

**List of Current Planning and Enforcement Appeals
28 March 2017**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
W/14/0618	Land north of Common Lane, Kenilworth	Outline application for up to 93 dwellings	Jo Hogarth	TBA	-	In abeyance whilst the applicant considers their position to amend s.106 agreement

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/16/0429	68 Thornby Avenue, Kenilworth	Single Storey Rear Extension Delegated	Liz Galloway	Questionnaire: 2/8/16 Statement: 24/8/16 Comments:	Awaiting decision
W/16/0515	16 Beauchamp Avenue, Leamington Spa	Removal of Condition to enable the use of a rear building as a separate dwelling (to be known as 15 Morton Street) (Condition imposed partly on the grounds of insufficient parking) Delegated	TBC	Questionnaire: 20/12/16 Statement: 17/1/17 Comments: 31/1/17	Appeal Allowed Application for Costs refused.

The Inspector noted that the Highway Authority had raised no objection to the proposal on highway safety grounds and consider that there are opportunities for on street parking within a short walking distance of the site. In addition, as it is only a modest two bed unit, its resultant demand for parking spaces would be limited and the need for a vehicle would be reduced taking into account the short walking distance into the town centre. Moreover, the evidence before him did not indicate that as a result of allowing the appeal, on street parking would occur to an extent that would cause significant inconvenience for road users or harm to highway safety. He was also mindful that double yellow line restrictions along Morton St would help congestion and the potential for highway safety issues.

The Inspector considered that the LPA's application of its Vehicle Parking Standards SPG as *actual* standards rather than maximum as stated within the SPG, following changes in national policy, was unreasonable. This is being discussed with the Policy Team.

W/16/1755	38 Beaufort Avenue, Cubbington	Various Extensions Delegated	Holika Bungre	Questionnaire: 17/1/17 Statement: 18/2/17 Comments: -	Appeal Dismissed
<p>The Inspector observed that the original roofs are a distinctive characteristic of the area. The Inspector noted that the Council's Residential Design Guide SPG specifically advises against hip to gable roof extensions on semi-detached dwellings with hipped roofs. The Inspector considered that Local Plan Policy DP1 and the SPG were consistent with the NPPF which requires planning to always seek to secure high quality design and for development to add to the overall quality of the area in which it is located.</p> <p>The Inspector gave careful consideration to the appellant's contention that the hip to gable extension part of the proposal could be carried out as permitted development and that the Council did not object to the remainder of the proposal. However, his conclusion on this matter was that <i>"Whilst this may be the case, I have no substantive evidence to suggest that this would be a likely course of action and, in any event, I am required to consider the appeal proposal on its merits"</i>. This reinforces the view that the Council takes in giving little weight to claimed permitted development fall back positions.</p> <p>The Inspector viewed similar extensions which had been built in the area but concluded that they failed to make a positive contribution to the appearance of the area and that the proposed hip to gable extension would have an unacceptably harmful effect on the character and appearance of the pair of semi-detached dwellings.</p>					

W/16/1683	12 Wheathill Close Leamington	Two Storey Extensions Delegated	TBC	Questionnaire: 12/2/17 Statement: 6/3/17 Comments:	Appeal Allowed
<p>The Inspector considered that although a key principle of the Residential Design Guide SPG is that extensions should be designed to be subservient to the original dwelling, in this case the original dwelling makes little contribution to the street scene and the proposal would represent a positive improvement. The Inspector noted that the NPPF cautions against unnecessary prescription or detail and this was a material consideration which led him to conclude that in this particular case, that principle was not appropriate.</p>					
W/16/1563	The Falcon Inn Birmingham Road, Haseley	5 x 1.5 metre floodlights Delegated	Dan Charles	Questionnaire: 24/2/17 Statement: 24/3/17 Comments: 7/4/17	In preparation
W/16/1435	Holywell Farm, Holywell, Rowington	Application for a lawful development certificate for the use of land for residential purposes Delegated	Helena Obremski	Questionnaire: 8/3/17 Statement: 5/4/17 Comments: 26/4/17	In preparation

New W/16/1273	Flat 2, 99 Upper Holly Walk, Leamington	Erection of Balcony Delegated	Holika Bungre	Questionnaire: 20/3/17 Statement: 17/4/17 Comments: 1/5/17	In preparation
New W/16/1521	1 Oakley Wood Cottages Banbury Road, Bishops Tachbrook	Two storey extension and garage block Delegated	Liz Galloway	Questionnaire: 15/3/17 Statement: 16/4/17 Comments:	In preparation
New W/16/2173	70 Russell Terrace, Leamington	Increased roof height and dormer windows Delegated	Rebecca Compton	Questionnaire: 29/3/17 Statement: 20/4/17 Comments:	In preparation
New W/16/1187	Land adjacent to 8 Birmingham Road, Stoneleigh	2 semi-detached dwelling houses Delegated	Helena Obremski	Questionnaire: 21/3/17 Statement: 18/4/17 Comments: 2/5/17	In preparation
New W/16/1660	21 Mollington Grove, Hatton Park, Hatton	1 and 2 storey extensions Delegated	Holika Bungre	Questionnaire: 15/3/17 Statement: 6/4/17 Comments:	In preparation

<p>New W/16/1767</p>	<p>Spinaway, Church Lane, Lapworth</p>	<p>Erection of Dwelling</p>	<p>Lucy Hammond</p>	<p>Questionnaire: 21/3/17 Statement: 18/4/17 Comments: 2/5/17</p>	<p>In preparation</p>
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Tree Appeals
