Planning Committee: 05 July 2011 **Item Number:**

Application No: W 11 / 0054

Registration Date: 03/02/11
Town/Parish Council: Leamington Spa **Expiry Date:** 31/03/11
Case Officer: Sandip Sahota
01926 456554 planning_east@warwickdc.gov.uk

Rear of 40, Lee Road, Leamington Spa, CV31 3JQ
Outline application for the erection of a two-bedroom bungalow FOR Mr I Tabor

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This application has been requested to be presented to Committee by the Ward Member, Councillor Jane Knight. The Town Council has also expressed support and a petition of support has been received.

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: "No objection is raised but the following comment is made: Members welcomed that this derelict plot would be put to housing use".

Councillor Jane Knight: Requests application be presented to Planning Committee should the Planning Officer be minded to recommend refusal.

Public Response: No responses have been received as a result of the public consultation process. However, a petition in support of the proposal signed by 30 people was submitted with the application.

WCC Ecology: "No objection, subject to the notes relating to bats, nesting birds, indigenous tree and shrub planting, amphibian and reptiles and hedgehogs.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

Three planning applications have been refused and two appeals dismissed for the erection of a dwelling on the site of the existing garage court:

1]. Planning permission (ref: W09/0559) for 'Erection of bungalow after demolition of existing garages' was refused by Members in July 2009.

2]. Planning permission (ref: W05/1126) for 'demolition of garages and erection of a detached bungalow' was refused under delegated powers in 2005. The proposal was subsequently dismissed at appeal on grounds of being 'at odds with the established pattern and character of development in the locality'; the provision of unacceptable living conditions for future occupiers of the development who would 'suffer noise and disturbance from vehicles associated with the shop units', and the provision of a poor level of amenity space and outlook.

3]. Outline planning permission (ref: W97/0609) for 'erection of a dwelling' was refused under delegated powers in 1997. The proposal was subsequently dismissed at appeal on grounds of being out of character with the area, 'cramped in comparison with its surroundings', detrimental to the living conditions of neighbouring properties in terms of noise and disturbance and loss of privacy; and the provision of unacceptable living conditions for the future occupants of the proposed development.

KEY ISSUES

The Site and its Location

The application site, currently occupied in-part by a block of 6 derelict garages, lies to the rear of a terrace of properties in an area characterised by frontage development. In contrast to the previous refused schemes, the site now also incorporates part of the adjoining rear garden to 8 Southlea Close, adding an extra 85 square metres to the total site area. Access to the site is obtained via an unmade track off Lee Road which passes between flats and 2 shops on one side and a dwelling at 42 Lee Road on the other. The irregularly shaped site is surrounded on three sides by the rear gardens of properties in Kingsway and Southlea Close and to the east and rear of the shops are a further 4 garages served by the same access.

Details of the Development

Outline consent for the erection of a two-bedroom bungalow after demolition of existing garages.

While the submitted drawing shows the siting of a bungalow on the application site, this is illustrative and the application is in outline with all matters except access to be reserved for subsequent approval.

The illustrative plan which accompanies the application shows the proposed bungalow sited along the north-eastern boundary of the site, adjacent to the residential accommodation to the rear of no.36 Lee Road.

The scale parameters for the proposed dwelling set out in the Design and Access Statement indicate a length of 13.5 metres, a width of 6 metres and a ridge height of 5.5 metres.

Assessment

The main considerations in the determination of this application are:

1. Principle of development.
2. The effect of the proposal on the character and appearance of the area, and
3. The effect of the proposal on the living conditions of neighbours and whether the dwelling would provide adequate living conditions for future occupiers.
4. Drainage
5. Parking
6. Renewables

Principle:

A significant proportion of the proposed dwelling is to be sited within the rear garden of 8 Southlea Close.

Policy UAP1 of the Warwick District Local Plan 1996-2011 states that residential development will be permitted on previously developed land and buildings within the confines of urban areas. Policy UAP1 goes on to state that, in all other circumstances, residential development will not be permitted unless it is for affordable housing in accordance with Local Plan Policy SC11. The recent revision to Planning Policy Statement 3: Housing dictates that residential garden land is no longer considered to be previously developed land.

The current application proposes to erect a new dwelling on residential garden land. This is not previously developed land and the proposal does not provide affordable housing and therefore the proposal is contrary to Local Plan Policy UAP1. I note the applicant's arguments that the inclusion of this garden land would enable a difficult site to be developed for a dwelling, but do not consider that this is sufficient to justify a departure from the Development Plan.

