

**List of Current Planning and Enforcement Appeals
April 2021**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Inquiry	Current Position
New W/20/0617	Land South of Chesterton Gardens, Leamington Spa	Outline Application for 200 dwellings Committee Decision contrary to Officer Recommendation	DC	Statement of Case: 24 May Proofs of Evidence: 15 June 2021	13 July for up to 4 Days	In Preparation

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
New W/20/1176	Land on the North Side of Birmingham Road	Variation of Condition to Allow the Removal of a Footpath/Cycle Link on Planning permission for 150 dwellings (W/19/0933)	DC	Statement Due: 29 April 2021	6 July	In Preparation

		Delegated				
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Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions Delegated	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/20/0331	The White House, Five Ways Road, Shrewley	Replacement Dwelling Delegated	Andrew Tew	Questionnaire: 13/11/20 Statement: 11/12/20	Appeal Allowed
<p>Officers refused this on the basis that the replacement dwelling in the Green Belt would be materially larger than the one it replaces and would therefore be inappropriate development. However, the Inspector considered that despite being detached, the garage is in proximity of the existing dwelling and the two can be reasonably considered together. Officers query whether this is the correct approach in line with the NPPF and are following with up with legal colleagues.</p>					
W/20/1264	The Lodge, Wattcote Farm, Manor Lane, Wroxall	Change of Use to Pilates Studio	Andrew Tew	Questionnaire: 19/1/21 Statement:	Appeal Allowed

		Committee Decision in Accordance with officer Recommendation		16/2/21	
<p>The application was refused on the basis that it was contrary to Local Plan Policy CT1. The Inspector understood the intentions behind Local Plan Policy CT1 in relation to the vitality and viability of town centres but he noted that the Para 88 of the NPPF is clear that a sequential test should not be applied to applications for small scale rural development. He considered that the appeal development is a small-scale leisure and well-being use providing 1-on-1 or small group sessions and gave significant weight to the Framework in respect of this matter and found that there was no reasonable requirement for a sequential assessment in this particular case.</p> <p>The Inspector noted that the site is located within open countryside with no bus service and the country roads without footpaths or lighting make walking or cycling to and from the site undesirable and impractical. Thus, the site's rural location means that visitors would be reliant on private vehicles to access it. However, he referred to Para 103 of the NPPF which states that transport solutions vary between urban and rural areas. As such there will be a tension and a balance to be struck between the desirability of supporting sustainable rural development and maximising sustainable transport opportunities.</p> <p>He considered that given the limited size of nearby settlements and the limited services within them it is likely that existing residents in the area are more reliant on private cars to access services and facilities to meet their day-to-day needs. He found that the location of the development and its accessibility would not be unacceptable. The development serves the surrounding local community and given its small scale nature it is unlikely to generate significant levels of trips. He further noted that Para 84 of the Framework recognises that to meet local business and community needs in rural areas sites may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.</p> <p>On reflection, Officers didn't take sufficient account of the NPPF in respect of small scale rural development.</p>					
W/20/0974	1 Edmondes Close, Woodloes Park, Warwick	Revisions to previously granted planning permission for domestic extensions Delegated	George Whitehouse	Questionnaire: 8/1/21 Statement: 1/2/21	Appeal Dismissed

The Inspector observed limited additions to surrounding properties at his site visits and noted they were subservient to the host properties and were in a similar brickwork, resulting in a highly regular, uniform, and distinctive street scene. The application seeks permission for a new higher pitched roof on a pre-existing flat roofed projection, to that previously approved by the Council under Ref W/19/1238. The pre-existing projection occupies a significant proportion of the plot. The Inspector noted that the appeal development is markedly taller than the previously approved development, being only marginally lower than the main dwelling. The roof ridge of the development is longer than that on the main dwelling and found that as a consequence of the steeper pitch and increased height, it competes with and is not subservient to the main dwelling or in keeping with the appearance of similar bungalows nearby. The steeper pitch is noticeably at odds with that of the shallower roof on the main dwelling. It forms a somewhat dominant and prominently sited element, that is significantly harmful to the character and appearance of the host dwelling and with the shape, uniformity and rhythm of semi-detached bungalows in the street scene. The pre-existing brickwork may have been of limited quality but there is no substantive evidence it could not have been satisfactorily repaired or replaced. He concluded that the height, position, extent and prominence of the rendering, projecting significantly from the sidewall of the main dwellinghouse, is highly prominent in the street scene, highlighting the height and scale of the roof. Its appearance is incongruent and jarring, being significantly and harmfully at odds with the red brickwork of the appeal site and that which is an overriding positive and unifying characteristic of the street scene.

