

**List of Current Planning and Enforcement Appeals
June 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 Delegated	Rebecca Compton	Questionnaire: 14/10/21 Statement: 11/11/21	Ongoing
W/21/0813	Grove Park House, Hampton on the Hill	Prior Approval for the Enlargement of Dwelling House with an additional storey under Class AA Delegated	Thomas Fojut	Questionnaire: 14/10/21 Statement: 5/11/21	Appeal Allowed
<p>The Inspector noted the Council's concerns that the scheme does not reflect the local vernacular and he accepted that the proposal would be somewhat unique. However, he considered that the existing dwelling is essentially seen singularly on its own rather than in conjunction with any other development (and as such a unique design here is not intrinsically incongruous or harmful). He acknowledged that the proposal would increase the scale and bulk of the dwelling, however, reasoned that by definition, permitted development rights under Class AA inevitably accept some enlargement of existing dwellings. In that context he considered that the development proposed would not unacceptably or awkwardly alter the external appearance of the dwellinghouse and nor would it unduly affect character more broadly. Moreover, given the unique design of the existing dwelling, he felt there is little meaningful potential for this particular scheme to be emulated elsewhere.</p>					
W/21/593	Austin Heath Retirement, Village, Gallagher Way, Warwick	Advertisements Delegated	Helena Obremski	Questionnaire: 25/10/21 Statement: 16/11/21	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/21/0977	Unit 7, The Mill, Mill Lane, Little Shrewley	Alterations to permission for Conversion to Dwelling including increased Eaves and Ridge heights Delegated	Emma Booker	Questionnaire: 28/2/22 Statement: 28/3/22	Ongoing
W/21/0368	21 Vine Lane, Warwick	Variation of conditions for Planning Permission for 2 Dwellings Delegated	Rebecca Compton	Questionnaire: 28/2/22 Statement: 28/3/22	Ongoing
W/21/1929	23 Leam Terrace, Leamington	Garage with Studio Above Delegated	James Moulding	Questionnaire: 31/3/22 Statement: 21/4/22	Ongoing
W/21/1355	Barn at Little Manor Farm, Manor Lane, Pinley Green	Replacement and New Storage Buildings Delegated	Jonathan Gentry	Questionnaire: 23/3/22 Statement: 22/4/22	Appeal Dismissed

The appeal site covers a small area that contains a single building, described by the appellant as a tractor and equipment store. At the time of the Inspector's visit the building contained a trailer, ride-on mower and various other bits and pieces. To the front of the building was a dilapidated car and a tractor. Other than the tractor, he found that none of these items suggested a potential

agricultural or forestry use. The building is surrounded by a mixture of fields and woodland which are also within the ownership of the appellant. The Inspector noted that although the appellant may be in ownership of agricultural land and a wooded area, this does not necessarily mean that there is an agricultural or forestry use on site and he did not note any evidence of such activities. Furthermore, no substantive evidence of such uses being carried out on the site or land associated with it have been provided.

Lacking any substantive evidence to the contrary, the Inspector found that the proposed building would not be for, or connected to, an agricultural or forestry use. In light of this I find that the proposal would not meet the exception of Framework Paragraph 149(a).

Furthermore, given that it is not clear what the existing use is, he could not be certain that the replacement building would be within the same use as the existing building. As a result, the proposal does not meet the exception of Framework Paragraph 149(d) which requires that the proposed and existing buildings are used for the same use.

The Inspector found that the proposed replacement building would have a larger footprint and would be taller given the higher and steeply pitched roof than the existing building. He considered that the increased size would be further exacerbated by the solid walls to the rear and sides, and a pair of double doors to the front of one bay. As a result, he concluded that the proposal is significantly larger and more solid in its visual appearance than the existing building and would not preserve the openness of the Green Belt as a result.

Whilst timber is a typical material for rural buildings such as barns and stables, the overall design of the building, with regard to its appearance, proportions and detailing he considered it was more akin to a large residential garage than a barn. In this way the replacement building would be domestic in appearance and consequently an incongruous feature within the surrounding agricultural context.

