Planning Committee: 01 March 2022 **Item Number:** 5

Application No: W 20 / 2166

Registration Date: 28/06/21
Town/Parish Council: Leamington Spa **Expiry Date:** 23/08/21
Case Officer: Rebecca Compton
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14 Charlotte Street, Leamington Spa, CV31 3EB
Erection of a two storey rear extension to existing 4 bedroom HMO (Use Class C4). FOR Mr S Singh

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This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received. The applicant is also related to a WDC member of staff.

RECOMMENDATION

That planning permission is granted subject to the conditions listed below.

DETAILS OF THE DEVELOPMENT

The proposal seeks permission for a two storey rear extension to an existing C4 HMO to facilitate the creation of an additional two bedrooms.

THE SITE AND ITS LOCATION

The application property is a two storey semi-detached dwelling property located on the eastern end of Charlotte Street, Leamington Spa.

The property is an existing lawful House in Multiple Occupation (Use Class C4) which allows the property to be used for up to 6 persons living together with shared facilities. The site benefits from driveway parking for 2 cars.

PLANNING HISTORY

There is no relevant planning history

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- H6 - Houses in Multiple Occupation and Student Accommodation

- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS2 - Housing Design

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Raised a holding objection due to concerns over the level of private amenity space provided and impact on the amenity of neighbouring properties. They also support the Ecology officers request for information relating to bats.

WCC Ecology: Object due to the lack of a Preliminary Bat Roost Assessment.

WCC Highways: Have reviewed the revised parking survey and have no comments to make.

WDC Private Sector Housing: Provided comments on the size of the bedrooms and the facilities to be provided.

Public response: 15 objection comments have been received raising concerns over the following matters:

- Impact on HMO concentrations in the area
- Impact on parking stress in the area
- Impact of the extension on the street scene
- Whether adequate refuse storage will be provided
- Impact on the amenity of neighbouring properties
- Impact on the amenity of future occupiers
- The viability of the rear parking space
- The methodology used for the Parking Survey

ASSESSMENT

Principle

Policy H6 of the Warwick District Local Plan 2011-2029 comes into force when a property is changing use to a HMO. The property is an existing lawful C4 HMO, which allows the property to be used for up to 6 persons. Whilst the application proposes to extend and create additional bedrooms, the amount of bedrooms does

not exceed 6 and therefore, there will be no impact on the existing concentration levels of HMOs within the area.

The application is considered to be acceptable in principle.

Impact on the character and appearance of the area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The proposed extension will be located to the rear of the property and has been designed so as to blend in with the existing character of the property. The extension is set down from the main ridge line to appear as a subservient addition and will be finished in render to match the existing property.

The proposed extension is considered an acceptable addition to the property, the development is considered to comply with Local Plan policy BE1.

Impact on the amenity of neighbouring properties

Policy BE3 of the Warwick District Local Plan 2011-2029 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. The Residential Design Guide SPD provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45° line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

As originally proposed the two storey rear extension breached the Council's adopted 45° line when taken from the neighbouring property at 12 Charlotte Street, this has now been amended and reduced in size to comply with the 45° line. The extension does not breach the 45° line to the adjoining neighbouring property at 16 Charlotte Street. As amended the extension now complies with the 45° line and is not considered to negatively impact on the amenity of the neighbouring dwellings.

The proposed two storey extension will not breach the Council's distance separation guideline of 22m to the properties to the rear of the site situated along Claremont Road. Taking all of the above into account it is considered that the proposed extension will not cause material harm to the living conditions of the occupiers of the surrounding properties through visual intrusion or loss of light and therefore complies with Local Plan policy BE3.

Impact on the occupiers of the proposed HMO

Private Sector Housing raised concerns over the size of bedroom 6 which was below the minimum size of a bedroom in terms of the licensing requirements. Whilst not a material planning consideration, the scheme has since been amended to increase the size of this room to comply with the licensing requirements. Private Sector Housing have also recommended that bedroom 2 is fitted with a window opposed to the existing patio doors to assist with ventilation. Officers are satisfied that the patio doors provide sufficient levels of outlook and so the recommendation for a window will be added as an informative note for the applicant as this relates to the licensing requirements.

