

**List of Current Planning and Enforcement Appeals  
February 2019**

Public Inquiries

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing/ Inquiry	Current Position
W/17/1470	Land at Leamington Shopping Park	3 x A1 retail units <b>Committee Decision in accordance with Officer Recommendation</b>	Rob Young	Questionnaire: 11/7/18 Statement: 8/8/18 Comments:	12-14 Feb 2019	Awaiting Decision

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/18/0361	14 Bakers Mews, Baddesley Clinton	Installation of Dropped Kerb <b>Delegated</b>	Rebecca Compton	Questionnaire: 3/9/18 Statement: 25/9/18 Comments:	<b>Appeal Dismissed</b>
<p>The Inspector observed that the kerb that it proposed to be dropped to allow a vehicular access point to be formed already incorporates an existing pedestrian crossing point and is situated on the radius of the junction of where a shared access to the rear car park (serving the terrace of properties comprising Bakers Mews) meets Birmingham Road. The Inspector considered that given the number of properties (approx. 13) served by the car park, the shared access is likely to be in regular use. If the proposal were to proceed, there would be the potential for conflict to occur between vehicles either accessing or egressing the rear car park immediately adjacent to the proposed crossover and vehicles either accessing or egressing No.14. The Inspector concluded that such conflict would likely lead to obstructions occurring in the highway and would also have implications for pedestrian movements and safety. The highway safety risk would be compounded by the busy nature of Birmingham Road.</p> <p>As the Highway Authority has referred to the existing driveway being used illegally without the provision of a dropped kerb, the Inspector considered that the argument put forward by the appellant that dropping the kerb would make access easier and safer is therefore not relevant. The Inspector also considered that a number of other arguments put forward by the appellant including disabled visitors, maintenance and the rear car being full did not outweigh the significant harm to highway safety that he and the Highway Authority had identified.</p>					
W/18/0575	R/O 21 Dale Street, Leamington	New dwelling after demolition of existing 3 lock up garages <b>Delegated</b>	Helena Obremski	Questionnaire: 22/10/18 Statement: 19/11/18 Comments: 3/12/18	<b>Appeal Dismissed</b>
<p>The Inspector considered that the garages are modest structures in a satisfactory state of upkeep. In that respect, the utilitarian appearance of the garages accords with their primary function which differentiates the modest buildings from the prevailing character of residential and commercial properties that are</p>					

located within more spacious plots. He considered that the introduction of a dwelling to replace the garages would result in a different use of the site with a residential appearance that would increasingly draw attention to the building in a prominent location in Portland Mews. Consequently, the proposal would be increasingly read together with the character and appearance of other dwellings and commercial premises close by and against the backdrop of taller rear elevations of properties facing Dale Street and Portland Street. In that context, a single storey dwelling with a slight increase in height when compared with the garages, an asymmetrical roof design and little surrounding amenity space would be viewed as a cramped and contrived form of residential development within its plot. The incompatibility of the appearance of the dwelling would be highlighted by use of materials and fenestration which would differ from those predominant in the surroundings and would contribute to the overly prominent, discordant and incongruous addition to Portland Mews. The development would harm the character and appearance of its immediate surroundings and would fail to preserve or enhance the significance of the Conservation Area.

The dwelling would include a side window serving a bedroom which would face towards the front elevation of No 1 Portland Mews at a distance of around 9m. The close relationship between windows serving habitable rooms would result in direct overlooking between the properties with an unacceptable loss of privacy for existing occupiers. The Inspector considered whether the use of obscure glazing would overcome the harm, but felt it would be unsuitable in this case as a satisfactory living environment for the proposed bedroom would require an external outlook. With clear glazing the bedroom served by the side window would also be overlooked. Furthermore, the close relationship of the bedroom window with a parking area at the side and the taller two storey property would limit its available outlook and light which would worsen the living conditions for future occupiers.

The proposal would not meet the amenity space requirements set out in the Residential Design Guide and would include only small areas at the front and side of the property. Those spaces would not be sufficient to provide suitable levels of privacy and function to meet the needs of residents. In that regard, the Inspector considered that the presence of public open spaces in the locality would not replicate the function of private amenity space and would not mitigate the inadequacy of such provision as part of the proposal.

The Inspector observed that the surrounding streets experience significant parking stress due to their location in the town centre. Consequently, the increased demand for on-street parking and the potential for additional parking permits to serve the development would have a detrimental impact upon existing residents in terms of the convenience of available parking close to their property.