W/20/2144	24 Kenilworth Road, Leamington	Demolition of Building Wings and Cottage. Replacement Extensions and Building to provide increased No. of Studio Flats. Committee Decision in Accordance with Officer Recommendation	Lucy Hammond	Questionnaire: 23/3/22 Statement: 20/4/22	Appeal Dismissed
-----------	-----------------------------------	--	--------------	--	-------------------------

The Inspector considered that given the identified importance of the original service wing, and notwithstanding its siting at the rear of the villa, its loss would adversely affect the legibility of the historic form of the building and the uniformity of the street. Moreover, the replacement extension would be a significant addition and would be considerably larger than the original service wing. Although it would be lower than the existing wing and its modern design would ensure it appeared as a clearly discrete element, given its overall scale and bulk, the proposal would compete with the villa for importance. The extension would also be visible from Kenilworth Road down the sides of the site and from the rear of neighbouring properties where it would affect the appreciation of the building within its surroundings. As a result, he concluded that the demolition of the service wing and the replacement extension would harm the significance of the NDHA, its contribution towards the character and appearance of the RLSCA and the settings of the two neighbouring listed buildings.

The Inspector noted that the proposal would include large, glazed doors and a terrace serving the first floor at the rear of the proposed extension that would be close to the front facing windows on the ground and first floor of the replacement detached building. Given their close siting it would be possible for overlooking to occur between future occupiers of the Wheelchair Accessible Studio and the five studios in the detached accommodation. As a result, he found that there would be a loss of privacy across all six of these studios and that this would harm future occupiers' living conditions.

The window serving the ground floor Studio at the rear of the villa, with views over the Lower Garden, would be close to the window serving the Entrance Hall and the window and balcony of the closest Studio within the proposed rear extension. Although somewhat at an angle, views would be afforded between the hall and rear window and between the two studios. He found again therefore that overlooking would occur and that the privacy of these two studios would be adversely affected to the detriment of future occupiers.

It had been submitted by the agent that the future occupiers would be students and therefore any living condition requirements should be relaxed. However, the Inspector noted that this does not appear in any of the policies or guidance before him and he therefore considered that the future occupiers should be treated the same as any prospective occupier. Likewise, although the Warwick District Council Residential Design Guide (the RDG, May 2018) may only directly refer to dwellinghouses, he found that the living conditions needs of any residential property would be similar and so the principles of this guidance are still relevant.

W/21/1518	8 Offa Road, Leamington	One and Two Storey Extensions Delegated	Millie Flynn	Questionnaire: 7/3/22 Statement: 28/3/22	Ongoing
-----------	----------------------------	---	--------------	---	---------

W/21/1966	46 Peabody Way, Warwick	New Boundary Treatment and Gates Delegated	Millie Flynn	Questionnaire: 31/3/22 Statement: 21/4/22	Appeal Dismissed
<p>The Inspector noted that automatic gates would be positioned in a prominent location on the front boundary. Also, they would be adjacent to and markedly higher than the railings to the front of the appeal property and its neighbour. The Inspector noted that the gates would enclose the side driveway, at odds with the other open driveways in the row. Consequently, he concluded that the gates would stand out as highly visible and incongruous structures that would undermine the uniformity of the street scene. The ball-top features of the proposed gates would match the style of the railings, but they would not overcome the visual incompatibility caused by the contrasting heights and the enclosure of the driveway.</p>					
W/21/2092	22 St Mary's Terrace, Leamington	Conversion and Extension of Existing Garage to Form Dwelling Delegated	Rebecca Compton	Questionnaire: 31/3/22 Statement: 28/4/22	Ongoing
W/21/1982	2 The Grange, Myton Lane, Warwick	Front and Rear Box Dormer Extensions Delegated	Thomas Fojut	Questionnaire: 15/3/22 Statement: 5/4/22	Appeal Dismissed
<p>The appeal property lies in a residential cul-de-sac amongst dwellings of a similar age. The Inspector noted that while the houses in The Grange are not identical, they are all 2 storeys high and have a traditional appearance with pitched roofs. Despite the screening effect of trees near to the house, the front dormer and rooflights would be seen from The Grange and the closest stretch of Myton Lane, particularly during times of leaf-fall. The rear dormer would be seen from the arm of The Grange that leads to the back of the appeal property as well as from adjacent residences to the rear. Consequently, the proposed development would have a noticeable effect on the street scene. The Inspector noted that the front dormer would fill most of the roof slope between 2 existing projections</p>					

