

**List of Current Planning and Enforcement Appeals  
November 2019**

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
W/18/0554	Waverley Riding School, Coventry Road, Cubbington	16 Dwellings <b>Committee Decision contrary to Officer Recommendation</b>	Lucy Hammond	Questionnaire: 21/5/19 Statement: 18/6/19 Comments: -		<b>Appeal Allowed</b>

The Inspector noted that in paragraph 145 of the NPPF exceptions to inappropriate development in the Green Belt includes the limited infilling or the partial or complete redevelopment of previously developed land (PDL), so long as it would not have a greater impact on the openness of the Green Belt than the existing development. However, where affordable housing is proposed which contributes to an existing need, there should not be substantial harm to the openness of the Green Belt.

Although 17 dwellings were proposed, the Inspector noted that their volume and footprint would be less than the current buildings and volumetrically, the proposal would have less of an impact on openness than existing. However, the Inspector made reference to the Planning Practice Guidance (PPG) which states that "openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume". In this regard, the Inspector was clear that the proposed houses would occupy a much larger area of the site than the existing buildings, which have a more clustered layout. This clustered grouping of buildings has the effect of enabling much of the wider site to be open. However, the proposed development would result in two storey dwellings and garages, together with the associated paraphernalia of domestic houses, on land where there is currently no building. This layout would also result in an encroachment of built development to the north, away from the edge of the village of Cubbington. This was, however, mitigated by the existing and proposed screening that would reduce the visual impact of the development on the site openness. Overall, the Inspector considered that this would result in a slight adverse effect to the openness of the Green Belt.

However, the Framework at paragraph 145 states that a development that reuses PDL in the Green Belt and makes a contribution to affordable housing should not be considered to be inappropriate development unless the harm to the openness of the Green Belt would be substantial, which the Inspector stated was "a high bar in my opinion". The Inspector did not consider that the proposal would result in substantial harm to the openness of the Green

Belt and given that the proposal would contribute to meeting an identified affordable housing need within the area of the local planning authority, he did not regard the proposed development as inappropriate to the Green Belt within the terms of the Framework.

In terms of the access road that would connect the development to Coventry Road, the Inspector considered that it would serve a relatively small development and would not likely be a heavily trafficked route. In terms of its design, the access road would have a footpath for approximately half of its length, with the section nearest the proposed houses having a shared surface. The access road is not of a substantial length, being similar to the length of some of the nearby cul-de-sac streets for example. As such he saw no reason why the length of the access road would dissuade people to walk or cycle along its route to continue towards the village centre. The Inspector commented that the Council had not provided substantive evidence why this would be a substandard or even hazardous arrangement for pedestrians and cyclists, if vehicles were also using this road. Indeed, the Council had confirmed that there has been no objection from the Highway Authority. Therefore, the Inspector concluded that the proposed access road would be sufficient in all aspects to avoid highway safety issues or harm to the living conditions of future occupiers of the proposed development, in that it would not impede access from Coventry Road or the village itself, and would not likely dissuade people to cycle or walk for access.

W/19/0209	Asda Supermarket, Chesterton Drive, Leamington	Replacement External Pod <b>Delegated</b>	Helena Obremski	Questionnaire: 2/8/19 Statement: 30/8/19	Hearing: 5/11/19 Awaiting Decision
-----------	--	--	-----------------	---	---------------------------------------

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 <b>Committee Decision in accordance with Officer Recommendation</b>	Rebecca Compton	Questionnaire: 23/10/18 Statement: 14/11/18	Ongoing
W/18/2199	135 Warwick Road, Kenilworth	Amendments to Residential Planning Permission including in respect of access arrangements.	Lucy Hammond	Questionnaire: 1/5/19 Statement: 29/5/19	<b>Appeal Allowed</b>