W//18/0011	Gospel Oak Farm, Rising Lane, Lapworth	Change of Use of Outbuilding to Dwelling <b>Delegated</b>	Lucy Hammond	Questionnaire: 11/10/18 Statement: 8/11/18 Comments: 22/11/18	Ongoing
	Ivy Cottage, Barracks	One and two Storey Extensions	Rebecca	Questionnaire:	Ongoing

W/18/0986	Lane, Beausale	<b>Committee Decision in accordance with Officer Recommendation</b>	Compton	23/10/18 Statement: 14/11/18 Comments:	
W/18/0649	56 Leam Terrace, Leamington	2 storey Detached Building for Office Use <b>Delegated</b>	Andrew Thompson	Questionnaire: 10/12/18 Statement: 7/1/19 Comments: 21/1/19	<b>Appeal Dismissed</b>

The development would be located close to New Street where there is a variety of buildings close by, including taller properties to each side and the evident mix of property styles. In that context, the Inspector considered that the design of the building proposed would assimilate with the varied appearance of surrounding buildings in New Street and would not harm the character, appearance and significance of Royal Leamington Spa Conservation Area.

The Inspector also considered that as the site and existing buildings which adjoin the northern side of New Street are some distance from the rear elevations of No 56 and 56A and the other properties facing Leam Terrace, the replacement of the garage with the building proposed would not harm the setting or significance of the listed buildings, given that the historic interest of those properties as derived from their architectural styles experienced along the Leam Terrace street frontage would not be affected by the proposal.

Paragraph 86 of the Framework also confirms that a sequential test should be applied to planning applications for main town centre uses, which include office developments, that are neither in an existing centre nor in accordance with an up-to-date plan. The appellant has undertaken an assessment of sites and premises within Royal Leamington Spa town centre. The Inspector considered that whilst such an area of search is less than the scope of Policy EC1 of the LP, it is logical when taking account of the PPG that as the appellant's business is focussed upon providing services within that town it reflects particular market and locational requirements which justify reducing the area of search to the nearby town centre. The appellant affirmed that there is a lack of suitable office space in the town centre. However, the Inspector considered that Nos. 144 and 158A Parade consist of around 50 sq.m and 48 sq.m respectively which could accommodate the pre-requisites of the office development identified. As a matter of principle when taking account of the need for flexibility of format and scale, those premises are close enough in size to the office requirements proposed to not be rejected as unsuitable on that basis. The appellant expressed concern that the quality of office space in both Nos. 144 and 158A Parade would not reflect well on the property management business and would have a detrimental impact on the ability to trade effectively. However, the Inspector considered that there is no substantiated evidence that Nos. 144 or 158A Parade could not be upgraded, adapted and/or modernised to meet the qualitative needs of the appellant's business to support its growth or creation of jobs, nor that the costs of doing so would make

occupation of either premises unviable. He concluded that the proposal failed to meet the sequential test and would have a slight adverse impact on the viability of the town centre.					
W/18/0771	The Clangers, 28 Snittterfield Lane, Norton Lindsay	Replacement Dwelling House <b>Committee Decision contrary to Officer Recommendation</b>	Angela Brockett	Questionnaire: 26/11/18 Statement: 24/12/18 Comments: 7/1/19	<b>Appeal Dismissed</b>
<p>The replacement dwelling would, in floor space terms, be 9% larger than the dwelling that is proposed to be demolished and its ridgeline would be approximately 1m higher. The Inspector considered that this would result in a building of increased scale and massing and that it would be materially larger than the existing dwelling and would therefore constitute inappropriate development in the Green Belt.</p> <p>The Inspector noted that the proposal would result in the construction of a sizeable single dwelling in an area of the appeal site that is otherwise currently clear of significant development. He therefore considered that it would have an urbanising effect at odds with its open surroundings. The replacement dwelling's location and immediate surroundings differ markedly to the existing dwelling on the site, which is located so as to promote its visibility, prominence and a loss of openness immediately adjacent to other existing built form and whose impact in this regard is greatly constrained by virtue of its location sandwiched between other buildings. He also noted that the proposed replacement dwelling's roof would be more steeply pitched when compared to the existing dwelling to be demolished, leading to an increased overall height so as to promote its visibility, prominence and a loss of openness.</p>					
W/18/0607	Sunnyside, Old Warwick Road, Lapworth	2 Dwellings <b>Delegated</b>	Helena Obremski	Questionnaire: 26/11/18 Statement: 24/12/18 Comments: 7/1/19	Ongoing
W/18/0803	17 Gaveston Road, Leamington	Change of Use to HMO <b>Committee Decision contrary to Officer Recommendation</b>	Helena Obremski	Questionnaire: 29/11/18 Statement: 27/12/18	Ongoing

				Comments: 10/1/19	
W/18/0683	Lime Garage, Myton Road, Warwick	Change of use from car Showroom to Estate Agents and Sales Hub <b>Delegated</b>	TBC	Questionnaire: 4/1/19 Statement: 22/1/19 Comments: 5/2/19	Ongoing
W/18/1071	121 – 123 Warwick Road, Kenilworth	Revised proposals adding additional bedrooms and making other changes to existing planning permission for change of use to student accommodation. <b>Committee Decision contrary to Officer Recommendation</b>	TBC	Questionnaire: 16/1/19 Statement: 13/2/19 Comments: 27/2/19	Ongoing
W/18/1392	13 Clapham Street, Leamington	Single Storey Extension <b>Delegated</b>	Emma Booker	Questionnaire: 21/12/18 Statement: 14/1/19 Comments:	Ongoing
W/18/1550	West Hill, Westhill Road, Cubbington	Detached Garage and Walled Courtyard <b>Committee Decision in accordance with Officer Recommendation</b>	Emma Booker	Questionnaire: 25/12/18 Statement: 16/1/19 Comments:	Ongoing
W/18/1676	Glenshee, 93 Chessetts	Hip to Gable Roof Extension and Dormer	Emma	Questionnaire:	Ongoing

