

**List of Current Planning and Enforcement Appeals
5 December 2017**

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	Ongoing
W/16/2103	The Oaks, Chessetts Wood Road, Lapworth	Change of use of land to garden land and single storey extension Delegated	Holika Bungre	Questionnaire: 26/6/17 Statement: 24/7/17 Comments: 7/8/17	Appeal Dismissed
<p>The Inspector agreed with the Council that the proposed single storey extension would not be a disproportionate addition to the dwelling. In terms of the change of use of land to garden land to be used for residential purposes, the Inspector referred to Para 90 of the NPPF which sets out forms of development that are not inappropriate in the Green Belt. Even though the change of use will require no physical development, it would not involve the re-use of a building, nor engineering operations, nor would it satisfy any other of the other provisions under para 90. The Inspector therefore concluded that the change of use is not a form of development supported by the NPPF. Irrespective of the size of the garden proposed, it would amount to inappropriate development in the Green Belt.</p>					

Openness is an essential characteristic of the Green Belt. In this instance, the change of use of the land in the Green Belt for domestic purposes would result in an encroachment of residential use into the countryside. The Inspector considered that the garden area would be legible in a wider context of open, agricultural land. The domestication and expansion of residential use will cause a reduction in the openness of the Green Belt.

The Inspector acknowledged that the lawful garden land may well be disproportionately small. However, he considered that improving the overall proportionality between the garden and dwelling and with the plot size of neighbouring dwellings, does not, in itself constitute a very special circumstance.

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/17/0109	R/O 21 Dale Street Leamington	Outline app for New Dwelling Delegated	Helena Obremski	Questionnaire: 22/8/17 Statement: 19/9/17 Comments: 3/10/17	Appeal Dismissed

The appeal site is a set of 3 lockup garages directly behind dwellings at Dale Street accessed over a narrow private access off Portland Street into Portland Mews. The site is small and constrained by surrounding buildings and the need to maintain access within the mews for other dwellings and their vehicles.

At the rear of No.21 are two mews style houses and Hawkstone House on the opposite side, so there have already been new developments within the mews. The Inspector considered that a further new development would be over intensive and cramped given the site constraints. Furthermore, due to its different design and location close to adjacent properties, the proposed coach house would dominate the main courtyard as it would have an increased height compared to the garages. Altogether, the Inspector considered that these factors would result in a development that would detract from the surroundings and would harm the significance of the Conservation Area as a whole.

The Inspector considered that the existing garages are not in keeping with the CA but otherwise they were in a reasonable state of upkeep. He did not consider them to be such an eyesore that their removal would be of any significant benefit. Whilst the provision of a new dwelling would be a public benefit but as the Council have a 5 year supply, it would not be one required to fulfil any identified need and therefore this would not outweigh the harm to the CA.

Given the height of the terraces and the crowded mews the introduction of a taller bulkier building in already restricted space in front of some of those properties would have an adverse effect on what light reaches some of the surrounding properties, as well as their outlook. At short distances that fall below the Council's recommended limits, the nearby properties would have an outlook towards dormers and the roof pitch rather than the flat roof of the existing garages.

An indicative drawing provides for a small patio to the rear of the coach house, overlooked by No.17. The Inspector considered that it would be a small space cut into by two door openings which would effectively considerably reduce the space actually available for use. Whatever the final layout, the limited size of the space would also not be sufficient to serve the needs of a potential maximum of 3 or 4 people. As such, the Inspector found it would not be well designed or adequate so that the development would be considerably harmful to the living conditions of future occupiers with regard to amenity space.

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	Ongoing
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/17/0581	Land to the rear of 122 Leicester Lane,	Erection Of 5 x 4 bed houses Delegated	Emma Spandley	Questionnaire: 11/9/17 Statement: 9/10/17 Comments: 23/10/17	Appeal Dismissed
<p>The Inspector considered that the introduction of a new road to access the rear of the site would appear out of place within the streetscene which consists of houses and outbuildings largely filling their plot widths. Similarly the new proposed house at the site entrance would also appear narrow when considering the footpath of other nearby properties. The view which would be created down the proposed drive of a dead end would also appear incongruous within an area characterised by such a strong form of development. The Inspector felt that the development would appear fairly cramped and out of character with the surrounding area. He also considered that the proposal would be a form of backland development which would mark a clear departure from the prevailing pattern of development in the area.</p> <p>The proposal would also result in harm to the living conditions of No.126 by reason of loss of privacy. The appellant suggested the use of obscure glazing and restricted opening to the bedroom to overcome this; however the Inspector considered this would not provide suitable living conditions for future occupiers.</p> <p>The Appellant considered that protected species surveys could be conditioned, however, with reference to Circular 6/2005 the presence of protected species and the extent to which they must be affected by the proposed development must be established before permission is granted.</p>					
W/17/0429	95 Clarendon Street, Leamington	Hipped roof incorporating increased ridge height and dormer windows Delegated	Holika Bungre	Questionnaire: 28/9/17 Statement: 20/10/17 Comments:	Appeal Dismissed
<p>The Inspector considered that the terraced row of buildings between Nos. 87 and 101 Clarendon Street has a strong and consistent front parapet, albeit with a change in level, with the exception of a front gable feature above the parapet at No.87. The pitched roofs above the parapet appear to be unaltered with the exception of No.87 which has had a mansard roof extension. This extension is prominent and visible from the street and is uncharacteristic of the terrace and the immediate surrounding area.</p>					

The Inspector considered that the proposed mansard roof extension would significantly increase the roof of the height of the host building and involve an increase in the height of the front parapet. This would alter the proportions of the building and the loss of the uniformity at Nos.93-101. It would be a bulky and prominent addition which would result in the loss of the existing simple roof form and would be an alien and unsympathetic addition which would harm the character and appearance of the Conservation Area.