		<b>Committee Decision contrary to Officer Recommendation</b>		Comments: 12/6/19	
<p>The Inspector considered that the variation of Conditions 1 and 3, by their removal and replacement with conditions specifying the plans that reflect the proposed amended access design, would provide satisfactory arrangements for vehicles, pedestrians and other road users including cyclists.</p> <p>In reaching his conclusions the Inspector had regard to the guidance within Manual for Streets, which illustrates what various carriageway widths can accommodate. Whilst not necessarily a recommendation, nor can it account for individual driver behaviour, it shows that a carriageway of 4.1m can accommodate two car widths. At a minimum of 4.2m, the Inspector considered that the proposed access road would therefore be capable of accommodating more than one lane of traffic, enabling two cars to pass at the same time. This was on the basis that the Highways Authority had not objected to the Trip Rate Information Computer System (TRICS) assessment submitted as part of the Access Appraisal. The appellant's swept path analysis also demonstrated that the access road would be sufficiently wide for a large refuse truck and emergency vehicles.</p> <p>Furthermore, the Inspector observed that the access directly off the main road would be wide and that the Council had accepted that it would maintain a minimum width of at least 5m for the first 7.5m, when measured from the near edge of the carriageway on Warwick Road. He also noted that the access road is and this would provide good visibility along it just as vehicles turn off the main road into the site. Coupled with the fact that traffic speeds would be low, he considered that vehicles and other road users, including cyclists, would therefore be able to successfully navigate the access road at the width proposed.</p> <p>In terms of pedestrians, while the appeal proposal reconfigured the footway from that previously approved, unlike the earlier scheme dismissed at appeal, in which the Inspector referred to a 'lack of pavement or any means to prioritise pedestrians above vehicles', there would, in this case, be a dedicated footway. It would be a 1.5m wide pavement on the northern side of the access drive, for approximately 33 metres in length, then continuing along the southern side to provide access to the dwellings at the rear of the site. The County Highway Authority accepted that a 1.5m footway would be in accordance with the Department for Transport's Inclusive Mobility Guidance and the Inspector found no reason to disagree.</p>					
W/19/0091	21 Northumberland Road, Leamington	Erection of Railings and Gates <b>Delegated</b>	Emma Booker	Questionnaire: 17/6/19 Statement: 9/7/19 Comments: -	Ongoing
W/18/2324	Valley Farm, Valley Lane, Lapworth	Conversion of Barn to Dwelling <b>Delegated</b>	Helena Obremski	Questionnaire: 18/6/19	<b>Appeal Dismissed</b>

				Statement: 16/7/19 Comments: 30/7/19	
<p>The Inspector noted that there was no dispute that the appeal property is not within a village envelope. For planning policy purposes, it is located in the open countryside. The Inspector noted the appellant's contention that the proposal would enhance the immediate setting of the building. However, the Inspector considered that as the building does not comply with the first part of the relevant section of Policy H1, i.e. that the building must be redundant or disused, it is not necessary to consider the issue of enhancement. The Inspector concluded that the proposal would be contrary to Policy H1 and that this would not be</p>					
W/19/0104 and W/19/0105/LB	1 Clarendon Place, Leamington	Single Storey Extension and Alterations <b>Committee Decision in accordance with Officer Recommendation</b>	Rebecca Compton	Questionnaire: 30/7/19 Statement: 27/8/19 Comments: 10/9/19	Ongoing
W/19/0327	Pinners Cottage, Old Warwick Road, Lapworth, Solihull, B94 6AZ	Erection of single storey side extension <b>Committee Decision in accordance with Officer Recommendation</b>	Rebecca Compton	Questionnaire: 20/08/19 Statement: 11/09/19	<b>Appeal Dismissed</b>
<p>There was no dispute between the parties that the property had been extended in the past or that the 30% increase in the gross floor area had been exceeded by these extensions (50%). The Inspector noted that the NPPF does not provide a definition of disproportionate but that it is clear that the test is one of proportionality, and an increase in floor area of the original dwelling by more than 50% is substantial. He therefore found that whilst the proposed extension was modest in itself, he considered that when taken in combination with the existing extensions to the property, that the 'original building' would be engulfed by extension and would therefore be disproportionate and also harm openness.</p> <p>The appellant contended that an alternative development would be allowed by virtue of permitted development rights at the rear of appeal property, which may be more harmful to the openness of the Green Belt and the Conservation Area. Although intent to implement this "fall back" position had been expressed by the appellant, the Inspector considered that the limited information provided did not allow him to draw conclusions on this matter. Accordingly, he gave this only limited weight.</p>					

The Inspector noted that the Council had previously found extensions to the property to be acceptable which exceeded the percentage increase set out in Policy H14. However, he stated *"Be that as it may, I have considered the proposal on its merits and found that harm to the Green Belt would result... The Council's approval of earlier extensions to the property does not justify further extensions which would be harmful to the Green Belt"*.

