

**List of Current Planning and Enforcement Appeals  
28 February 2017**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
W/14/0618	Land north of Common Lane, Kenilworth	Outline application for up to 93 dwellings	Jo Hogarth	TBA	-	In abeyance whilst the applicant considers their position to amend s.106 agreement

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/15/1653	Chesford Bridge House, Bericote Road, Blackdown	Installation of 200 mounted solar panels <b>Delegated</b>	Emma Spandley	Questionnaire: 18/5/16 Statement: 15/6/16 Comments: 29/6/16	<b>Appeal Dismissed</b>
<p>The Inspector considered that the proposed array of solar panels was not appropriate development in the Green Belt and did not fall within any of the exceptions in para 89 of the NPPF. The proposed structure would reduce openness and whilst foliage and fencing may go some way to screening the development such measures would not overcome the loss of openness.</p> <p>The Inspector considered that the close boarded timber fencing proposed to screen the development would be visually inappropriate in this rural location. The Inspector also considered that the proposed development would be harmful to the landscape.</p> <p>The Inspector concluded that the reduction in carbon emissions as a result of the development weighed substantially in favour of the proposal, they did not outweigh the harm identified.</p>					
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:	Awaiting decision
W/16/0652	42 Regent Street, Leamington	First floor extension <b>Delegated</b>	Rob Young	Questionnaire: 30/11/16 Statement: 28/12/16 Comments:	<b>Appeal Allowed</b>

				11/1/17	
<p>The proposal would result in the whole width of the property being extended at first floor. Whilst the Inspector noted that no other properties in the terrace had been extended in this way, he considered that due to the varied appearance of the rear elevations of the properties in this terrace, there was no overriding characteristic from which the proposal would detract.</p>					
16/0558/L B	The Woolpack, Market Street, Warwick	Internal Alterations to Listed Building <b>Delegated</b>	Holika Bungre	Questionnaire: 2/12/16 Statement: 30/12/16 Comments: 13/1/17	<b>Appeal Allowed</b>
<p>The Inspector considered that the resultant vaulted space would not mean that this top floor room would have a greater grandeur than would otherwise be appropriate, given that it was probably originally used as a servant's quarters. Despite the works the room would still be perceived as a relatively small space.</p>					
W/16/0818	104 Trinity Street Leamington Spa	Part demolition; erection of 2 storey extension; change of use to 2 x 6 bed HMOs and 2 x 7 bed HMOs. -	Helena Obremski	Questionnaire: 16/12/16 Statement: 13/1/17 Comments: 27/1/17	<b>Appeal Dismissed</b>
<p>The Inspector agreed that angled views would be possible between some opposing windows across the central courtyard which would mean that the development would not provide sufficient privacy for its occupiers. While the angled design of the windows would mean that the whole of the rooms would not be visible from others the Inspector considered that it is not acceptable that an occupier should feel they cannot experience privacy in all parts of their room, particularly as aside from the bathroom, this would be their only private space. The Inspector also considered that residents of a HMO should expect to benefit from degrees of privacy equal to any occupier of any other form of residential unit. The Inspector also considered that the development provided a restricted outlook from ground floor windows facing the courtyard.</p>					

In terms of the costs application, the Inspector considered that the LPA's failure to comment on a unilateral undertaking did not amount to unreasonable behaviour as a completed undertaking was capable of being provided regardless. As the application would have been refused in any case, the Inspector considered that the delays in the determination of the application did not lead to unnecessary expense for the appellant as the costs relating to an appeal would have been necessary.

W/16/0782	41 Gaveston Road, Leamington Spa	Ground and first floor extensions <b>Delegated</b>	Holika Bungre	Questionnaire: 19/12/16 Statement: 10/1/17 Comments: -	<b>Appeal Dismissed</b>
<p>The Inspector considered that the increased height, depth and width of the extension would result in a significantly increased mass which would be out of proportion with the dimensions of the original rear projection. Part of the extension would cut across a lower area of the window cill of the first floor rear facing window creating an uncomfortable junction between the extension and the main roof. This awkward design detail added weight to the concerns about the overall scale of the proposal. The Inspector considered that because the extension was predominantly glazed it would appear incongruous and out of keeping with the house. The Inspector acknowledged that the 45 degree line was already breached, but considered the proposal would result in additional harm to loss of light and loss of privacy.</p>					
W/16/0515	16 Beauchamp Avenue, Leamington Spa	Removal of Condition to enable the use of a rear building as a separate dwelling <b>Delegated</b>	TBC	Questionnaire: 20/12/16 Statement: 17/1/17 Comments: 31/1/17	Awaiting Decision
W/16/0584	8 Priory Road, Warwick	Erection of 2 storey extension and wall <b>Delegated</b>	Helena Obremski	Questionnaire: 9/1/17 Statement:	<b>Appeal Dismissed</b>

