

**List of Current Planning and Enforcement Appeals
November 2018**

Public Inquiries

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

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
W/17/1614	19 -21 Wise Street, Leamington	Four Storey Building to Provide Student Residential Accommodation Committee Decision contrary to Officer Recommendation	Lucy Hammond	Questionnaire: 23/5/17 Statement: 20/6/18 Evidence 15/8/18 Comments:	12/9/18	Appeal Allowed

The Inspector considered that the main issue was whether or not the appeal proposal met the second exception to criterion a of Policy H6, i.e. the proposal is on a main thoroughfare in a mixed use area where the proposal would not lead to an increase in activity along nearby residential streets.

The Inspector noted that para 4.65 of the policy states that since one of the main problems with HMOs is anti-social behaviour and noise on routes home from the town centre, the Policy H6 criteria are intended to allow HMOs in locations where residential areas would not be affected.

The Inspector acknowledged that the appeal site is accessed off Wise Street, which is not an A or B road. However, he noted that there are no settled residents on Wise Street as the only residential properties are HMOs/ student accommodation. Furthermore, he also noted that Wise Street is only relatively short in length and is directly accessed off High Street. He therefore concluded that whilst Wise Street is not a main thoroughfare as defined in the explanatory text to Policy H6, given that no settled residents would be disturbed on the street, the proposal would accord with aim of this element of the exception.

The Inspector had regard to the residential development on the south side of the canal. However, he was of the view that as these are within a largely residential area and further away from the town centre than the appeal site, it is unlikely that the occupants of the proposed development

would have any cause to walk through this area. As such, he considered that this area should not be considered in the assessment of whether the appeal site falls within a mixed use area and consequently, whilst he acknowledged that there are residential properties within the vicinity of the site, overall he considered there to be a predominance of non-residential uses and therefore the appeal site satisfied the second exception to criterion a of Policy H6.

The Inspector was aware that the Council is currently preparing a Student Housing Strategy SPD. As it is yet to be drafted he could not attribute it any weight. Nevertheless, he considered that the Executive Report was a material consideration as it identifies the Council's future approach to assessing student accommodation and he attributed it moderate weight. As one of the aims of the SPD is to encourage the provision of purpose built student accommodation of an appropriate type and quality in sustainable locations. He therefore found that the appeal proposal would not conflict with the aims of the Executive Report.

While the development will have security and management staff on site who can address any on-site issues, the Inspector acknowledged that the behaviour of residents off-site is more difficult to manage. However, he considered that due to the location of the development within an area of predominantly non-residential uses and close to the town centre, residents of the development would unlikely pass through residential areas to any significant extent and therefore would unlikely have a significantly harmful effect on the living conditions of settled residents.

In terms of the character and appearance of the area, the Inspector considered that overall, the existing site represents an intrusive form of development that detracts from the character and appearance of the area. He considered that substantial multi-storey buildings fronting the canal are common features within the locality. The Inspector had regard to the Council's concern that the proposal does not relate positively to the canal frontage. However, he considered that the proposal is a well designed scheme that addresses the constraints of the site and relates well to its canal side context.

The Council made the case that the proposed Site Management Plan was deficient in a number of areas compared to the Alumno development. However, the Inspector considered that contents of the plan appear to be robust and sufficiently detailed to ensure that the proposal does not adversely affect the living conditions of neighbouring residents, with particular regard to parking and anti-social behaviour.

