

**List of Current Planning and Enforcement Appeals
February 2020**

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
W/19/0209	Asda Supermarket, Chesterton Drive, Leamington	Replacement External Pod Delegated	Helena Obremski	Questionnaire: 2/8/19 Statement: 30/8/19		Appeal Allowed

The Inspector considered that the main issue was the effect of the development on the vitality and viability of Leamington Spa town centre and its Local Centres.

The pod would be approximately 6.55m long, 2.65m wide and 2.48m high. It would have a floor area of about 17sqm. Policy TC2 directs new retail development to the town centres or other retail centres. However, the policy does allow for out of centre retail development, if it can be demonstrated that there is no retail centre location available for the proposed development. The appellant submitted a sequential test (ST). The proposed pod is relatively small, but the ST considered available units if they were +/- 25% of floor area of the proposed pod. This would therefore be a range of approximately 13sqm to 21sqm.

Given the particularly small size of the pod proposed, even with the 25% extra floor area included in the ST search, most units will be larger than this. However, the Inspector regarded the range used in the search as reasonable as this reflects the type of retail development proposed. A much larger unit would be too different to the retail unit proposed. Therefore, in terms of size range, I would regard the ST and appellant approach as having a suitable level of flexibility.

The Council did suggest there is the possibility of splitting up some of the larger units, but the Inspector considered that this could be a complicated process which the owner may not be keen to do, or it may not be logistically feasible. Therefore, if the unit is too large then in this case, considering the small scale of the retail unit proposed, he did not regard it as being necessary to investigate splitting existing units as part of the ST, as this could be a protracted and complicated process to find out if this is feasible.

The appellant also makes the point that the proposed pod is for a Timpson unit specifically and is designed to meet their requirements, along with taking advantage of the footfall of the supermarket. The unit at Regent Grove would not likely have the benefit of such footfall and also would be in direct competition of two other Timpson stores which are already established in Leamington Spa centre.

Although competition is not usually a component of sequential tests, the Inspector considered that the use of the unit at Regent Grove as a Timpson store is unlikely to be suitable or a reasonable prospect for this business as it would be in competition with its own already established town centre stores. Therefore, if there was an available unit in the town centre near the existing Timpson stores then it is unlikely that the company would seek to take up the lease on one of these units, even if sequentially preferable.

Notwithstanding the above, the scale of the unit is particularly small. Therefore, from the evidence, the Inspector was not satisfied that the proposed unit would have any discernible impact to the vitality of established retail centres, especially considering two shops are already occupied by Timpson in the town centre. The proposal would not be detrimental to the retail function of the town or local centres. As its proposed location is based on taking advantage of existing footfall at Asda supermarket, it is unlikely to result in a discernible increase in additional traffic to and from this site or contribute to an unsustainable pattern of development.

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
	1 Clarendon Place, Leamington	Single Storey Extension and Alterations	Rebecca Compton	Questionnaire: 30/7/19	Appeals Allowed

W/19/0104 and W/19/0105/LB		Committee Decision in accordance with Officer Recommendation		Statement: 27/8/19 Comments: 10/9/19	
<p>The Inspector viewed that rear of the building, by original design, is simpler and more utilitarian in appearance than the grandeur, refinement and detailing of the front. As such, this simpler rear treatment with a high-walled rear amenity courtyard is also integral and important to the significance of the listed building. The proposed 7m long single storey extension, having a sedum roof and six bi-folding glazed doors, would extend outward from the rear elevation into the courtyard. Other than its length, it is the same in design and materials to an extant planning permission (W/18/0320) and listed building consent (W/18/0321/LB) for a 5m long extension.</p> <p>The Inspector considered that although the proposed extension would take-up an extra length of 2m of the available courtyard space there would remain overall a sizeable open area of courtyard, including for vehicle parking, such that its function and legibility as a domestic courtyard, serving a utilitarian function for the main dwellinghouse, would not be lost.</p> <p>He was not convinced that the extra two glazed bi-folding doors take the amount of continuous glazing to an excess as the Council feared but that the extension would still read appropriately as a modern and subservient addition to the main house and would not be dominant in that context.</p>					
W/18/2177	Four Brothers Farm, Five Ways Road, Shrewley, Warwick	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to 3no. Dwelling Houses (Use Class C3) together with associated works to facilitate the conversion. Delegated	Rebecca Compton	Questionnaire: 03/09/19 Statement: 01/10/19	Ongoing
W/19/0737	The Limes, 21 Beauchamp Avenue, Leamington	Front Boundary Wall and Railings Delegated	Emma Booker	Questionnaire: 6/11/19 Statement: 4/12/19	Ongoing
W/19/0329	12 Old Milverton Road, Old Milverton.	Erection of Dwelling Delegated	Helena Obremski	Questionnaire: 9/10/19	Ongoing

