

**List of Current Planning and Enforcement Appeals  
December 2020**

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
W/19/185 8	Former Tamlea Building, Nelson Lane, Warwick.	Redevelopment for residential Purposes. <b>Committee Decision in accordance with Officer Recommendation</b>	Helena Obremski	Questionnaire: 29/5/20 Statement: 26/6/20		<b>Appeal Allowed</b>

The Statement of Common Ground confirmed that the maintenance and repair activities associated with Kate's Boats would give rise to '*adverse impacts*' and not '*significant adverse impacts*' on future occupiers. On that basis the Inspector considered it doubtful whether the amount of noise disturbance would be at a level to bring the proposal into conflict with the Framework. He felt the impact would be acceptable due to the following reasons: 1) Noise from the polytunnel is limited in its extent (approximately one hour a day) and generally during the working day, 2) subject to mitigation, the level of noise would be approximately 7dB above background levels, 3) the nature

of the work undertaken in the polytunnel is largely cosmetic and limited to one boat at a time with structural work taking place off-site, 4) the surrounding acoustic environment is typical of a built-up urban area with associated levels of background noise and 5) the Council is not aware of any noise complaints from existing properties in the area albeit that these are located further away than those proposed. In light of the above, the Inspector was satisfied that future occupiers of units 13-16 are unlikely to be subjected to significant levels of noise at those times of the week and year when they are likely to be using their gardens. He also considered that prospective purchasers of the units would be able to exercise consumer choice in these matters and that those seeking a tranquil, disturbance-free, existence would not choose an urban Canalside location.

A number of the dwellings would have gardens below the size specified in the Council's "*Residential Design Guide 2018*". He noted that on page 7 it states that the SPD is a '*vehicle for outlining the Council's general approach to design*'. The Council accepted that those standards governing garden sizes are not hard and fast rules and their application will vary depending on the circumstances of a particular case. In all of the cases he considered the shortfalls to be material.

On page 25, the SPD states: "*Provision of amenity space and gardens must be set within the context of ensuring that inefficient use of land is avoided. Therefore in situations where the standards cannot be achieved e.g. high density housing developments the Council will seek to work jointly in agreement with developers to provide an upgrade to nearby off site amenity space which will be available to the general public*". The parties held differing interpretations of the guidance which were explored at the Hearing. The Inspector considered the reference to '*gardens*' in the first sentence strongly suggests that the Council envisaged situations where high-density housing schemes, similar to this one, could make an off-site contribution in lieu of fully compliant garden sizes. Whilst he accepted that the guidance will, more often than not, apply to flatted developments, there is nothing in the wording that would preclude more traditional forms of housing. That view is buttressed by the inclusion of the abbreviation '*e.g.*' which means that the scenarios to which the guidance might apply is not a closed list.

In terms of impact, he recognised that for some, particularly busy, younger people, smaller gardens could be seen as a distinct advantage. The Council was not able to produce any evidence to demonstrate that properties with smaller gardens in the district had remained vacant or had proved difficult to sell. On the contrary, the Appellant's oral evidence suggested that if anything, the reverse was true. The development as a whole would contain a range of garden sizes which are broadly consistent with those found in the housing estate to the south.

There were a number of other site-specific considerations. First, whilst some of the plots would undoubtedly have small gardens, this has to be weighed against the open outlook that future occupiers would enjoy over the canal, something which is likely to be highly desirable in the context of a built-up urban area. The Appellant's evidence in relation to the cost of other Canalside properties in the local area added credence to that view. Second, there is a large park less than a ten-minute walk from the site offering expansive areas of open

space for the playing of sports and other forms of recreation. Third, although he accepted that the issue of garden size is an important planning consideration particularly for family housing, the Council conceded there are very few activities that can be carried out in a 50m2 and not a 38m2 garden.

He accepted that further reducing the number of units on the site would help to address the Council's concerns. However, that would deprive families of much needed affordable housing in a district with very low, and declining, levels of affordability. He felt it must surely be preferable, in the context of a national housing crisis, that future occupiers have the opportunity to purchase a home, even if it is sub-optimal in a limited and specific way, as opposed to denying them that opportunity altogether. Considering the site-specific circumstances outlined above in the round, he did not consider that the living conditions of future occupiers would be unduly compromised by the proposed garden sizes to the six plots identified. Moreover, subject to the payment of an off-site, open space contribution, he was satisfied the proposal would not conflict with the approach set out in the SPD.

#### Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/19/2006	Unit 1, Moss Street, Leamington	Removal of Condition to allow for the Unrestricted Occupancy of 47 bed HMO. <b>Committee Decision in accordance with Officer Recommendation</b>	Helena Obremski	Questionnaire: 11/6/20 Statement: 9/7/20	Ongoing
W/19/1973	Wooton Grange Farm House, Warwick Road, Kenilworth	Extensions and Alterations <b>Delegated</b>	Jonathan Gentry	Questionnaire: 23/4/20 Statement: 15/5/20	Ongoing

W/19/2037	Arden Hill, Lapworth Street, Lapworth	New Dwelling <b>Delegated</b>	Dan Charles	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/0860	6 Phillipps Road, Warwick	Change of use to Garden and Erection of Fencing <b>Committee Decision in accordance with Officer Recommendation</b>	Emma Booker	Questionnaire: 22/7/20 Statement: 13/8/20	Ongoing
W/19/1604	17 Pears Close, Kenilworth	First and Ground Floor Extensions <b>Delegated</b>	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing
W/20/0214	Broadford House, Grovehurst Park, Stoneleigh	Boundary Features <b>Delegated</b>	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	<b>Appeal dismissed</b>

The Inspector confirmed that the term "building" is defined in section 336 of the 1990 Act to mean any structure or erection and this means that a structure such as a wall should be assessed under paragraph 145 of the Framework. As the development is not within the list of exceptions at paragraph 145 it represents inappropriate development, which by definition is harmful to the Green Belt.

From a spatial perspective he considered the impact is limited, with the proposal representing a modest volume of development such that the increased footprint of built form in the area would not be significant. However, the impact from a visual perspective is

greater. As a result of its height and solid brick and gates the proposal would be a visually prominent form of development. It is materially larger than the railings present, preventing views and removing the open feel present in this location. In this regard, the proposal would be at odds with the predominant style of wall within the estate that allows for views through the trellis design. Accordingly, he concluded that while the spatial impact would be limited, due to its visual impact the proposal would fail to preserve the openness of the Green Belt.

In terms of highway safety, he noted that while an obstruction may occur due to vehicles entering and exiting the site having to wait for the gates to open, the duration of this would be brief and there would remain sufficient space for such vehicles to partially turn into the site so as to not block the entirety of the highway.

W/19/1558	Land rear of 14 – 16 Randall Road, Kenilworth	Detached Bungalow <b>Delegated</b>	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/1572	Land off Birmingham Road and A46, Warwick	2 Dwellings <b>Delegated</b>	Helena Obremski	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/1949	22 St Mary’s Terrace, Leamington	Conversion and Extension of Garage into Dwelling <b>Delegated</b>	Rebecca Compton	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
W/19/1963 and W/19/1964/LB	Rectory Cottage, Church Lane, Lapworth	Demolition of Garage Block and erection of Sun Room <b>Delegated</b>	George Whitehouse	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing

W/20/0097	10 Wasperton Road, Wasperton	Change of Use of Store Room to Dog Grooming Salon <b>Delegated</b>	Rebecca Compton	Questionnaire: 19/8/20 Statement: 16/9/20	Ongoing
W/19/1197	89 Shrubland Street, Leamington	Change of Use to HMO <b>Appeal against Non- Determination</b>	Rebecca Compton	Questionnaire: 1/9/20 Statement: 29/9/20	Ongoing  See also enforcement appeal below
W/20/0247	3-5 Mill Street, Leamington	Subdivision into 2 dwellings; Extensions and other Alterations <b>Appeal against Non- Determination</b>	Emma Booker	Questionnaire: 11/9/20 Statement: 9/10/20	Ongoing
W/20/0980	9 Camberwell Terrace, Leamington	Front Lightwells <b>Delegated</b>	Emma Booker	Questionnaire: 25/9/20 Statement: 19/10/20	Ongoing
W/20/0262	Old Barn, Sands Farm, Old Warwick Road, Lapworth	Change of use to Dwelling <b>Delegated</b>	Helena Obremski	Questionnaire: 28/9/20 Statement: 26/10/20	Ongoing

W/20/0271	The Hay Barn, Packwood Lane	Replacement Garage <b>Delegated</b>	Jonathan Gentry	Questionnaire: 8/9/20 Statement: 30/9/20	Ongoing
W/20/0429	12 Victoria Street Warwick	Extensions and Alterations <b>Delegated</b>	Jonathan Gentry	Questionnaire: 11/9/20 Statement: 5/10/20	<b>Appeal Allowed</b>
<p>The Inspector considered that the new extension would be modest in size and would project a short distance beyond the existing outrigger. Given this, and the low height of the extension the legibility of the two-storey outrigger would be maintained. Furthermore, being substantially glazed the new extension would result in a clear visual distinction between the original building and the more recent additions proposed. The glazing would also keep a suggestion of the original courtyard, further maintaining the original form of the host building. Accordingly, he found that the new extension would not harm the legibility of the historic form and interest of the host dwelling, or the contribution that it makes to the character and appearance of the WCA.</p> <p>Having reviewed the Officer's report and decision notice it is clear that reference was not made to the Residential Design Guide which sets out the design characteristics which are expected for side courtyard extensions in Conservation Areas. It is considered that were the Inspector aware of this he may have come to a different conclusion in terms of the need for the extension to be set back from the original outrigger. Officers have been reminded of the need to make explicit reference to the SPD where it is relevant to an assessment.</p>					
W/20/0467	Morrisons, Old Warwick Road, Leamington	Various Signage <b>Delegated</b>	Lucy Hammond	Questionnaire: 28/9/20 Statement: 26/10/20	Ongoing