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/17/1470	Land at Leamington Shopping Park	3 x A1 retail units Committee Decision in accordance with Officer Recommendation	Rob Young	Questionnaire: 11/7/18 Statement: 8/8/18 Comments:	Ongoing

W/18/0505	Mountford Farm, Church Lane, Lapworth	Detached Garage Delegated	Liz Galloway	Questionnaire: 14/8/18 Statement: 15/9/18 Comments:	Appeal Dismissed
<p>The appeal site is an area of hardstanding used for parking located at the top of Mountford Farm's southern driveway. The Inspector considered the site to be previously developed land and therefore considered the relevant test to be whether the proposal would have a greater impact on the openness of the Green Belt than the existing hardstanding in order to determine whether or not the development would be inappropriate.</p> <p>The Inspector observed that the site of the proposed garage is partially enclosed by a building and well established landscaping and is not widely visible in the surrounding area. Nonetheless, he considered that when it is seen it is perceived as an open area. He opined that even when vehicles are parked on it these would be apparent as transient and would take up considerably less space than the proposed 2-bay garage which would look robust.</p> <p>The Inspector concluded that the existing site and its use for parking would have significantly less impact on the openness of the Green Belt than the permanent, substantial structure proposed and that the resulting loss of openness would cause substantial harm to the Green Belt.</p>					
W/18/0239	5 Radford Road, Leamington	Change of Use to 7 Bed HMO Delegated	Helena Obremski	Questionnaire: 6/7/18 Statement: 3/9/18 Comments: 17/9/18	Appeal Dismissed
<p>The Inspector noted that the front lightwell provides only a short separation distance between the bay window and its facing end wall and as the top level of the bay window is set at approximately the same height as the top of the lightwell, considered that outlook is severely restrained. Indeed, from his inspection, he noted that one has to stand close to the bay window in order to see facing buildings and/or of the sky above. When standing away from the bay window within the front basement room any future occupier would view only an opposing blank wall set at very close proximity. He therefore considered that a poor standard of outlook would be provided.</p> <p>He acknowledged that the interior of the lightwell is painted in a white finish but considered that this does not alter the enclosing and thereby oppressive nature of the outlook available from within the front basement room. He also did not consider that the generous internal dimensions of this room altered his findings in this context.</p> <p>With respect to the level of natural light afforded to the front basement room, he considered that given the south facing orientation of the site which promotes sunlight and daylight being directed in to the room, a reasonable extent of lighting is</p>					

provided to the room so as not to unduly harm the living conditions of any future occupiers.

The Inspector considered that the use of the property as a HMO rather than a house was an important distinction given the different living arrangements that could be expected as part of a wider residential use of the property. The implications would be less harmful if not a HMO due to the communal day-to-day living arrangements that would be in place.

The Inspector acknowledged that an appropriate licence is in place to use the appeal site as a 7 bedroom HMO. However, he was clear that licensing and planning requirements run independent to each other and he considered this case purely on its planning merits.

W/17/2404	16 Goldsmith Avenue, Warwick	2 bed detached dwelling Delegated	John Wilbraham	Questionnaire: 6/8/18 Statement: 3/9/18 Comments: 17/9/18	Appeal Dismissed
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The Inspector acknowledged that the area is generally characterised by narrow separation distances between the facing side elevations of properties (due to full, or close to full, plot width coverage in many cases), however, he found that there is still an open and verdant character in existence, assisted by established front building lines being setback from the highway, allowing front garden areas and driveways to typically be set behind either open frontages or low level boundary treatment. He considered that corner plot properties, such as the appeal dwelling, contribute notably to the open character of the area by virtue of the garden space typically provided to their sides, which is a prevailing feature along Goldsmith Avenue and within the surrounding area.

The Inspector considered that the proposal would result in the comprehensive development of an area of private garden land that currently contributes positively to the wider character and appearance of the area. He noted that separation distances to the side, albeit narrow, would be retained between the built extents of the proposal and both the appeal dwelling and No 18. But the appeal site, notwithstanding the elements of single storey built form and the enclosed rear garden space currently contained upon it, provides an important and distinct visual break between neighbouring two storey development. This visual break is typical of the pattern of development in the area, i.e. where corner properties are orientated to turn the corner and are served by garden space to their sides. The visual break would be significantly eroded in this instance, to the point of being almost entirely lost.

The Inspector concluded that the proposed development would constitute an overdevelopment of the site that would appear cramped and discordant with its surroundings.