				Statement: 6/11/19	
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W/19/0509	21 – 23 Clemens Street, Leamington	Change of Use to 2 Residential Flats Delegated	Lucy Hammond	Questionnaire: 6/11/19 Statement: 4/12/19	Appeal Dismissed
<p>The Inspector noted that the second bedroom of flat 1 would face a side wall of No 25 over a short distance. Consequently, the second bedroom of flat 2 would have a relatively open and uncompromised view. However, the outlook for the third bedroom of flat 2, and second bedroom of flat 1, would be substantially restricted by the neighbouring return wall resulting in a significantly poor outlook. They would also have limited access to direct sunlight.</p> <p>The Inspector noted that the site is within an Air Quality Management Area (AQMA). This is deemed to be a poor air quality area where future occupiers could be exposed to air pollutants. He was subsequently unconvinced that this has been adequately addressed in evidence. Accordingly, without adequate resolution the proposal has the strong likelihood to result in harm to future occupiers from air pollution.</p> <p>In regard to odour, flat 2 would include rooflights that overlook 19 Clemens Street (No 19). The ground floor hot food takeaway includes a rear extractor vent that terminates around one metre below the rooflights and a restrictive cowl. The Inspector anticipated that this vent would cause significant smell nuisance to future occupiers when in use. The appellant stated that he owned the neighbouring property and details of a revised extractor could be secured by condition. However, the Inspector noted that he has not proven ownership and the plot is not delineated with a blue-line on the site plan. It is also likely that a revised flue would need to be taller. This may conflict with the Council's conservation and design policies especially being on a publicly visible elevation due to the carpark and highway to the rear. Consequently, he was unconvinced that this matter could be resolved by the imposition of a Grampian condition as there is not a likely prospect that such a condition could be readily satisfied.</p> <p>During his visit the Inspector observed that around half of the parking spaces were occupied in the daytime. Consequently, there appears to be a lack of local unrestricted or free parking. The Council has identified local parking stress. Having observed the extent of local permit controlled resident parking areas and parking levels generally, he concluded that on-street parking concerns are warranted. The site is a short walk from the railway station and the high street is served by bus services. However, the proposal would be likely to create parking demand that could not readily be accommodated locally. It is not shown where an occupier would park locally without incurring parking charges.</p> <p>Furthermore, although the existing use would attract a parking requirement similar in number to the proposal, this demand would be likely to be for daytime use only. Consequently, without the submission of a parking survey it cannot be concluded that the parking needs of the proposal could be accommodated locally without detriment to highway safety.</p>					

W/19/0350	Barn at Little Manor Farm, Manor Lane, Pinley Green.	Change of Use of Building to Dwelling Delegated	Dan Charles	Questionnaire: 15/11/19 Statement: 13/12/19	Ongoing
W/19/1299	19 Camberwell Terrace, Leamington Spa.	Change of Use to HMO Delegated	Dan Charles	Questionnaire: 26/11/19 Statement: 24/12/19	Ongoing
W/19/0450	2 The Stables, Eathorpe Park	Conversion of workshop to residential Dwelling Delegated	Rebecca Compton	Questionnaire: 19/11/19 Statement: 17/12/19	Appeal Dismissed
<p>The building is a timber framed structure, with sheet material external walls, and a roof covered with ply sheeting and waterproof felt finish. Despite the statement of the applicant with relation to the longevity of the building, from the Inspector's site visit, he found that it did not have the outward appearance of a permanent or substantial building. The Inspector also noted the Visual Inspection Report which was submitted with the application and, in particular, the recommendation that a structural engineer should be consulted with regard to the suitability of the building to ensure that additional loading would not cause failure to the supports. No further information has been supplied regarding these recommendations and therefore the Inspector concluded that he could not be certain that the building could be converted without significant alteration or rebuilding. The proposal failed to comply with Policy BE4 and the NPPF.</p>					
W/19/1183	8 Savages Close, Bishops Tachbrook	Erection of Single storey dwelling Committee Decision in accordance with Officer Recommendation	Rebecca Compton	Questionnaire: 26/11/19 Statement: 24/12/19	Ongoing
W/19/0547	4 Beauchamp Hill, Leamington	Erection of 4 bed HMO Delegated	George Whitehouse	Questionnaire: 26/11/19	Ongoing

