

+ **List of Current Planning and Enforcement Appeals**
18 July 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	Jo Hogarth	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	In preparation
New 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	In preparation

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	Ongoing
W/16/0382	26 Leam Terrace, Leamington	Change of Use of Basement to 2 addition rooms within existing HMO Delegated	Holika Bungre	Questionnaire: 14/4/17 Statement: 12/5/17 Comments: 26/5/17	Appeal Dismissed

The Inspector agreed with the LPA that the additional rooms proposed to the HMO at basement level would fail to provide adequate living conditions. The Inspector considered that whilst the size of the lightwells would be increased as part of the proposal the outlook from the windows would still be constrained. Predominant views would be onto the lightwell and walls of the property. Views beyond would be constrained when cars are parked on the road. Steel gratings covering the apertures would further contribute to an oppressive outlook.

Light would also be compromised by the gratings and would result in poor living conditions in what would be the principal living space of the occupants.

W/16/2194	37 Sherbourne Place, Clarendon Street, Leamington	Erection of Trellis Committee Decision Contrary to Officer Recommendation	Liz Galloway	Questionnaire: 2/5/17 Statement: TBC Comments:	Appeal Allowed
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The panel would be located in front of the small upstairs bathroom window of the neighbouring property, but set forward to enable the window to open. The Inspector considered that as the window has obscure glazing the proposal would not harm the outlook of the residents of the property. Similarly, the window serves a non-habitable so there would be no harm to living conditions in terms of loss of light. The Inspector noted the objections relating to the reasons for the proposal and concerns about damage to the property to the rear. However, he considered these to be separate civil matters.

W/16/1705	Priors Club, Tower Street, Leamington	4 storey building to include 5 HMO cluster flats to provide 26 student bedrooms. Delegated	Rob Young	Questionnaire: 10/4/17 Statement: 8/5/17 Comments: 22/5/17	Appeal Dismissed Claim for Costs Allowed
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Nos. 41 and 43 Clemens Street form a pair of mirrored properties that form part of a terrace row that are good examples of early C19th buildings that follow a similar architectural theme. The Inspector considered that overall, the consistency of building design styles and the prominence of No.43 in the streetscene make a positive contribution to the character and appearance of the streetscene.

The Inspector considered that the Priors Club lacks any architectural merit and does not make any positive contribution to the character and appearance of the Conservation Area. Nevertheless, it is single storey in height and largely screened from view from the road by being situated behind No.43 Clemens St and has a subservient relationship and does not significantly detract from the streetscene or the significance of the Conservation Area.

The proposed building would be three-storeys high at the point that it adjoins No.43 and would rise to four-storeys at its eastern end. The building would extend a significant distance beyond the rear elevation of No.43 resulting in it having a considerably greater mass. As

a consequence, the building would dominate No.43 and fail to respect the prominent role it plays in the streetscene. Furthermore, it would infill much of the open space around No.43 which assists in highlighting its prominence. It would appear as an unduly dominant feature that would draw the eye away from the attractive setting of Clemens Street.

The Inspector had regard to the Alumno scheme to the east but considered that it was a standalone building which does not have the same relationship with the historical buildings within the Conservation Area.

In terms of parking, the Inspector considered no reason why this could not be considered to be student accommodation as oppose to a HMO and felt that 6 spaces was sufficient for such a use in a sustainable location with cycle provision.

The Inspector awarded costs to the appellant on the basis that the LPA did not consider the fall-back position in terms of the existing car parking requirement which the Inspector considered was higher than for the proposed use.

W/16/1295	6 Satchwell Court, Royal Priors Shopping Centre	Illuminated and Non-Illuminated Advertisements Delegated	Holika Bungre	Questionnaire: 18/5/17 Statement: 19/6/17 Comments:	Appeal Dismissed
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The Inspector agreed with the LPA that the application of navy blue and white striped paintwork to two pilasters on the shopfront formed part of the company's brand identity being synonymous with its brand name. Taking into account this expression of the company's corporate distinctiveness he felt it reasonable to interpret this element of the external redecoration as being to intents and purposes for advertisement, announcement and direction and therefore fell within the planning definition of an advert.

The Inspector observed that surrounding retail and restaurant frontages are painted in a consistent and muted fashion, which contributes to the traditional, simple and pleasant character of the Conservation Area. However, in contrast, the branded striped paintwork cuts across the pilasters horizontally and consequently fails to respect the detailing of the host building.