	62A Brunswick Street	Second floor extension to form 2	Helena	Questionnaire:	Ongoing
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W/18/0110	Leamington	additional flats Delegated	Obremski	20/8/18 Statement: 17/9/18 Comments: 1/10/18	
W/18/0820	52 St Fremund Way Whitnash	First floor side extension and rear dormer Delegated	Rebecca Compton	Questionnaire: 3/9/18 Statement: 25/9/18 Comments:	Appeal Dismissed

The Inspector observed that the dwellings have recessed attached garages which sit close to the shared boundaries, but there are noticeable gaps between their main first floor front elevations and that these gaps provide a welcome break from built development and contribute positively to the well ordered and spacious character of this particular part of the street scene.

He noted that the proposed extension would sit directly above the existing garage and therefore it would occupy almost the full space between the side elevation of the host dwelling and the boundary with the neighbouring dwelling, No. 50 St Fremund Way, whose two storey side elevation sits very close to this boundary.

The proposed first floor extension would fail to be set in a metre from the side boundary as recommended by the Council's adopted Supplementary Planning Guidance titled '*Residential Design Guide*'. He considered that the failure to abide by this design advice would result in the first floor extension sitting very close to this neighbouring dwelling. The gap between them would be minimal and would cause a terracing effect.

The Inspector concluded that the result would harm the overall setting and arrangement of the dwellings within the row, even if the effect would not be readily visible from the main road.

W/18/0139	4 The Grange Mews, Beverley Road, Leamington	Replacement of Timber Fenestration with UPVC Delegated	Holika Bungre	Questionnaire: 3/9/18 Statement: 25/9/18 Comments:	Appeal Allowed
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The Inspector stated that on his site visit he noticed that several of the window frames and doors within the courtyard elevations of The Grange Mews had been replaced with 'rosewood effect' UPVC and so too had some of the window frames on the elevation facing onto Beverley Road. Whilst being aware that these were in place prior to the Council's Article 4 Direction, the Inspector was of the view that they were in place and that he found it difficult to discern between the original wooden frames and the replacement UPVC frames.

The Inspector considered that the specification in this case includes slim frames with chamfered profiles and a dark wood effect which resembles the texture of timber, whilst the overall design of the frames would match those of the existing timber frames. He concluded that, as a result, the differences could only be readily spotted at close quarters, which would be difficult from Beverley Road given that the rear elevation is set back from the highway behind its rear garden and therefore would not harm the Conservation Area.

W/18/0235	57 Highfield Terrace Leamington	Single and First Floor Extensions Delegated	Holika Bungre	Questionnaire: 3/9/18 Statement: 25/9/18 Comments:	Appeal Dismissed
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The Inspector considered that the infilling of a large proportion of the space between the rear outrigger and the and the side boundary would be an awkward addition which would not respond well to the footprint of the original house nor would it reflect the pattern and arrangement of the other dwellings within the row. He therefore concluded that the proposal would harm the character and appearance of the host dwelling and the Conservation Area.

The Inspector also considered that the extension on the boundary would have a long blank side elevation and although the roof would rise away from the boundary, its eaves would sit directly above the boundary wall and as a result the overall bulk of the extension would cause something of a tunnel effect and it would appear very dominant when viewed from the ground floor rooms at the rear of the neighbour's property and would also reduce levels of light to the neighbour. He concluded the proposal would result in harm to the neighbour's living conditions by reason of loss of light and outlook.