The Inspector also made it clear that *"support for the proposal from the Parish Council and District Councillor and the absence of objections from third parties carries only neutral weight in my consideration of the proposal"*.

W/18/2375	Green Acres, Church Lane, Lapworth	Erection of a two storey side/rear extension <b>Delegated</b>	Jonathan Gentry	Questionnaire: 20/08/19 Statement: 11/09/19	<b>Appeal Dismissed</b>
-----------	------------------------------------	--	-----------------	--	-------------------------

The Inspector noted that based on his site observations the property had probably been extended considerably. However, based on the documentary evidence before him he concluded that the proposal would not be a disproportionate addition.

The Inspector considered that the extension would not be subservient to the original building when viewed from the rear elevation and the proposed proportions and appearance would fail to blend with and complement the existing roof line, resulting in an unpleasing confusion of gable styles, sizes, and depth. The proposed pitched roofs, although appearing subservient, would jar with the existing hipped roof and its grand chimney, on the rose garden side elevation. The blunt end of the proposed extension, when viewed from both side elevations, would not harmonise with the prevailing character of the dwelling. He concluded that the proposal would harm the pleasing design and proportions of the host property and the contribution that the host property makes to the character and appearance of the area would be diminished as a result of the extension. Harm to the character and appearance of the area would therefore result.

W/19/0148	17 Stoneleigh Close, Stoneleigh	Increase in ridge height by 1.4 metres to provide first floor accommodation and repositioned chimney <b>Committee Decision in accordance with Officer Recommendation</b>	Jonathan Gentry	Questionnaire: 26/08/19 Statement: 17/09/19	<b>Appeal Dismissed</b>
-----------	---------------------------------	---	-----------------	--	-------------------------

The proposal was to utilise the existing footprint of the dwelling, raising the eaves and ridge height with provision of first floor accommodation within the roofspace. The Council suggested that the proposal would result in a 64.5% increase in floorspace when considered against the original floorspace of the dwelling. The appellant contended that the proposal included a void at first floor level and the increase in floorspace would be 42.6% and that there would be a 22% increase in volume. However, the Inspector agreed with the Council in that the void indicated on the submitted plans could not be reasonably enforced given planning permission would not be required to insert a floor at a later date. He considered that the extension of the first floor would be a reasonable possibility in the future given the position of the void next to the proposed first floor landing area. In the circumstances the Inspector considered it would therefore be more reasonable to apply the Council's floorspace calculation.

In terms of impact on the openness of the Green Belt the Inspector noted that the development would add some additional height and volume to the building, however, he considered that the utilisation of the existing footprint and the incorporation of the first-floor space within the raised roof space meant there would be a modest spatial impact. The design of the proposal and the position of No 17 on Stoneleigh Close surrounded by other dwellings of various heights and styles, means that visually the development is unlikely to be highly discernible within the wider landscape. He concluded that overall there would be a modest effect on the openness of the Green Belt.

The Inspector noted that there was a notable level of third-party support for the proposal and the development would not result in material impacts on the living conditions of neighbouring occupants, the character and appearance of the street scene or ecological matters. However, he made it clear that third-party support is not an indicator of compliance with national or local Green Belt policy requirements. The acceptable aspects of the proposal are expected requirements for any such scheme whether within or outside the Green Belt. He therefore only attached neutral weight to these matters.

W/18/2145 & W/18/2146/LB	Offa House, Village Street, Offchurch, Leamington Spa	Change of use; extensions and other alterations. <b>Committee Decision in accordance with Officer Recommendation</b>	Helena Obremski	Questionnaire: 30/08/19 Statement: 27/09/19	Ongoing
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.	Rebecca Compton	Questionnaire: 03/09/19 Statement: 01/10/19	Ongoing

