

**List of Current Planning and Enforcement Appeals  
August 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

Written Representations

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Current Position
W/18/0986	Ivy Cottage, Barracks Lane, Beausale	One and two Storey Extensions <b>Committee Decision in accordance with Officer Recommendation</b>	Rebecca Compton	Questionnaire: 23/10/18 Statement: 14/11/18	Ongoing
W/19/0091	21 Northumberland Road, Leamington	Erection of Railings and Gates <b>Delegated</b>	Emma Booker	Questionnaire: 17/6/19 Statement: 9/7/19 Comments: -	Ongoing
W/19/1224	Meadow Croft, High Cross Lane, Rowington	Agricultural Building, Fencing and Hardstanding	Helena Obremski	Questionnaire: 18/2/20	<b>Appeal dismissed</b>

		<b>Delegated</b>		Statement: 17/3/20	
<p>The proposed barn would be used for hay cropping machinery and the storage of hay cultivated from the field. The Inspector noted that Paragraph 145a of the NPPF does not refer to a size threshold for an agricultural building or the need to consider its effect on openness. Notwithstanding the Council's concerns that the proposed barn is larger than required for its stated purpose, the Inspector considered that there is no firm evidence to show that it would be used for any purpose other than agricultural. He therefore concluded the proposal would be appropriate development in the Green Belt.</p> <p>The Inspector noted that the field is adjacent to High Cross Lane. It is on a slight gradient and this falls away from the lane towards the valley. The field and site therefore afford distant views of open countryside over a wide panorama. The roadside boundary consists of a hedge and some small trees. Views from the highway into and beyond the site can be achieved through parts of the hedge and the gateway. The three other field boundaries are also a combination of hedge and tree planting. The existing stable block is a subdued single storey structure set adjacent to trees and hedging alongside a side boundary. The field and surrounding land therefore makes a positive contribution to the character and appearance of the surrounding open countryside.</p> <p>The barn would be two-storey in scale. It would have a pitched roof and include a large barn door facing into the field. The barn would be located adjacent to the stable block. Although it would be partially screened by the block and the boundary hedging, views of the barn from the highway would be relatively prominent. Moreover, distant views of the proposed structure would be overt from across the valley.</p> <p>The Inspector considered that the proposed barn would be substantially taller and wider than the adjacent stable and that the proposal would not relate well to the stable in terms of its comparative scale. It would be a prominent and harmful addition to the field and a dominant feature in the landscape due to its mass, the local topography and limited surrounding screening. The Inspector concluded that in combination, this would therefore result in substantial harm to the rural character and appearance of the area.</p>					
W/19/1512	2A St Fremund Way, Whitnash	First Floor Side Extension <b>Delegated</b>	Thomas Fojit	Questionnaire: 25/2/20 Statement: 18/3/20	<b>Appeal dismissed</b>
<p>Notwithstanding flat roofed box dormers identified at other properties, the Inspector considered that the first-floor flat roofed part of the first-floor extension would be seriously out of character with the host dwelling and that of the surrounding development. Whilst he acknowledged that the existing single storey extension and the dormer window also have flat roofs, the single storey element is not prominent in the streetscene whereas the appeal proposal would be. He felt that the combination of the first-floor flat roof extension and the existing box dormer window only highlights the incongruity of the design of the proposal.</p>					

The proposal includes a cat slide roof over part of the first-floor extension which the Inspector considered would not have an unacceptable impact on the character of the dwelling or the surrounding area when considered in isolation, but the combination of it with the flat roof element and together with the box dormer would result in a disjointed design which would be harmful.

While the proposal would breach the 45 degree line by 80cm from No.2 the Inspector considered that the proposal would only have a small impact over and above the existing situation given the design of the pitched roof over the eastern side of the rear extension and that there would not be any significant loss of sunlight or daylight.

In terms of outlook, the Inspector noted that the appeal property is set at a higher land level than No. 2 and any increase in height over and above the existing extension would contribute to a loss of outlook. However, he considered that the relationship between the respective properties would not be significantly different than the relationship between the existing garage at No 4 and the appeal site prior to the erection of the rear extension. Taking this into account, he felt that the level of harm is very small.

In terms of impact on light and outlook to No.4, the Inspector considered that the proposal would only have a very limited impact given the position and height of the existing garage.

