

**List of Current Planning and Enforcement Appeals  
30 January 2018**

Public Inquiries

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

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 <b>Delegated</b>	Liz Galloway	Questionnaire: 2/8/16 Statement: 24/8/16 Comments:	Ongoing
W/16/2123 /LB	Rowington Hall, Old Warwick Road, Rowington	New Slate Roof <b>Delegated</b>	Nick Corbett	Questionnaire: 21/7/17 Statement: 18/8/17 Comments: 1/9/17	Ongoing
W/16/2169	66 Radford Road, Leamington	Change of Use to HMO <b>Delegated</b>	Emma Spandley	Questionnaire: 6/10/17 Statement: 3/11/17 Comments: 24/11/17	<b>Appeal Allowed</b>

Policy H6 states that HMOs which result in concentrations over 10% within a 100m radius will not be granted. In this case the proposal would result in a 10.3% concentration. The Inspector took the view that it would be reasonable to round the percentage to the closest whole number in which case the proposal would be in accordance with the policy. The Council's view is that this is not the correct approach. The Inspector also took the view that the site was in a mixed use area even though it was predominantly residential, contrary to the definition in the policy. Again, it is considered that this was not the correct approach. The Inspector agreed with the LPA that a condition to the effect that the property should not be occupied by students would not be a valid planning condition.

W/17/0419	The Moat House, Church Road, Honiley	Certificate of Lawfulness for Outbuilding <b>Delegated</b>	Emma Spandley	Questionnaire: 20/9/17 Statement: 18/10/17 Comments: 8/11/17	Ongoing
W/17/0280	Chestnut Court, 4 Guys Cliffe Avenue, Leamington	New Roof with Increased Ridge Height and Dormer Windows <b>Delegated</b>	Holika Bungre	Questionnaire: 2/11/17 Statement: 30/11/17 Comments: 14/12/17	<b>Appeal Dismissed</b>
<p>The Inspector considered that although the property is not historic the design, including materials, reflects elements of the Victorian era to fit in with the surroundings. He considered that whilst the colour, design and type of window proposed would be similar to the existing, the use of uPVC would not maintain the same appearance. It is not a traditional material and tends to have a smoother and glossier finish. It would not consequently enhance the host building and would impact in a harmful way on the visual character of the Conservation Area. The appellant argued that timber windows are prone to weathering, can swell, warp and rot and are less energy efficient. However, the Inspector had no reason to believe that good quality, properly maintained wooden windows would also provide acceptable insulation properties.</p>					
W/17/0354	18 Sandown Close, Lillington	Change of Use of Land to Residential Land and Erection of Boundary Wall <b>Delegated</b>	Liz Galloway	Questionnaire: 2/11/17 Statement: 30/11/17 Comments: 14/12/17	<b>Appeal Dismissed</b>
<p>The Inspector considered that the wide grass verge to the side of the property positively contributes to the open and spacious character of the area which is created by open-front gardens and development set back from the corners of roads. The Inspector felt that the</p>					

massing that would be created by the height and width of the development along with the proposed use of material would create an imposing structure close to the pavement and that the proposed gravel buffer would provide little relief in the harm to the open and green character of the area.

The appellant made the case that the existing leylandii is allowed to grow taller than the proposal, however, the Inspector did not give this much weight as it is set further back retaining an open corner and as vegetation takes a form that makes a positive contribution to the character and appearance of the area. This is in contrast to the hard façade of the proposal.

The Inspector did not uphold the reason for refusal relating to highway safety as he considered it would not unacceptably impede sightlines.