	Wood Road, Lapworth	Extensions <b>Delegated</b>	Booker	11/1/19 Statement: 4/2/19 Comments:	
W/18/1754	27 Ledbrook Road, Cubbington	Single Storey Extensions <b>Delegated</b>	Emma Booker	Questionnaire: 9/1/19 Statement: 31/1/19 Comments:	Ongoing
W/18/0850	The Stables, 92 Bridge End, Warwick	Various extensions and alterations <b>Delegated</b>	George Whitehous e	Questionnaire: 25/12/18 Statement: 16/1/19 Comments:	Ongoing
W/18/1292	1 Nursery Lane, Leamington	New Dwelling <b>Delegated</b>	Helena Obremski	Questionnaire: 4/1/19 Statement: 22/1/19 Comments: 5/2/19	Ongoing
W/18/1231	Calmonfre, Haseley KNob	First Floor Side extension <b>Committee Decision in accordance with Officer Recommendation</b>	Liz Galloway	Questionnaire: 15/1/19 Statement: 6/2/19 Comments:	Ongoing
W/18/1568	3a Oxford Street,	Canopy and Bay Window	Rebecca	Questionnaire:	Ongoing

	Leamington	<b>Delegated</b>	Compton	14/1/19 Statement: 5/2/19 Comments:	
W/17/1408	41 – 43 Clemens Street, Leamington	4 no. 1 bed flats <b>Delegated</b>	Helena Obremski	Questionnaire: 14/12/18 Statement: 11/1/19 Comments: 25/1/19	Ongoing
W/18/1953	22 Rouncil Lane, Kenilworth	Ground and first floor extensions <b>Delegated</b>	Liz Galloway	Questionnaire: 23/1/19 Statement: 14/2/19 Comments:	Ongoing
<b>New</b> W/18/1367	Dial House Farm, Ashow Road, Ashow	Removal of Agricultural Occupancy Condition <b>Delegated</b>	Angela Brockett	Questionnaire: 13/2/19 Statement: 13/3/19 Comments: 27/3/19	Ongoing
<b>New</b> W/18/0356	Moorfields Rugby Club, Kenilworth Road, Blackdown	Use of part of Car Park as Hand Car Wash <b>Committee Decision in accordance with Officer Recommendation</b>	Dan Charles	Questionnaire: 14/2/19 Statement: 14/3/19 Comments: 28/3/19	Ongoing



<b>New</b> W/18/1671	Land at Little End, Hunningham	Agricultural Building <b>Delegated</b>	Dan Charles	Questionnaire: 13/2/19 Statement: 13/3/19 Comments: 27/3/19	Ongoing
<b>New</b> W/18/1779	170 Emscott Road, Warwick	Alterations and Extension to Form Flat <b>Delegated</b>	Helena Obremski	Questionnaire: 27/2/19 Statement: 27/3/19 Comments: 10/4/19	Ongoing
<b>New</b> W/17/2414	Huntley Lodge, 47 Northumberland Road, Leamington	2 Dwellings and 6 Apartments <b>Delegated</b>	Helena Obremski	Questionnaire: 14/2/19 Statement: 14/3/19 Comments: 28/3/19	Ongoing
<b>New</b> W/18/1049	1 Tancred Close, Leamington	Change of Use to Gymnasium <b>Delegated</b>	Helena Obremski	Questionnaire: 14/2/19 Statement: 14/3/19 Comments: 28/3/19	Ongoing
<b>New</b> W/18/1821	Flat 2, 99 Upper Holly Walk, Leamington	Erection of Balcony <b>Delegated</b>	Rebecca Compton	Questionnaire: 14/2/19 Statement:	Ongoing

				14/3/19 Comments: 28/3/19	
<b>New</b> W/17/2387	Land South of Lloyd Close, Hampton Magna	Outline Application for up to 147 Dwellings <b>Delegated</b>	Lucy Hammond	Questionnaire: 14/2/19 Statement: 14/3/19 Comments: 28/3/19	Ongoing

### Enforcement Appeals

Reference	Address	Issue	Officer	Key Deadlines	Date of Hearing/Inquiry	Current Position
ACT 474/16	4A Wise Terrace, Leamington Spa	Use of Flats as HMOs	Rob Young	Statement: 7/12/18 Final Comments: 28/12/18 Evidence: 11/2/19	26/3/19 over 3 days	Ongoing

### Tree Appeals

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