

**Item 8 - List of Current Planning and Enforcement Appeals
September 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

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/19/1858	Former Tamlea Building, Nelson Lane, Warwick.	Redevelopment for residential Purposes. Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 29/5/20 Statement: 26/6/20	Ongoing

W/19/2006	Unit 1, Moss Street, Leamington	Removal of Condition to allow for the Unrestricted Occupancy of 47 bed HMO. Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 11/6/20 Statement: 9/7/20	Ongoing
W/19/1253/LB	Waverley House, 70 Binswood Avenue, Leamington	Replacement Sash Windows Delegated	Jonathan Gentry	Questionnaire: 12/6/20 Statement: 10/7/20	Appeal Dismissed
<p>The Inspector noted that the existing sash windows within these elevations have sills and chamfered surrounds. These sashes mainly have hoodmoulds with foliate stops. Together with the embattled bay, these features emphasise the windows' presence. He found that the form and fabric of the windows attest to the historic design of the building, and consequently embody both evidential and aesthetic values. As such, the building is a significant historic component of the grid of residential avenues set around the Kenilworth Road axis. The appeal windows add to the recurrence of prominent historic character elements on Binswood Avenue. This contributes to both the building's special interest and the significance of the wider CA.</p> <p>The Inspector considered that the spacing between the panes, with an approximate trebling in depth of the glazed units, compared to that of the traditional panes, would reveal the modern technical fabrication. There would be a discernible contrast between the geometrically 'perfect' new sashes and older box frames. The increased thickness of the glazed units may well also change the reflectiveness of the windows, compared to the original sashes. There is not substantive detail of the type of glass in the proposed windows, to demonstrate otherwise.</p> <p>The loss of original sash windows would erode the historic legibility of the nineteenth century villa and lead to a loss of original fabric. This would visually jar with the traditional architecture and materials of the building. These effects on the prominently located facades of the building, within the historic grid of residential avenues, would also be discordant with the character and appearance of the CA.</p>					
W/19/1769	Oldfield Farm, Old Warwick Road, Rowington.	One and Two Storey Extensions Delegated	Jonathan Gentry	Questionnaire: 12/6/20 Statement: 3/7/20	Appeal Dismissed
<p>The Inspector noted that post-1948 development has joined the outbuilding to the north-east to the original building, and converted it to residential use. This has noticeably increased the total bulk and mass of the building. Together with previous extensions - including the post-1948 conversion of the outbuilding, and extensions joining the latter to the original farmhouse building - the proposal would amount to an approximately 40% increase in gross floorspace over and above that of the original building. Even if the outbuilding were to be excluded from the calculations, judging by the Design and Access Statement calculations before me, the proposal would still result in the 30% guideline maximum for increase in gross floorspace being exceeded.</p>					

The appellants consider that the proposal would satisfy criteria a) to c) of Policy H14 of the LP, and the factors in supporting paragraph 4.94. However, the Inspector considered that the proposed lean-to extension would extend the building to the north-east, at the entrance to the farmhouse yard. The timber-framed and glazed extension would extend the building to the north-west, into the farmhouse yard in front of the historic timber-framed north-eastern gable of the original building. The cumulative increase in floorspace, footprint, bulk and mass of extensions, over and above the original dwelling, which would result from the proposal, would further draw the eye from the historic farmhouse core. Furthermore, the modern design of the glazed wall and roof of the north-eastern extension would distract from the traditional rustic character of the original dwelling. Consequently, the proposed development would significantly undermine the visual dominance of the original dwelling and extend the visual impression of built development. He concluded that the proposal would entail a disproportionate addition within the Green Belt.

While the adverse impact on openness would be localised, nevertheless, the combination of proposed extensions north-east of the original dwelling would be of sufficient scale and visibility to attract attention, and would result in harm to openness of the Green Belt, he concluded.

The Inspector considered that the special interest of the listed building, insofar as it relates to this appeal, is primarily associated with its historic legibility and the distinctive aesthetic of the farmhouse. He noted that the proposed timber-framed extension would project across around half the width of the north-easternmost gable of the listed building, up to the eaves of the latter. The new timber frame and potentially reflective expanse of glass within the extension would distract from a large proportion of this important historic timber-framed gable. The modern character of the glazed wall and roof would further distract from the distinctive traditional timber frame panels and red brick infill of the gable, viewed from the north-west. The accumulation of various new extension profiles and rooflines, together with the proposed extension of the built footprint in a north-easterly direction by the new lean-to, would add bulk. The resultant cumulative mass of later extensions would compete with the north-eastern elevation and historic core of the listed building. He concluded that the proposal would be harmful to the Listed Building.