W/20/0201	37 Shakespeare Avenue, Warwick	First floor Side Extension <b>Delegated</b>	Thomas Fojut	Questionnaire: 8/9/20 Statement: 30/9/20	Ongoing
W/19/1197	89 Shrubland Street, Leamington	Change of Use to 7 Bed HMO <b>Appeal against Non-Determination</b>	Rebecca Compton	Questionnaire: 1/9/20 Statement: 29/9/20	Ongoing
W/20/0801	5 Cubbington Road, Lillington	Front Boundary Wall <b>Delegated</b>	George Whitehouse	Questionnaire: 23/10/20 Statement: 16/11/20	Ongoing
W/20/0170	Eversleigh Nursing Home, 2-4 Clarendon Place, Leamington	Car parking and Landscaping <b>Delegated</b>	Helena Obremski	Questionnaire: 13/10/20 Statement: 10/11/20	Ongoing
W/20/0466	Morrisons, Old Warwick Road, Leamington	Structures to form MOT Pod, Wheel Repair Pod and Car Repair Centre <b>Delegated</b>	Lucy Hammond	Questionnaire: 15/10/20 Statement: 29/11/20	Ongoing
W/20/0834		Part rendering to Front and Rear			Ongoing



	21 Wordsworth Drive, Kenilworth	<b>Delegated</b>	Thomas Fojut	Questionnaire: 16/10/20 Statement: 9/11/20	
<b>New</b> W/20/0285	Pool Peace Bungalow Five Ways Road, Shrewley	Appeal against the refusal of a Certificate of Lawfulness for the Continued Occupation of a Dwelling without complying with an Agricultural Occupancy Condition. <b>Delegated</b>	Andrew Tew	Questionnaire: 26/11/20 Statement: 24/12/20	Ongoing
<b>New</b> W/20/0331	The White House, Five Ways Road, Shrewley	Replacement Dwelling <b>Delegated</b>	Andrew Tew	Questionnaire: 13/11/20 Statement: 11/12/20	Ongoing
<b>New</b> W/20/0420	2 Penns Close	Decking and Steps <b>Delegated</b>	George Whitehouse	Questionnaire: 18/11/20 Statement: 10/12/20	Ongoing
<b>New</b> W/20/0622	5 Tilsley Close	Extension to Garage <b>Delegated</b>	George Whitehouse	Questionnaire: 30/10/20 Statement: 23/11/20	Ongoing

<b>New</b> W/20/0992	6 Tithe Barn Close	Two Storey Rear Extension <b>Delegated</b>	George Whitehouse	Questionnaire: 30/10/20 Statement: 23/11/20	Ongoing
<b>New</b> W/20/0940	Glenthorne, Five Ways Road, Shrewley	Appeal against a Certificate of Lawfulness for the use of a Building as a Dwelling. <b>Delegated</b>	Helena Obremski	Questionnaire: 14/12/20 Statement: 4/1/21	Ongoing
<b>New</b> W/20/1091	Terets Lodge, Rising Lane, Lapworth	Single Storey Rear Extension <b>Delegated</b>	Jonathan Gentry	Questionnaire: 14/12/20 Statement: 4/1/21	Ongoing
<b>New</b> W/20/0716 and 0717/LB	28 Kenilworth Road, Leamington	Two storey Rear Extension to construct 3 Apartments <b>Delegated</b>	Lucy Hammond	Questionnaire: 25/11/20 Statement: 9/12/20	Ongoing
<b>New</b> W/20/0775	10 Almond Avenue, Leamington	One and Two Storey Extensions <b>Delegated</b>	Thomas Fojut	Questionnaire: 28/10/20 Statement: 19/11/20	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	Statement: 22/11/19	Public inquiry 1 Day	The inquiry has been held in abeyance
ACT 097/17	2 Satchwell Place, Leamington Spa	Construction of Fence	RR	Statement: 23/6/20	Written Representations	Ongoing

### **Grounds of Appeal**

The steps to comply with the notice are excessive  
The Notice compliance period is too short.

ACT/565/18	41 Clemens Street, Leamington	Erection of structures/fencing to the front of the premises	RR	Statement Due: 5/11/20	Written Representations	Ongoing
<b>Grounds of Appeal</b>						
<p>That the alleged works haven't taken place.  That the alleged works (if they occurred) do not constitute a breach of planning control.  That the steps to comply with the notice are excessive.</p>						
ACT/386/19	89 Shrubland Street, Leamington	Change of use to a 7 bed HMO.	RC	Statement Due: 11/09/20	Written Representations	Ongoing
<b>Grounds of Appeal</b>						
<p>Planning permission ought to be granted.</p>						

ACT/354/20	Old Folly Barn, Kites Nest Lane, Beusale, Warwick	Erection of detached car port.	GW	Statement Due:  5/8/20	Written Representations	Ongoing
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Tree Appeals

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