Planning Committee: 22 February 2011 **Item Number:**

Application No: W 10 / 1664

Registration Date: 29/12/10
Town/Parish Council: Leamington Spa **Expiry Date:** 23/02/11
Case Officer: Rob Young
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Garage r/o 6 Bertie Terrace, Gulistan Road, Leamington Spa
Removal of roof and top section of walls of single storey part of existing building and conversion of remaining two storey building into a dwelling; installation of new windows and doors; installation of solar panels and rooflights; and retention of existing walls to create front courtyard incorporating existing garage doors and proposed pedestrian gate FOR Mrs P Johnson

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This application is being reported to Planning Committee because it is recommended that planning permission be granted subjected to the completion of a legal agreement.

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Public response: An objection has been received from the occupier of one of the dwellings on the opposite side of Gulistan Road on the following grounds:
- loss of light;
- loss of privacy;
- noise and disturbance; and
- traffic generation and access.

Conservation Area Advisory Forum: It was felt that the two sets of doors should be retained. This was generally felt to be an ingenious solution to preserve this mews building from deterioration.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)

PLANNING HISTORY

In 1980 planning permission was refused for "Conversion of coachhouse into single dwelling" (Ref. W80/1152). The reason for refusal was as follows:

"In the opinion of the District Planning Authority the building is most unsuitable for conversion to a single dwelling by reason of the absence of amenity space within the curtilage of the property. In addition there would be a lack of privacy for any occupiers due to the edge of the building abutting the plot boundary".

In 1981 a planning application for "Demolition of existing garages and erection of one dwelling" was withdrawn (Ref. W81/0299).

In 1981 planning permission was refused for "Demolition of existing garages and conversion of storage building to dwelling" (Ref. W81/0469). The reason for refusal was as follows:

"In the opinion of the District Planning Authority, the store building is unsuitable for use as a dwelling due to its position in close proximity to other dwellings and due to the inadequate size of plot resulting in insufficient amenity space being available. In addition the store is unsuitable for conversion due to the amount of structural building work which would be required to make it habitable".

KEY ISSUES

The Site and its Location

The application relates to a former coachhouse situated to the rear of No. 6 Bertie Terrace and fronting onto Gulistan Road. The properties in Bertie Terrace are Grade II Listed Buildings. The building is no longer associated with No. 6 Bertie Terrace, but is owned by the occupier of No. 6 Union Road, who has used it as a garage for many years. The coachhouse is a single and two storey structure, with the single storey element abutting the back of the pavement to Gulistan Road and the two storey element being set to the rear of this.

The application site is situated within a predominantly residential part of the Leamington Spa Conservation Area. The coachhouse is surrounded by the rear parking area of Bertie Terrace to the east, south and west. The site is faced by the dwellings in Gulistan Court from the opposite side of Gulistan Road. New dwellings have previously been constructed to the rear of some of the other properties in Bertie Terrace.

Details of the Development

The application proposes the following development:

- removal of roof and top section of walls of single storey part of existing building and conversion of remaining two storey building into a dwelling;
- installation of new windows and doors;

- installation of solar panels and rooflights; and
- retention of existing walls to create front courtyard incorporating existing garage doors and proposed pedestrian gate.

The following amendments have been made to the application:

- confirmation that the two storey part of the existing building and the walls of the single storey part are to be retained;
- one set of existing garage doors to be retained and fixed vertical timber boarding to be installed in place of the other set;
- transom added to first floor window; and
- rooflights changed to conservation-style rooflights.

Assessment

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

- the principle of permitting a residential conversion in this location;

- the impact on the living conditions of neighbouring dwellings;

- the impact on the character and appearance of the Conservation Area;

- car parking and highway safety; and

- the provision of a satisfactory living environment for future occupants of the proposed dwelling.

<u>The principle of permitting a residential conversion in this location</u>

The application relates to an existing building situated within the urban area and therefore I am satisfied that a conversion to residential use would be acceptable in principle, in accordance with Local Plan Policy UAP1.

<u>Impact on the living conditions of neighbouring dwellings</u>

I note the concerns of the neighbour regarding loss of light, loss of privacy and noise and disturbance. Firstly considering loss of light, the proposals would not have any effect in this respect because no extensions are proposed to the existing building. Secondly, in terms of loss of privacy, I am conscious that the proposed dwelling would be in close proximity to the dwellings on the opposite side of Gulistan Road, including the objector's property. However, the proposed first floor windows would be obscure glazed and the wall and solid gates to be retained along the front boundary would provide screening from the proposed ground floor windows. Furthermore, the rooflights in the rear roofslope are proposed to be obscure glazed and this will ensure that there is also no undue loss of privacy for the dwellings in Bertie Terrace. Finally, with regard to noise and disturbance, I note that this is an urban location with dwellings in close proximity to one another. In this context I can see no reason why the use of the application property as a dwelling should cause undue noise and disturbance for neighbours. Noise and disturbance from construction works cannot be a reason for refusing planning permission.

Therefore, for all of the above reasons, I do not consider that the proposals would harm the living conditions of neighbouring dwellings.

Impact on the character and appearance of the Conservation Area

As amended, I am satisfied that the proposals would preserve the character and appearance of the Conservation Area. The proposals would secure the future of this historic building and the proposed physical alterations would preserve the character of the building. The majority of the existing building is to be retained. The amendments have addressed the detailed design issues raised by the Council's Conservation Architect.

With regard to the comments of the Conservation Area Advisory Forum, the amendments would retain one set of the existing garage doors, but the other is in poor condition and so cannot be re-used. This will be replaced with a fixed vertical timber boarded screen incorporating a personnel door. I am satisfied that this has addressed the comments of the Conservation Area Advisory Forum as far as is practical.

Car parking and highway safety

The proposed dwelling would be provided with a single parking space, which would be in accordance with the Council's Parking Standards. I note the concerns that have been raised by the neighbour, but I do not consider that a single dwelling would have any significant implications in terms of traffic generation and access. The building has been used as a double garage for many years and has an established access onto Gulistan Road.

Provision of a satisfactory living environment for future occupants of the proposed dwelling

I note that planning permission was refused for the residential conversion of the application property in 1980 and 1981 on the grounds that the schemes proposed at that time would not have provided a satisfactory living environment for future occupants of the proposed dwelling. However, the current proposals provide a slightly larger area of external amenity space than those previous schemes. Furthermore, the previous refusals date from 30 years ago and the Council has subsequently approved a number of conversion schemes with similar external amenity space in recent years. Therefore, assessed under the Council's current policies and guidance, I am satisfied that the proposals would provide a satisfactory living environment for future occupants.

Other matters

The application proposes the installation of solar panels to meet 10% of the predicted energy requirements of the development, in accordance with Local Plan Policy DP13.

The applicant has agreed to enter into a Section 106 agreement to secure a contribution of £916 towards the provision or enhancement of public open space, in accordance with Local Plan Policy SC13.

The front courtyard provides adequate space for refuse storage and this would be screened from public views.

RECOMMENDATION

GRANT, subject to the conditions listed below and subject to the completion of a Section 106 agreement to secure a contribution towards the provision or enhancement of public open space.

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 drawing(s) L01C, and specification contained therein, submitted on 4 February 2011, 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 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), rainwater goods and the top of the courtyard wall at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

4 The roofing material for the development shall be natural slate. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

5 All window frames and all doors shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

6 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.

7 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. The parking area shall be kept free of obstruction and be available for those purposes at all times thereafter. **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.

8 Prior to the occupation of the development hereby permitted, the first floor windows in the north facing elevation and the rooflights in the south facing roofslope shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of 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 would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.