Planning Committee: 27 May 2015 **Item Number:** **16**

Application No: W 15 / 0570

Registration Date: 08/04/15
Town/Parish Council: Leamington Spa **Expiry Date:** 03/06/15
Case Officer: Anne Denby
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36 Berenska Drive, Leamington Spa, CV32 5WB
Erection of detached bungalow FOR Mr Smoult

This application has been requested to be presented to Committee by Councillor Goode.

RECOMMENDATION

Planning Committee are recommended to REFUSE planning permission for the reasons listed.

DETAILS OF THE DEVELOPMENT

Erection of detached dormer bungalow.

The dormer bungalow is to be positioned to the south, a maximum of 3.35m from the existing dwelling. It will be 6m in width and 9.2m in depth. The eaves will be at height of 2.4m with accommodation being provided at first floor within the roof space. The ridge height will be at 5.7m.

The dwelling will be inset 1 metre from the southern boundary with properties on Wathen Road. The existing detached garage at the site will be demolished and 3 parking spaces provided to the front of the proposed dwelling. An additional parking space is proposed to the front of the existing dwelling.

The applicant has submitted a Tree Survey and Energy Statement in support of their application. The tree survey identifies 6 trees to the southern boundary and states that the proposals will result in the loss of 2 Douglas Fir trees and require the cutting back of 1 Eleagnus tree. The Energy Statement identifies that the most suitable low carbon or renewable technology systems are photovoltaics. These have been indicated on the submitted plans.

THE SITE AND ITS LOCATION

The application relates to a semi-detached property situated at the head of the cul-de-sac. The site forms part of a development built in the 1980's of largely semi-detached properties set in a staggered layout on the west side of Berenska Drive. From the adopted turning head the site is accessed via a private drive

which also serves adjacent dwellings. Off street parking together with a detached double garage are situated to front of the property.

Properties on Wathen Road back onto the southern boundary of the application site, which also forms the boundary of the Royal Leamington Spa Conservation Area (the application site is outside the conservation area). There are existing trees situated along or adjacent to this boundary which screen the application site from the properties on Wathen Road. The site backs onto Oak Tree House on Lillington Road.

PLANNING HISTORY

W/86/910 - Erection of 54 dwellings -Granted, 5th November 1986.

W/88/1269 - Erection of a detached double garage – Granted, 18th October 1988

W/06/0458 - Erection of a two storey side and front extension - Granted, 22nd June 2006.

W/09/0689 - Erection of detached dwelling - Withdrawn, 6th November 2007

W/09/1528 - Erection of detached dwelling - Refused, 27th April 2010 an subsequently dismissed at appeal on 15th October 2010 (appeal ref: APP/T3725/A/10/2131403/WF)

W/14/1715 - Erection of two-storey dormer bungalow - Refused, 9th February 2015

W/15/0528 - Proposed two-storey dwelling to side of existing property - Pending, recommended for approval - also to be considered at Planning Committee

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- 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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (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)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

- The Emerging Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

SUMMARY OF REPRESENTATIONS

Leamington Town Council: Comments awaited

WCC Highways: No objection

WCC Ecology: No objection subject to conditions

Cllr Goode has commented on the application and stated that many of the Inspector's comments on a previous refusal for the site still apply and requested that the application be presented to Planning Committee.

Public Response:

8 objections have been received. The details of these objections can be summarised as follows:

- Proposals are out of character with the surrounding area. Creates a detached bungalow in an area characterised by two-storey semi-detached dwellings.
- Proposal results in congested over-development.
- Adversely impact on the adjacent conservation area.
- Loss of trees.
- Impact to properties on Wathen Road from visual intrusion, adverse impact on outlook and overlooking.
- Wathen Road is at a lower ground level and therefore impact is exacerbated.

- Result in overlooking to 31 Berenska Drive.
- Increased flood risk.
- Parking and access. Site is at the end of a cul-de-sac and vehicles are unable to turn and there is limited parking.
- Proposals are the same as previously refused twice before. Previous reasons for refusal still stand.
- Impact of construction noise / traffic on adjacent properties.

