

**List of Current Planning and Enforcement Appeals
October 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
W/19/185 8	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	Awaiting Decision following Hearing.	

Written Representations

Reference	Address	Proposal and Decision Type	Officer		Current Position

				Key Deadlines	
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/19/2006	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/19/1973	Wooton Grange Farm House, Warwick Road, Kenilworth	Extensions and Alterations Delegated	Jonathan Gentry	Questionnaire : 23/4/20 Statement: 15/5/20	Ongoing
W/19/1442	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 Dhakai	Questionnaire : 29/7/20 Statement: N/A	Appeal Allowed
<p>The Inspector acknowledges that there would be a degree of conflict with the advice in the Council's Residential Design Guide Supplementary Planning Document (2018) insofar as the side extension would not be set down from the ridge, back from the frontage, or set in from the side by 1m. However, for the following reasons, in this particular instance, he considers that this conflict with the design advice does not result in harm to the character and appearance of host dwelling or the area:</p> <ul style="list-style-type: none"> • Whilst the first floor extension would be close to the plot boundary, a gap of approximately 1m to the side wall of the neighbouring dwelling (No. 10) would be retained. Furthermore, the dwellings are set at an angle to each other. Their respective positions mean the new first floor corner is set discernibly back of the front corner of No. 10. The gap between the side walls of the dwellings widens to the rear to approximately 3.5m. These factors would reduce any sense of enclosure and maintain a discernible gap and visibility between the dwellings from the front and rear. Therefore, there would not be an unacceptable terracing effect between Nos. 9 and 10. • The side extension would be constructed to the front wall of the existing garage, set back approximately 0.7m from the front of the existing main gable frontage. Furthermore, the side extension would comprise significantly less than half the width of the overall new frontage. Whilst the new ridge would be longer to enable it to join the existing roof ridge, the new roof slope would provide a good degree of relief and reduce the massing from the front and rear. • The proposed single storey rear extension would be of a modest depth, width, height, roof form and of a design in keeping with and subservient to the host dwelling. It would be adequately accommodated within the plot and is considered acceptable. 					
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 Phillipps 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	Appeal Dismissed
<p>The Inspector noted that the existing cat slope roof projection to the barn has a shallower sloping roof than the original dwelling. Its proportion of large glass panes and stained wooden frames result in it being identifiable as a modern addition that is not entirely in keeping with the original red brick building. However, due to its depth and size it appears as a subservient addition to the historic building.</p> <p>The Inspector agreed with the Council that by extending the depth of the extension from approximately 4.3m to 6.3m, the shallower roof pitch would be significantly deeper than the steeper historic pitch on that side of the building. It would result in the modern addition no longer being subservient or sympathetic to the scale and appearance of the original building and instead it would appear to be a dominant element of the dwelling that significantly and detrimentally alters the balance and appearance due to its combination of depth, design and materials.</p> <p>With regard to the detached car port, the Inspector agreed that because of its simple frame, open frontage, gable roof and its limited width and depth, it has the appearance of a modest and subservient cart shed in keeping with the rural agricultural character of the appeal site. He considered that the proposed cross gable roof extension would significantly increase its size. The increase in size and further enclosing some of the internal space, would significantly alter the scale, appearance and character of the building and it would no longer appear as a simple and traditional re-purposed agricultural building, but rather more modern, complex and contrived. This would not be in keeping with the character or appearance of the historic barn. By adding to the enclosure of the space around the dwelling, in combination with the other proposed extension, the developments would feel cramped and they would significantly urbanise the site and detrimentally erode the rural character of the site.</p>					

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/20/0301	102 Shrewley Common, Shrewley	Detached Garage Delegated	Jonathan Gentry	Questionnaire : 27/7/20 Statement: N/A	Appeal Dismissed

The Inspector noted that the garage would be detached and positioned some 10m from the front elevation, and whilst the garage would be used for purposes entirely ancillary to the existing dwelling, given the degree of separation, he concluded that it cannot be considered as an extension to the dwelling. As such, the proposal would be inappropriate development.

In terms of impact on openness, he considered that the development would introduce a permanent solid structure to the front of the property. As a result, both in spatial and visual terms, the openness of the Green Belt would be reduced. Although in isolation the loss of openness would be limited, nonetheless, there would be a degree of harm arising from this.

