

**List of Current Planning and Enforcement Appeals
9 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 Delegated	Liz Galloway	Questionnaire: 2/8/16 Statement: 24/8/16 Comments:	Ongoing
W/16/1650	Lower Farm, Brownley Green Lane, Hatton	New Dwelling Delegated	Lucy Hammond	Questionnaire: 23/6/17 Statement: 21/7/17 Comments: 4/7/17	Appeal Dismissed

The Inspector considered that the appeal site provides an attractive setting for the Lower Farm development, entered from Brownley Green Lane, it also plays a part in buffering the more suburban characteristics of the neighbouring 20th Century housing estate. It is therefore the site’s undeveloped, verdant characteristics that provide an important transition between the built form of the suburban housing estate, the Lower Farm and the countryside beyond. In this regard, the Inspector considered that the site makes a positive contribution to the landscape character and appearance of the area.

The Inspector considered that even though positioned to retain a large part of the overall site as open space, which is not public land, the building would nonetheless encroach upon the open area and harden the edge of Lower Farm, especially viewed from the access lane to Quinton Close and above the Brownley Green Lane boundary wall. Moreover, the provision of hardstanding for parking two cars would erode further the softer, informal treatment that characterises the site.

The Inspector considered that the removal of a little under half of the trees on site, irrespective of their value as individual specimens, would undermine the site’s verdant nature, to the detriment of the character and appearance of the area.

With regard to the boundary treatment, the Inspector considered that even enclosing just part of the site along the main access road would fail to maintain its openness, to the detriment of the site’s landscape character and the attractiveness of the wider area.

The Inspector accepted that visibility out onto Brownley Green Road is restricted, especially looking to the right. However, he considered that there was no substantive, evidence such as accident or traffic flow data, to suggest that the current situation has any adverse impact upon highway safety. Moreover, the appellant’s Transport Statement estimates that the proposal would result in just one additional vehicle trip in the morning and one in the evening at peak hour. The Inspector considered that this would be a very small increase which would not be detrimental to highway safety.

W/16/2123 /LB	Rowington Hall, Old Warwick Road, Rowington	New Slate Roof Delegated	Nick Corbett	Questionnaire: 21/7/17 Statement: 18/8/17 Comments: 1/9/17	Ongoing
W/17/1022	York Barn, Pagets Lane, Bubbenhall	Removal of Condition restricting Permitted Development Rights Delegated	Ed Pigott	Questionnaire: 5/10/17 Statement: 2/11/17 Comments: 16/11/17	Appeal Dismissed

The Inspector made reference to the Planning Practice Guidance which states that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances. The Inspector acknowledged that the appeal building was not listed and not within a conservation area, however, he considered that its agricultural heritage is noticeable through its openings, scale, form and detailing. The Inspector considered that alterations to form new openings or extensions could have the potential to erode the appeal building’s heritage value and overall pleasant agricultural appearance. Furthermore, the appeal dwelling occupies a large plot in open countryside which is sensitive to development and any building erected within the plot would be visible from the lane and would be likely to be visible across the landscape to the south. The Inspector considered that there is a significant risk that outbuildings would have the potential to be prominent in the rural landscape, urbanise the pleasant rural character of the lane and harm the openness and character of the Green Belt. The Inspector therefore concluded that there are exceptional circumstances in this case which justify the imposition of a planning condition restricting permitted development rights.

W/16/2169	66 Radford Road, Leamington	Change of Use to HMO Delegated	Emma Spandley	Questionnaire: 6/10/17 Statement: 3/11/17 Comments: 24/11/17	Ongoing
W/17/0419	The Moat House, Church Road, Honiley	Certificate of Lawfulness for Outbuilding Delegated	Emma Spandley	Questionnaire: 20/9/17 Statement: 18/10/17 Comments: 8/11/17	Ongoing
W/17/0643	32 Stephenson Close, Milverton	Erection of Dwelling Delegated	Helena Obremski	Questionnaire: 17/10/17 Statement: 14/11/17 Comments: 28/11/17	Appeal Dismissed

The Inspector noted that the original plot size of No.32 was larger than average, probably reflecting its position on the corner. However, part of the spaciousness associated with the property has been taken up by the development of the attached new dwelling of No.33 and its separate curtilage.