W/17/0514	Land at the Valley, Radford Semele	Residential Development of up to 20 Dwellings <b>Delegated</b>	Rob Young	Questionnaire: 20/10/17 Statement: 17/11/17 Comments: 1/12/17	Ongoing
W/17/0686	Lodge Farm House, Westwood Heath Road	Change of Use to 9 Bedroom HMO <b>Committee Decision contrary to Officer Recommendation</b>	Dan Charles	Questionnaire: 20/10/17 Statement: 17/11/17 Comments: 1/12/17	Ongoing
W/17/0632	Yew Tree House, Old Warwick Road, Lapworth	Retention of Single Storey Extension <b>Delegated</b>	Helena Obremski	Questionnaire: 31/10/17 Statement: 22/11/17 Comments: -	<b>Appeal Dismissed</b>

The appeal dwelling was granted planning permission for an extension on the condition that an existing extension, the subject of the appeal, was demolished. The approved development increased the original floor area of the property by 33%. The retention of the

extension increases the original floor area by 56%. Since the grant of permission a further extension has been built under permitted development rights which increase the original floor area by 86%.

The Inspector considered that whilst the 30% referenced in the Council's policy is only a guide, the policies in the NPPF and the development plan are explicit that the test is one of proportionality and a proposal with either a 56% or 86% increase is a substantial proportional increase that is significantly in excess of the guide. He therefore concluded that the proposal was inappropriate development harmful by definition and by reason of harm to openness.

W/17/1077	21 Guys Cliffe Avenue, Leamington	Variation of Permission for 6 Apartments and 1 Town House to allow an increase in the height of the building <b>Committee Decision contrary to Officer Recommendation</b>	Lucy Hammond	Questionnaire: 5/12/17 Statement: 2/1/18 Comments: 16/1/18	Ongoing
W/17/1223	Arrochar, School Lane, Beausale	Detached Dwelling <b>Delegated</b>	Helena Obremski	Questionnaire: 5/12/17 Statement: 2/1/18 Comments: 16/1/18	Ongoing
W/17/1236	3 Home Close, Bubbenhall	Front Extension and Alterations <b>Delegated</b>	Rebecca Compton	Questionnaire: 8/12/17 Statement: 1/1/18 Comments:	<b>Appeal dismissed and allowed, both in part.</b>

The appeal was dismissed insofar as it relates to the new pitch tiled roofs over the existing flat roof dormers. The reason for the LPA's refusal was limited to this element of the proposal.

The Inspector considered that the application property and the two properties to each side are similarly styled with flat roof dormers to

the front creating uniformity within the block. Whist he felt the property may not be of architectural or historic significance worthy of designation, he considered that the overriding character of the area is for dormers at first floor level to have flat roofs.

In terms of the impact of the proposed development, he considered that the addition of pitched roofs to the dormers would break up the harmonious treatment of the group and, as such, appear incongruous which would be harmful to the streetscene and the character and appearance of the area.

The appeal was allowed and planning permission granted insofar as it relates to the front hall extension and new tarmac drive.

W/17/1339	9 Hatton Terrace, Birmingham Road, Hatton	Detached Garage <b>Delegated</b>	Liz Galloway	Questionnaire: 8/12/17 Statement: 1/1/18 Comments:	<b>Appeal Dismissed</b>
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The appellant tried to make the case that as the NPPF sets out that proportionate extensions to properties in the Green Belt are an exception to inappropriate development, the proposed garage should be considered to be appropriate. However, the Inspector considered that as the proposed garage would be located a substantial distance from the house at the end of a long garden it could not therefore reasonably be considered to be an extension.

The Inspector concluded that the proposal was inappropriate development in the Green Belt harmful by definition and by reason of harm to openness.

<b>New</b> W/17/1146	Kenlea, Bericote Road, Blackdown	Retention of outbuilding; erection of means of enclosure <b>Delegated</b>	Helena Obremski	Questionnaire: 18/1/18 Statement: 18/2/18 Comments:	In preparation
<b>New</b> W/17/1084	The Barbican, Willes Road, Leamington	Change of Use to HMO <b>Delegated</b>	John Wilbrahim	Questionnaire: 23/1/18 Statement:	In preparation

