

List of Current Planning and Enforcement Appeals
24 April 2018

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
W/17/0699	Land South of Gallows Hill, Warwick	Up to 260 Dwellings	Dan Charles	TBC	11 -14 December (inc) 2018	In Preparation

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/ Inquiry	Current Position

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/17/0514	Land at the Valley, Radford Semele	Residential Development of up to 20 Dwellings Delegated	Rob Young	Questionnaire: 20/10/17 Statement: 17/11/17 Comments: 1/12/17	Ongoing
W/17/0686	Lodge Farm House, Westwood Heath Road	Change of Use to 9 Bedroom HMO Committee Decision contrary to Officer Recommendation	Dan Charles	Questionnaire: 20/10/17 Statement: 17/11/17 Comments: 1/12/17	Ongoing
W/17/1084	The Barbican, Willes Road, Leamington	Change of Use to HMO Delegated	John Wilbraham	Questionnaire: 23/1/18 Statement: 20/2/18 Comments: 6/3/18	Appeal Allowed
<p>Due to conflicting information submitted by the appellant and the Council, the Inspector took the position that with the proposal the percentage of HMOs within a 100M radius would be in the ranger between 10% and 14%.</p> <p>The Inspector noted that most of the existing HMOs within 100m of the appeal property tend to be concentrated in the Gordon Street and New Street area which is comprised of tightly packed Victorian terraces and there are only a very small number of HMOs in Willes Road. He concluded that even if the 10% figure was exceeded, the proposal would not lead to an over concentration of HMOs within this part of Willes Road.</p>					

Adding to his justification to allow the appeal, he noted that Willes Road is a wide main street and the properties generally are larger than in the Gordon Street and New Street area, so the potential noise and disturbance to neighbouring occupiers is likely to be less than it might be in a more densely developed street.

While the proposal only has 1 parking space, the Inspector noted that the requirement for a 4 bed HMO was the same as a 2 bed house and therefore this was acceptable.

W/17/0508	Tapster Manor, Tapster Lane, Lapworth	Conversion of Stables to 2 Dwellings Delegated	Dan Charles	Questionnaire: 24/1/18 Statement: 21/2/18 Comments: 7/3/18	Ongoing
W/17/0537	8 Priory Road, Warwick	2 Storey Extension Delegated	Helena Obremski	Questionnaire: 23/1/18 Statement: 20/2/18 Comments: 6/3/18	Appeal Allowed

The Inspector considered that the design of the scheme and the use of zinc would avoid pastiche and would not be harmful to the character of the conservation area.

The Inspector considered that the concerns of the Council relating to confusing use of different materials on the elevations of the extension could be partly addressed through the imposition of a suitable condition.

The Inspector considered that while the distance between the rear elevation of 42 Chapel Street and the rear elevation of the first floor of the proposed extension is less than the minimum separation distance between a blank wall and a two storey dwelling set out in the Council's SPG, it would be an acceptable distance because the ground floor element of the proposal would have no more impact than the existing and the first floor would extend further out than existing by 1.5m but would be stepped back significantly in relation to the ground floor roof and its roofline angled. It would not appear unduly dominant from the rear elevation of 42 Chapel Street, nor likely to

adversely affect light levels within it.					
W/17/1423	Land Adjoining Clinton House, Old Warwick Road, Rowington	Erection of Dwelling Delegated	Lucy Hammond	Questionnaire: 24/1/18 Statement: 21/2/18 Comments: 7/3/18	Appeal Dismissed
The Inspector concluded that the proposed dwelling in the Green Belt was inappropriate development as it did not meet any of the specified exceptions in the NPPF and was harmful by reason of harm by definition and harm to openness.					
W/17/1883	Life Headquarters, Mill Street, Leamington	Prior Approval from Office Use to Residential Dwellings Delegated	Dan Charles	Questionnaire: 16/2/18 Statement: 16/3/18 Comments: 30/3/18	Ongoing
W/17/1158	Ground Floor, 20 William Street, Leamington	Change of Use from Office to 1 bedroom flat Delegated	Helena Obremski	Questionnaire: 16/2/18 Statement: 16/3/18 Comments: 30/3/18	Ongoing
W/17/1539	12 Staunton Road, Leamington	Change of Use from Dwelling to HMO Delegated	Helena Obremski	Questionnaire: 16/2/18 Statement: 16/3/18 Comments:	Ongoing