In response to the objection received the applicant has made comment in support of his application. The comments can be summarised as follows:

- Any trees that are removed would be replaced with native trees and bushes to create a natural screen to Wathen Road.
- The existing trees are not native and shouldn't have been allowed to grow so vigorously. They allow nothing to grow underneath them.
- Adjacent residents in Wathen Road could plant trees in their gardens if they have concerns with privacy issues and bird life, etc.
- The existing garage is of sectional concrete construction and so would be easily dismantled prior to start on site and removed with minimal dust, noise and disruption and this would provide for parking of workmen's vehicles and storage of materials.
- Materials will need to be delivered to the site on large vehicles though there is a turning circle just down the cul-de-sac which is regularly used by larger vehicles, such as refuse collections.
- Will try and ensure minimum disruption to adjacent residents and liase with them about preferred delivery times.
- Proposals accord with Council guidelines, provide parking and will not result in significant overlooking.
- Noise and disturbance during construction will be kept to a minimum and work hours set out by the Council adhered to.

Layout and design contribute positively to the cul-de-sac. Materials will match the existing building, and proposals reinforce existing stagger and are subservient to the existing building.

Assessment

The main considerations in the determination of this application are:

- Principle
- The impact on the character and appearance of the area.
- The impact on adjacent properties
- Parking
- Trees/ Ecology
- Energy Efficiencies / CO2 reduction
- Health and Wellbeing

Principle

Policy UAP1 of the Local Plan directs new dwellings to previously developed sites in the urban areas. Although garden land is not previously developed land, the NPPF encourages LPA's to create policies which allow development on garden land provided it does not harm the character and appearance of the area. As

such, the proposal is considered acceptable in principle, subject to compliance with the other relevant policies in the Local Plan.

The impact on the character and appearance of the area

This 1980's residential development is predominantly characterised by similarly designed pairs of two-storey semi-detached properties laid out in a staggered arrangement set behind gardens and driveways with off street parking to the front and gardens to the rear. This gives the street scene a degree of uniformity.

The existing dwelling has a larger garden than the adjacent houses which adds to the spatial quality of the area and the streetscene has an open character. The proposed dwelling would be at odds with this established character. The proposal is for a single detached bungalow which would be of different design and proportions both in footprint and elevations to the existing development on Berenska Drive.

The proposed dwelling is set a maximum of 3.5m from the existing dwelling and 1 metre away from the southern boundary in order to retain access to the rear of the existing dwelling whilst also having its own access to the rear. The proposed dwelling will be set almost level with the front of the existing dwelling thereby not continuing the existing staggered arrangement. Whilst the proposals have incorporated a reasonable separation distance to the existing dwelling this, with the absence of any set-back from the front building line just serves to increase the prominence of the proposed dwelling within the streetscene. It will result in a visual block to the end of the private drive when viewed from the surrounding area, adversely impacting on its open character.

Following the refusal for a dormer bungalow earlier this year the applicant has amended the design in an attempt to reflect the character of the existing dwelling and those is the surrounding area. The design of the proposed dwelling, however, due to its size and design, being a detached single storey building, is still considered to be at odds with the established character of the area. Furthermore although the revised design has removed the box dormer previously proposed to accommodate the living accommodation within the roof, a steep roof pitch is required. By contrast, the established development on Berenska Drive is characterised by shallower pitched gable roofs.

The proposed dwelling would be visible from the road and due to its size, design and layout would be appear as an alien and incongruous addition to the streetscene out of keeping with its surrounds and would fail to improve the character and quality of the area.

The site adjoins the boundary of the Conservation Area and whilst not within it, it will have a detrimental impact on its setting. The existing garden area to the adjacent properties on Wathen Road and that at the application site provide a buffer between the built development and the proposed dwelling would erode this, resulting in the removal of existing landscaping which would adversely affect the setting of the Conservation Area.