W/19/1981	115 Brunswick Street, Leamington	Change of Use to HMO Delegated	Rebecca Compton	Questionnaire : 4/8/20 Statement: 25/8/20	Appeal Dismissed – See Enforcement Appeal
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	Appeal Dismissed

The Inspector noted that based upon a 1938 plan the Council calculated that since then the floorspace of the dwelling has increased by almost 74%. The appellant questioned this calculation. However, no contrary evidence has been provided by the appellant to support these concerns. The Inspector considered that the granting of permission for four extensions to the property since 1974, including the creation of bedrooms in the roofspace and a two storey side extension, indicates that most, if not all, of the increase in size of the dwelling has occurred in recent decades. This is supported by the 1938 plan which shows the dwelling set further back from its northern boundary than is the case today. He therefore found that on the balance of probabilities, the gross floorspace of the dwelling has increased in the region of the amount identified by the Council. By increasing the height of the dwelling's eaves by over 2 metres to create a full height second storey the scheme would result in a marked increase in the scale and mass of the existing dwelling. He therefore found that the conversion of the dwelling from a chalet bungalow to a two storey house would further significantly increase the size of the dwelling and the proposal would constitute inappropriate development in the Green Belt and would also be harmful to openness.

Given the variety of architectural styles along the road, the Inspector considered that the contemporary architectural style of the design proposed would in itself not be harmful to the character and appearance of the area. However, he felt as an extension to an

existing dwelling in the open countryside it would remove any remaining semblance of the original dwelling. Together with earlier extensions the proposed extension in converting the bungalow to a two storey house would also significantly alter the scale, design and character of the original building to the extent that it is no longer visually dominant. As a result, the proposal would be contrary to criteria a and c of policy H14 of the Local Plan.

The Inspector noted that the appellants are longstanding occupiers who wish to continue to live in the locality and be involved with the local community. The proposed remodelling of the existing dwelling would meet their housing needs and so would enable them to do so. However, mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest and that the proposed development would remain long after the current personal circumstances cease to be material, he therefore attaches little weight to this consideration in terms of very special circumstances.

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
W/19/2138	8 Cassandra Grove, Warwick	Single Storey Front Extension Delegated	Emma Booker	Questionnaire : 25/8/20 Statement: 16/9/20	Appeal Dismissed

The Inspector noted that the area is characterised by two storey detached residential properties as part of a relatively modern housing estate. While there is some variation in their design, the properties are all finished externally with red brick and traditional pitched roofs. The dwellings are laid out in a staggered arrangement with spacious open front gardens which include off-street parking. The majority of dwellings have single, integral garages which project slightly forward of their principal elevation. Indeed, the design and scale of the appeal property's existing single garage, is replicated at several properties along the street providing a degree of uniformity in design.

The proposal would extend the existing garage forward by approximately 3.3 metres and sideways up to the boundary with No 10. It would have an overall width of about 4.8 metres and constructed in matching materials with a hipped roof.

The Inspector considered that due to its increased width, coupled with its forward projection, the extension would result in an overly assertive addition to the property that would significantly draw the eye and thereby dominate its front elevation. There are no other properties in the immediate vicinity that have a similar front and side extension to that which is being proposed. Accordingly, it would be a discordant feature that would be at odds with the appearance of other dwellings along Cassandra Grove and the wider area, where garages are mostly of a single width. Moreover, in extending the property forward as proposed, the development would reduce the space to the front of the property, diminishing the open and spacious character of the street. Its discordant forward projection would be particularly noticeable when approaching from the south, introducing a large featureless south facing side elevation. Consequently, he concluded that this would not be a sympathetic nor subservient addition that would respect the original character and appearance of the host dwelling or that of the wider area.