W/19/0869	Leasowes Farm, Southam Road, Radford Semele	Timber Cabin for Holiday Rental. <b>Delegated</b>	Helena Obremski	Questionnaire: 9/3/20 Statement: 20/4/20	<b>Appeal Allowed</b>
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Overall on the issue of planning principle, the Inspector found that the main strategy in the Development Plan for new visitor accommodation does not support the erection of a new building in this isolated position in the countryside. While farm diversification proposals generally have a similar requirement in the development plan for utilising an existing building, the erection of a semi-permanent building could make a positive contribution to farm diversification depending on the local landscape impact, accessibility and the effect on productive agricultural land. He found that the proposal would respect the character of the countryside and would relate well to local topography and landscape features. Overall, he was satisfied that the location and nature of the site has reasonable access and wider accessibility.

The Inspector made reference to more recent national guidance in the NPPF which supports a prosperous rural economy and its guidance indicates that planning decisions should support: the growth and expansion of existing businesses; the diversification of agricultural; and sustainable local tourism which respects the countryside. Overall, he found that in this case the support for the proposal under the relevant national guidance outweighs the conflict with the Development Plan when this is read as a whole.

W/19/1633	Land at Honiley Road, Beausale	Erection of 2 Dwellings <b>Delegated</b>	Helena Obremski	Questionnaire: 19/3/20 Statement: 30/4/20	<b>Appeal dismissed</b>
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<p>The Inspector considered that notwithstanding the presence of the neighbouring dwelling, the site is not a small gap located within an otherwise uninterrupted built up frontage but rather a largely open paddock located on the edge of the village. Nor does the site have the characteristics of an obvious vacant plot. The proposal would not integrate into an established street scene due to the substantial separation between houses along this side of Honiley Road. He concluded that it does not constitute limited infill in a village, irrespective of how the settlement boundary has been drawn.</p> <p>He acknowledged that as the site is currently in equine use, it falls within the definition of previously developed land (PDL). The Frameworks states that partial or complete redevelopment of PDL, whether in redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development is not inappropriate development.</p> <p>However, he considered that due to the overall size of the two dwellings proposed it would have a significant greater impact on openness. Consequently, the proposed development constitutes inappropriate development.</p> <p>The also considered that the proposed development comprising two large detached dwellings and the associated infrastructure and domestic paraphernalia would have a substantial impact on openness in both visual and spatial terms.</p> <p>He also felt that the scheme would not successfully integrate into the wider landscape. It would be very apparent and intrusive appearing as an incongruous form of development that would change the verdant appearance of the site into something more urban, notwithstanding the small site coverage. It would significantly erode its verdant and rural appearance adversely affecting its character and appearance.</p> <p>Without a biodiversity impact assessment, the Inspector was not satisfied that it has been demonstrated that there would be no harmful impact upon biodiversity.</p>					
W/19/1858	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	Ongoing
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
	Waverley House, 70	Replacement Sash Windows	Jonathan	Questionnaire:	Ongoing

W/19/1253/LB	Binswood Avenue, Leamington	<b>Delegated</b>	Gentry	12/6/20 Statement: 10/7/20	
W/19/1769	Oldfield Farm, Old Warwick Road, Rowington.	One and Two Storey Extensions <b>Delegated</b>	Jonathan Gentry	Questionnaire: 12/6/20 Statement: 3/7/20	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/19/0697 and 0698/LB	36 High Street, Kenilworth	Tree House, Pergola and Fencing <b>Delegated</b>	Rebecca Compton	Questionnaire: 11/3/20 Statement: 8/4/20	<b>Appeal Allowed</b>

The Inspector considered that owing to its scale, form and position, the tree house is innocuous in the context of the listed building and its garden setting and is read very much as an impermanent structure designed for the purpose of recreation and enjoyment. Consequently, he did not consider that the tree house detracts from the significance or special interest of the listed building or its setting, which have been preserved.

The Inspector considered that the pergola is read as part of the re-landscaping works and fits within a high quality, contemporary garden design that complements the listed building and does not affect its setting. Looking back towards the rear elevation of No. 36 from the garden, the pergola does not harmfully infringe views or dilute appreciation of the architectural interest of the building. The replacement fence is constructed of high-quality materials and is entirely fitting within the context of the recent re-landscaping scheme. It has not harmed the significance or special interest of the listed building.

The construction of a 1.8m high fence with access gate across the northern end of the garden is proposed and would truncate the garden in length. The Council contended that the listed building requires extensive open grounds to preserve its historical significance, but the Inspector did not agree. He considered that the construction of Elmbank Road and the introduction of a detached double garage at the northern end of the garden have contributed to an erosion of its extent and openness. He was also aware that planning permission, now expired, has been

granted for the erection of a new dwelling within the rear portion of the appeal site. Therefore, whilst the whole of the garden is within the setting of the listed building, he considered that the rear portion per se is not germane to its significance or special interest.