The impact on adjacent properties

The proposed dwelling would not breach the 45 degree line when measured from the existing property. Whilst the rear garden of the existing dwelling would be reduced in size to accommodate the additional dwelling and the garden which would be retained by no. 36 would be of a more unconventional configuration, I am of the view that it would provide an adequate external amenity space to satisfy the requirements of this size of dwelling. In the absence of specific standards relating to amenity space, I feel it would be difficult to sustain a refusal of planning permission on grounds of an inadequate provision of external amenity space in this case. In the case of the proposed dwelling, whilst the rear garden would be smaller than other properties in the area benefit from, I am of the view that it would be large enough to serve the requirements of future occupiers. Overall, I am therefore of the view that the proposal would not result in material harm to the living conditions of the occupiers of that property or to the existing property.

The side (south) elevation of the proposed dwelling would be set approximately 15 metres from the rear elevation of 13 and 14 Wathen Road. This is in excess of the minimum distance separation standard of 12 metres as set out in the Council's Distance Separation SPG. I am therefore of the view that the proposal would not cause material harm to the living conditions of the occupiers of these properties.

The proposed dwelling will be set approximately 9.5 metres from the boundary with No. 31 Berenska Drive. Whilst there may be increased opportunity for overlooking there are no windows proposed at first floor level. The ground floor windows proposed will not result in significant increased level of overlooking due to the boundary treatment in place to No.31 Berenska Drive. Therefore overall the proposals are not considered to result in material loss of privacy such as to justify a refusal of planning permission in this case.

Parking

The existing double garage is to be demolished as part of the proposed development which will enable 3 surface parking spaces to be accommodated off street. A further parking space will be provided directly in front of the existing dwelling. A total of 4 parking spaces will therefore be provided which would satisfy the requirements set out in the Council's Vehicle Parking Standards SPD.

The County Highways Department have raised no objections on highway safety grounds.

Trees/ ecology

The existing garden enjoys a mature landscape with a variety of trees, shrubs and hard landscape features. The most significant tree (T7) is a semi-mature Cedar Tree which will be retained and has been provided with sufficient room to develop to a mature size. In additional a Western Red Cedar (T6) and 2 Birch trees (T1 & T2) will also be retained.

The existing Eleagnus which is actually located in the garden of an adjacent property in Wathen Road will be cut back whilst the other trees (T4 & T5) will be removed to make way for the proposed development. Whilst these trees provide a pleasant screen at the rear of some of the properties on Wathen Road, they are not widely visible from public vantage points and are therefore not considered to make such a valuable contribution to the amenity of the area such as to justify a Tree Preservation Order or indeed to refuse planning permission for the proposed development.

A condition requiring a details of a landscaping scheme to be submitted and approved by the Local Planning Authority prior to commencement can be added to any approval granted as per the County Ecologist's recommendation. The tree report states that the development does not fall within the root protection zone of the Cedar and that the tree will be protected during construction.

Energy Efficiencies / CO2 reduction

The Sustainable Buildings Statement submitted with this application indicates that 2 photovoltaic panels fixed to the southern side elevation and an air source heat pump, also to the southern elevation could provide for a minimum of 10% of the predicted energy requirement of the proposed dwelling. An appropriately worded condition could be imposed on any approval to ensure these are delivered.

Health and Wellbeing

There are no health and wellbeing issues raised by this scheme.

Summary / Conclusion

The proposed dwelling would be visible from the road and due to its size, design and layout would be out of keeping with its surrounds and would fail to improve the character and quality of the area and is therefore considered to be contrary to the aforementioned policies.