				20/2/18 Comments: 6/3/18	
<b>New</b> W/17/0508	Tapster Manor, Tapster Lane, Lapworth	Conversion of Stables to 2 Dwellings <b>Delegated</b>	Dan Charles	Questionnaire: 24/1/18 Statement: 21/2/18 Comments: 7/3/18	In preparation
<b>New</b> W/17/0537	8 Priory Road, Warwick	2 Storey Extension <b>Delegated</b>	Helena Obremski	Questionnaire: 23/1/18 Statement: 20/2/18 Comments: 6/3/18	In preparation
<b>New</b> W/17/1278	The Orchard, Coventry Road, Stoneleigh	Erection of Dwelling <b>Committee Decision in accordance with Officer Recommendation</b>	Helena Obremski	Questionnaire: 11/1/18 Statement: 8/2/18 Comments: 22/2/18	In preparation
<b>New</b> W/17/1423	Land Adjoining Clinton House, Old Warwick Road, Rowington	Erection of Dwelling <b>Delegated</b>	Lucy Hammond	Questionnaire: 24/1/18 Statement: 21/2/18 Comments: 7/3/18	In preparation



### Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 340/16	Rowington Hall, Old Warwick Road, Rowington	Unlawful replacement of slate roof without listed building consent	Nick Corbett	Appeal Start 01/09/17 Statement due 13/10/14 No final comments date yet	-	Ongoing
ACT 363/15	Fizzy Moon 35 Regent Street Leamington Spa	Unlawful works to listed building (painting of windows, new menu board, timber clad front steps,  installation of planter	Rajinder Lalli	Appeal start 20/09/17 Statement due  01/11/17 Final comments 22/11/17	-	<b>Appeal Dismissed</b>

The Inspector noted that the terrace's windows and surrounds are now almost all painted white which gives a characteristic cohesion which reinforces the historic and architectural origins of the streetscape. Preservation of this consistency is important for the corner building, which introduces and confirms the design theme of the terrace and plays a role in responding to the other three corner buildings which flank the road junction.

In the Inspector's opinion, painting the ground floor windows grey has affected the character of the building. This is so despite the presence of a variety of shopfront treatments along Regent Street; the appeal property does not have a shopfront and would be expected to remain consistently decorated throughout its elevations.

With regard to the menu board, the Inspector considered that it was of inordinate scale, occupying almost the complete width of the brick pier between the portico pilaster and the ground floor window. Its size and imagery diverts attention from the characteristic composition of the main elevation, which is intended to be a symmetrical arrangement focussed on the entrance portico and it therefore affects the character of the building. The Inspector considered that the planters were also out of character with the building, cluttering deliberately simple elevations and confusing proportional relationships. However, he expressly stated that unless the planters are fixed to the fabric of the building, they fall outside the remit of the notice.

ACT 167/16	Flat 2, 99 Upper Holly Walk Leamington Spa	Unauthorised installation of balcony	Rajinder Lalli	Appeal Start 22/09/17 Statement 03/11/17 Final comments 24/11/17		<b>Appeal Dismissed</b>
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The previous appeal against the refusal of planning permission was dismissed in May 2017. The current appeal was against the Enforcement Notice, but only on Ground A – that planning permission should be granted. Having regard to the previous Inspector’s reasoning and what the Inspector observed on his site visit, he saw no reason to take a different view.

ACT038/17	66 Radford Road Leamington Spa	Unauthorised change of use to HMO	Emma Spandley	Appeal Start 22/09/17 Statement 03/11/17 Final comments 24/11/17		<b>Appeal Allowed</b>
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Please see the commentary above in respect of the associated planning application W/16/2169.

ACT 248/15	30 Regent Street, Leamington	Various Unlawful works to Listed Building	Rajinder Lalli	Appeal Start  Statement 21/12/17		Ongoing
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				Final comments		
ACT 138/17	35 Regent Street, Leamington	2 x Notices relating to Unlawful works to Listed Building	Rajinder Lalli	Appeal Start  Statement 20/12/17 Final comments		Ongoing