W/19/1531	Land off Pitt Hill, Bubbenhall.	Prior notification of Change of Use of agricultural Building to 5 Dwellings. <b>Delegated</b>	Rebecca Compton	Questionnaire: 3/6/20 Statement: 1/7/20	Ongoing
W/19/2113/LB	3 Hatton Green, Hatton	New Roof over Conservatory <b>Delegated</b>	Zoe Herbert	Questionnaire: 12/6/20 Statement: 10/7/20	Ongoing
W/20/0120	1 Portway Close, Leamington	Single Storey side extension <b>Committee Decision in accordance with Officer Recommendation</b>	Thomas Fojut	Questionnaire: 8/7/20 Statement: N/A	<b>Appeal Allowed</b>

The Inspector noted that the proposed single storey extension would occupy a significant proportion of the small walled courtyard that currently provides the only private amenity space to the property, and the 11 square metres of private amenity space that would remain would fall considerably below the minimum amenity space standard of 40 square metres contained within the Council's Residential Design Guide SPD.

However, the Inspector referred to the submitted plan which shows that the open garden adjacent to the courtyard along Danesbury Crescent would be enclosed by a planted hedge and that the intervening courtyard wall would be removed. Based on the submitted drawing and the site visit, he was satisfied that this would create a private amenity space that would be significantly larger than the current walled courtyard and exceed the minimum private amenity space standard contained in the SPD.

The original layout of these bungalows included open gardens along the Crescent. However, the Inspector noted that seven of the thirteen corner bungalows along this side of the road have now enclosed their gardens along the Crescent with tall hedges to provide larger private outdoor amenity spaces. As a result, he found that the landscaping on this side of the road has changed to such an extent that the proposed enclosure of the garden at No 1 would not be out of keeping with the character of the area and so would not set a harmful precedent.

W/20/0317	1 St Pauls Terrace, Warwick	One and two storey extensions <b>Delegated</b>	Jonathan Gentry	Questionnaire: 30/6/20 Statement:	<b>Appeal dismissed</b>
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The Inspector considered that as the side element of the proposed extension would be set down in height, set back from the front elevation and narrower than the width of the dwelling it would be subservient to it. As a result, the vertical emphasis of the front elevation would also be maintained. Moreover, as the side elevation would be set in slightly from the side boundary and would not project beyond the building line of the nearest houses behind it on Linen Street it would not protrude in views along the street. In terms of architectural detail, the features of the extension would complement the existing house.

The single storey outrigger attached to the rear of the house would be replaced by a part two storey, part one storey outrigger. Two storey outriggers are a feature of the terrace and are shared between adjacent houses. Whilst the outrigger to No 1 would only serve that house, the width of the proposed outrigger extending partly across the rear of the house and extending across the whole width of the side extension, the Inspector considered it would be sufficiently wide to complement rather than be at odds with the rhythm of outriggers to the rear of the terrace. The stepping down in height of the outrigger from two storey to one storey at the rear would also vary the roof line of the side elevation and provide visual interest.

In terms of impact on living conditions, the Inspector noted that at present the outlook over No 1 from the two rear habitable room windows at No 2 is open at first floor level and partially encumbered at ground floor level by the single storey rear outrigger at No 1 which breaches the 45 degree line. In relation to the appeal proposal, on the basis of the submitted plan showing the 45 degree line, the extent of the proposed two storey element of the outrigger would comply with the guideline in relation to the ground and first floor rear windows at No 2. However, the single storey element of the outrigger would be materially longer than the existing outrigger and extend almost to the rear boundary. In combination with its dual pitched roof, which would be taller than the shallow angled monopitch roof serving the existing outrigger, this would result in the extension unduly enclosing the outlook from the rear ground floor window at No 2. He acknowledged that other rear windows along the terrace are enclosed by outriggers to a similar or greater extent and the neighbours at No 2 have not complained. However, he reasoned that the construction of the terrace predates the current planning system whose For all of these reasons, I therefore conclude that the proposed development would result in an enclosed overbearing outlook from the rear ground floor window of No 2 which would unacceptably harm living conditions.

W/20/0074	1 Westgrove Terrace, Leamington	Dormer Window <b>Delegated</b>	Jonathan Gentry	Questionnaire: 8/7/20 Statement: N/A	<b>Appeal dismissed</b>
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The Inspector noted that the appeal property is simply designed with a dual pitched slate roof unadorned by any features other than for a

chimney stack and parapet wall separating the roof from its neighbour. The proposed dormer would sit next to the edge of the rear roof slope neighbouring No 2 and would occupy most of the height of the roof with only a slight set down from the roof ridge and a small set up from the eaves. As a consequence, it would be contrary to the guidance contained within the Council's Residential Design Guide SPD. He considered that the use of slate to clad the dormer and matching dark grey eaves and barge boards would not reduce its conspicuousness to an acceptable level. As a result, it would be an overly large dormer that would dominate the roof slope and harm the simple design and appearance of the house and terrace.

