

**List of Current Planning and Enforcement Appeals
27 February 2018**

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/16/2123 /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	Appeal Allowed

Based on photographic evidence, the Council maintained that the previous roof covering was laid in diminishing slate courses. The appellant provided competing photographic evidence to support their position that the roof was coursed uniformly and that any apparent diminution towards the ridge arises from the effects of perspective.

The Inspector could not form a clear opinion from the photographs which he considered were difficult to read. However, he considered that he could see no reason to doubt the statements of three tradesmen who have worked on the roof at various times and who maintain that the roof was laid to a constant gauge.

The Inspector noted that the provenance of the old slates is unknown, but it was clear that the roof covering had weathered considerably and acquired moss and other organic growth. He considered that the replacement slates, imported from China, were of good quality and their neutral grey seemed sympathetic to the stonework. He felt that their newish appearance would be lost in a few years' time and the roof plain would gain a more varied appearance and meld into its surroundings.

The Inspector was of the view that the effect of the roof plane on the architectural integrity of the building was limited since the surrounding roof slopes appeared clay tiled. As a result, there was no requirement to match or continue an existing slate aesthetic.

<p>The Inspector considered that the new slates had a regular appearance consistent with the character of the classical frontage. He concluded that a less formal appearance, perhaps the result of using mixed sizes of slates, would bring no additional benefit to the building.</p>					
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	Appeal Allowed
<p>The Inspector noted that the outbuilding was smaller in footprint than the house, it would accommodate a small area of the garden and a large area would remain. In this regard the Inspector considered that the size and scale of the outbuilding was reasonable.</p> <p>Given the personal circumstances put forward by the appellant, the Inspector considered that the proposal would facilitate the reasonable requirements of the appellants to pursue their leisure interests and their recovery. He also considered that the size of the proposed office was not unusual or unreasonable. He felt the shower room and changing rooms were ancillary to the gym, sauna and spa and were reasonably necessary.</p>					
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, Westwood Heath Road	Change of Use to 9 Bedroom HMO Committee Decision contrary to Officer Recommendation	Dan Charles	Questionnaire: 20/10/17 Statement: 17/11/17 Comments: 1/12/17	Ongoing

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	Appeal Allowed
<p>The proposal would increase the height of the building by 0.5m compared to the revised scheme achieved by raising the level of its ground floor and the floors above, with a corresponding increase in its eaves and ridge heights.</p> <p>The Inspector considered that given the context of the site and the proposed building’s substantial set in from its boundaries, the scheme would not result in a significantly harmful impact on the outlook from neighbouring properties, or cause their occupants to experience a harmful sense of overbearance. In reaching this conclusion he had regard to the area’s character, which includes many examples of adjacent buildings of differing height and scale, but typically in a spacious setting. In that context, he considered that the living conditions that would be experienced by the adjacent occupiers here would not be unusual.</p> <p>In terms of the concerns raised regarding the shadow that would be cast by the proposed building, he considered that its spacious setting would assist in limiting the impact on adjacent occupiers. Many nearby properties experience some degree of overshadowing due to nearby buildings and trees. Having regard to the sun’s trajectory he concluded that overshadowing as a result of the scheme would not cause significant harm.</p> <p>The Inspector considered the objections on the basis that the appellant was seeking incremental changes on this site and that he should be required to abide by the terms of the original permission. However, He his view was that in his experience it is not unusual for schemes to evolve, sometimes in response to unforeseen circumstances and he has dealt with the scheme on its merits.</p>					
W/17/1223	Arrochar, School Lane, Beausale	Detached Dwelling Delegated	Helena Obremski	Questionnaire: 5/12/17 Statement: 2/1/18 Comments: 16/1/18	Appeal Dismissed and application for award of costs refused

The Council accepted that the appeal site formed a gap within a row of houses which created a built frontage to School Lane and that the scheme would constitute limited infilling within a village and would not be inappropriate development in the Green Belt.

However, the Council considered that the proposal would harm the character and appearance of the area. The Inspector agreed that there was a sense of transition moving from the core of the village to a more scattered development at its fringes, where the spaces between the buildings contribute significantly to the area's distinctiveness.

The proposed dwelling and garage would be sited to the west of the property in a part of the frontage that has a very scattered and low density development pattern. The buildings would be very close to one another and together they would take up much of the site's width, with only a short gap remaining between the flank of the proposed dwelling and Arrochar.

The Inspector considered that given their layout and siting relative to Arrochar they would appear as an almost continuous built frontage which would be at odds with this part of the settlement's much more spacious development pattern.

The Inspector concluded that the proposal would harm the rural character and spacious appearance of the area.

