

**List of Current Planning and Enforcement Appeals  
November 2022**

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/20/2100	22 St Mary's Terrace, Leamington	Lawful Development Certificate for Use of Garages for Commercial Storage <b>Delegated</b>	Rebecca Compton	Questionnaire: 14/10/21 Statement: 11/11/21	Ongoing
W/21/1736	Garage to the rear of 22 St Marys Terrace, Leamington	Certificate of Lawfulness Appeal: Commercial Storage Delegated	Emma Booker	Questionnaire: 30/1/22 Statement: 28/2/22	Ongoing
W/21/1518	8 Offa Road, Leamington	One and Two Storey Extensions <b>Delegated</b>	Millie Flynn	Questionnaire: 7/3/22 Statement: 28/3/22	Ongoing
W/21/2092	22 St Mary's Terrace, Leamington	Conversion and Extension of Existing Garage to Form Dwelling <b>Delegated</b>	Rebecca Compton	Questionnaire: 31/3/22 Statement: 28/4/22	<b>Appeal Dismissed</b>

The Inspector noted that the appeal site is currently occupied by two single height, small buildings which have the appearance of garages. Although relatively recent additions to this part of the street, by virtue of their height and simple appearance they are

neutral features set against the historic significance of the street. He noted that the proposed dwelling would fill the space of the existing small buildings, and its plan form would be devoid of garden space. It would in this respect be out of keeping with the distinct pattern of development adjacent to it, where even dwellings with irregular plots have space to the rear. The proposed detached structure would also be an uncharacteristic type of dwelling in this part of the street which is dominated by the terraced properties. Consequently, it would be at odds with the positive and locally distinct features that characterise the area. In addition, he considered that the gable fronted, two-storey component of the dwelling would be set close to the existing terrace and this form would contrast unsympathetically with the roofscape of those existing properties. Furthermore, on entering the street from St Mary's Terrace, its profile would be highly visible. While the fenestration and materials may match neighbouring dwellings, its incongruous form would appear a discordant feature that would harmfully detract from the positive and coherent features of the terraces. It would fail to preserve the character or appearance of this part of the CA for this reason.

In terms of impact on amenity, the Inspector considered that this sizeable form, set close to the rear elevation of No 20 would be a looming presence, and its solid, two-storey wall and roof plane would dominate the outlook from these rear doors and window. Occupants would experience a considerably greater sense of enclosure as a result, and this would make the outlook from these openings significantly less pleasant for the occupants of this property. Further, the proposal would appear overbearing and oppressive, and this would have a harmful effect on the living conditions of the occupants of 20 St Mary's Terrace, with regard to outlook.

The Inspector noted that generally occupants of dwellings in the street have some private garden space where they can sit, relax, entertain, hang washing etc. There would be no such space for future occupants of this dwelling to enjoy in such a manner. Their activities in the property would be confined to its small internal footprint, with no outdoor space either to the front or rear of the property. In this respect the dwelling would not provide pleasant living conditions for its future occupants.

W/21/1689	123 Windy Arbour, Kenilworth	First Floor Side and Single Storey Rear Extension <b>Delegated</b>	George Whitehouse	Questionnaire: 17/3/22 Statement: 7/4/22	<b>Appeal Allowed</b>
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Given the projecting nature and ridge height of the proposed extension, the Inspector agreed with the Council that it would not appear as a subservient addition, as recommended by the Council's adopted Supplementary Planning Document titled 'Residential Design Guide' (SPD). However, he noted that the SPD goes on to explain that the overall size and scale (of an extension) will vary

according to site conditions, constraints and circumstances. In this particular case, he noted the appeal dwelling is set back a comfortable distance from the highway and the proposed extension would not project beyond the gable at the neighbouring dwelling to the south, No. 121 Windy Arbour. He also noted within the Council's Delegated Report, each property along this part of Windy Arbour is unique and this diversity is a noticeable element of the street scene. With regard to the Council's particular concerns about the flat roofed element which would link the existing and proposed gables, he considered this section would be modest, it would be much lower than the ridges of the existing and proposed gables and it would sit well back from them. On this basis, the Inspector concluded that the proposal would not be particularly noticeable or visually harmful.