W/20/1384	11 Edmondscote Road, Leamington Spa	Single storey extensions Delegated	Thomas Fojut	Questionnaire: 25/1/21 Statement: 16/2/21	Appeal Allowed
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The Inspector noted that the surrounding street scene is characterised by broadly similar dwellings, a number of which have single-storey side extensions with shallow pent roofs. He also noted the flat roof extension at No 2 Edmondscote Road. He considered that while the location, and therefore circumstances, of each varied somewhat, and while each proposal must be considered on their own merit, these roofs added to the overall character and appearance of the area. Therefore, he found that the use of the flat roof would be in keeping with the character of the street scene, and would not be unacceptable.

W/20/1189	12 Warmington Grove, Warwick	Lawful Development Certificate for Use of Mobile Home as Ancillary Residential Accommodation Delegated	Andrew Tew	Questionnaire: 25/3/21 Statement: 19/4/21	Ongoing
W/20/0729	4 Risdale Close, Leamington	Application of Render to Front and Rear Elevations Committee Decision in Accordance with officer Recommendation	Emma Booker	Questionnaire: 23/2/21 Statement: 17/3/21	Appeal Allowed
<p>The Inspector noted that in neighbouring roads there are examples of dwellings, which exhibit a departure from hanging tiles, integrating significant proportions of light coloured render. Although not fully comparable to this appeal proposal, dwellings were noted nearby at Borrowdale Lane and Ennerdale Close visible in close proximity to the appeal site, which were not harmful to their respective street scenes. The Inspector considered that by retaining the existing window openings, long side walls and brickwork quoin features the dwelling would retain its façade configuration and the framed contrasting appearance, ensuring a consistency with the appearance of the street scene. The absence of contrast from limited sections of retained brickwork suggested in the Council's report, or other materials on the ground floor, would not be harmful. Replacing the brickwork and light pebble dash with white render would represent a relatively limited contrast, lifting and modernising the elevations in keeping with elements of colour present on parts of dwellings in the street scene. The rear is viewed in the context of and harmonises with the light rendered dwellings nearby facing Borrowdale Drive and Ennerdale Close. Retaining the side walls and quoins maintains consistency of appearance with neighbouring dwellings and the staggered layout limits the wider prominence of the rendered elevations. For these reasons the development would not be incongruent or harmful to this street scene or the wider area.</p>					
W/20/0358	Junction of Rising Lane and Birmingham Road, Baddesley Clinton	Erection of 2 Detached Houses Delegated	Rebecca Compton	Questionnaire: 10/3/21 Statement: 7/4/21	Ongoing

W/20/1358	20 Ladycroft, Cublington	Single Storey Extensions; Dormer Extension; Velux Roof lights and Front Parking Area Delegated	Thomas Fojut	Questionnaire: 11/3/21 Statement: 2/4/21	Ongoing
W/20/1504	16 Aylesbury Court, Aylesbury Road, Lapworth	Extension to Garage to form Pool House Delegated	Thomas Fojut	Questionnaire: 12/2/21 Statement: 22/3/21	Ongoing
New W/20/1716	The Threshing Barn, Finwood Road, Rowington	Extension to Outbuilding Delegated	Emma Booker	Questionnaire: 8/4/21 Statement: 28/4/21	Ongoing
New W/19/1573/LB	Church Farmhouse, Woodway, Budbrooke	First Floor Extension Delegated	George Whitehouse	Questionnaire: 13/3/21 Statement: 27/4/21	Ongoing
New W/20/1741	149 – 151 Warwick Road, Kenilworth	Demoliton of Hotel and Dwelling and erection of 9 Dwellings Delegated	Helena Obremski	Questionnaire: 13/4/21 Statement: 11/5/21	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	Statement: 22/11/19	Public inquiry 1 Day	The inquiry has been held in abeyance

Tree Appeals

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