		<b>Delegated</b>			
W/19/0554	28 Charnwood Way, Leamington Spa	Application for an extension to the existing 2m fence along the northern boundary <b>Delegated</b>	Rebecca Compton	Questionnaire: 04/09/19 Statement: 26/09/19	<b>Appeal allowed</b>
<p>The Inspector considered that the erection of a 2m high wooden panel fence on the side boundary of the appeal property would maintain the open appearance typical at the front of properties in this area. He felt that the appeal property has a much less prominent position in the street scene than other end terrace dwellings, and as such the proposal would not affect the existing sense of openness which prevails in other parts of the estate. The proposed fence would be viewed as a clear continuation of the property's rear garden boundary fence, already located next to the footpath. Furthermore, it would be similar in appearance to that which was observed at No 29, another end terrace dwelling situated immediately north of the appeal property on the opposite side of the road. Therefore, the proposed addition would not be out of character with the immediate area.</p> <p>He considered that the enclosure of the narrow strip would not result in a detrimental loss of soft landscaping as the property would continue to be viewed in its context set against the mature vegetation at the playing field boundary. Although there is a clear pattern of development in the estate, he felt there is no strict uniformity in terms of openness, boundary treatment and landscaping, that could be altered by the proposal at this particular location. He concluded therefore, permitting this development would not set an unacceptable precedent as other similar proposals would need to be judged on their own individual merits.</p>					
W/19/0333	The Old Bakery, Hatton Green, Hatton	Extensions <b>Delegated</b>	George Whitehouse	Questionnaire: 17/09/19 Statement: 15/10/19	Ongoing
W/19/0596	Land off Leam Street, Leamington	Demolition of Wall <b>Committee Decision contrary to Officer Recommendation</b>	George Whitehouse	Questionnaire: 18/09/19 Statement: 16/10/19	Ongoing

<b>New</b> W/19/0334/LB	The Old Bakery, Hatton Green, Hatton	Various Extensions and Alterations <b>Delegated</b>	Emma Booker	Questionnaire: 17/10/19 Statement: 14/11/19	Ongoing
<b>New</b> W/19/0737	The Limes, 21 Beauchamp Avenue, Leamington	Front Boundary Wall and Railings <b>Delegated</b>	Emma Booker	Questionnaire: 6/11/19 Statement: 4/12/19	Ongoing
<b>New</b> W/19/1167	77 Northumberland Road, Leamington	Retention of Boundary Wall, Piers and Railings <b>Delegated</b>	Emma Booker	Questionnaire: 15/10/19 Statement: 16/11/19	Ongoing
<b>New</b> W/19/0329	12 Old Milverton Road, Old Milverton.	Erection of Dwelling <b>Delegated</b>	Helena Obremski	Questionnaire: 9/10/19 Statement: 6/11/19	Ongoing
<b>New</b> W/19/0509	21 - 23 Clemens Street, Leamington	Change of Use to 2 Residential Flats <b>Delegated</b>	Lucy Hammond	Questionnaire: 6/11/19 Statement: 4/12/19	Ongoing
<b>New</b> W/19/0350	Barn at Little Manor Farm, Manor Lane, Pinley Green.	Change of Use of Building to Dwelling <b>Delegated</b>	Dan Charles	Questionnaire: 15/11/19 Statement: 13/12/19	Ongoing



<b>New</b> W/19/1299	19 Camberwell Terrace, Leamington Spa.	Change of Use to HMO <b>Delegated</b>	Dan Charles	Questionnaire: 26/11/19 Statement: 24/12/19	Ongoing
<b>New</b> W/19/0450	2 The Stables, Eathorpe Park	Conversion of workshop to residential Dwelling <b>Delegated</b>	Rebecca Compton	Questionnaire: 19/11/19 Statement: 17/12/19	Ongoing
<b>New</b> W/19/1183	8 Savages Close, Bishops Tachbrook	Erection of Single storey dwelling <b>Committee Decision in accordance with Officer Recommendation</b>	Rebecca Compton	Questionnaire: 26/11/19 Statement: 24/12/19	Ongoing
<b>New</b> W/19/0547	4 Beauchamp Hill, Leamington	Erection of 4 bed HMO <b>Delegated</b>	George Whitehouse	Questionnaire: 26/11/19 Statement: 24/12/19	Ongoing
<b>New</b> W/19/0111	2 Mill End, Kenilworth	New Dwelling <b>Delegated</b>	Helena Obremski	Questionnaire: 18/11/19 Statement: 16/12/19	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	Ongoing  INQUIRY 21/01/20 BUT THIS IS EXPECTED TO CHANGE