W/22/0047	Fernwood Barn, Fernwood Farm, Rouncil Lane, Beausale	Single Storey Annexe <b>Delegated</b>	George Whitehouse	Questionnaire: 13/5/22 Statement: 3/6/22	Ongoing
W/21/2077	2 Lilac Grove, Warwick	Remodelling of Dwelling <b>Delegated</b>	James Moulding	Questionnaire: 17/5/22 Statement: 7/6/22	Ongoing
W/21/0066	Little Fieldgate, 55 Fieldgate Lane, Kenilworth	2 Storey Dwelling to Replace Bungalow <b>Committee Decision in Accordance with Officer Recommendation</b>	Jonathan Gentry	Questionnaire: 26/4/22 Statement: 24/5/22	<b>Appeal Dismissed</b>

The Inspector noted that Fieldgate House is a Grade II listed building and is located approximately 35 metres to the north of the appeal dwelling, also within the KCA. Fieldgate House and the KCA are both designated heritage assets. He noted that notwithstanding the modern appearance of these properties, the character of this part of the KCA is largely defined by linear views along Fieldgate Lane towards Fieldgate House, as well as the interest derived from the boundary wall which runs along the eastern boundary of Nos. 55 and 57, and the verdant backdrop provided by the tall mature trees and vegetation within the gardens of

Fieldgate House. He acknowledged that the significance of the property derives from its age, materials, historic grounds and prominent position on the corner of Fieldgate Lane and Beehive Hill.

As defined within the National Planning Policy Framework 2021 (the Framework), the setting of a heritage asset is the surroundings in which the heritage asset is experienced. In this case, he found that the listed building can be most readily appreciated when viewed from Beehive Hill and Hollis Lane to the north, from Fieldgate Lane to the southeast, as well as from neighbouring properties to the south and southwest. The gardens and open space to the rear of the listed building make a positive contribution to its setting and can be appreciated by pedestrians and vehicles travelling on Fieldgate Lane and Upper Spring Lane.

The Inspector considered that the proposed replacement two-storey dwelling would be taller and larger in footprint than the existing bungalow. Whilst the appellant states that the resultant dwelling would be of better architectural quality than the existing property, the increase in height, overall bulk and volume of roofscape would be substantial and would detract from the setting of the listed Fieldgate House. He felt that in particular, the erection of a double garage with pitched roof would introduce two-storey built form near the common boundary with the listed building. The scale, massing and position of the development would be readily visible in views from Fieldgate Lane and from Upper Spring Lane detracting from the sylvan character of the grounds. The Inspector concluded that due to its scale and massing, the proposed dwelling would be read as an incongruous feature that would detract from the setting of the listed building. Although set-back from the road, the proposed dwelling would nonetheless appear much more prominently than the existing bungalow. The scale of the resultant dwelling would attract the eye and appear as a disproportionately sized feature in contrast to the existing building which has a low-key profile. Its scale would detract from the significance of the historical boundary wall and grounds which contribute to the character and appearance of the KCA.

W/20/1975	6 Lower Ladyes Hills, Kenilworth	Formation of Driveway	Jonathan Gentry	Questionnaire: 10/2/22 Statement: 4/3/22	Ongoing
W/21/1622	1 The Chantries, Chantry Heath Lane, Stoneleigh	Gazebo and Fencing <b>Delegated</b>	George Whitehouse	Questionnaire: 29/4/22 Statement: 23/5/22	Ongoing

W/21/1572	25 Burns Avenue, Warwick	New dwelling <b>Delegated</b>	George Whitehouse	Questionnaire: 31/5/22 Statement: 28/6/22	Ongoing
W/21/1664	Bluff Edge, Barford Road, Barford	Various Extensions and Alterations <b>Committee Decision in Accordance with Officer Recommendation</b>	George Whitehouse	Questionnaire: 24/5/22 Statement: 14/6/22	Ongoing
W/21/2202	29 Red Lane, Burton Green	Single Storey Extensions and Roof Canopy <b>Delegated</b>	James Moulding	Questionnaire: 21/6/22 Statement: 12/7/22	Ongoing
W/21/0834	The Haven, Rising Lane, Baddesley Clinton	Erection of 2 dwellings <b>Delegated</b>	Dan Charles	Questionnaire: 26/7/22 Statement: 23/8/22	<b>Appeal Dismissed</b>

This was a useful appeal decision in that the Inspector explores and provides his interpretation of elements of Policy H11 – Limited Infilling.