REFUSAL REASONS

1 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

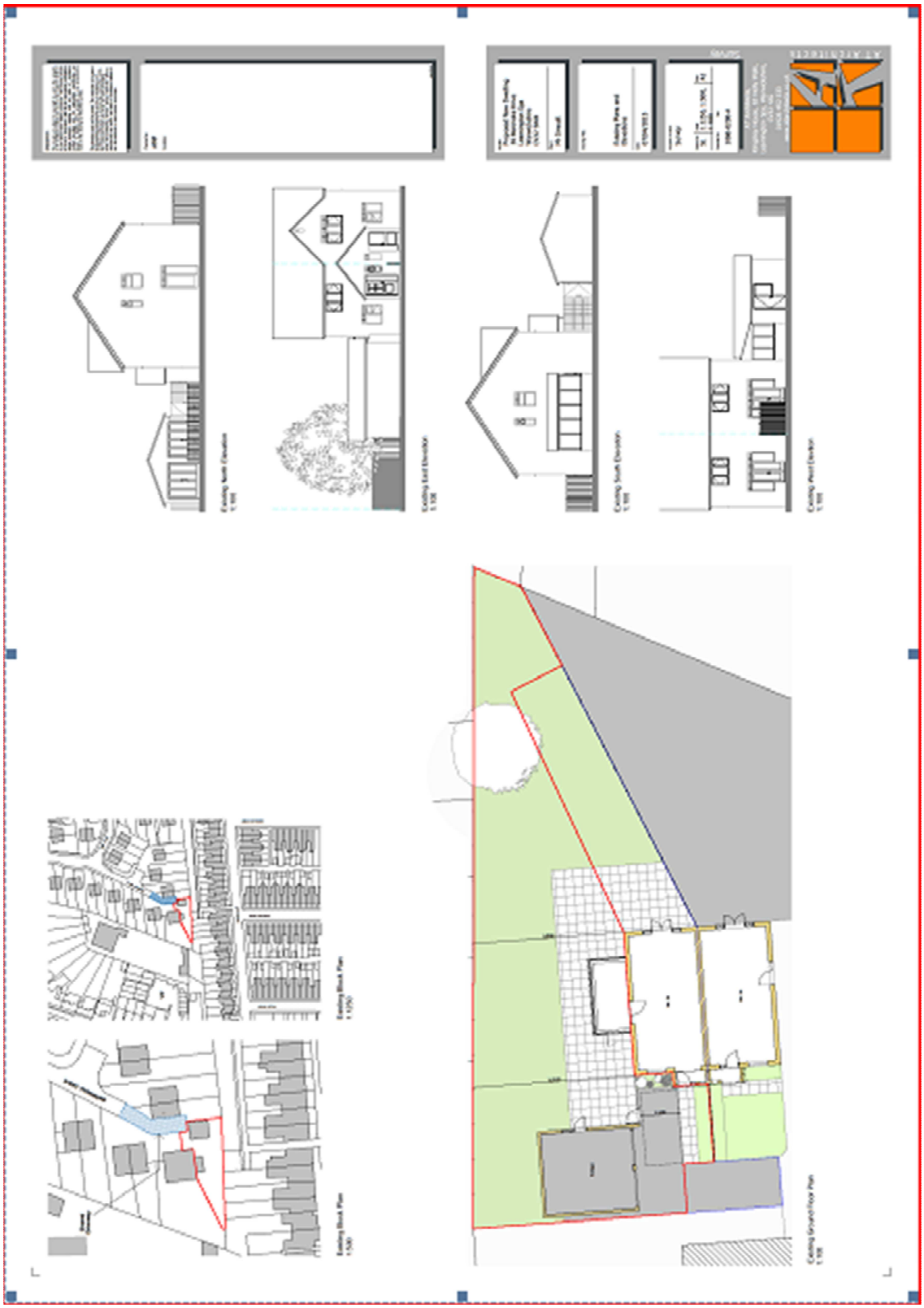
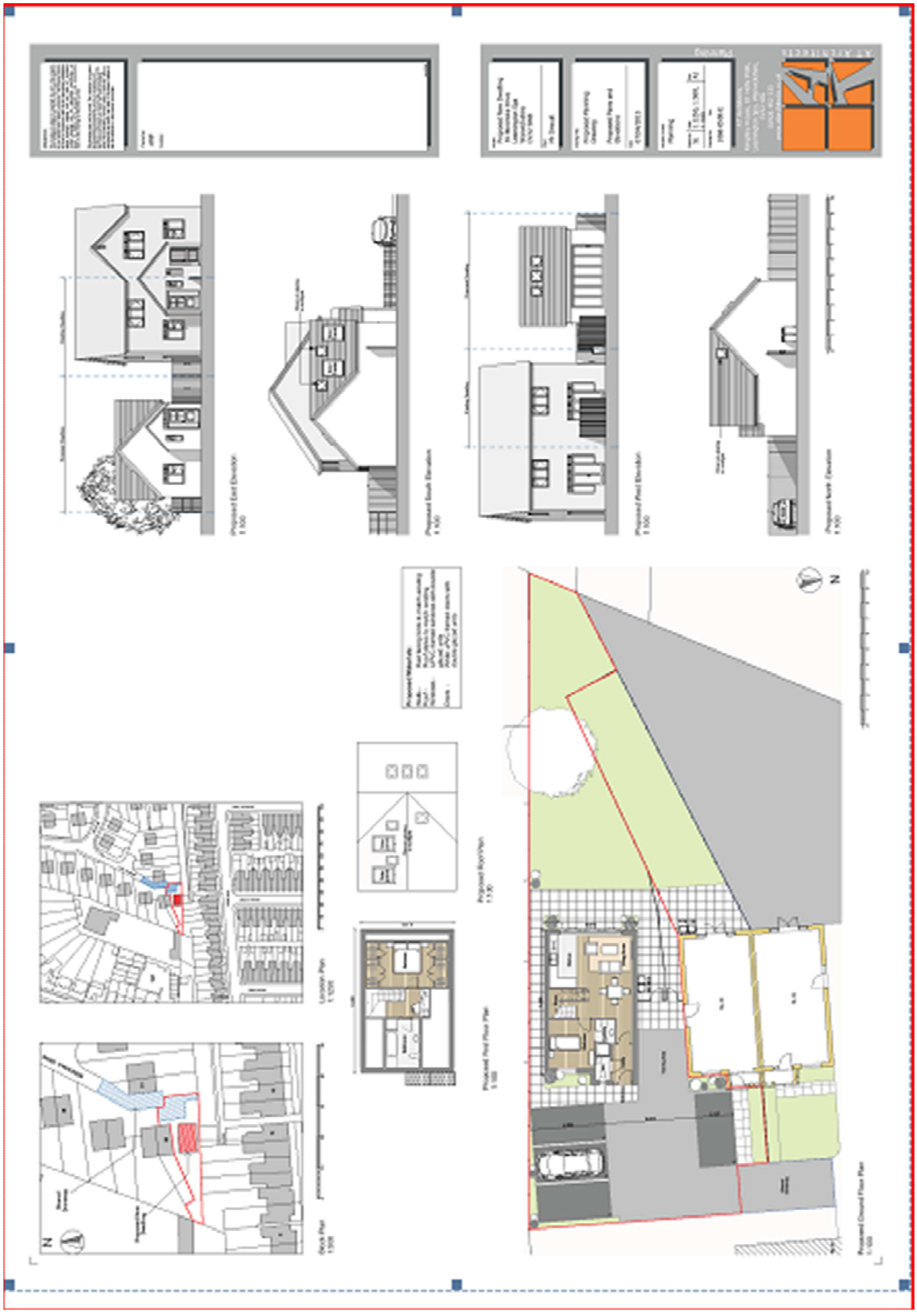
The application property lies within a carefully planned residential estate consisting predominately of similarly designed two-storey, semi-detached properties that are regularly spaced in a staggered arrangement forming a regular rhythm and character of development. The proposed dwelling fails to recognise or respond to this established character and due to its siting, design, scale and form will appear as an an alien and incongruous addition to the streetscene to the detriment of the character of the surrounding area.

The development is thereby considered to be contrary to the

aforementioned policies.

2 Policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas.

The application site is situated on the boundary with the Royal Leamington Spa Conservation Area. The proposed development, due to its siting and design would infringe into the existing undeveloped buffer between the modern estate and the traditional character of the terraced houses within the conservation area, failing to preserve or enhance its setting.

The development is thereby considered to be contrary to the aforementioned policy.

Site Location Plan
1:1250
Block Plan
1:500
WATHEN ROAD
BERENSKA DRIVE
Shared Driveway
Proposed New Dwelling
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