Planning Committee: 16 October 2012 **Item Number:** **7**

Application No: W 12 / 0888

Registration Date: 24/09/12
Town/Parish Council: Leamington Spa **Expiry Date:** 19/11/12
Case Officer: Jo Hogarth
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York Corner, 21 Adelaide Road, Leamington Spa, CV31 3PN
Construction of side facing dormer window and two rooflights FOR Mr Tony Bond

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This application is being presented to Committee due to an objection from the Town Council having been received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The proposal seeks to construct a side facing dormer window together with two rooflights

THE SITE AND ITS LOCATION

The site relates to a detached property located on the corner of Adelaide Road and York Road and has the benefit of planning permission as an 8 bedroom House in Multiple Occupation. It is within the designated Conservation Area. To the north is the historic gardens associated with York Walk which forms part of a series of linked historic parks and gardens which has been registered in the English Heritage Register as well as the Warwick District Local Register.

PLANNING HISTORY

In 2009, planning permission was refused for a side facing dormer window (ref: W/09/0067). This decision was appealed; however the Inspector dismissed the appeal on grounds that the dormer would result in unacceptable harm to the Conservation Area and streetscene by reason of it's inappropriateness which would obtrusive and would spoil the historic character and harmonious appearance of the Conservation Area. A further application (ref: W/09/0492) was submitted for a smaller dormer window and this was granted.

RELEVANT POLICIES

- 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)

- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection - The Town Council considers that the design of the proposed dormer window is unsuitable and out of keeping with the appearance of the building.

WCC Ecology: Following a bat survey, recommend a condition to ensure the details are adhered to together with bird and bat notes.

ASSESSMENT

It is considered that the key issues relating to this application to be:

- Impact on the Conservation Area and streetscene
- Impact on neighbours
- Renewables

Impact on the Conservation Area and streetscene

The proposal has been the subject of pre-application discussions and it is considered that whilst the proposed dormer window is larger than the previous approval, it would be smaller that the refused scheme and therefore still addresses the Appeal Inspectors reasons for dismissing the appeal. It is considered that the design of the dormer window would be acceptable in this instance and would not cause unacceptable harm to the character and visual appearance of the streetscene or wider Conservation Area in which it is situated. It is considered therefore that the proposal is satisfactory and meets the objectives of Policies DP1 and DAP8 in the Local Plan. Whilst the design is contrary to the Council's adopted Residential Design Guide in that it would have a flat roof, as it would not be situated on the rear sloping roof of the property, but constructed on the side of the existing projecting rear wing, it will not be largely visible. As such it is considered in this instance to be acceptable.

With regards to the proposed roof lights in the north elevation, no objections are raised to these subject to a condition to ensure that they are Conservation style.

Impact on neighbours

Number 19 Adelaide Road has a window in the side gable opposite the site which serves a bathroom and is not considered to be a habitable room. It is therefore considered that the two side facing windows in the proposed dormer window would not result in such significant harm through overlooking that permission should be refused. However, in order to prevent any perceived overlooking a condition is recommended so that the window serving the stairs be conditioned to be obscure glazed. Due to the rear projecting wing on number 19 Adelaide Road there would be no increased overlooking across neighbouring gardens and therefore it is considered that the proposed scheme meets the criteria set out in Policy DP2 in the Local Plan.

Renewables

In light of the scale of the proposal it is not considered that the scheme triggers the need to provide 10% of the proposed energy requirement through renewables and therefore it is considered that there would be no conflict with the Council's adopted Supplementary Document on Sustainable Buildings or to the objectives of Policy DP13 in the Local Plan.

CONCLUSION/SUMMARY OF DECISION

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.

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 application form, site location plan and approved drawings 1082/2 and 1082/3, submitted on 19 July 2012 and the mitigation measures set out in the updated bat survey report, submitted on 24 September 2012. **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 The rooflights hereby permitted shall be of a Conservation Area style and design. **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 1996-201

4 Prior to the occupation of the loft space created by the dormer window, the window serving the staircase in the side elevation of the dormer window shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and or 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.