+ **List of Current Planning and Enforcement Appeals**
**20 June 2017**

Public Inquiries

| Reference | Address | Proposal and Decision Type | Officer | Key Deadlines | Date of Hearing/Inquiry | Current Position |
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| 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 |
| W/16/0112 | Glenthorne, Fiveways Road, Shrewley | Certificate of Lawful Use for use of land as part of curtilage **Delegated** | Lucy Hammond | TBA | TBA | In preparation |

Informal Hearings

| Reference | Address | Proposal and Decision Type | Officer | Key Deadlines | Date of Hearing/ Inquiry | Current Position |
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Written Representations

| Reference | Address | Proposal and Decision Type | Officer | Key Deadlines | Current Position |
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| W/16/0429 | 68 Thornby Avenue, Kenilworth | Single Storey Rear Extension<br>**Delegated** | Liz Galloway | Questionnaire: 2/8/16<br>Statement: 24/8/16<br>Comments: | Awaiting decision |
| W/16/1435 | Holywell Farm, Holywell, Rowington | Application for a lawful development certificate for the use of land for residential purposes<br>**Delegated** | Helena Obremski | Questionnaire: 8/3/17<br>Statement: 5/4/17<br>Comments: 26/4/17 | Awaiting decision |
| W/16/1273 | Flat 2, 99 Upper Holly Walk, Leamington | Erection of Balcony<br>**Delegated** | Holika Bungre | Questionnaire: 20/3/17<br>Statement: 17/4/17<br><br>Comments: 1/5/17 | **Appeal Dismissed** |
| In terms of design, the Inspector considered that although visible from public vantage points, the balcony was not particularly prominent. Its glass construction allows an unobstructed view of the original brickwork to the rear elevation of the building and, due to the absence of any visible top rail or other structure; the balcony does not stand out as an obvious addition to the rear elevation. Although of | | | | | |

contemporary design, its light and transparent form means that the balcony does not appear as an incongruous feature.

In terms of loss privacy and overlooking the Inspector considered that the some views of the rear gardens of neighbouring properties may have been possible from the original rear windows but these would have been limited by the position and restricted viewing angle of the viewer. That situation has materially changed as the occupiers now have access to a balcony that extends across the full width of the rear elevation of the building. The balcony brings the viewer much closer to the shared boundary with No.47 and No.101 Upper Holly Walk and provides an elevated view into the rear gardens of those properties. The Inspector concluded that the development has resulted in increased overlooking of the neighbouring gardens with a consequential loss of privacy. Notably, although no objections had been received the Inspector considered that it was important that regard should be had to the need to protect both existing and future occupiers from the potentially harmful effects of such development.

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| W/16/1187 | Land adjacent to 8 Birmingham Road, Stoneleigh | 2 semi-detached dwelling houses **Delegated** | Helena Obremski | Questionnaire: 21/3/17 Statement: 18/4/17 Comments: 2/5/17 | **Appeal Allowed Award of Costs Refused** |

The Inspector considered that due to its location within the defined limits of the village the proposal would not result in development of isolated homes in the countryside and therefore there would be no conflict with para 55 of the NPPF. The Inspector reasoned that with a population of around 500, Stoneleigh is a relatively large village that appears to have good quality recreational and community facilities; The village is served by two bus routes, one providing reasonably frequent weekday services to and from Kenilworth and the other providing less frequent services to Stretton and Leamington Spa. While the Inspector acknowledged that the availability of these services may not make it unnecessary to have access to a car but it would provide the opportunity for future occupiers of the proposed dwellings to use public transport for access to employment, education or some of the shopping and other essential services they would need. Whilst seeking to promote sustainable transport, para 29 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban areas to rural areas. Harm would result from the likely reliance by the future occupiers of the proposed dwellings on the use of a private car for some of their day to day needs. However, given the availability of some public transport options and that only two relatively small family homes are proposed, that harm would be very limited in scale. The development strategy underpinning the emerging local plan recognises the value of directing some new growth to villages that have a reasonable level services and facilities. In addition to the identified 'growth villages' the Strategy also allows for development in 'Limited Infill Villages' (of which Stoneleigh is one),

