kerb. FOR Mr Chander

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposed development is for the erection of a single and two storey rear extension spanning the whole width of the rear of the property. The two storey element is proposed with a dual pitched roof and the single storey projection as a flat roof.

Alterations to the frontage of the property including the conversion of the existing integral garage to habitable accommodation, replacement of an existing flat roof canopy, amendments to the fenestration and the installation of solar panels to the roof slope. In terms of materials, it is proposed to render the existing dwelling and extensions. Timber cladding is proposed to the centre of the front elevation at first floor level. New windows are also proposed with grey frames.

A detached timber outbuilding is indicated on the submitted plans within the rear garden. The measurements indicated on the plans show an overall roof height of 2.5 metres and the building has a footprint of 20m².

A new driveway access is also proposed to create an in/out driveway arrangement.

THE SITE AND ITS LOCATION

The application site lies within an existing residential area within the town of Royal Leamington Spa.

The property is a detached dwellinghouse set back from the road behind a front garden and parking area and served by a large rear garden.

The garden area of the properties slopes down towards the rear boundary.

The site is flanked by similar detached dwellings. The character of the area is defined by a variety of styles and designs of dwellings on differing plot sizes.

The front boundary of the site partially abuts the edge of the Royal Leamington Spa Conservation Area but the plot falls outside of the Conservation Area.

PLANNING HISTORY

No previous planning history.

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)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (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)
- HE2 - Protection of Conservation Areas (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)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council : No objection

Ward Member Gordon Cain : Object to the scheme for the following reasons;

- The application plans have now taken into consideration the previous obstruction of the 45 degree sight line.
- The proposed corner rebates to comply with the 45 degree sight line rule are not reflected on the elevation drawings so the application drawing is incorrect and needs amendment.
- My previous objection on grounds of contravention of the 45 degree sight line is withdrawn.
- The application however remains excessive development of the site, and remains unneighbourly.
- The rear deck has been raised 1m above existing ground levels (EGL) and will afford unrestricted views across the adjoining gardens, which had previously been private.
- The proposed slatted side screens are inappropriate and will allow some vision through the slats.
- The new extension and raised deck appears to extend over the root protection zone of the adjacent mature Silver Birch. This mature tree will be at risk.
- The white render will have a high visual impact.
- The revised design contravenes the NPPF paragraphs 56; 58.1; 58.6; 63 and 66.
- NPPF 64 advises permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- This proposal does not improve the character or quality of this area.
- I object to this revised scheme.

WCC Ecology: Request Bat Survey prior to determination.

Tree Officer: Silver Birch Tree does not have a strong enough profile for a TPO to be served. The tree can be protected by condition requiring tree protection measures.

Public Response: 7 letters of objection have been received making the following comments;

- Contrary to Residential Design Guide SPG in terms of additional floorspace and volume created.
- Disproportionate to the scale of the existing dwelling.
- Will impact on light to adjacent properties.
- Loss of privacy as a result of overlooking from Juliet balcony and raised decking area.
- Render and timber cladding harmful to the character of the area that is predominantly brick and tile.
- Harm to adjacent trees.
- Development is unneighbourly.
- Not in keeping with neighbouring properties.
- Increased surface water run-off as a result of the development that could harm adjacent properties.
- Breaches 45 degree line from windows serving No. 14.
- Garden room will result in noise disturbance and loss of privacy.

ASSESSMENT

Impact on character of surrounding area

The extension works proposed are large in scale but predominantly located to the rear of the dwelling where public views are limited. The two storey extension is relatively large with a 5 metre projection together with an additional 2 metre ground floor projection. The proposed two storey element has a pitched roof to match the existing dwelling in terms of eaves and overall ridge height. The single storey element has a low flat roof. The single storey section is identified with the use of a grey render in lieu of the white render proposed for the main dwelling.

The resultant extensions would increase the size of the dwelling in comparison to the neighbouring properties. However, in Officers' opinion, the scale of the extensions are proportionate to the overall plot size in this predominantly urban area and would not appear as an overdevelopment of the site.

The proposal also includes alterations to the frontage of the property in the form of the conversion of the existing integral garage to additional living accommodation, installation of new grey framed windows, rendering of the front elevation with white render together with the installation of timber cladding to the centre of the first floor of the elevation. The resultant dwelling will have an enhanced frontage that refreshes and improves the tired and dated appearance of the existing dwelling.

