

**List of Current Planning and Enforcement Appeals
12 September 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	Sandip Sahota	TBA	-	In abeyance whilst the applicant considers their position to amend s.106 agreement
W/16/0112	Glenthorne, Fiveways Road, Shrewley	Certificate of Lawful Use for use of land as part of curtilage Delegated	Sandip Sahota	Proof of Evidence: 7 August 2017	5 and 6 September 2017	Awaiting decision
W/16/0276	Land on the South East Side of Oakley Wood Road, Bishops Tachbrook	Residential Development of up to 150 Dwellings Delegated	Rob Young	Statement of Case: 2 August 2017 Proof of Evidence: 17 November 2017	14 – 17 November 2017	WITHDRAWN

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:	Ongoing
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	Appeal Allowed

The Inspector considered that overall, based on the evidence submitted which included aerial photographs and sworn affidavits, it appears that on the balance of probabilities the primary use of the appeal land is as domestic garden associated with the Farmhouse and that has been the case, probably at least since 1996.

The Inspector acknowledged that there is a distinct difference in appearance between the formal garden, with its well-kept lawns, formal beds and fine trees and the appeal site which has a somewhat rough and ready appearance. However, he concurred with the appellant that garden maintenance and the operations associated are part and parcel of a domestic use of land – particularly for a substantial house such as this with its extensive garden. Furthermore, the Inspector considered it was apparent that the majority of the appeal site has been cultivated as part of the surroundings of the house – notably in the extensive planting of trees and shrubs, fencing and the laying of lawns. The Inspector considered that the fact that there is also a functional character to parts of the site does not mean that it is any less in a domestic use, closely related to the use of the house.

W/16/2157	Land at the former Bryants Nursery, Station Lane, Lapworth	3 detached dwellings Delegated	Helena Obremski	Questionnaire: 19/5/17 Statement: 16/6/17 Comments: 30/6/17	Ongoing
W/16/2046	Llandrecies, Church Road, Old Milverton	New Dwelling Committee Decision in accordance with Officer Recommendation	Dan Charles	Questionnaire: 26/6/17 Statement: 24/7/17 Comments: 7/8/17	Ongoing
W/16/2110	Narborough Court, 58 Warwick Place, Leamington	Fencing Delegated	Ed Pigott	Questionnaire: 19/6/17 Statement: 17/7/17 Comments: 31/7/17	Ongoing
W/17/0326	21 Staunton Road	Change of Use to HMO Delegated	Emma Spandley	Questionnaire: 19/6/17 Statement: 17/7/17 Comments: 31/7/17	Ongoing
w/16/1538	50 Newnham Road, Lillington	3 Dwellings Committee Decision Contrary to Officer Recommendation	Lucy Hammond	Questionnaire: 13/6/17 Statement:	APPEAL DISMISSED

				11/7/17 Comments: 25/7/17	
<p>The Inspector considered that although the proposed dwellings would be finished in similar materials to neighbouring properties, they would be of a deeper plan form, have narrower front elevations, a large number of roof lights and minimal gaps between plots. This would appear very much at odds with the spacious character and visual coherence of neighbouring houses on Newnham Road. They would also have front gardens significantly shorter in depth than the surrounding properties and a row of car parking spaces that would dominate the built frontage. When considered cumulatively, these characteristics would create the impression of a high density development that has been tightly squeezed onto the site, out of kilter with the more spacious character of the area.</p> <p>Notwithstanding that the Highway Authority raised no objection to the proposal; the Inspector found the layout of the parking space adjacent to the north-west boundary to be unacceptable as there is insufficient space for a car to comfortably reverse out in a north-westerly direction to enable it to exit the site in forward gear. This is because the parking space does not have sufficient width (it is no wider than the remaining parking spaces) and there is not turning head provision at the end of the driveway that would enable this manoeuvre to be made easily. The Inspector considered that as a result, the parking layout as proposed could result in a vehicle having to reverse back down the private drive onto the public highway on Newnham Road before it could turn around.</p>					
W/16/1970	Poultry Farm, Warwick Road, Norton Lindsey	9 Dwellings Delegated	Dan Charles	Questionnaire: 19/6/17 Statement: 17/7/17 Comments: 31/7/17	Ongoing
W/16/1650	Lower Farm, Brownley Green Lane, Hatton	New Dwelling Delegated	Lucy Hammond	Questionnaire: 23/6/17 Statement: 21/7/17 Comments: 4/7/17	Ongoing

