

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

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/18/0110	62A Brunswick Street Leamington	Second floor extension to form 2 additional flats Delegated	Helena Obremski	Questionnaire: 20/8/18 Statement: 17/9/18 Comments: 1/10/18	Appeal Dismissed

The Inspector saw at his site visit that the building has been altered and extended over time which accords with the comments of the appellant that it has an asymmetric appearance. The proposed extensions would give the building a three storey appearance with a hipped roof.

The Inspector considered that the appeal building relates more visually to the two storey maisonettes on Brunswick Street than the 3 storey Maurice Mead Court building which is across the street on the corner of Shrubland Street. There is also a difference in visual appearance between a building such as Maurice Mead Court which is a purpose built 3 storey largely uniform building and the appeal building which has been extended over the years and will retain mixed use.

No 62A already has a bulky and dominant appearance particularly on Shrubland Street where its mass is greater and the dormer windows are visible and the appeal proposal will exaggerate the visual prominence. The increased bulk of the building and its height would create an incongruous and overly dominant building which would cause harm to the street scene.

He accepted that this is a difficult building to work with in light of the mix of uses and history of extensions but was not persuaded that the proposal is a good design. Reference was made to the revised National Planning Policy Framework which in paragraph 130 now refers to planning permission being refused for development of poor design that, amongst other things, fails to improve the area. He stated that whilst the existing building could be said to be unremarkable architecturally, the proposed development would nevertheless be overbearing, overly dominant and out of keeping and consequently he did not agree with the appellant that the appeal proposal would be an improvement on the current building.

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	Appeal Dismissed
<p>Planning permission was granted for a new dwelling (which has been built) subject to a condition requiring the existing bungalow to be demolished, which has not been done. The Inspector noted that Policy H1 of the Local Plan has a settlement hierarchy for the location of new housing and the proposal does not accord with the Policy or any of the exceptions listed.</p> <p>The Inspector noted that the bungalow is not a brand new building, but considered that its retention represents an additional dwelling in the countryside. The appellant considered it "irrational to demolish a perfectly serviceable dwelling". The Inspector acknowledged that the retention of the bungalow does represent some degree of sustainability and some energy saving from new construction, he did not consider it justification alone. Whilst there would be a modest economic and social benefit from the provision of one dwelling towards the supply of housing, the Inspector considered this would be minimal and would not outweigh the harm of allowing a dwelling in an unsuitable location. Furthermore, allowing a single dwelling without evidenced justification could set a precedent and undermine the Council's housing strategy as comparable applications would be difficult for the Council to resist. The proposal would also be contrary to paras 78 and 79 of the NPPF which seek to limit new housing to locations where it would enhance or maintain the vitality of rural communities or where it would comply with given exceptions.</p> <p>The appellant also referred to increasing difficulties of achieving financial viability on a small holding and that retaining the bungalow for a holiday let would assist in this matter. However, the Inspector considered that no viability case had been submitted to justify retention of the bungalow and consequently gave the argument limited weight.</p>					
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
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
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

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 Comments: 3/12/18	Ongoing
W/18/1087	13 Mill End, Kenilworth	First Floor Extension Delegated	Liz Galloway	Questionnaire: 23/10/18 Statement: 14/11/18 Comments:	Appeal Dismissed
<p>Within the rear elevation of the attached property, which is 15 Mill End, are several windows, the nearest of which to the site at first floor level serves a small room. The window that serves this room provides the sole external outlook from, and natural light to, this internal space.</p> <p>The main issue in this case was whether the room should be considered to be a habitable room. The Inspector considered that the modest size of the room served by the window and its role in providing access from the main landing to a flight of stairs that lead to the living space at roof level would militate against its use as a bedroom. Even so, the room would still be potentially suitable for instance as a study or play space for a younger child. As such, it is a room that users could be expected to spend a reasonable amount of time even if the internal space could not reasonably be defined as a habitable room. That the room is currently used for ancillary storage and contains a boiler does not reduce its importance as part of the home nor diminish the reasonable expectation that the current or future neighbours' should be able to enjoy it.</p> <p>It was concluded the proposed extension would result in a significant loss of light to this room.</p>					
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

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:	Appeal Dismissed
<p>The NPPF states that extensions to buildings in the Green Belt is regarded as appropriate development provided it does not result in disproportionate additions over and above the size of the original dwelling. Policy H14 explains that, as a guide, an increase of more than 30% to the gross floor space of the original dwelling is likely to be considered disproportionate.</p> <p>The appellant was critical of the Council's mathematical approach. However, the Inspector considered that the test of proportionality, as it is expressed in national policy, is confined to whether or not the sum total of any extensions to the original building would be disproportionate. It is therefore essentially a numerical exercise that compares the size of the completed building, as proposed, with the original building. He therefore considered the Council's approach accords with the NPPF.</p> <p>The Inspector concluded that the harm caused by inappropriateness carried substantial weight whilst other considerations he had taken into account only carried significant weight and therefore the harm to the Green Belt was not outweighed.</p>					
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
W/18/0304	Tunnel Barn Farm, Shrewley	2 Holiday Cabins Delegated	George Whitehouse	Questionnaire: 17/10/18 Statement: 14/11/18 Comments: 28/11/18	Ongoing
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
New W/18/0649	56 Leam Terrace, Leamington	2 storey Detached Building for Office Use Delegated	Andrew Thompson	Questionnaire: 10/12/18 Statement: 7/1/19 Comments: 21/1/19	Ongoing

New W/18/0771	The Clangers, 28 Snitterfield Lane, Norton Lindsay	Replacement Dwelling House Committee Decision contrary to Officer Recommendation	Angela Brockett	Questionnaire: 26/11/18 Statement: 24/12/18 Comments: 7/1/19	Ongoing
New W/18/0675	130 Parade, Leamington	Non Illuminated Projecting Sign Delegated	George Whitehouse	Questionnaire: 22/11/18 Statement: 13/12/18 Comments: -	Ongoing
New W/18/0607	Sunnyside, Old Warwick Road, Lapworth	2 Dwellings Delegated	Helena Obremski	Questionnaire: 26/11/18 Statement: 24/12/18 Comments: 7/1/19	Ongoing
New W/18/0803	17 Gaveston Road, Leamington	Change in Use to HMO Committee Decision contrary to Officer Recommendation	Helena Obremski	Questionnaire: 29/11/18 Statement: 27/12/18 Comments: 10/1/19	Ongoing

Enforcement Appeals

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