Planning Committee: 22 June 2021 **Item Number: 8**

Application No: W 21 / 0075

Registration Date: 14/04/21
Town/Parish Council: Leamington Spa **Expiry Date:** 09/06/21
Case Officer: Thomas Fojut
01926 456539 thomas.fojut@warwickdc.gov.uk

Newark House, 17 Newbold Terrace, Leamington Spa, CV32 4EG
Erection of proposed single storey rear and side extension and erection of proposed single storey front garage extension. FOR Mr and Mrs Stokes

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This application is being presented to Planning Committee as there have been more than 5 neighbour letters of objection.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

Erection of proposed single storey rear and side extension and erection of proposed single storey front garage extension.

THE SITE AND ITS LOCATION

Newark House is a three storey detached dwellinghouse located on the north side of Newbold Terrace, Leamington Spa. The property is also located within the Royal Leamington Spa Conservation Area. The existing garage is located to the rear of the dwelling with the rear of the garage adjoining the northern curtilage of the application property. The garage is also accessible via the adjoining street (Rosefield Street) for the purpose of parking a vehicle within the garage.

Dwellings within the street comprise of large Regency properties and modern purpose built flats. Jephson Gardens are also located immediately opposite the application property to the south.

Many of the Regency properties are set back from the road by either large landscaped front gardens, hard surfacing for off-street parking or a combination of the two. The modern purpose built flats are also set back from the road and comprise a significant area of grass/landscaping to the front of the buildings adjoining the street.

PLANNING HISTORY

W/77/0879 - Change of use of residential property to office use at ground and first floor level and flat at second floor. Refused September 1977.

W/76/1078 - Change of use of residential property to medical consultants facility and residential accommodation. Granted November 1976.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- HE1 - Protection of Statutory Heritage Assets

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - No objection.

WCC Ecology - Recommends notes relating to bats and nesting birds are attached to any approval granted.

Conservation and Design - No objection. Recommended the use of matching materials for works to the garage. Satisfied that revised proposals have addressed any previous concerns raised.

Public response - 1 support comment, 9 neighbour objections based on the following grounds:

- Proposed plans not clear - uncertain if any potential demolition, height increase and proposed materials;
- Objects to proposed new entrance onto Rosefield Street;
- Negative impact on the Conservation Area;
- Additional traffic and parking pressure;
- Compliance with planning policies.

ASSESSMENT

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

- Design of the proposed extension and impact on the character of the area and street scene, including the character and appearance of the Conservation Area;
- Impact on the amenity of neighbouring uses;
- Ecology

Design of the proposed extension and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 195 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

The Conservation Officer initially had no objection to the proposals. They recommended the use of matching materials for works to the garage and considered the work proposed would cause no adverse impact to the appearance and character of the conservation area.

Three sets of revised drawings were submitted for the garage. The final amendments included the removal of the brick staircase and entry door to the first floor, the existing gable window was reinstated as existing and the existing panel fencing and foliage was also retained. A revised drawing of the existing floor plans and elevations of the garage was also submitted, showing photographs of the existing fencing and foliage above the boundary wall which backs onto Rosefield Street. This has also been added to the existing elevations on the revised drawing.

As amended, it is considered that the proposals for both extensions are in keeping with the character and appearance of the application property and Conservation Area. The proposals are therefore in accordance with the NPPF and Local Plan Policies HE1 and BE1 and the corresponding policies in the Neighbourhood Plan.

Impact on the amenity of neighbouring uses

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45-degree line taken from the nearest habitable room of a neighbouring property. This serves to protect against loss of light and outlook.

9 neighbour objections were made to the original proposals. All of the 9 objections made were regarding the proposed rear window on the first floor of the garage and the loss of privacy and overlooking. Additional concerns made related to the following issues, it is worth noting that all the objection comments were related to the garage proposals:

- Proposed plans not clear - uncertain if any potential demolition, height increase and proposed materials;
- Objects to proposed new entrance onto Rosefield Street;
- Negative impact on the Conservation Area;
- Additional traffic and parking pressure;
- Compliance with planning policies.

The objection comments made in relation to the proposed rear window on the first floor of the rear garage are a material planning consideration and as originally submitted were considered to cause overlooking and a loss of light, outlook and privacy. Following the submission of all the revised proposals, the proposed first floor window on the rear of the garage has been removed back to the existing hayloft door. It is therefore considered that these objections have been addressed.

With regards to the other objection comments made, these have been noted. Following the most recent revised proposals being submitted, whilst some of these are material considerations, it is considered that none of these comments would justify the refusal of planning permission for the following reasons:

- Proposed plans not clear - The revised proposals shows that there is no demolition, no height increase to either the house or garage, and the proposed materials have been amended to be matching materials.
- Objects to proposed new entrance onto Rosefield Street - This is not considered to negatively impact the character and appearance of the Conservation Area. It is also worth noting this would not require planning permission therefore has not been included in the description of development.
- Negative impact on the Conservation Area - The revised proposals are considered to have addressed any previously related concerns made by the Conservation Officer.
- Additional traffic and parking pressure - No additional bedrooms or car parking spaces are proposed. The plans for the upper floor of the garage show a home office which will be used by the applicant.
- Compliance with planning policies - The revised proposals are considered to comply with all relevant local and national planning policies.

The revised proposals will not breach the 45-degree line from windows serving habitable rooms of adjacent properties, and as a result the proposal is considered acceptable in terms of impact on light and outlook. Overall it is not considered the scheme would result in material harm through overlooking or loss of privacy to neighbours. The proposals are therefore considered not to result in any material harm to the amenity of the neighbouring dwellings.

It is considered that the development will comply with Warwick District Local Plan Policy BE3.

Ecology

The Ecology Department at Warwickshire County Council have recommended notes relating to bats and nesting birds are attached to any approval granted.

Summary

The development proposals are considered to be in keeping with the character and appearance of the property and the surrounding Conservation Area. In addition, the proposals are not considered to present a harmful impact upon the amenity of the neighbouring properties in relation to outlook and amenity. The proposals are in accordance with the aforementioned policies and it is therefore recommended for approval.

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) 1525-0500-04 and specification contained therein, submitted on 15th January 2021. Approved drawing(s) 1525-0501-08 and specification contained therein, submitted on 7th June 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.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking

and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed in the north facing elevation of the first floor rear garage hereby approved. **Reason:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.