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/16/1788	135 Warwick Road	Residential development: revised design including to access road width. Committee Decision contrary to Officer Recommendation	Lucy Hammond	Questionnaire: 13/9/17 Statement: 11/10/17 Comments: 25/10/17	Appeal Dismissed and Costs Award Refused

The Inspector considered that an access that is 4.5m wide would be sufficient for two vehicles to pass at the same time but insufficient for pedestrians to navigate the access as well. Pedestrians would need to wait at either end of the access to allow vehicles to pass before navigating the access road themselves. Given the distance of 29m, pedestrians would need to wait for some time for vehicles to pass.

Furthermore, the lack of a pavement or any means to prioritise pedestrians above vehicles would result in pedestrians being on the constant look-out for moving vehicles, from front and behind and feeling intimidated as a result.

In terms of the costs application, the Inspector stated that the NPPF is a material consideration and having referenced it within the reason for refusal, the Council could have benefited from explaining their concerns in relation to this in its Statement of Case. However, he concluded that this omission did not imply that the Council made a vague, generalised or inaccurate assertion about the development's impact.

Whilst the Council did not provide any technical evidence to support its concerns, evidence was provided to justify its claims, not least, with reference to access widths and Manual for Streets. The Inspector therefore concluded that the Council not fail to produce evidence to

substantiate its reasons for refusal.

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	Ongoing
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	In preparation
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	In preparation
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,	Change of Use to 9 Bedroom HMO	Dan	Questionnaire:	Ongoing

	Westwood Heath Road	Committee Decision contrary to Officer Recommendation	Charles	20/10/17 Statement: 17/11/17 Comments: 1/12/17	
W/17/0432	79 Ebourne Close, Kenilworth	Single Storey Front Extension Delegated	Helena Obremski	Questionnaire: 27/10/17 Statement: 20/11/17 Comments: -	Appeal Allowed
<p>The Inspector considered that although there is a general sense of cohesiveness in the frontages of the properties, with similar arrangements of windows, doors and facing bricks, a number benefit from various alterations and extension some of which are visible in the street scene.</p> <p>The Inspector considered that the proposed extension would extend along a considerable proportion of the frontage of the dwelling and wrap around its side elevation. However, it would not appear overly large or out of proportion with the dwelling itself. Furthermore, although it would be sited to the front of the property, it would face out towards a private parking area and would not be visible or prominent in the streetscene.</p> <p>The Inspector accepted that the proposal would result in the loss of the existing uniformity between the host dwelling and its immediate neighbours, but considered that the use of similar materials would go some way to mitigate any harm and ensure that the extension would not appear alien in its surroundings.</p>					
W/17/0632	Yew Tree House, Old Warwick Road, Lapworth	Retention of Single Storey Extension Delegated	Helena Obremski	Questionnaire: 31/10/17 Statement: 22/11/17 Comments: -	Ongoing
W/17/0517	17 Stoneleigh Close	One and Two Storey Extensions	Holika	Questionnaire:	Ongoing

	Stoneleigh	Delegated	Bungre	23/10/17 Statement: 14/11/17 Comments: -	
<p>The proposal involved the creation of an additional floor of accommodation above the existing bungalow together with a small enlargement of the existing flat roofed side wing and the provision of a pitched roof over which would result in a significant increase in floorspace of 105.52% above that of the original building. The Inspector therefore concluded that the proposal was inappropriate development in the GB which was harmful by definition.</p> <p>While the existing bungalow would be transformed into a two-storey house that would be higher than the properties to either side, the Inspector considered that as there is a wide variety in the appearance of properties in the street with a mix of house types, in this context the proposed dwelling would not appear out of place.</p> <p>The existing property already breaches the 45 degree line from No.18. As a result of the increased height the proposal would harm the outlook from and diminish the daylight reaching the windows in the rear elevation of No.18. The proposed increase in height would also reduce daylight to the ground floor side windows to No.16.</p>					
W/17/0546	7 Keytes Lane, Barford	Two storey extension and garage Delegated	Holika Bungre	Questionnaire: 23/10/17 Statement: 14/11/17 Comments: -	Ongoing
<p>The Inspector considered that the existing extensions to the north and west side of the appeal property detract from appearance of the Conservation Area and the setting of nearby listed buildings by virtue of their incongruous flat roof design and the use of non-traditional materials such as felt and corrugated metal. The Inspector considered that the replacement of these by extensions of more pleasing design and traditional materials would enhance the character and appearance of the CA and the setting of nearby listed buildings. While there would be some additional concealment of the original form of the property by virtue of the extension at first floor level, the disadvantages of this are outweighed by the more positive benefits of the design.</p> <p>The north elevation of the 7 Keytes Lane faces the rear of 21 Keytes Lane across the courtyard. There is already a degree of mutual overlooking due to the close proximity of the properties. The appeal proposal would reduce the separation distance between the two as</p>					

well as introduce a first floor window facing towards 21 where none exists presently.

The Inspector considered that while there would be some loss of outlook to residents at No.21 this would be outweighed by the positive benefits of the scheme in preserving and enhancing the character and appearance of the Conservation Area and the setting of nearby listed buildings. The Inspector added a condition requiring the first floor window to be obscure glazed.

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	Ongoing
New W/17/0800	105 Rugby Road, Leamington	New Staircase Delegated	Holika Bungre	Questionnaire: 24/11/17 Statement: 18/12/17 Comments: -	In preparation
New 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
New 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

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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 20/09/017 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	TBC	Appeal Start 22/09/17 Statement 03/11/17 Final comments		Ongoing

				24/11/17		
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

Tree Appeals