In terms of the street scene, Officers are mindful that there are similar properties in the vicinity of the site but the overall character of the area is one of mixed dwellings of different sizes and scales. However, the predominant material is brick with a range of colours and textures. In this location, the use of render would result in a property that does not reflect the character of the neighbouring properties. However, in Officers opinion, the range of dwelling styles and materials are varied and the use of render would add to the mix of properties in the local area without resulting in significant harm to the character of the area.

Overall, Officers are satisfied that the extensions and alterations proposed would not result in significant harm to the character of the surrounding area.

Impact on the adjacent Royal Leamington Spa Conservation Area

Warwick District Local Plan Policy DAP8 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas.

Warwick District emerging Local Plan Policy HE2 (protection of conservation areas) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

The front boundary of the application site partially abuts the boundary of the Conservation Area, however, no part of the application site is within the Conservation Area.

Views of the property from the Conservation Area would be possible, however, the same effect could be achieved through the painting of the existing brick work without planning permission. Therefore, the use of render would not result in material harm to the setting of the Leamington Spa Conservation Area.

The extensions to the property are limited to the rear of the dwelling and would not affect the setting or views out of the Conservation Area.

Impact on adjacent properties

The front elements of the scheme are restricted to fenestration changes and the use of new facing materials and windows. Officers are therefore satisfied that these elements of the scheme would not result in material harm to the amenity of neighbours. In addition, the new in/out driveway arrangement and revised frontage are also considered to be acceptable in terms of potential impact on the amenity of neighbouring properties.

In terms of the impact on the amenity of neighbouring properties, the proposed rear extension has been amended to reduce the overall depth of the extension to ensure that the 45 degree line from the study window of the adjacent property at No. 10 is not breached. The proposal does not breach the 45 degree line from any habitable room window of either adjacent property at No.10 or No. 14.

The occupier of the neighbouring property has raised concern about the impact on a side facing kitchen window and utility room window as a result of the extensions. However, the side facing window is not the only source of light insofar as it a secondary window and the primary window is a rear facing window that is substantial in size. The proposed rear extension does not breach the 45 degree line from the centre of the rear facing window of No.14. A utility room is not considered to be a habitable room for the purposes of assessing the 45 degree test and as such, is not a reason to object to the application.

The proposed extension has first floor rear facing windows that allow for views over the adjacent properties' gardens. Officers are mindful that there are existing first floor windows to the rear elevation although the extension will project 5 metres from the existing rear wall. In terms of outlook from the window, the resultant views would not be substantially different from the existing situation and in this respect Officers do not consider that the proposed two storey extension would result in overlooking compared to the existing situation and would not be considered unneighbourly.

Concern has been raised regarding the elevated setting of the proposed decking area to the rear of the extensions. Due to the sloping nature of the application site, the proposed decking area to the rear of the extension is to be provided on land built up to match the finished floor level of the proposed extension. The built up level will be approximately 1 metre above the natural ground level at the end of the decking area. Due to the increased level, it would increase the potential for overlooking of the adjacent properties. The plans indicate screens to the sides of the decking area to a height of 1.8 metres above the decking level to prevent overlooking of the areas of amenity space closest to the rear of the adjacent dwellings. In Officers' opinion, this results in an acceptable

relationship taking into account the screening of the sides of the decked area and this can be controlled by condition.

The elevated nature of the decking would afford views further down the garden areas of the adjacent properties due to the falling levels at the rear of the site. The existing side boundaries are delineated with a 1.8 metre high close boarded fence with planted borders in front with a range of shrubs and hedging to the boundary with No. 10 Park Road and a low fence supplemented with a mature hedge forming the boundary with No. 14 Park Road.

In terms of the potential harm as a result of the decking area, the views afforded would be towards the middle to end of the adjacent garden areas. In terms of potential overlooking, Officers are of the opinion that the elevated nature of the decking is such that it is acknowledged that views will be afforded of the adjacent garden areas. When considering this element, Officers consider that the use of the decking area would not result in sufficient harmful overlooking to warrant the refusal of planning permission.

Overall the harm to the amenity of neighbouring properties as a result of the scheme is clearly acknowledged. However, in the opinion of Officers, the level of harm as a result of the development would not be sufficient to warrant the refusal of planning permission.