'Small gap' is not defined in the Policy and is therefore a matter for planning judgement. The Inspector noted that plot widths of the proposal may not be dissimilar to those of existing properties off Rising Lane. However, the gaps between the dwellings themselves would be larger than those generally found in the village, including some on the spur off Rising Lane. In this context, he considered that the gap formed by the appeal site is not small. A recent appeal decision at Burton Green, permitted a dwelling within a gap that was much larger than here. However, he considered that decision did not specifically conclude that the gap involved there was

'small' or that it complied with Policy H11. Moreover, the other Inspector reached a conclusion on that proposal on the facts of that site, where large-scale housing had been approved nearby; outside of but close to an allocated Growth Village, and where the site was at one extent of a long ribbon of development, part of a substantially uninterrupted line with few breaks in continuity. This contrasts with the position of the dwellings off Rising Lane, where the site is not close to a Growth Village and where the spur, consisting of only a handful of dwellings, is not a long ribbon. Furthermore, the gaps between dwellings varies. The distribution of buildings gives this part of the village a loose knit, somewhat sporadic and fragmented pattern. As such, he concluded that the frontage is not largely uninterrupted, and little comparison can be drawn from the decision at Kenilworth, he therefore gave the other appeal decision very limited weight.

The LIV boundary was introduced in the current Development Plan and includes the site and the whole of the spur off Rising Lane. However, the Inspector was clear that this boundary would have been drawn in the knowledge that Policy H11 only permits infilling in limited circumstances, and he had nothing to indicate that it resulted from any specific assessment of the merits of the appeal site. It cannot therefore be assumed that the position of the boundary means that infilling within it is necessarily acceptable.

In respect of the highway, the term 'front' in Policy H11 is not defined. However, the Inspector considered that it suggests a relationship closer than just facing, overlooking or being orientated towards the highway, but one where the highway is in immediate or very close proximity. Even if Bridleway W55 does constitute a 'highway' for the purposes of Policy H11, the proposal would not front onto it, but onto the parallel private driveway leading to Lynton Croft, with an intervening strip of land with hedgerows, trees and fencing. As such, he found that the proposal would not front the public highway.

With regard to openness, each of the proposed dwellings and their associated buildings would have a wide appearance and a tall height, resulting in a large scale and mass of development. The introduction of the buildings, onto land that is currently absent of any built form, would result in the erosion of three-dimensional space, which would encroach into the site's openness and the spatial and visual contribution that it makes to the rural character of this part of the Green Belt. However, even with the planting, the mass and volume of the built form, together with the hard surfacing of the driveways and the domestic paraphernalia associated with the proposal, would significantly urbanise and detract from the rurality of the site and the surrounding landscape. As such, the effect of the proposal on the character and appearance of the area would be harmful.

W/21/2185	Offa House, Offchurch	Restoration of Offa House; Demolition of Extensions and 2 New Dwellings	Helena Obremski	Questionnaire: 5/10/22 Statement: 2/11/22	Ongoing
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		<b>Committee Decision in Accordance with Officer Recommendation</b>			
W/21/1552	66 Montrose Avenue, Lillington	1 Detached Dwelling <b>Delegated</b>	Jonathan Gentry	Questionnaire: 18/8/22 Statement: 15/9/22	Ongoing
W/22/0934/TC	Verge adjacent to MKM Building Supplies, Junction of Juno Drive/ Queensway, Leamington	Telecommunications Monopole and Associated Equipment <b>Delegated</b>	Jonathan Gentry	Questionnaire: 4/10/22 Statement: 1/11/22	Ongoing
W21/2180	Westham Barn Westham Lane, Barford	Conversion of Barn to Dwelling including Extensions <b>Delegated</b>	Lucy Hammond	Questionnaire: 5/10/22 Statement: 2/11/22	Ongoing
W/21/0273 and 0274/LB	Hunningham Hill Farm, Fosse Way, Hunningham	18 Panel Solar PV System <b>Delegated</b>	Rebecca Compton	Questionnaire: 25/7/22 Statement: 22/8/22	Ongoing
W/21/0432	3 Hallfields, Radford Semele	Dormer Bungalow <b>Delegated</b>	Rebecca Compton	Questionnaire: 1/8/22	<b>Appeal Dismissed</b>



				Statement: 29/8/22	
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The Inspector noted that dwellings immediately to the rear of the appeal site differ to those on Hallfields in terms of type, but they also address their respective street. Whilst building lines vary and there is a lack of uniformity in this regard, dwellings in the area generally have significant street frontages, and this distinct pattern of development strongly characterises the area. He considered that while the proposed dwelling would be a similar scale in height to dwellings on Hallfields, and its mass would not be at odds with that of dwellings in the wider area. being positioned in an existing rear garden and behind dwellings on both Hallfields and Semele Close, it would not have a significant frontage in the street. It would as a result appear a standalone development disconnected from the wider neighbourhood. In this regard he considered it would fail to harmonise with the existing built form and the prevailing development pattern in the area. This discordant feature would not be visible in the public realm, but its uncharacteristic form would be appreciable to those living in properties that surround it. From these vantage points the piecemeal development would lack cohesion with these existing properties and would consequently appear of a poor design.