There are three large rear dormers to eleven of the houses within the terrace, two of which are full width and particularly large. However, as they are located away from the footway, they are not easily visible in public views and are too few in number to alter the overall simple pleasing character of the terrace and its unadorned roofs. Moreover, as the uncontested position is that the two full width dormers were constructed under permitted development rights prior to establishment of the Conservation Area, and that the third was built larger than the plans approved for it, the circumstances of their construction are materially different to that of the proposed scheme. For these reasons he concluded that their presence does not lend material weight in favour of the proposal.

W/20/0277	107 Leicester Street, Leamington	Two storey side extension <b>Delegated</b>	Ankit Dhakal	Questionnaire: 30/6/20 Statement: N/A	<b>Appeal dismissed</b>
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The Inspector noted that No 107 is a semi-detached house on a relatively wide plot parallel to Leicester Street. On its western side is Leicester Court which is a development of flats that is orientated at right angles to the road. As a result, the rear elevation of some of the flats located towards the street face the side elevation of the house at No 107. Owing to the slope of the street the rear elevation of the flats is the equivalent of approximately one storey lower in height than the house on the appeal site.

At present the house is set back from the side boundary with Leicester Court by several metres with only a low flat roofed garage centrally positioned in the intervening space. The proposed development would result in the single storey element of the side extension extending to 1m from the side boundary. Owing to the slope of the site the single storey element of the side extension would be significantly taller than the existing garage in order to be level with the house. In views from the nearest bedroom windows within the rear elevation of the flats at Leicester Court the elevated height of the appeal site would mean that the single storey extension would have the same effect on living conditions as if it was two storeys tall.

The Inspector considered that given the limited distance separating the two, the height and width of the side extension would be overbearing in views from the habitable rear facing rooms within two of the nearest flats and unduly enclose the outlook. With a separation distance of 11.14m between the facing elevations this would be contrary to separation standard in the SPD. Given the difference in ground levels described the Inspector considered that that 12m (two storey to two storey) was the appropriate standard to apply in this case.

<b>New</b>	129 Warwick New Road,	Application for a Certificate of Lawful	Ankit Dhakal	Questionnaire: 6/7/20	Ongoing
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W/19/1442	Leamington	Development for a Rear Extension <b>Delegated</b>		Statement: 3/8/20	
<b>New</b> W/20/0185	9 Eborall Close, Warwick	First and Ground Floor Extensions <b>Delegated</b>	Ankit Dhakal	Questionnaire: 29/7/20 Statement: N/A	Ongoing
<b>New</b> W/19/2037	Arden Hill, Lapworth Street, Lapworth	New Dwelling <b>Delegated</b>	Dan Charles	Questionnaire: 26/6/20 Statement: 24/7/20	Ongoing
<b>New</b> 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
<b>New</b> W/20/0329	The Threshing Barn, Finwood Road, Rowington	Extensions and Conversions <b>Delegated</b>	Emma Booker	Questionnaire: 23/7/20 Statement: N/A	Ongoing
<b>New</b> 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
<b>New</b> W/20/0214	Broadford House, Grovehurst Park, Stoneleigh	Boundary Features <b>Delegated</b>	George Whitehouse	Questionnaire: 19/6/20 Statement: N/A	Ongoing

<b>New</b> 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
<b>New</b> 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
<b>New</b> W/19/1772	Land at the Valley, Radford Semele	Dormer Bungalow <b>Committee Decision in accordance with Officer Recommendation</b>	Helena Obremski	Questionnaire: 18/6/20 Statement: 16/7/20	Ongoing
<b>New</b> W/20/0301	102 Shrewley Common, Shrewley	Detached Garage <b>Delegated</b>	Jonathan Gentry	Questionnaire: 27/7/20 Statement: N/A	Ongoing
<b>New</b> W/19/1981	115 Brunswick Street, Leamington	Change of Use to HMO <b>Delegated</b>	Rebecca Compton	Questionnaire: 4/8/20 Statement: 25/8/20	Ongoing
<b>New</b> W/20/0243	Pear Tree Cottage, Stoneleigh Road, Blackdown	Enlargement and Remodelling of Dormer Bungalow <b>Delegated</b>	Thomas Fojut	Questionnaire: 8/7/20 Statement: 30/7/20	Ongoing
<b>New</b> 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:	Ongoing

				24/7/20	

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	Start date 04/06/19 Statements 22/11/19	Public inquiry 1 DAY	The inquiry has been held in abeyance

Tree Appeals

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