				30/3/18	
W/17/1380	18 Clarkson Drive, Whitnash	Single Storey Extensions (Retrospective) Delegated	Rebecca Compton	Questionnaire: 23/2/18 Statement: 19/3/18 Comments:	Appeal Dismissed
<p>The Inspector found that the proposal would breach the 45 degree line from the neighbouring property at number 20. He concluded that the structure would loom large over the neighbouring property and would have a significant overbearing effect on the outlook from the neighbour's window and it would adversely affect light levels.</p> <p>With respect to the neighbouring property at No.16 he took into account that it was set some distance away from the boundary and that the outlook was already towards a high boundary fence. He did not consider that the proposal would result in loss of light and outlook to an unacceptable level.</p> <p>The Inspector acknowledged that the extension was being built larger than approved due to a previously unknown water pipe. He also took into account that the appellant may have considered that it was permitted development. Nevertheless, he considered that these matters did not outweigh the harm he had identified.</p> <p>He also noted the absence of any objections and the appellant's suggestion that neighbours may wish to extend their own properties in a similar way. However, he considered that it is necessary to assess the impact of the proposed development under the circumstances as they are now and that a lack of objection in itself does not mean that a proposal would not harm a neighbour's living conditions.</p>					
W/17/1938	35 Helmsdale Road, Lillington	First Floor Extension and Porch Delegated	Rebecca Compton	Questionnaire: 23/2/18 Statement: 19/3/18 Comments:	Appeal Dismissed

The Inspector observed that as the semi detached appeal property has been substantially extended along its road frontage with a two storey side extension and a single storey extension it is probably now the widest property in the road. The Inspector considered that the proposal to extend the property along the road frontage with a first floor extension above part of the existing single storey extension would result in a continuation of additional bulk at first floor level in a visibly prominent location and would elongate and effectively re-orientate the appearance of the extension in the streetscene. The overall extended part of the property would have a width almost twice that of the original property. This would unsatisfactorily unbalance the proportions and design of the original house and it would be particularly discordant when viewed from the street. The effect of the proposal would be to diminish unacceptably the character, appearance and integrity of the host building with consequent harm to the character and appearance of the surrounding area.

W/17/1830	Priors Club, Tower Street, Leamington	Student Accommodation in 3 Storey Building Committee Decision contrary to Officer Recommendation	Rob Young	Questionnaire: 9/2/18 Statement: 9/3/18 Comments: 23/3/18	Ongoing
W/17/1491	Glebe House, Southam Road, Radford Semele	Erection of 4 Car Garage Delegated	Dan Charles		Appeal Allowed
<p>The Inspector considered that the proposed garage, whilst a reasonably large structure, would be positioned in the south eastern corner of the plot at a significantly lower level than the main building. Furthermore, the existing Yew tree would screen a large proportion of the building from view. He therefore concluded that the structure would not be visually intrusive from either the main building itself or in the surrounding area. Furthermore, the fact that it would be constructed from matching brick with a shallow pitched slate roof and timber doors would mean that its appearance would complement that of the main building. Overall, the reasonably discrete location of the garage combined with its modest design would mean that it would appear as a subordinate addition. As such, it would not cause harm to the special interest or significance of the heritage asset.</p>					
W/17/1439	Roebuck Inn, 57 Smith Street, Warwick	Painting of Exterior Front to Listed Building	John Wilbraham	Questionnaire: 8/3/18	Appeal Dismissed

/LB		(Retrospective) Delegated		Statement: 22/3/18 Comments:	
<p>The appeal works involve the painting of the front elevation, with the timber frame painted white and the infill panels painted grey. This elevation has undergone painting in the past, with the black and white appearance of such buildings, as evidenced in other buildings along Smith Street, being a typical alteration of the Victorian era.</p> <p>The Inspector considered that while the current works have not resulted in the loss of the original timber structures of this building, nor altered the contrasting visual relationship between the timber and infill areas, the colours used contrast with the traditional colour schemes accepted as appropriate for such buildings. Furthermore, the usual colour balance whereby the timber colour is the darker colour is inverted. As a result this colour scheme gives the appeal building an incongruous appearance which is at odds with and undermines the architectural provenance of the building. In addition, the contrasting appearance has an unbalancing effect in the local streetscene by drawing attention to this inappropriate colour scheme.</p> <p>The appellant made the case that the works have been undertaken as part of a restoration scheme which sought to increase the attractiveness of this PH to the public. However, the Inspector considered that whilst a well maintained and presented building may appear more welcoming to customers, there is no evidence that this particular colour scheme would be of benefit or significance in this regard. He therefore did not accept that this is a public benefit which would outweigh the harm identified.</p>					
W/17/2178	21 Village Street, Offchurch	Single Storey Rear Extension Delegated	John Wilbraham	Questionnaire: 28/3/18 Statement: 19/4/18 Comments:	Ongoing
W/17/1545	13 St Marys Road, Leamington	Erection of Dwelling Delegated	Helena Obremski	Questionnaire: 2/3/18 Statement: 30/3/18 Comments: 13/4/18	Ongoing