W/19/1973	Wooton Grange Farm House, Warwick Road, Kenilworth	Extensions and Alterations Delegated	Jonathan Gentry	Questionnaire: 23/4/20 Statement: 15/5/20	Ongoing
W/19/1531	Land off Pitt Hill, Bubbenhall.	Prior notification of Change of Use of agricultural Building to 5 Dwellings. Delegated	Rebecca Compton	Questionnaire: 3/6/20 Statement: 1/7/20	Appeal Allowed

The Inspector considered that the main issue in this appeal was whether planning permission is deemed to have been granted.

The GPDO does not contain a requirement or provision for applications to be validated, but Paragraph W.(2) requires an application to include a) a written description of development, b) a plan indicating the site and showing the proposed development, c) the developer's contact details, d) the developer's email address and e) a flood risk assessment if in a flood risk area. Paragraph X defines the 'site' as being the building and any land within its curtilage.

Paragraph W.(11) explains that development must not begin until either a) the Local Planning Authority provides a written notice that prior approval is

not required, b) the Local Planning Authority provides written notice that prior approval is given, and c) the expiry of 56 days from the receipt of the application without the authority notifying the applicant as to whether the prior approval is given or refused.

The application was received 4 September 2019. Following review, the Council determined that the plans were inconsistent and made the application invalid 17 September. The Council considered that the location plan does not properly identify the site, that the site should be outlined in red with a blue line around other land in the applicant's ownership. It has also expanded this to identify the area to be demolished is not within a redlined site.

However, Inspector considered that whether or not the application contained the necessary information, as set out in paragraph W.(2)(b), the choices open to the Council are clear, to either accept the information or refuse the application under Paragraph W.(3).

The submitted plans consist of a site location plan, layout plans and elevations. The layout and elevation plans show the existing and proposed details. The location plan shows that the barn would be subdivided into five dwellings. This would also include a small front garden area and parking spaces within a second external space to the rear. It also shows that parts of the barn would be demolished. This would be to shorten the structure and to separately create a recessed alcove for the middle three units. The Inspector considered that these plans create a coherent and consistent illustration of how the proposal would be constructed.

The Inspector also noted that Paragraph W.(2)(b) does not require a red or blue-lined plan around the site, it simply says that the plan should indicate the site and show the proposed development. Therefore, in consideration of the submitted plans the extent of the proposed development is clear, without evidence of inconsistency. Hence, the location of any redline is moot. Consequently, the proposal has satisfied the requirements of Paragraph W.(2).

The development can therefore lawfully proceed if constructed or carried out in accordance with the submitted plans, and with the conditions and limitations imposed on the planning permission granted by the GPDO.

There are clear learning points for Officers to be mindful of as a result of this appeal decision in terms of what information is necessary to be submitted and what to do if it is considered that insufficient information has been submitted.

W/19/2113/LB	3 Hatton Green, Hatton	New Roof over Conservatory Delegated	Zoe Herbert	Questionnaire: 12/6/20 Statement: 10/7/20	Appeal Dismissed
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The Inspector considered that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the dominance and legibility of its pre-twentieth century architectural core, which is formed by the merged cottages and the wing. He considered that the proposal to replace the glass roof of the conservatory with a brown coloured aluminium tile roof, and skimmed plasterboard ceiling would result in a noticeably chunkier and more solid roof form to the conservatory which would add to the solid modern bulk to the rear of the building, further distracting from the latter's historic core. Furthermore, given its modernity, artificiality and potentially different weathering properties, compared to the building's plain clay roof tiles, the proposed aluminium 'shingle-style' covering would distract from the traditional materiality of the historic core of the building and introduce a highly incongruent, alien fabric.

The appellant argued that the proposal would not harm the listed building because it would not be more widely visible. However, the Inspector noted that listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not public views of the building are available.

W/19/1442	129 Warwick New Road, Leamington	Application for a Certificate of Lawful Development for a Rear Extension Delegated	Ankit Dhakal	Questionnaire: 6/7/20 Statement: 3/8/20	Ongoing
W/20/0185	9 Eborall Close, Warwick	First and Ground Floor Extensions Delegated	Ankit Dhakal	Questionnaire: 29/7/20 Statement: N/A	Ongoing
W/19/2037	Arden Hill, Lapworth Street, Lapworth	New Dwelling Delegated	Dan Charles	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/0860	6 Phillippes Road, Warwick	Change of use to Garden and Erection of Fencing Committee Decision in accordance with Officer Recommendation	Emma Booker	Questionnaire: 22/7/20 Statement: 13/8/20	Ongoing
W/20/0329	The Threshing Barn, Finwood Road, Rowington	Extensions and Conversions Delegated	Emma Booker	Questionnaire: 23/7/20 Statement: N/A	Ongoing
W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions Delegated	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/20/0214	Broadford House, Grovehurst Park, Stoneleigh	Boundary Features Delegated	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing

W/19/1558	Land rear of 14 – 16 Randall Road, Kenilworth	Detached Bungalow Delegated	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/1572	Land off Birmingham Road and A46, Warwick	2 Dwellings Delegated	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/1772	Land at the Valley, Radford Semele	Dormer Bungalow Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 18/6/20 Statement: 16/7/20	Appeal Dismissed

