

**Planning Committee:** 02 November 2005  
**Investigation Number:** ACT 128/12/04

**Item Number:** 23

**Town/Parish Council:** Leamington Spa

**Case Officer:** Martin Perry  
01926 456523  
planning\_appeals@warwickdc.gov.uk

**‘Table Top Properties’ - 21 Adelaide Road, Leamington Spa, CV31 3PN**

Unauthorised erection of an additional garage to the rear of the property.

---

This report is brought before committee in order to request that enforcement action be authorised.

**BACKGROUND**

In March 2003, it was brought to our attention that extensions were taking place at the rear of 21 Adelaide Road without the prior consent of the District Council. The property lies in a sensitive location within the Leamington Spa Conservation Area and also faces the historic gardens associated with York Walk designated in the English Heritage Register of Parks and Gardens.

The site was visited by an Enforcement Officer and it was found that a single storey extension to the existing garage to form a second garage had been built in the rear garden of the house. 21 Adelaide Road is a corner plot and as this additional structure is closer to York Road than the main house, planning permission should have been obtained.

**RELEVANT POLICIES**

(DW) ENV3 Development Principles (Warwick District Local Plan 1995)  
(DW) ENV6 Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)  
(DW) ENV8 New Development within Conservation Areas (Warwick District Local Plan 1995)  
(DW) ENV18 Historic Parks and Gardens (Warwick District Local Plan 1995)  
DAP6 Protection of Listed Buildings (Warwick District Local Plan 1996-2011 First Deposit Version)  
DAP10 Protection of Conservation Areas (Warwick District Local Plan 1996-2011 First Deposit Version)  
DAP11 Unlisted buildings in Conservation Areas (Warwick District Local Plan 1996-2011 First Deposit Version)  
DAP13 Protecting Historic Parks and Gardens (Warwick District Local Plan 1996-2011 First Deposit Version)  
DP1 Layout and Design (Warwick District Local Plan 1996-2011 First Deposit Version)  
DP2 Amenity (Warwick District Local Plan 1996-2011 First Deposit Version)

## **PLANNING HISTORY**

In February 1985, Planning Permission was granted for the demolition of an existing boundary wall; erection of a detached double garage and new boundary wall with railings at 21 Adelaide Road. (W850086).

A retrospective planning application (W040815) was subsequently submitted in April 2004 for the retention of a single storey extension to the approved garage. The application was refused in June 2004 and no appeal was made against this decision.

A further planning application (W042300) was submitted in December 2004 for a revised design. This application was refused in February 2005 and an appeal was made against the refusal. The appeal was dismissed in July 2005.

## **KEY ISSUES**

### **The site and its Location**

The site is to the rear of a large Victorian dwelling house, which is located on the corner of Adelaide Road and York Road. The site also faces the historic gardens associated with York Walk, which forms part of a series of linked historic parks and gardens that have been designated in the English Heritage Register.

### **Assessment**

There is a need to achieve a high standard of design, having regard for local styles, materials and the character of the surrounding area while not affecting the historic integrity and setting of the Conservation Area. In this case, the single storey extension to the existing double garage stands out as a prominent and inappropriate feature in the street scene and fails to comply with the requirements of the aforementioned policies by reason of its height and its design. Furthermore, its close proximity to the historic gardens associated with York Walk means that it also has an unacceptable adverse impact on their setting.

### **Justification for enforcement action**

In view of the significant adverse impact of the development on the character and appearance of the Conservation Area and the neighbouring historic gardens, and the subsequent dismissal of an appeal against the refusal of permission, the service of an Enforcement Notice is now the only option available to resolve the current breach of planning control.

## **RECOMMENDATION**

That enforcement action be authorised to ensure that the single storey extension to the garage is removed and the garage returned to the approved design and the boundary wall rebuilt with matching bricks. The period of compliance to be four months.

---