

**List of Current Planning and Enforcement Appeals
January 2020**

Public Inquiries

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

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
W/19/0209	Asda Supermarket, Chesterton Drive, Leamington	Replacement External Pod Delegated	Helena Obremski	Questionnaire: 2/8/19 Statement: 30/8/19	Hearing: 5/11/19 Awaiting Decision	

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
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	Ongoing
W/19/0091	21 Northumberland Road, Leamington	Erection of Railings and Gates Delegated	Emma Booker	Questionnaire: 17/6/19 Statement: 9/7/19 Comments: -	Ongoing
W/19/0104 and W/19/0105/LB	1 Clarendon Place, Leamington	Single Storey Extension and Alterations Committee Decision in accordance with Officer Recommendation	Rebecca Compton	Questionnaire: 30/7/19 Statement: 27/8/19 Comments: 10/9/19	Ongoing
W/18/2145 & W/18/2146/LB	Offa House, Village Street, Offchurch, Leamington Spa	Change of use; extensions and other alterations. Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 30/08/19 Statement: 27/09/19	Appeals Dismissed

Listed Building/ Conservation Area:

The Inspector considered that the extent of the grounds provides a spacious immediate setting for the listed building and he agreed with the Council that the scale of the plot, befitting the house's status, contributes to its significance. He also considered that the character and appearance of the Conservation Area are heavily influenced by the inclusion within the designation of large areas of green space between

buildings, some of which allow views through to the open countryside beyond. Offa House makes an important contribution to the character and appearance, both as a key historic building in the village and its garden as undeveloped green space.

The Inspector did not endorse the Council's concern that the addition of a 'conservatory' of the size proposed would challenge the primacy of the front elevation. He considered that the addition would be significantly lower than the adjoining nineteenth century extension, and would not overpower it in scale. Subject to detailed design, an extension could be accepted as a clearly new further chapter in the house's history

He considered that inadequate justification has been provided for the lowering of the floor or for the complete removal of the external wall. He also found inadequate justification for the radical alteration of openings at the centre of the western elevation. Therefore, although the proposed works to the main houses would have much to commend them, some aspects of the proposal would have harmful effects on the listed building's architectural and historic interest.

The proposed enlargement of the coach house would retain much of the building's existing fabric and its attached wall, but the modest scale and character of the small building would be overwhelmed by the size, complexity of form and variety of materials of the proposed house. Its heritage value as an historic service building would be fundamentally compromised, causing harm to the special interest of the listed building of which it forms part.

The Inspector considered that the second proposed new dwelling, comprising a large extension to a retained part of the 1980's wing, would also be complex in its form and treatment. Although it is stated that the overall height of the building would not greatly increase, its perceived scale as a two-storey building with a double-height glazed entrance hall would be significantly greater than the existing. The Inspector fully shared the Council's concern that the new dwelling would be too near the main house and would have an unsatisfactory relationship with it, in both visual and functional terms, with the primacy of the original house compromised by the separate dwelling so close to it. These effects would be emphasised by the awkwardly placed single-storey extension on the side nearest the main house. The genesis of this aspect of the appeal proposals appears to lie in contractual provisions on the sale of the house rather than from an analysis of optimum solutions for the listed building, whose setting would be adversely affected.

This new house would be separated from the main house by 'estate fencing' with a native hedge. Further fencing would be placed to each side of the proposed drive to separate off the two new dwelling plots. While the intention is to limit the impact of the new boundaries, the Inspector agreed with the Council that the subdivision of the existing site to create self-contained residential plots would have an intrusive urbanising effect that would detract from the setting of the listed building. The historic map evidence does not confirm actual past subdivision, for which no conclusive evidence has been found on the ground, as the purpose and history of the one fragment of brick wall are unclear. The contribution to the listed building's significance made by its setting would be harmed.

As the quality of the site's green space contributes to the character of the Conservation Area, its subdivision and development as individual house plots would detract from that character, even though the site is screened from many public viewpoints. The character of a Conservation Area also depends greatly on the heritage value of the buildings it contains. Harm to the special interest of a key listed building in the village must inherently have an adverse effect on the Conservation Area's significance. In this case, the harm to the listed building due to insensitive

alterations, the extension to the coach house and the poor relationship of the other house with the main building would all be detrimental to the character of the Conservation Area. The Inspector also considered that there were insufficient grounds to characterise the building as 'at risk', as the appellant sought to do. Also, the restriction imposed on the site acquisition appears to be a significant constraint. But no detailed information on costs and values has been provided that would confirm the extent of any conservation deficit and how it would the new development would be the minimum required to address it.

Green Belt:

The Inspector noted that the site is a large green space, virtually all of whose former long road frontage has passed into separate ownerships. There is no sense of any continuous frontage development on this side of the road. The proposed new development would be set in the heart of the site and would comprise detached dwellings set in substantial plots. They would adjoin the site's boundaries to open countryside, and would not be enclosed by any existing development to the west or north. The appeal proposal would not comply. Furthermore, as outlined above the site's green space is characteristic of the village, so that there would also be conflict with the third criterion.