Costs:

The appellant claimed that the Council did not reply to emails. However, the Inspector considered that there was limited information regarding communication attempts by the appellant and he was not persuaded this amounted to a lack of co-operation by the Council.

The Inspector considered that the need for a revised noise survey was foreseeable given that the previous Inspector dismissed the previous appeal partly on the basis of poor living conditions for the future occupants of plot 2 as a result of noise and disturbance from the adjacent farm. The Inspector therefore concluded that it was not unreasonable that the Council should refuse the application partly due to insufficient information. It was only on the basis of the revised Noise Climate Report submitted as part of this appeal that the Council could reasonably conclude that concerns relating to noise could be appropriately addressed by condition. This is not therefore an example of uncooperative or unreasonable behaviour, or of refusing an application on a ground that was, at the time, clearly capable of being dealt with by conditions.

The Inspector also considered that it was not unreasonable for the Council to have reached a different view from that expressed in a brief email from one of its officers, providing that its reason for refusal was precise and clear with regards the proposal's impact, and that it stood up to scrutiny. In the Inspector's view, the reason for refusal met these tests.

The Inspector found material differences between the appeal site and other schemes referred to by the appellant and concluded that this was not an example of determining similar cases in an inconsistent manner.

W/17/1146	Kenlea, Bericote Road, Blackdown	Retention of outbuilding; erection of means of enclosure Delegated	Helena Obremski	Questionnaire: 18/1/18 Statement: 18/2/18 Comments:	Ongoing
W/17/1084	The Barbican, Willes Road, Leamington	Change of Use to HMO Delegated	John Wilbraham	Questionnaire: 23/1/18 Statement: 20/2/18 Comments: 6/3/18	Ongoing
W/17/0508	Tapster Manor, Tapster Lane, Lapworth	Conversion of Stables to 2 Dwellings Delegated	Dan Charles	Questionnaire: 24/1/18 Statement: 21/2/18 Comments: 7/3/18	Ongoing
W/17/0537	8 Priory Road, Warwick	2 Storey Extension Delegated	Helena Obremski	Questionnaire: 23/1/18 Statement: 20/2/18 Comments: 6/3/18	Ongoing
W/17/1278	The Orchard, Coventry Road, Stoneleigh	Erection of Dwelling Committee Decision in accordance	Helena Obremski	Questionnaire: 11/1/18	Ongoing

		with Officer Recommendation		Statement: 8/2/18 Comments: 22/2/18	
W/17/1423	Land Adjoining Clinton House, Old Warwick Road, Rowington	Erection of Dwelling Delegated	Lucy Hammond	Questionnaire: 24/1/18 Statement: 21/2/18 Comments: 7/3/18	Ongoing
New W/17/1883	Life Headquarters, Mill Street, Leamington	Prior Approval from Office Use to Residential Dwellings Delegated	Dan Charles	Questionnaire: 16/2/18 Statement: 16/3/18 Comments: 30/3/18	In preparation
New W/17/1158	Ground Floor, 20 William Street, Leamington	Change of Use from Office to 1 bedroom flat Delegated	Helena Obremski	Questionnaire: 16/2/18 Statement: 16/3/18 Comments: 30/3/18	In preparation
New W/17/1539	12 Staunton Road, Leamington	Change of Use from Dwelling to HMO Delegated	Helena Obremski	Questionnaire: 16/2/18 Statement: 16/3/18 Comments: 30/3/18	In preparation

New W/17/1380	18 Clarkson Drive, Whitnash	Single Storey Extensions (Retrospective) Delegated	Rebecca Compton	Questionnaire: 23/2/18 Statement: 19/3/18 Comments:	In preparation
New W/17/1938	35 Helmsdale Road, Lillington	First Floor Extension and Porch Delegated	Rebecca Compton	Questionnaire: 23/2/18 Statement: 19/3/18 Comments:	In preparation
New W/17/1830	Priors Club, Tower Street, Leamington	Student Accommodation in 3 Storey Building Committee Decision contrary to Officer Recommendation	Rob Young	Questionnaire: 9/2/18 Statement: 9/3/18 Comments: 23/3/18	In preparation
New W/17/1439 /LB	Roebuck Inn, 57 Smith Street, Warwick	Painting of Exterior Front to Listed Building (Retrospective) Delegated	John Wilbrahim	Questionnaire: 8/3/18 Statement: 22/3/18 Comments:	In preparation

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 248/15	30 Regent Street, Leamington	Various Unlawful works to Listed Building	Rajinder Lalli	Appeal Start Statement 21/12/17 Final comments		Ongoing
ACT 138/17	35 Regent Street, Leamington	2 x Notices relating to Unlawful works to Listed Building	Rajinder Lalli	Appeal Start Statement 20/12/17 Final comments		Ongoing

Tree Appeals