The Inspector considered that the development of a further dwelling in the side garden would not be consistent with the character of the area and would give rise to a scale of built development with a cramped appearance which would be very apparent to the public realm of Old Milverton Road. The single storey form of dwelling proposed would also appear out of place in the streetscene and would take up much of the space of the garden. The Inspector also dismissed the appeal on the basis that a Unilateral Undertaking for open space contributions had not been submitted.

W/17/0280	Chestnut Court, 4 Guys Cliffe Avenue, Leamington	New Roof with Increased Ridge Height and Dormer Windows Delegated	Holika Bungre	Questionnaire: 2/11/17 Statement: 30/11/17 Comments: 14/12/17	Ongoing
W/17/0354	18 Sandown Close, Lillington	Change of Use of Land to Residential Land and Erection of Boundary Wall Delegated	Liz Galloway	Questionnaire: 2/11/17 Statement: 30/11/17 Comments: 14/12/17	Ongoing
W/17/0514	Land at the Valley, Radford Semele	Residential Development of up to 20 Dwellings Delegated	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 Committee Decision contrary to Officer Recommendation	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 Delegated	Helena Obremski	Questionnaire: 31/10/17 Statement:	Ongoing

				22/11/17 Comments: -	
W/17/0024	Unit 3, Just Nice House, Millers Road, Warwick	Change of Use to Personal Training Facility Delegated	Lucy Hammond	Questionnaire: 17/10/17 Statement: 14/11/17 Comments: 28/11/17	Appeal Allowed
<p>The application was determined on 6 January 2017 under Policy SC2 of the 'old' local plan. The Council acknowledged that as the 'new' local plan had been adopted in 2017 the appeal should be determined against Policy EC3. Policy EC3 promotes the retention of existing and committed employment land unless it can be demonstrated that exceptional criteria will be met. Of these, criteria (d) is where the land is identified as being suitable for other uses as part of the Identified Canalside and Employment Regeneration Areas as referred to in Policy DS8. In this area the Council advises that 13.5ha of employment land is being provided for in the Local Plan as replacement land to allow for the redevelopment of poor quality employment sites. The review of such poor quality land has identified Cape Road/ Miller's Road as such an area and this includes the appeal site. On this basis, the Council raised no objections to the proposed change of use at appeal stage. The Inspector concluded that the proposal will not result in the loss of premises that contribute to the stock of employment land.</p>					
W/17/0800	105 Rugby Road, Leamington	New External Staircase Delegated	Holika Bungre	Questionnaire: 24/11/17 Statement: 18/12/17 Comments: -	Appeal Allowed
<p>The appeal site is part of a row of six Victorian dwellings of the same design, which themselves form part of a longer row of dwellings of a variety of styles within the Royal Leamington Spa Conservation Area</p> <p>The Inspector recognised that there are no external staircases within this terrace and while there are examples elsewhere within the Conservation Area, they are not a prevalent feature. He considered that the outward appearance of the terrace would remain largely unaffected at street level. The visual effect of the staircase and the increase in size of the lightwell would only be discernible when very</p>					

close to the dwelling or directly outside it. The proposed railings would match those currently in place and the appearance of the dwelling itself at street level and above would not change. The staircase is proposed to be faced with stone, which would be sympathetic to the character of the building. Taken together, the Inspector considered that the alterations proposed would be somewhat discrete and unobtrusive and the visual effect of the development from most vantage points would therefore not be significant. The Inspector concluded that the architectural quality of the terrace and its importance to the significance of the Conservation Area would not be harmed in any discernible way.

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 Committee Decision contrary to Officer Recommendation	Lucy Hammond	Questionnaire: 5/12/17 Statement: 2/1/18 Comments: 16/1/18	In preparation
W/17/1223	Arrochar, School Lane, Beausale	Detached Dwelling Delegated	Helena Obremski	Questionnaire: 5/12/17 Statement: 2/1/18 Comments: 16/1/18	In preparation
New W/17/1236	3 Home Close, Bubbenhall	Front Extension and Alterations Delegated	Rebecca Compton	Questionnaire: 8/12/17 Statement: 1/1/18 Comments:	In preparation
New W/17/1339	9 Hatton Terrace, Birmingham Road, Hatton	Detached Garage Delegated	Liz Galloway	Questionnaire: 8/12/17 Statement: 1/1/18 Comments:	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	-	Ongoing
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		Ongoing

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		Ongoing
ACT 248/15	30 Regent Street, Leamington	Various Unlawful works to Listed Building	Rajinder Lalli	Appeal Start Statement 21/12/17 Final comments		Ongoing
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

Tree Appeals