W/17/1879	Frizmore House, Fosse Way, Radford Semele	Retention of Bungalow and Garage in Contravention of Planning Condition requiring Demolition Delegated	John Wilbraham	Questionnaire: 6/9/18 Statement: 4/10/18 Comments: 18/10/18	Ongoing
W/18/0361	14 Bakers Mews, Baddesley Clinton	Installation of Dropped Kerb Delegated	Rebecca Compton	Questionnaire: 3/9/18 Statement: 25/9/18 Comments:	Ongoing
	15 Boleyn Close,	Ground and First Floor Extensions and	Rebecca	Questionnaire:	Appeal Dismissed

W/18/0401	Warwick	new fence Delegated	Compton	13/9/18 Statement: 5/10/18 Comments:	
<p>The side extension would create an extension over the garage and link the garage with the house. The new roof would extend over the front door to create a canopy. The Inspector considered that the angle of the extension with it being added over the garage would add bulk and scale to the existing building and the overall effect would be to create a much larger house that loses any symmetry with its neighbours, particularly number 20, which would be out of keeping with the street scene.</p> <p>The Inspector considered that while some elements of the Residential Design Guide may have been met, others have not such as not allowing any new extension to dominate due to general massing were not. Whilst the side extension would be subservient to the existing house in terms of height and would have mock Tudor features, he felt the overall mass would still be significant and incongruous.</p> <p>A fence of 1.8 metres in height is proposed along the appeal site boundary with the short path. The Inspector noted that the street scene is characterised by open frontages rather than fencing and considered that a relatively high fence with a short path that would remain open on other side of the path would not be in keeping with the street scene and would create harm. He noted the appellant's comment that there is already some landscaping there in the form of trees but it does not extend the length of the path and does not visually appear to enclose the appeal site. He also noted that there is symmetry with the boundary treatment on the other side of the path which would be lost if a fence was erected.</p>					
New W/18/0130	Hillcroft, Red Lane, Burton Green	New dwelling Committee Decision in accordance with Officer Recommendation	Dan Charles	Questionnaire: 11/10/18 Statement: 8/11/18 Comments: 22/11/18	Ongoing
New W/18/0575	R/O 21 Dale Street, Leamington	New dwelling Delegated	Helena Obremski	Questionnaire: 22/10/18 Statement: 19/11/18 Comments: 3/12/18	Ongoing
New W/18/0991 and 0992LB	Church Farm. Church Lane, Budbrooke	First Floor extension to Barn conversion Delegated	Helena Obremski	Questionnaire: 22/10/18 Statement: 19/11/18	Ongoing

				Comments: 3/12/18	
New W/18/1087	13 Mill End, Kenilworth	First Floor Extension Delegated	Liz Galloway	Questionnaire: 23/10/18 Statement: 14/11/18 Comments:	Ongoing
New W//18/0011	Gospel Oak Farm, Rising Lane, Lapworth	Change of Use of Outbuilding to Dwelling Delegated	Lucy Hammond	Questionnaire: 11/10/18 Statement: 8/11/18 Comments: 22/11/18	Ongoing
New W/18/0986	Ivy Cottage, Barracks Lane, Beausale	One and two Storey Extensions Committee Decision in accordance with Officer Recommendation	Rebecca Compton	Questionnaire: 23/10/18 Statement: 14/11/18 Comments:	Ongoing
New W/18/0042and 0043/LB	Manor Cottage, 3 Spencer Street, Leamington	Provision of 1 Bed flat in Basement Delegated	Sandip Sahota	Questionnaire: 22/10/18 Statement: 19/11/18 Comments: 3/12/18	Ongoing
New W/18/0304	Tunnel Barn Farm, Shrewley	2 Holiday Cabins Delegated	Sandip Sahota	Questionnaire: 17/10/18 Statement: 14/11/18 Comments: 28/11/18	Ongoing

New W/17/2110	Adjacent to 2 Church Cottages, Church Road, Honiley	Detached Dwelling Committee Decision in accordance with Officer Recommendation	Sandip Sahota	Questionnaire: 17/10/18 Statement: 14/11/18 Comments: 28/11/18	Ongoing
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Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
New ACT 474/16	4A Wise Terrace, Leamington Spa	Use of Flats as HMOs	Rajinder Lalli	Statement: 7/12/18 Final Comments: 28/12/18 Evidence: 11/2/19	11/3/19	Ongoing

Tree Appeals

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