Despite the pilasters representing a small proportion of the frontage, their central location and the incongruous striped painted design give the proposal a visually dominant appearance. As a consequence the painted pilasters look discordant in the context of the simple and more traditional appearance of the surrounding shopfronts.

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/16/2291	Hampton View, Henley Road, Hampton on the Hill	Extensions to link residential property with outbuilding Committee Decision in accordance with Officer Recommendation	Helena Obremski	Questionnaire: 18/5/17 Statement: 19/6/17 Comments:	Appeal Allowed

The Inspector in his assessment simply states that "... *the proposed link building would be small in itself and would not significantly increase the volume of the existing house*".

Local Plan Policy RAP2 states that extensions to dwellings will be permitted unless they result in disproportionate additions to the original dwellings (excluding any detached outbuildings). The subtext to the policy explains that, as a guide, additions which represent an increase of more than 30% to the gross floor space of the original dwelling, are likely to be considered disproportionate. The Inspector makes no mention of the 30% guide in his decision.

The original house (as it stood in 1948) is calculated as 51msq. The *existing property* already benefits from substantial extensions, including two storey side and rear extensions, which create an increase in floor space of 28msq, representing a 55% increase above the original floor space.

When considering the addition of the link building, which provides an additional floor area of 28msq, when this is combined with the existing extensions, this represents a total increase above the original floor space of 111%. When the floor space of the annex is then added (an additional 133msq), this represents a total increase above the original floor space, when taking the existing extensions and link into consideration, of 370%. The Inspector makes no reference to the previous extensions or these percentage figures referred to in the officers' report.

This increase represents a significant departure from the Council's adopted guidance of 30% as set out by adopted Local Plan policy RAP2 and is considered to represent a disproportionate addition to the dwelling, which would substantially extend the visual impression of the

original dwelling and significantly increases the overall bulk and mass of the original dwelling. It is considered that the scale and mass of the existing extensions has already diluted the visual dominance of the original dwelling. The Case Officer concluded in their report for application W/10/1583 when approving rear extensions and increasing the ridge height of the dwelling that: *It is considered reasonable to remove permitted development rights for further extensions, since this site is within the Green Belt where further additions would be highly likely to detract from the original scale and character of the dwelling, contrary to Policy RAP2.* This was also mentioned in the officer's report but no reference made by the Inspector.

W/17/0104	Lyttleton House, Lye Green, Holywell	2 Storey Extension Delegated	Rebecca Compton	Questionnaire: 5/5/17 Statement: 26/5/17 Comments:	Appeal Allowed
The Inspector considered that the impact of the extension on the openness of the Green Belt would be minor because the proposal has been designed such that it would appear as a neat addition in keeping with the host property. He concluded that the proposal was not inappropriate development. The Inspector considered that the LDC for a permitted development extension was a material consideration.					
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	In preparation
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	In preparation

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	In preparation
w/16/1538	50 Newnham Road, Lillington	3 Dwellings Committee Decision Contrary to Officer Recommendation	Lucy Hammond	Questionnaire: 13/6/17 Statement: 11/7/17 Comments: 25/7/17	Ongoing
W/16/2331	10 Meadow Close, Lillington	First Floor Extension Delegated	Rebecca Compton	Questionnaire: 12/6/17 Statement: 4/7/17 Comments: -	Ongoing
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	In preparation
W/16/1756	Ranibagh, Mill Lane, Little Shrewley	1 Dwelling Delegated	Helena Obremski	Questionnaire: 6/6/17 Statement: 4/7/17	Ongoing

				Comments: 18/7/17	
W/17/0260	8 Cannon Price Road, Barford	2 Storey Side Extension Committee Decision Contrary to Officer Recommendation	Holika Bungre	Questionnaire: 5/6/17 Statement: 27/6/17 Comments: -	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
New 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	In preparation
New W/17/0173	71 Tachbrook Street, Leamington Spa	Single Storey Extension Delegated	Rebecca Compton	Questionnaire: 4/7/17 Statement: 26/7/17 Comments: TBC	In preparation
New W/16/2108	Park House, 6 Adcock Drive, Kenilworth	1 Dwelling Delegated	Helena Obremski	Questionnaire: 17/7/17 Statement:	In preparation

				14/8/17 Comments: 28/8/17	
New W/16/1511	Elmhurst, Honiley Road, Beausale	1 and 2 storey extensions Committee Decision in accordance with Officer Recommendation	Holika Bungre	Questionnaire: 4/7/17 Statement: 26/8/17 Comments: TBC	In preparation
New 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: 26/617 Statement: 24/7/17 Comments: 7/8/17	In preparation

Tree Appeals