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| which have a lower level of services but where limited development would help to deliver a wider choice of housing and to support services in nearby Growth Villages. The Inspector considered that the proposal complied with emerging Policy H11 and given the advanced stage of preparation the emerging local plan has reached it should be given significant weight.<br><br><u>COSTS</u><br><br>The Inspector found that the Council had regard to the NPPF and did carry out a balancing exercise between the adverse impacts and benefits of the proposal in its determination of the application. The weight to be given to policies in an emerging plan is a matter of planning judgement and the Inspector considered that the judgement made by the Council was not at odds with the advice in para 216 of the NPPF, given the stage the plan had then reached. The Inspector concluded that there was no unreasonable behaviour in the Council's part in the manner in which it considered and determined the planning application. | | | | | |
| W/16/1767 | Spinaway, Church Lane, Lapworth | Erection of Dwelling<br>**Delegated** | Lucy Hammond | Questionnaire: 21/3/17<br>Statement: 18/4/17<br>Comments: 2/5/17 | **Appeal Allowed** |
| The Inspector considered that due to its location within the defined limits of the village the proposal would not result in development of isolated homes in the countryside and therefore there would be no conflict with para 55 of the NPPF. Lapworth has a church and a large community hall but no shops or other services. Nevertheless, the Inspector reasoned that it was within about 2.5km of Hockley Heath which has a full range of local services and a similar distance to Kingswood and Lapworth Railway Station. The Inspector accepted that there was a lack of a continuous footpath and street lighting which would discourage future occupiers to walk and that they would be likely to use a car for most of their day to day journeys. However, whilst seeking to promote sustainable transport, para 29 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban areas to rural areas. Some harm would result from the reliance by the occupiers of the dwelling on journeys by private car to access work, education and daily needs. However, as the proposal is for a single dwelling, that harm would be limited in scale. | | | | | |
| W/16/1823 | 28 Beauchamp Road, Leamington | Residential development following demolition of warehouse<br>**Committee Decision Contrary to** | Helena Obremski | Questionnaire: 10/4/17<br>Statement: | **Appeal Allowed** |

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| | | **Officer Recommendation** | | 8/5/17<br>Comments:<br>22/5/17 | |
| The Inspector considered that due to the commercial nature of the existing building and its limited noteworthy architectural features it has an awkward relationship with the adjacent period residential properties on Binswood Avenue and consequently it does not make any<br><br>particularly positive contribution to the character or appearance of the Conservation Area. He considered that whilst other properties in the area have greater spacing between and around them, the utilisation of much of the appeal site for the proposed building would not appear as overdevelopment. While at three storeys the building would be significantly larger than the existing commercial building, the three storey parapet features on the Beauchamp Road elevation would break up the roof eaves of this elevation. Furthermore, the hipped roofs and use of banding at first floor level would assist in breaking up its vertical emphasis, reducing the visual impact of its height. In addition, the use of detailed openings and appropriate window proportions would further break up the massing of the elevation and introduce visual interest to the road frontage. The detailing is similar to other properties in the locality, in particular Binswood and therefore would provide some visual cohesion between the two roads where there is currently none. The Inspector noted that there are other large properties in the immediate vicinity and therefore the proposed building would not appear incongruous in the streetscene. Although the development would abut the rear of the pavement, whereas the other large properties are set back to some extent, the Inspector did not consider that this would have a significantly harmful overbearing effect on the character and appearance of the area. The Inspector concluded that the proposed building would enhance the character and appearance of the Conservation Area. Although a unilateral undertaking was submitted for enhancement of existing public open spaces, the Inspector considered that there was no evidence that it was deficient and while the proposal could be expected to increase the use of the open spaces there was no tangible evidence of a quantitive shortfall in provision. The Inspector was also concerned that open space contributions could be subject to pooling. | | | | | |
| W/16/0382 | 26 Leam Terrace, Leamington | Change of Use of Basement to 2 addition rooms within existing HMO<br>**Delegated** | Holika Bungre | Questionnaire: 14/4/17<br>Statement: 12/5/17<br>Comments: 26/5/17 | Awaiting decision |
| W/16/2194 | 37 Sherbourne Place, | Erection of Trellis | Liz | Questionnaire: | Awaiting decision |

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| | Clarendon Street, Leamington | **Committee Decision Contrary to Officer Recommendation** | Galloway | 2/5/17<br>Statement: TBC<br>Comments: | |
| W/16/1705 | Priors Club, Tower Street, Leamington | 4 storey building to include 5 HMO cluster flats to provide 26 student bedrooms.<br>**Delegated** | Rob Young | Questionnaire: 10/4/17<br>Statement: 8/5/17<br>Comments: 22/5/17 | Awaiting decision |
| W/16/1831 | Newlands, Mill Lane, Little Shrewley | Conversion of coach house to form 1 dwelling<br>**Committee Decision in accordance with Officer Recommendation** | Helena Obremski | Questionnaire: 5/4/17<br>Statement: 3/5/17<br>Comments: 17/5/17 | **Appeal Allowed** |