The amenity for future occupiers is considered acceptable as all habitable rooms are served by windows providing suitable levels of light and outlook. The rear private amenity space exceeds the Council's adopted requirement of 60 sq.m for a 6 bed property. Officers are satisfied that future occupiers would have an acceptable level of amenity.

Impact on highways and existing parking

Policy TR3 of the Warwick District Local plan 2011-2029 states that development will only be permitted that makes provision for parking and does not result in on-street car parking detrimental to highway safety. The Council's adopted Parking Standards SPD sets out the detailed parking standards for developments.

The existing property is a lawful C4 Use (HMO), which allows up to 6 persons to live together with some shared facilities. The application seeks to increase the number of bedrooms from 4 to 6, this results in an increase in the parking requirement by 1 space. The existing property benefits from driveway parking to the front of the property with adequate space for 2 cars. As originally proposed, the applicant was proposing a new parking space in the rear garden to be accessed via the existing rear access off Tachbrook Road. The Highways Authority were consulted and raised no objection subject to the rear access being laid with a bound material which could be secured via condition. Through the course of the application, following concerns over the resulting level of rear amenity that would be provided, the applicant has omitted the proposal for the rear parking space and has provided a parking survey that sufficiently demonstrates that the additional demand for one parking space for this property can be accommodated within the street.

The applicant has demonstrated through a parking survey that the additional demand for parking can be accommodated on-street. Local residents have raised concerns over the submitted parking survey not complying with the methodology

set out in the Parking Standards SPD, a revised parking survey has been submitted and officers are satisfied it complies with the SPD. The Highways Authority have been consulted on the revised parking survey and have raised no objections on highway safety. The proposal is therefore considered to comply with Local Plan policy TR3.

Officers note that the parking survey submitted seeks to demonstrate suitable on street parking for this application at 14 Charlotte Street and an associated application at 6 Charlotte Street (W/20/2165). The parking survey demonstrates there would be sufficient parking on-street to meet the additional parking demand of 1 space per dwelling. The proposal is therefore considered to comply with Local Plan policy TR3.

Refuse

The Residential Design Guide SPD sets out the refuse requirements for HMOs, the increase in bedrooms would result in an increase requirement for refuse storage comprising 2x 180L bins. The site benefits from a side gate and side access where bins can be stored and then moved onto the street for collection day. The existing side gate ensures that the refuse bins are not visible from within the street scene.

Ecology

Taking a precautionary approach, the County Ecologist has recommended that a preliminary bat survey is required prior to the determination of the application. This request has been considered, however, it is also noted that the existing dwelling is well sealed and is located within a built up area with other dwellings in close proximity.

On this basis, it is considered that the likelihood of bats is relatively low and a bat note advising the applicant of their responsibility in relation to protected species would be more reasonable and appropriate in this case.

Subject to an informative note the development is considered to comply with Local Plan policy NE2.

Other matters

A number of local residents have raised concerns over the loss of amenity to neighbouring properties and the amenity of future occupants which officers are satisfied have been addressed through amended plans. Other concerns raised include provision for refuse and parking which have been addressed as stated earlier in the report. Increasing the size of the HMO has been identified as a concern by local residents in terms of the impact on existing concentration levels in the area. As stated earlier in the report, the property is an existing lawful C4 HMO which allows the property to be used for up to 6 persons. Whilst the application proposes to extend and create additional bedrooms, the amount of bedrooms does not exceed 6 and therefore, there will be no impact on the existing concentration levels of HMOs within the area.

Conclusion

The application seeks to extend an existing 4 bed HMO to increase the number of bedrooms to 6, the extension is of an acceptable design, all rooms would benefit from acceptable levels of light and outlook and the extension has been reduced in size to ensure there would be no detrimental impact on the amenity of neighbouring properties. Furthermore, the development will provide sufficient provision for parking which has been demonstrated through a parking survey and sufficient provision for refuse which will be contained to the side of the property out of view of the street scene. The development complies with the aforementioned policies.

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) 20/71-04B, and specification contained therein, submitted on 22nd November 2021. **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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.