Character and appearance:

The properties in the area are mainly detached houses and bungalows, semi-detached dwellings and a small number of terraced properties. In the vicinity of the application site, the dwellings generally front onto the roads and, for the most part, have good sized plots. The site's location in relation to existing development places it in a backland situation. Whilst in some urban areas the development of such sites is acceptable and can be a common feature, in this particular case, the proposal would depart from an established pattern of frontage development and give rise to a development that would appear cramped in comparison with its surroundings. While there are examples of backland development in the area, most notably to the rear of 45 Lee Road, frontage development in generous plots remains the dominant characteristic of the immediate area and an isolated dwelling in this backland location would create an incongruous feature in an area characterised by frontage development, and would appear awkward and cramped in this restricted area to the rear of this frontage. The development of this site as proposed would therefore be at odds with the established pattern and character of development in the locality.

I have noted the applicant's comment that the removal of the garages would improve the area; however, I consider that the development of the site in the manner proposed would not harmonise with its surroundings and therefore fails to comply with policy DP1 of the Local Plan.

Living conditions:

Whilst the current application site has been enlarged by the incorporation of adjoining garden land (compared with previous refused application sites) and a dwelling within this enlarged site would overcome previous concerns relating to a poor level of amenity space and outlook, I am still concerned that both neighbours and future occupiers of the dwelling would suffer noise and disturbance.

At the present time, the rear gardens of dwellings in Southlea Close and Kingsway which back onto the site enjoy a degree of quiet and privacy which

could be significantly diminished by increased pedestrian and vehicular movements in this location.

Noise and disturbance will emanate from vehicles using the access road, the turning area required for the dwelling and from the banging of car doors. I accept that cars entering and leaving the existing block of garages could generate a degree of noise and disturbance but such a use is likely to be low given the divorced nature of the garages from residential properties. I also consider that to a certain extent, the existing garages have shielded the dwellings to the rear against noise and disturbance with the result that occupiers of 6 and 8 Southlea Close would experience increased disturbance from the proposed development.

In the case of the proposed dwelling, the future occupants could suffer from noise and disturbance arising from vehicles associated with the shop units and the proposal would be harmful to the living conditions of future occupants of the proposed dwelling by reason of the degree of noise and disturbance that would emanate from the unfettered movement of vehicles using the access road and the adjacent garages and the manoeuvring of vehicles adjacent to the site.

The proposed dwelling would also result in mutual overlooking between the existing dwellings and the proposal.

Drainage:

The Foul Sewage and Utilities Statement submitted with the application indicate that a soakaway will be used for surface water drainage. It is stated that the dwelling will be connected to the existing foul sewage system. I do not consider that one additional dwelling in this location would place an unreasonable burden on the capacity of the existing system.

Parking:

The provision of 2no. off street parking spaces is shown on the illustrative layout plan. I am therefore satisfied that the proposal would be able to satisfy the requirements set out in the Council's Vehicle Parking Standards SPD.

Renewables:

A condition requiring at least 10% of the predicted energy requirement of the proposed dwelling to be produced on site through renewable energy will need to be imposed if outline consent is granted.

RECOMMENDATION

REFUSE, for the refusal reasons listed below.

REFUSAL REASONS

1 Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character of its environment through good layout and design.

The proposed dwelling would be sited as backland development to the

rear of existing properties at 34-40 Lee Road, 44 and 46 Kingsway, and 6 and 8 Southlea Close within an established residential area that is predominantly characterised by dwellings in generous plots that generally front onto the roads. In the opinion of the District Planning Authority, the erection of a detached bungalow on this site of restricted size and awkward configuration will result in a development which would appear unacceptably cramped and contrived in comparison with its surroundings and which would thereby be out of character with the existing pattern of frontage development in the surrounding area. The proposal is, therefore, considered contrary to the aforementioned policy.

2 Policy UAP1 of the Warwick District Local Plan 1996-2011 states that residential development will be permitted on previously developed land and buildings within the confines of urban areas. Policy UAP1 goes on to state that, in all other circumstances, residential development will not be permitted unless it is for affordable housing in accordance with Local Plan Policy SC11. The recent revision to Planning Policy Statement 3: Housing, dictates that residential garden land is no longer considered to be previously developed land.

The current application proposes to erect a new dwelling, in part, on residential garden land. This is not previously developed land and the proposal does not provide affordable housing and therefore the proposal is contrary to Local Plan Policy UAP1.

3 Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which does not provide acceptable standards of amenity for neighbouring residents and future occupiers of the development.

The proposed dwelling would be sited as backland development to the rear of existing properties at 34-40 Lee Road, 44 and 46 Kingsway, and 6 and 8 Southlea Close. Numbers 34 and 40 Lee Road have been extended and converted into self contained flats. Access to the site would be via an existing drive that passes between numbers 40 and 42 Lee Road close to existing habitable room windows and garden areas of these dwellings, which also serves existing garages allocated to the shops and flats at 34-40 Lee Road.

In the opinion of the District Planning Authority the proposal would be harmful to the living conditions of the neighbouring residents and future occupants of the proposed dwelling by reason of the degree of noise and disturbance that would emanate from the unfettered movement of vehicles using the access road and the adjacent garages and the manoeuvring of vehicles within and adjacent to the site.

The proposal is, therefore, considered contrary to the aforementioned policy.