The Inspector acknowledged that para 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities and that LPAs should avoid new isolated homes in the countryside. The Inspector noted that the NPPF contains no definition of 'isolated' and therefore he relied on the everyday definition of the word as meaning 'lonely' or 'remote'. The site is in close proximity to Little Shrewley and is not lonely or remote in visual terms as its

adjacent to existing development and was therefore not 'isolated' in his view. The Inspector acknowledged that Mill Lane is a narrow lane with no pavement and mainly unlit. However, he stated that at his site visit he noticed that Mill Lane was very quiet, there were relatively few vehicles using it and that there were people walking along it. He acknowledged that it may be busier at other times of the day but there was no evidence before him to suggest that it was heavily trafficked. From his observation on site he considered that the services and facilities including Hatton Village Hall, Hatton Train Station and the shop/ post office in Shrewley would be within acceptable walking and cycling distance of the site and these modes of travel could be an option for some residents, although he accepted not suitable for all. The Inspector was mindful that the proposal is only for a single dwelling and therefore traffic generation attributed to it would be limited. It was also likely in his view that the coach house would only be used in connection with the main house given its proximity to Newlands, the shared drive and associated privacy issues.

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| W/16/1295 | 6 Satchwell Court, Royal Priors Shopping Centre | Illuminated and Non-Illuminated Advertisements<br>**Delegated** | Holika Bungre | Questionnaire: 18/5/17<br>Statement: 19/6/17<br>Comments: | In preparation |
| W/16/2157 | Land at the former Bryants Nursery, Station Lane, Lapworth | 3 detached dwellings<br>**Delegated** | Helena Obremski | Questionnaire: 19/5/17<br>Statement: 16/6/17<br>Comments: 30/6/17 | In preparation |
| W/16/2291 | Hampton View, Henley Road, Hampton on the Hill | Extensions to link residential property with outbuilding<br>**Committee Decision in accordance with Officer Recommendation** | Helena Obremski | Questionnaire: 18/5/17<br>Statement: 19/6/17<br>Comments: | In preparation |
| W/17/0104 | Lyttleton House, Lye Green, Holywell | 2 Storey Extension<br>**Delegated** | Rebecca Compton | Questionnaire: 5/5/17<br>Statement: 26/5/17<br>Comments: | Awaiting decision |
| **New** W/16/2046 | Llandrecies, Church Road, Old Milverton | New Dwelling<br>**Committee Decision in accordance with Officer Recommendation** | Dan Charles | Questionnaire: 26/6/17<br>Statement: 24/7/17<br>Comments: | In preparation |

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| **New** W/16/2110 | Narborough Court, 58 Warwick Place, Leamington | Fencing **Delegated** | Ed Pigott | Questionnaire: 19/6/17 Statement: 17/7/17 Comments: 31/7/17 | In preparation |
| **New** W/17/0326 | 21 Staunton Road | Change of Use to HMO **Delegated** | Emma Spandley | Questionnaire: 19/6/17 Statement: 17/7/17 Comments: 31/7/17 | In preparation |
| **New** w/16/1538 | 50 Newnham Road, Lillington | 3 Dwellings **Committee Decision Contrary to Officer Recommendation** | Lucy Hammond | Questionnaire: 13/6/17 Statement: 11/7/17 Comments: 25/7/17 | In preparation |
| **New** W/16/2331 | 10 Meadow Close, Lillington | First Floor Extension **Delegated** | Rebecca Compton | Questionnaire: 12/6/17 Statement: 4/7/17 Comments: - | In preparation |
| **New** W/16/1970 | Poultry Farm, Warwick Road, Norton Lindsey | 9 Dwellings **Delegated** | Dan Charles | Questionnaire: 19/6/17 | In preparation |

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| **New** W/16/1756 | Ranibagh, Mill Lane, Little Shrewley | 1 Dwelling **Delegated** | Helena Obremski | Questionnaire: 6/6/17 Statement: 4/7/17 Comments: 18/7/17 | In preparation |
| **New** W/17/0260 | 8 Cannon Price Road, Barford | 2 Storey Side Extension **Committee Decision Contrary to Officer Recommendation** | Holika Bungre | Questionnaire: 5/6/17 Statement: 27/6/17 Comments: - | In preparation |
| **New** 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 | |
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# Tree Appeals

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