				Statement: 24/12/19	
W/19/0111	2 Mill End, Kenilworth	New Dwelling Delegated	Helena Obremski	Questionnaire: 18/11/19 Statement: 16/12/19	Ongoing
W/19/1265	21 Elizabeth Road, Queensway, Leamington.	Change of use to HMO Delegated	Dan Charles	Questionnaire: 25/12/19 Statement: 22/1/20	Ongoing
W/19/0848	4 Apple Tree Cottages, Old Warwick Road, Rowington.	Erection of Extensions and Wall Delegated	Emma Booker	Questionnaire: 18/12/19 Statement: 9/1/20	Appeal Dismissed

The Council estimated the increase in floorspace over and above the original building, including a previously approved existing extension, to be about 166.6%.

As a consequence, the proposal would represent an inappropriate development within the Green Belt by virtue of the disproportionate scale of the extensions proposed. The proposals will also have an unacceptably harmful effect on the openness of the Green Belt.

The Inspector considered that the essential characteristic of the appeal property is that it forms part of the terrace of 4 cottages and the addition of the 2 first floor extensions coupled with the proposed single storey extension to No 4 would transform that property to such a degree that it would not only appear as disproportionate in relation to the original dwelling but also undermine the integrity of the original terrace. In isolation and in the context of its large garden he understood the desire to extend the property, but considered the nature of the proposals go beyond what is reasonable in the immediate context and could not be seen a subservient to the original dwelling. The proposed width of No 4 after the extension would broadly match the combined width of Nos 1 to 3. The proposed design would dominate to an unacceptable degree.

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W/18/1034	Ewe Green, Hockley Road, Hatton	Certificate of Lawfulness for Conversion of Outbuilding into Granny Annexe Delegated	Helena Obremski	Questionnaire: 7/1/20 Statement: 4/2/20	Ongoing
W/19/1164	24 Church Hill	Replacement of Sash Windows and Doors Delegated	Jonathan Gentry	Questionnaire: 20/12/20 Statement: 17/1/20	Ongoing
W/18/2453	Mulberry Cottage, Warwick Road, Leek Wooton	Conversion of Redundant Barn into Holiday Accommodation – revised scheme. Delegated	Rebecca Compton	Questionnaire: 19/12/19 Statement: 16/1/20	Ongoing
New W/19/0925	Sunnyside Old Warwick Road, Lapworth	Erection of a Dwelling Delegated	Andrew Tew	Questionnaire: 28/1/20 Statement: 25/2/20	Ongoing
New W/19/1055 and 1056/LB	The Limes, 21 Beauchamp Avenue, Leamington	Various alterations and extensions Delegated	Emma Booker	Questionnaire: 17/1/20 Statement: 14/2/20	Ongoing
New W/19/1658	1, The Stables, Vicarage Lane, Sherbourne	Replacement windows; doors and roof. Delegated	George Whitehouse	Questionnaire: 21/1/20 Statement: 20/2/20	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	Start date 04/06/19 Statements 22/11/19	Public inquiry 1 DAY	The inquiry has been held in abeyance
Act/063/19	19 Camberwell Terrace	Change of use to HMO- only Ground G period of compliance is being appealed (as there is a planning appeal W/19/1299 -see above)	RR	Start date 24/12/19 Statements due 04/02/19	Written reps	Initial questionnaire completed and submitted and interested parties notified