Access and Parking

The application property benefits from a large frontage area capable of accommodating multiple vehicles. The loss of the garage would not result in a lack of parking for vehicles within the site.

It is also proposed to create an in/out access arrangement to further improve parking within the site. This will ensure that vehicles are able to enter and exit in a forward gear and this will improve highway safety in the local area. This is particularly important at this site as it lies opposite a road junction where vehicles reversing out of the site may result in vehicular conflict with vehicles exiting the junction.

The County Highways Officer has assessed the proposal and raised no objection, subject to conditions to ensure the new access point is built to the appropriate standards.

Energy Efficiency / CO^2 reduction

The Sustainable Buildings Supplementary Planning Document requires residential and non-residential developments, including conversions to provide 10% of the predicted energy requirement to be produced on site, or in the locality from renewable energy resources except in cases where it can be demonstrated that it is not feasible to incorporate such measures.

Whilst solar panels are indicated on the elevation plans, no statement has been submitted in support of this application. However, Officers are satisfied that energy reduction measures would be feasible for this development and consider it appropriate to attach a condition requiring these details to be submitted.

Other Matters

Trees and Hedgerows

Concern has been raised regarding the proximity of an existing mature silver birch tree within the adjacent garden. The tree has been assessed and does not meet the criteria to be protected by a Tree Preservation Order. However, I am mindful that the tree has amenity value to the local area.

In this respect, it is considered it would be appropriate to secure a condition requiring tree and hedge protection measures to be installed together with a no-dig method statement for any works falling within the root protection area of the tree.

Ecology

The County Ecologist has requested that a bat survey be carried out. In making my assessment of the case, Officers are mindful that the works to the roof could be carried out without planning permission and the urban nature of the area is such that the potential for bats is limited. In this scenario, it is considered appropriate to add a bat note that explains the applicant's responsibilities in the event that evidence of bats is found.

Drainage

The application site has an existing mains connection for foul sewerage and surface water from the roofs will be connected to the existing surface water drainage.

The proposal does introduce an enlarged area of hardstanding to the site frontage that has the potential to increase surface water run-off rates and the sloping nature of the site is such that this could result in issues to the existing property and its neighbours.

In this respect, it is appropriate to secure further details of drainage to be submitted by condition to ensure that additional surface water is treated appropriately within the site through SUDS.

Conclusion

The proposal is for a single and two storey rear extension together with works to the frontage to an existing detached dwelling adjacent to the Royal Leamington Spa Conservation Area. In the opinion of the District Planning Authority the proposed development will not have any significant demonstrable harm to the character of the local area and will preserve the setting of the adjacent Conservation Area.

The proposed extension would result in some harm to the amenity of neighbouring properties, however, the level of harm identified is not sufficient to warrant the refusal of planning permission. The development is also considered to have no detrimental impact on highway safety.

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(s) CHANDER/03C, CHANDER/04C AND CHANDER/05C, and specification contained therein, submitted on 25 May 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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall 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 DP1 of the Warwick District Local Plan 1996-2011.

4 Prior to commencement of the development hereby approved, details of a porous surface treatment for the drive 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 drive 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.

5 No part of the development hereby permitted shall be commenced until a scheme for the protection of existing trees and hedgerows in accordance with BS5837:2012 has been submitted to and apprioved in writing by the Local Planning Authority. The scheme should incorporate a detailed methodology for the carrying out of works within the identified root protection areas of any protected trees or hedgerows. **Reason:** To ensure that all landscaping features adjacent to the proposed development are not harmed as a result of the works.

6 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^2 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.

7 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.

8 The decking area hereby permitted shall not be occupied unless and until the privacy screens have been installed in accordance with the approved details. The screens shall be maintained as such at all times thereafter. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

9 No more than 2 accesses for vehicles shall be made or maintained to the site from 12 Park Road. **REASON:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

10 The development hereby permitted shall not be occupied until 2 accesses for vehicles have been provided to the site not less than 3 metres in width at any point as measured from the near edge of the public highway carriageway. **REASON:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

11 The development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 3 metres, as measured from the near edge of the public highway carriageway. **REASON:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

12 The accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound macadam material in accordance with details to be approved in writing by the

Local Planning Authority. **REASON:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

13 The accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

14 The accesses to the site for vehicles shall not be used unless public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.