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
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
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 See also enforcement appeal below
New W/20/0247	3-5 Mill Street, Leamington	Subdivision into 2 dwellings; Extensions and other Alterations	Emma Booker	Questionnaire : 11/9/20	Ongoing

		Appeal against Non-Determination		Statement: 9/10/20	
New W/20/0980	9 Camberwell Terrace, Leamington	Front Lightwells Delegated	Emma Booker	Questionnaire : 25/9/20 Statement: 19/10/20	Ongoing
New W/20/0262	Old Barn, Sands Farm, Old Warwick Road, Lapworth	Change of use to Dwelling Delegated	Helena Obremski	Questionnaire : 28/9/20 Statement: 26/10/20	Ongoing
New W/20/0271	The Hay Barn, Packwood Lane	Replacement Garage Delegated	Jonathan Gentry	Questionnaire : 8/9/20 Statement: 30/9/20	Ongoing
New W/20/0429	12 Victoria Street Warwick	Extensions and Alterations Delegated	Jonathan Gentry	Questionnaire : 11/9/20 Statement: 5/10/20	Ongoing
New W/20/0467	Morrisons, Old Warwick Road, Leamington	Various Signage Delegated	Lucy Hammond	Questionnaire : 28/9/20 Statement: 26/10/20	Ongoing

New W/20/0201	37 Shakespeare Avenue, Warwick	First floor Side Extension Delegated	Thomas Fojut	Questionnaire : 8/9/20 Statement: 30/9/20	Ongoing
New W/19/1197	89 Shrubland Street, Leamington	Change of Use to 7 Bed 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
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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	Appeal Dismissed and Notice Upheld
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Grounds of Appeal

That the alleged works (if they occurred) do not constitute a breach of planning control.
That listed building consent ought to be granted.
That the compliance period is insufficient.
The steps to comply with the notice are excessive

The inspector considered that the pergola was fixed to the rear of the building; that the fact that it was attached to a modern extension is not relevant; and that the pergola as built has had an adverse effect on the character and significance of the listed building.

The Inspector considered that it was appropriate to extend the compliance period for the notice to 6 months and also altered the notice to enable compliance with an extant permission rather than the demolition of the structure.

ACT 314/16	18 & 20 Mollington Grove, Hatton Park, Hatton, Warwick	Change of rear doors to UPVC	RR	Statement: 23/7/20	Written Representations	2 Appeals Dismissed
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Grounds of Appeal

A separate appeal was submitted in respect of both properties on the grounds that:-

The works were urgently necessary.
That the compliance period is insufficient.

The Inspector considered that the UPVC doors and windows do not provide any greater level of safety than the doors and windows that were removed; do not contribute to the preservation of the listed building and that the installation wasn't urgently necessary.

The Appellant requested that the compliance period be extended to a date which would coincide with the current resident leaving the property. The Inspector considered that this would be the equivalent of granting a personal consent for the UPVC doors and windows and as such would be unacceptable due to the urgent need to remedy the situation. The compliance period was however extended to 6 months.

ACT/565/18	41 Clemens Street, Leamington	Erection of structures/fencing to the front of the premises	RR	Statement Due: 5/11/20	Written Representations	Ongoing
Grounds of Appeal						
<p>That the alleged works haven't taken place. That the alleged works (if they occurred) do not constitute a breach of planning control. That the steps to comply with the notice are excessive.</p>						
ACT/386/19	89 Shrubland Street, Leamington	Change of use to a 7 bed HMO.	RC	Statement Due: 11/09/20	Written Representations	Ongoing
Grounds of Appeal						
<p>Planning permission ought to be granted.</p>						
ACT/665/18	64 Bath Street Leamington Spa	Removal of historic door, frame and fanlight. Installation of UPVC doorset with double glazed fanlight (to Listed Building)	RR	Statement Due 21/09/20	Written Representations	Ongoing

Grounds of Appeal

That the building is not of special architectural or historic interest
That Listed Building consent ought to be granted.

ACT/354/20	Old Folly Barn, Kites Nest Lane, Beausale, Warwick	Erection of detached car port.	GW	Statement Due: 5/8/20	Written Representations	Ongoing
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Grounds of Appeal

That planning permission should be granted.
That the compliance period is insufficient.

ACT/331/19	115 Brunswick Street Leamington.	Change of use to an HMO	RC	Statement Due: 4/8/20	Written Representations	Appeal Dismissed
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Grounds of Appeal

Appeal A – Against the refused planning application W/19/1981: that planning permission should be granted.
Appeal B- Against the Enforcement Notice: as above.

The Inspector agreed with the Council that the development conflicts with Policy H6 and would unacceptably impact upon the living conditions of local residents from an overconcentration of HMOs. He also agreed that the layout of the property and in particular, the level of natural daylight to the shared communal space is harmful to the living conditions of the occupants of the building.

For those reasons, the Enforcement Notice was upheld.

Tree Appeals

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