to the front of the appeal property. Also, it would extend from just above eaves level to just below the ridgeline and so it would be a sizeable enlargement to the roof. Moreover, it would have tall windows that would fail to closely align with any of the fenestration at ground or first floor levels. He concluded that even if matching or similar materials are used in its construction, the dormer would be an incongruous addition that would result in an unattractive, top-heavy appearance to the house. As such, it would be unsympathetic to the style and architecture of the host property. Also, the proposed rear dormer would be a sizeable, box-like enlargement that would largely obscure the rear roof slope. Furthermore, its fenestration would not correspond with the windows below. The rear dormer would introduce a strong horizontal emphasis, at odds with the vertical style of the existing property and in conflict with the provisions on page 45 of the Council's Residential Design Guide 2018. The proposed use of modern materials would not address the inappropriate design of the rear addition.

W/21/1622	1 The Chantries, Chantry Heath Lane, Stoneleigh	Gazebo and Fencing Delegated	George Whitehouse	Questionnaire: 29/4/22 Statement: 23/5/22	Ongoing
W/21/1689	123 Windy Arbour, Kenilworth	First Floor Side and Single Storey Rear Extension Delegated	George Whitehouse	Questionnaire: 17/3/22 Statement: 7/4/22	Ongoing
W/22/0047	Fernwood Barn, Fernwood Farm, Rouncil Lane, Beausale	Single Storey Annexe Delegated	George Whitehouse	Questionnaire: 13/5/22 Statement: 3/6/22	Ongoing
W/21/2077	2 Lilac Grove, Warwick	Remodelling of Dwelling Delegated	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 Committee Decision in Accordance with Officer Recommendation	Jonathan Gentry	Questionnaire: 26/4/22 Statement: 24/5/22	Ongoing
W/21/1844	13 Hall Close, Stoneleigh	Various Extensions and Alterations Delegated	Thomas Fojut	Questionnaire: 15/3/22 Statement: 5/4/22	Ongoing
New W/21/155	2 Wordsworth Avenue, Warwick	New Dwelling Delegated	Emma Booker	Questionnaire: 7/6/22 Statement: 5/7/22	Ongoing
New W/21/0033	Bridge End, 2 Coventry Road, Stoneleigh	Single Storey Rear and Side Extension Delegated	George Whitehouse	Questionnaire: 24/5/22 Statement: 14/6/22	Ongoing
New W/21/1572	25 Burns Avenue, Warwick	New dwelling Delegated	George Whitehouse	Questionnaire: 31/5/22 Statement: 28/6/22	Ongoing

New W/21/1664	Bluff Edge, Barford Road, Barford	Various Extensions and Alterations Committee Decision in Accordance with Officer Recommendation	George Whitehouse	Questionnaire: 24/5/22 Statement: 14/6/22	Ongoing
New W/21/2202	29 Red Lane, Burton Green	Single Storey Extensions and Roof Canopy Delegated	James Moulding	Questionnaire: 21/6/22 Statement: 12/7/22	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 20/12/22	Ongoing

ACT 18/0600	Nova Equestrian, Glasshouse Lane, Lapworth	Construction of Dwelling	TBC	Statement: 12/1/21	Public inquiry 2 days: 23 and 24/8/22	Ongoing
----------------	--	--------------------------	-----	--------------------	---	---------

Tree Appeals

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