The appellant's calculations of the footprint area of the proposed development suggest that it would be less than that of the existing buildings. But in terms of volume, which the Inspector considered provides a better indication of physical impact on openness, the figures show that the proposal would be virtually the same as the existing, at only 0.55% less in total now that the proposed kitchen extension has been omitted. The quantitative benefit would be minimal.

While considering these figures are useful in their own terms, the Inspector endorsed the Council's approach in giving greater weight to a qualitative assessment of impact. At present, development on the site is focused on the main house, with its low-rise extensions and very small outbuilding. The sense is of a single building on a large open site. The appeal proposal would radically change that to create a perception of domestic plots containing built development, at least part of which would be two-storey, spread right across the site. The reduction in the discreet area of hard standing adjoining the main house would be offset by the introduction of the new drive and parking areas next to the houses. The cumulative effect of these changes would be a significant adverse effect on openness.

In order to meet recommended criteria for enabling development, the proposals would have to avoid harm to the heritage value of the site, which the Inspector found would not be true here. Also, it would have to be shown that the proposals represented the minimum necessary to achieve the objective.

W/18/2177	Four Brothers Farm, Five Ways Road, Shrewley, Warwick	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to 3no. Dwelling Houses (Use Class C3) together with associated works to facilitate the conversion. Delegated	Rebecca Compton	Questionnaire: 03/09/19 Statement: 01/10/19	Ongoing
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W/19/0333 & W/19/0334/LB	The Old Bakery, Hatton Green, Hatton	Extensions Delegated	George Whitehouse	Questionnaire: 17/09/19 Statement: 15/10/19	Appeals Allowed
<p>The Inspector noted that the appeal property has been much altered and was in separate ownership and although some elements of the building still convey some interest, its contribution to the overall interest of the Vicarage has been reduced over the years due to the extent of the changes undertaken.</p> <p>The proposal would bring about the removal of the existing conservatory and the glazed link. The Inspector considered that these features are negative aspects of the existing building and their removal is to be welcomed. When considered as a replacement for the existing conservatory, he considered that its overall effects would be far more acceptable; it would be more in keeping with the property and visually subservient. It would involve the loss of a section of the existing wall but the appellant points out that this has been much altered and repaired and would not involve the loss of a significant amount of historic fabric. When seen overall, the Inspector considered that the proposal would preserve the contribution that the building makes to the significance of the listed building.</p> <p>Figures submitted by the Council indicated that the floor area of the original dwelling was around 120 sqm and the existing extensions amount to around 123 sqm; an increase of about 102%. Taking account of the proposed demolition of certain elements of the existing structure and the addition of the proposed extensions, the floor area of the extensions beyond the original dwelling would be about 116 sqm, which represents an increase of 97%. Whilst this represents a reduction in what is present on site currently, when compared to the <i>original</i> dwelling, the Inspector considered that it represents a disproportionate addition in the Green Belt.</p> <p>In addition, the Council considered that the proposed extensions would have the further effect of harming openness due to the bulk and mass of the proposals. The Inspector considered that the removal of the conservatory and the construction of the proposed single storey extension would have a beneficial effect on openness due to the disposition of these elements. In relation to the 2 storey element, including the new entrance, this would be seen within the context of the 2 storey extension that currently exists and the Inspector considered it would have very little additional effect. As a result, he found no additional harmful effects resulting from the bulk and mass of the proposal.</p> <p>In the Inspector's judgement, the fact that the current house would undergo an overall reduction in size was a significant matter. His conclusion was that the existing house, which is likely to remain in its current form, has a greater effect on the Green Belt than the proposal. Whilst recognising that the appeal scheme represents a substantial increase when compared to the original dwelling, it must be compared to the existing situation. With this in mind, he considered that the fact that the proposal would bring about a reduction of the size of the building</p>					

within the Green Belt was sufficient to overcome the harm by reason of inappropriateness.					
W/19/0596	Land off Leam Street, Leamington	Demolition of Wall Committee Decision contrary to Officer Recommendation	George Whitehouse	Questionnaire: 18/09/19 Statement: 16/10/19	Appeal Allowed
<p>The Inspector noted that the wall is composed of a variety of brick types, bonds and appears to have been the subject of repairs. In addition, it is not bonded to the adjacent wall at its northern end. He concluded that there is no intrinsic historic merit in the wall itself, as a result of the factors set out.</p> <p>The Inspector observed that the land here is already partly open and the brick wall only forms around half of the boundary between the 2 areas of land. Even without the wall, the properties around would still be defined by boundaries of brick walls or wooden fencing. The Inspector considered that the resulting open area would not be unduly large and would only be fully appreciated from a close distance. The open area would be defined by other boundaries and these would be visible from within Leam Street. Therefore, he found that the proposal would preserve the character and appearance of the Conservation Area.</p>					
W/19/0737	The Limes, 21 Beauchamp Avenue, Leamington	Front Boundary Wall and Railings Delegated	Emma Booker	Questionnaire: 6/11/19 Statement: 4/12/19	Ongoing
W/19/1167	77 Northumberland Road, Leamington	Retention of Boundary Wall, Piers and Railings Delegated	Emma Booker	Questionnaire: 15/10/19 Statement: 16/11/19	Appeal Allowed
<p>The Inspector noted that low boundary walls used throughout the street, combined with the wide road layout, mature street trees within grass verges, and the set-back distances for the houses, contribute to the open character of the street scene and the wider character of the Conservation Area.</p>					