The proposal would result in vehicles being driven extremely close to the side elevation of No 3. Whilst vehicles can currently be parked at this location, this is within the control of the occupants of that dwelling. This would not be the case in respect to vehicles accessing the new dwelling. The number of vehicles using this access would be limited given that this would be one dwelling. But it would be a family sized dwelling with parking for more than one car. The property would also likely generate additional movements with delivery vehicles. There would be nothing to restrict motorists using this access at any time. These unconstrained vehicle movements would generate noise even when motorists drive at low speed, and this could occur periodically day or night.

The proposed dwelling would be 1 ½ storeys with only its side elevation close to this boundary. However, a substantial portion of this solid side wall would be set close to and would protrude above the rear boundary. This, topped with the expanse of the side roof plane of the new dwelling, would fill the existing space along and above a considerable length of the shared boundary with No 30. Even with the slope of the roof tilted away from this share boundary, the substantial mass would appear an overwhelming and oppressive feature to occupants of that property when they look from rear windows of habitable rooms of their dwelling. This harmfully dominating mass would make these parts of this property significantly less enjoyable to use.

The width of the driveway accessing the proposed dwelling would be constrained by the dwelling at No 3. He saw that large vehicles would be able to go no further than the space where the driveway meets the carriageway. Given that the proposed built form would be set a substantial distance from this point of the highway, it would be challenging for the fire service to access the new property in the event of an emergency.

<b>New</b> W/20/1251	Land on the South Side of Birmingham Road, Budbroke	Erection of 75 Bed Care Home <b>Delegated</b>	Dan Charles	Questionnaire: 21/11/22 Statement: 29/11/22	Ongoing
<b>New</b> W/22/0538	22 Kingswood Close, Lapworth	2 Storey Extension <b>Delegated</b>	George Whitehouse	Questionnaire: 27/10/22 Statement: 17/11/22	Ongoing
<b>New</b> W/21/2251	Land at the Paddocks, Honiley Road, Beausale	5 Dwellings <b>Delegated</b>	Helena Obremski	Questionnaire: 9/11/22 Statement: 7/12/22	Ongoing
<b>New</b> W/21/0153	Land adjacent to 1 Castle Hill, Kenilworth	Single Storey Dwelling <b>Delegated</b>	Jonathan Gentry	Questionnaire: 3/11/22 Statement: 1/12/22	Ongoing
<b>New</b> W/21/0464	Nexus House, 10 Coten End, Warwick	Change of Use from Residential Use to a Class E Use (Screen Printing) <b>Delegated</b>	Jonathan Gentry	Questionnaire: 1/11/22 Statement: 29/11/22	Ongoing
<b>New</b>					Ongoing

W/21/0835	Finwood Hill Farm, Mill Lane, Rowington	Conversion of Rural Building into Dwelling <b>Delegated</b>	Jonathan Gentry	Questionnaire: 3/11/22 Statement: 1/12/22	
<b>New</b> W/21/1660	3-5 Mill Street, Leamington Spa	Subdivision of Dwelling into 2 Dwellings <b>Delegated</b>	Jonathan Gentry	Questionnaire: 1/11/22 Statement: 29/11/22	Ongoing
<b>New</b> W/22/0894	70 Warwick Road, Kenilworth	Digital Matrix Display Panel <b>Delegated</b>	Jonathan Gentry	Questionnaire: 28/10/22 Statement: 18/11/22	Ongoing
<b>New</b> W/22/0298 and W/22/0299/LB	2 Kingswood Cottages, Old Warwick Road, Lapworth	Ground Floor and First Floor Extensions <b>Delegated</b>	Lucy Shorthouse	Questionnaire: 2/11/22 Statement: 30/11/22	Ongoing
<b>New</b> W/22/0182	Dunn Pitts Farm, Hollis Lane, Kenilworth	Agricultural Building <b>Delegated</b>	Rob Young	Questionnaire: 18/10/22 Statement: 15/11/22	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	TBC	Statement: 22/11/19	Public Inquiry TBC	Ongoing

### Tree Appeals

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