				31/1/17 Comments: -	
<p>The Inspector was of the view that the design of an extension to an older building should, where appropriate, reflect the time in which it had been constructed and avoid pastiche whilst at the same time being respectful of the existing historic fabric of the parent building and its setting. Although the existing outlook of the neighbouring property was already restricted by a 2m high boundary wall, the Inspector considered that the proposed extension with a height of 2.9m would significantly worsen the existing situation and lead to an unacceptably oppressive outlook and loss of light. The proposal did not meet the Council's distance separation standards and the Inspector concluded the extension would be overbearing and somewhat oppressive.</p>					
W/16/1103	20 Victoria Street, Warwick	Removal of bay window and single storey extension <b>Committee decision in accordance with Officer's recommendation</b>	Holika Bungre	Questionnaire: 11/1/17 Statement: 2/2/17 Comments: -	<b>Appeal Dismissed</b>
<p>The proposed extension would fill the gap between the boundary wall and the rear wing of the property. The Inspector considered that although the roof would be glass and slope away from the neighbouring property, it would be visible from the neighbour and would run along the entire depth of the rear wing and would breach the 45 degree line which would result in material harm to the outlook from the neighbouring property.</p>					
W/16/1515	20 Waverley Road, Kenilworth	Single Storey extension <b>Delegated</b>	Rebecca Compton	Questionnaire: 11/1/17 Statement: 2/2/17 Comments: -	<b>Appeal Dismissed</b>
<p>The Inspector considered that the rear of the buildings also contributed to the significance of the conservation area as the regularity creates a strong characteristic. The rows of houses all have single story rear projecting wings. While there is some variance, none have been extended across the full width of the main houses which leads to a distinctive rhythm. The proposal to fill the gap between the wing and the side boundary would disrupt the rhythm and would fail to preserve the character of the conservation area.</p>					

W/16/1755	38 Beaufort Avenue, Cubbington	Various Extensions <b>Delegated</b>	Holika Bungre	Questionnaire: 17/1/17 Statement: 18/2/17 Comments: -	Awaiting Decision
W/16/1109	23 Waller Street, Leamington Spa	First Floor and Ground Floor Rear Extensions <b>Delegated</b>	Rebecca Compton	Questionnaire: 24/1/17 Statement: 15/2/17 Comments: -	<b>Appeal Dismissed</b>
<p>The Inspector considered that the proposal would appear large and visually intrusive in such close proximity to the neighbouring windows, harmfully narrowing views from rear windows and creating a stark and overbearing mass on views from side facing windows. This was despite the glazed nature of the roof and it sloping away from the boundary. While the submitted daylight and sunlight assessment demonstrates that the levels of sunlight will generally exceed those recommend by the BRE Guidelines and that impacts on daylight will be modest, the Inspector considered that it was clear that an appreciable loss of light will result. The improvement to the living conditions of the appellant were noted but not considered to outweigh the harm identified.</p>					
<b>New</b> W/16/1683	12 Wheathill Close Leamington	Two Storey Extensions <b>Delegated</b>	TBC	Questionnaire: 12/2/17 Statement: 6/3/17 Comments:	In preparation
<b>New</b> W/16/1563	The Falcon Inn Birmingham Road, Haseley	5 x 1.5 metre floodlights <b>Delegated</b>	Dan Charles	Questionnaire: 24/2/17 Statement: 24/3/17 Comments: 7/4/17	In preparation

<b>New</b> W/16/1435	Holywell Farm, Holywell, Rowington	Application for a lawful development certificate for the use of land for residential purposes <b>Delegated</b>	Helena Obremski	Questionnaire: 8/3/17 Statement: 5/4/17 Comments: 26/4/17	In preparation

Tree Appeals