The Inspector observed that the brick pillars in the wall are taller than most of the walls and pillars within the immediate street scene. However, he considered that that of itself was not an indication of harm, particularly having regard to the presence of other similar front boundaries elsewhere on Northumberland Road, and there is no policy requirement that the height of front boundary walls must be a precise match to those of the neighbouring dwellings. He noted that the base wall is a similar height to the adjacent walls in the street and because metal railings have been used, the gaps between the pillars do not appear overbearing or harm the open character of the street scene. The prevailing visual image remains that of a low front boundary with occasional piers between which views of the garden and house are maintained. The pillars within the wall are proposed to be reduced to the same height as the metal railings and consequently, the overall height of the wall would be scaled down to a similar height to other walls within the Conservation Area. On this basis the Inspector considered that the proposed development would preserve the character and appearance of the street scene and would not cause harm to the Conservation Area.

W/19/0329	12 Old Milverton Road, Old Milverton.	Erection of Dwelling Delegated	Helena Obremski	Questionnaire: 9/10/19 Statement: 6/11/19	Ongoing
W/19/0509	21 – 23 Clemens Street, Leamington	Change of Use to 2 Residential Flats Delegated	Lucy Hammond	Questionnaire: 6/11/19 Statement: 4/12/19	Ongoing
W/19/0350	Barn at Little Manor Farm, Manor Lane, Pinley Green.	Change of Use of Building to Dwelling Delegated	Dan Charles	Questionnaire: 15/11/19 Statement: 13/12/19	Ongoing
W/19/1299	19 Camberwell Terrace, Leamington Spa.	Change of Use to HMO Delegated	Dan Charles	Questionnaire: 26/11/19 Statement: 24/12/19	Ongoing
	2 The Stables, Eathorpe	Conversion of workshop to residential	Rebecca	Questionnaire:	Ongoing

W/19/0450	Park	Dwelling Delegated	Compton	19/11/19 Statement: 17/12/19	
W/19/1183	8 Savages Close, Bishops Tachbrook	Erection of Single storey dwelling Committee Decision in accordance with Officer Recommendation	Rebecca Compton	Questionnaire: 26/11/19 Statement: 24/12/19	Ongoing
W/19/0547	4 Beauchamp Hill, Leamington	Erection of 4 bed HMO Delegated	George Whitehouse	Questionnaire: 26/11/19 Statement: 24/12/19	Ongoing
W/19/0111	2 Mill End, Kenilworth	New Dwelling Delegated	Helena Obremski	Questionnaire: 18/11/19 Statement: 16/12/19	Ongoing
New W/19/1265	21 Elizabeth Road, Queensway, Leamington.	Change of use to HMO Delegated	Dan Charles	Questionnaire: 25/12/19 Statement: 22/1/20	Ongoing
New W/19/0848	4 Apple Tree Cottages, Old Warwick Road, Rowington.	Erection of Extensions and Wall Delegated	Emma Booker	Questionnaire: 18/12/19 Statement: 9/1/20	Ongoing
New	Ewe Green, Hockley	Certificate of Lawfulness for Conversion	Helena	Questionnaire:	Ongoing

W/18/1034	Road, Hatton	of Outbuilding into Granny Annexe Delegated	Obremski	7/1/20 Statement: 4/2/20	
New W/19/1164	24 Church Hill	Replacement of Sash Windows and Doors Delegated	Jonathan Gentry	Questionnaire: 20/12/20 Statement: 17/1/20	Ongoing
New W/18/2453	Mulberry Cottage, Warwick Road, Leek Wootton	Conversion of Redundant Barn into Holiday Accommodation – revised scheme. Delegated	Rebecca Compton	Questionnaire: 19/12/20 Statement: 16/1/20	Ongoing

Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 450/08	Meadow Cottage, Hill Wootton	Construction of Outbuilding	RR	Start date 04/06/19 Statements 22/11/19	Public inquiry 1 DAY	The inquiry has been held in abeyance

Act/063/19	19 Camberwell Terrace	Change of use to HMO- only Ground G period of compliance is being appealed (as there is a planning appeal W/19/1299 -see above)	RR	Start date 24/12/19 Statements due 04/02/19	Written reps	Initial questionnaire completed and submitted and interested parties notified

Tree Appeals

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