The Inspector noted that a line of houses runs along one side of The Valley but stops a noticeable distance short of the site. While it does not form part of a designated landscape, the area has an attractive rural or semi-rural character due to the narrow width of the road, presence of trees and hedgerows and views of fields. He considered that the general openness of the appeal site contributes positively to the character of the area. While parts of the site would remain undeveloped, the proposal would significantly reduce its openness and would undermine the rurality of the area through the introduction of a residential development. The Inspector considered that due to the separation and intervening vegetation, the proposed dwelling would not be clearly seen with the line of properties along The Valley. As such, rather than an infill development, it would appear as an encroachment into open land that forms part of the wider network of fields around Radford Semele. The proposal would represent the erosion of a pocket of pasture land, identified as one of the key characteristics of the Dunsmore Plateau Fringe local landscape type. Consequently, it would be contrary to the provisions of the Warwickshire Landscape Guidelines (WLG). While the proposed planting could make a limited positive contribution to the character of the area and the traditional style of the dwelling would be in keeping with nearby properties, he concluded that these aspects of the development would not address the loss of openness and would not ensure the proposal harmonises with the rural nature of the locality.

The appeal site is not in an urban area or allocated for housing and it is outside and not adjacent to the defined Radford Semele growth village boundary. As it would also not fall within any of the development categories in part e) of the policy, the proposal would be contrary to LP policy H1 when read as a whole.

As a self-build house, the appellant suggests LP Policy H15 allows the proposal as it does not explicitly require such development to be within the boundaries of growth villages. However, the Inspector noted that Policy H15 requires compliance with all other relevant LP policies which would include policy H1. Part d) of policy H1 allows development that would contribute to an identified need such as for self-build housing but only where the site is adjacent to the boundary of a growth village.

The Inspector noted that The Valley is identified as having an elevated risk of surface water flooding and occupiers and visitors would normally rely on this route for access to and egress from the proposal. However, he was mindful that the Warwickshire County Council Flood Risk Management Officer raises no objections to the development but suggests an evacuation plan be produced. While no such plan has been provided, he considered that

there is no substantive evidence before him that indicates the height of flooding or risk to those using The Valley would entirely prevent movement to and from the proposal in a flood event. As such, an evacuation plan could be secured through an appropriately worded planning condition.

W/20/0301	102 Shrewley Common, Shrewley	Detached Garage Delegated	Jonathan Gentry	Questionnaire: 27/7/20 Statement: N/A	Ongoing
W/19/1981	115 Brunswick Street, Leamington	Change of Use to HMO Delegated	Rebecca Compton	Questionnaire: 4/8/20 Statement: 25/8/20	Ongoing
W/20/0243	Pear Tree Cottage, Stoneleigh Road, Blackdown	Enlargement and Remodelling of Dormer Bungalow Delegated	Thomas Fojut	Questionnaire: 8/7/20 Statement: 30/7/20	Ongoing
W/19/1949	22 St Mary's Terrace, Leamington	Conversion and Extension of Garage into Dwelling Delegated	Rebecca Compton	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
New W/19/2138	8 Cassandra Grove, Warwick	Single Storey Front Extension Delegated	Emma Booker	Questionnaire: 25/8/20 Statement: 16/9/20	Ongoing
New W/19/1963 and W/19/1964/LB	Rectory Cottage, Church Lane, Lapworth	Demolition of Garage Block and erection of Sun Room Delegated	George Whitehouse	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing
New W/20/0097	10 Wasperton Road, Wasperton	Change of Use of Store Room to Dog Grooming Salon Delegated	Rebecca Compton	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing

New W/19/1197	89 Shrubland Street, Leamington	Change of Use to HMO Appeal against Non-Determination	Rebecca Compton	Questionnaire: 1/9/20 Statement: 29/9/20	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	Statement: 22/11/19	Public inquiry 1 Day	The inquiry has been held in abeyance
ACT 097/17	2 Satchwell Place, Leamington Spa	Construction of Fence	RR	Statement: 23/6/20	Written Representations	Ongoing

Grounds of Appeal

The steps to comply with the notice are excessive
The Notice compliance period is too short.

ACT 026/17	Fleur De Lys PH, Lapworth Street, Bushwood, Lowsonford,	Construction of pergola	RR	Statement: 13/7/20	Written Representations	Ongoing
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Grounds of Appeal

Listed Building Consent ought to have been granted.
The steps to comply with the notice are excessive

ACT 314/16	18 & 20 Mollington Grove, Hatton Park, Hatton, Warwick	Change of rear doors to UPVC	RR	Statement: 23/7/20	Written Representations	Ongoing
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Grounds of Appeal

The works to the building were urgently necessary
The Notice compliance period is too short.

Tree Appeals

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