W/16/2253	6 Park Road, Leamington	First and Ground Floor Extensions Delegated	Rebecca Compton	Questionnaire: 14/7/17 Statement: 7/8/17 Comments: TBC	APPEAL DISMISSED
<p>The Inspector considered that the front projection of the proposal would be substantially wider than the existing two storey side extension and as a consequence would extend into the gap to the east of this and partly onto the main front elevation of the dwelling creating an awkward and contrived scale and form of development at odds with the existing simple form of the dwelling and its roof. As a consequence it would cause significant harm to the character and appearance of the dwelling and wider area.</p> <p>The Inspector considered that the proposed rendering of the entire dwelling would appear very much at odds with the prevailing character of the area, erode the cohesiveness between the property and its neighbours and be an unduly dominant feature in the streetscene.</p> <p>Although the appellant stated that the dwelling is not in a conservation area and that it would be possible to paint the building under permitted development rights, this did not alter the Inspector's view on the harm identified.</p>					
W/17/0173	71 Tachbrook Street, Leamington Spa	Single Storey Extension Delegated	Rebecca Compton	Questionnaire: 4/7/17 Statement: 26/7/17 Comments: TBC	APPEAL DISMISSED
<p>The proposal would reach the 45 degree line and it would not be marginal. The Inspector considered that the extension would project a considerable length into the garden and would thus be a prominent feature when viewed from any ground floor rear window at No.73. Due to its length, a considerable proportion of the extension would encroach into the outlook of the neighbouring property. While the existing shed takes up a similar position, the increase in height and width of the proposal would result in something with a far greater impact on outlook than what currently exists. The extension would be visible above the fence and bringing it closer to the common boundary would have a negative impact on outlook. The Inspector concluded that the extension would result in an overly intrusive and overbearing form of development which would harm the neighbour's living conditions.</p>					

The Inspector noted the appellant's reference to the 25 degree line (vertical), but afforded it limited weight as it has not been adopted by the Council. Whilst the proposal would not breach the 25 degree line, this alone, did not convince the Inspector that the overall scale and proximity of the proposal together with the degree of projection into the rear garden would not have an unacceptable effect. The lack of a neighbour objection did not outweigh the Inspector's concerns.

He did not consider that the use of a pitched roof would be sufficient to reduce the intrusive nature of the proposal.

W/16/2108	Park House, 6 Adcock Drive, Kenilworth	1 Dwelling Delegated	Helena Obremski	Questionnaire: 17/7/17 Statement: 14/8/17 Comments: 28/8/17	Ongoing
W/16/2103	The Oaks, Chessetts Wood Road, Lapworth	Change of use of land to garden land and single storey extension Delegated	Holika Bungre	Questionnaire: 26/6/17 Statement: 24/7/17 Comments: 7/8/17	Ongoing
W/17/0203	1 St Mary's Road, Leamington	Retention of Brick Wall Committee Decision in accordance with Officer Recommendation	Holika Bungre	Questionnaire: 8/8/17 Statement: 30/8/17 Comments: TBC	Ongoing
W/17/0110 and W/17/0111 /LB	19 Mill Street, Warwick	Single Storey Rear Extension Delegated	Emma Spandley	Questionnaire: 21/7/17 Statement: 18/8/17 Comments:	Ongoing

				1/9/17	
W/16/2123 /LB	Rowington Hall, Old Warwick Road, Rowington	New Slate Roof Delegated	Nick Corbett	Questionnaire: 21/7/17 Statement: 18/8/17 Comments: 1/9/17	Ongoing
New W/17/0109	R/O 21 Dale Street Leamington	New Dwelling Delegated	Helena Obremski	Questionnaire: 22/8/17 Statement: 19/9/17 Comments: 3/10/17	In preparation

Tree Appeals