W/17/1628	Budbroke Services South, Warwick Bypass	9m high illuminated totem sign Delegated	Holika Bungre	Questionnaire: 21/3/18 Statement: 12/4/18 Comments:	Appeal Dismissed
<p>The Inspector observed that with the exception of the services, the area was devoid of other built development, with the presence of trees, other vegetation and a grass verge creating an open and spacious character. He considered the location of the sign was acceptable adjacent to the developed part of the site. However, he considered that the height of the sign which extends beyond the canopy of the filling station has an overly dominating impact. This combined with the bulk and mass of the sign result in a scale that appears as clutter creating harm to the visual amenity of the area and has an appreciable impact on the surroundings. He felt that that sign dominates the appearance of the site and streetscene when considered in the context of its setting appearing as an incongruous feature in a prominent location.</p> <p>The appellant made reference to the nearby Starbucks sign. However, the Inspector considered that this contrasts with the appeal sign as it is on a slender pole. Nevertheless, he felt it this and the 'Breakfast Junction' sign did not contribute positively to the streetscene and therefore they are not a desirable characteristic that would promote support for the appeal and therefore he did not weigh their presence heavily in favour of the development.</p> <p>The appellant also suggested that the sign had highway safety benefits, ensuring drivers are in the correct lane to access the slip road. However, the Inspector was not convinced that the absence of thee sign would cause highway safety concerns.</p>					
W/17/1519	28 The Hamlet, Leek Wootton	Extensions Delegated	Rebecca Compton	Questionnaire: 16/3/18 Statement: 9/4/18 Comments:	Appeal Dismissed
<p>The appeal property is a two storey semi which stands back from the highway and angled to reflect a bend in the road. The Inspector considered that this created an open and spacious character. The Inspector considered that although the overall size and scale of the side</p>					

extension would be smaller than the existing house and the ridge of the roof would be set down from the existing house, the extension would not appear subservient because despite the set back from the main building line, the extension would project forward of the existing house. Furthermore, the roof on the first floor would detract from the prominence of the original gable and would not create a unity of design and would harm the distinctive characteristic of the property. The property is very visible and would appear as incongruous in the streetscene.

The appellant identified other 2 storey extensions in the vicinity of the site. However, the Inspector did not consider them to be prevalent or reflective of the overall character of the area. Their location within the streetscene and design make them different to the proposal and as such they do not create a precedent.

New W/17/2025	Merlin House, Firs Lane, Haseley	Garage Outbuilding Committee Decision in accordance with Officer Recommendation	Holika Bungre	Questionnaire: 18/4/18 Statement: 10/5/18 Comments:	In preparation
New W/17/2323	R/O 62 The Fairways, Leamington	New Dwelling Delegated	Helena Obremski	Questionnaire: 19/4/18 Statement: 17/5/18 Comments: 31/5/18	In preparation
New W/17/2089	Wain House, Hawkes Meadow, Hunningham	Extension; access and gate Delegated	Helena Obremski	Questionnaire: 24/4/18 Statement: 16/5/18 Comments:	In preparation
New W/17/2091	Apple Tree Cottage, 2 Leigh Terrace, Hunningham	One and two storey extensions Delegated	Helena Obremski	Questionnaire: 18/4/18 Statement:	In preparation

				10/5/18 Comments:	
New W/17/1819	5 Mayne Close, Hampton Magna	Two Storey Extension Delegated	Holika Bungre	Questionnaire: 23/4/18 Statement: 15/5/18 Comments:	In preparation

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 248/15	30 Regent Street, Leamington	Various Unlawful works to Listed Building	Rajinder Lalli	Appeal Start Statement 21/12/17 Final comments		Ongoing
ACT 138/17	33 Regent Street, Leamington	2 x Notices relating to Unlawful works to Listed Building	Rajinder Lalli	Appeal Start Statement 20/12/17 Final comments		Ongoing

Tree Appeals
