List of Current Planning and Enforcement Appeals
February 2022

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/20/1428	Land to the North of Bakers Lane, Knowle	Replacement dwelling **Delegated**	Andrew Tew	Questionnaire: 19/8/21 Statement: 16/9/21	Ongoing

W/20/1895	Terets Lodge, Rising Lane, 'Lapworth	Replacement Garage **Delegated**	Jonathan Gentry	Questionnaire: 9/8/21 Statement: 31/8/21	**Appeal Dismissed**
Paragraph 149 d) of the NPPF states that the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, is appropriate development in the Green Belt. The Inspector clarified that an assessment of whether the proposed replacement building would be materially larger is primarily an objective exercise by reference to size. The physical dimensions relevant to assessing the relative size of the replacement building will depend on the circumstances of the particular case. In this case he considered that, whilst the proposed building would be slightly narrower than the existing garage, it would be significantly longer and taller as well as having a significantly greater overall floorspace. Therefore, while it would still be seen as an outbuilding in relation to the larger host dwelling, it would nevertheless be materially larger than the building it would replace. The impact on openness would be slight. The Inspector accepted that in this case there is a greater than theoretical prospect that PD rights would be exercised should this appeal be dismissed, given the restricted size of the existing garage which limits its functionality. However, whilst the likelihood that PD rights would be used to progress an alternative scheme is highly probable, he found there was no compelling evidence before him that the appellant would seek to build structures of a significantly greater size or ground coverage than is currently proposed. Moreover, no mechanism has been submitted as part of this appeal which would prevent the appellant exercising their PD rights as well as constructing this garage if this appeal were to be allowed. Consequently, I he attached the potential fallback position only moderate weight.					
W/20/1764	8 Eastfield Road, Leamington	Change of use to 3 bed dwelling **Delegated**	Andrew Tew	Questionnaire: 12/10/21 Statement: 9/11/21	Ongoing

W/20/1888	The Lyons Farmhouse, Rowington Green	Erection of 2 dwellings (Outline) **Delegated**	Andrew Tew	Questionnaire: 23/9/21 Statement: 21/10/21	Ongoing
W/20/2008	Three Jays, Hampton Road, Hampton on the Hill	Single Storey Front Extension **Delegated**	George Whitehouse	Questionnaire: 27/9/21 Statement: 19/10/21	Ongoing
W/20/1934	10 Vicarage Road, Stoneleigh	Garden Room/Home Office **Delegated**	Jonathan Gentry	Questionnaire: 4/10/21 Statement: 26/10/21	**Appeal Allowed**
The Inspector found that the new detached building would be materially larger than the building it would replace and would therefore fail to meet the exception in the NPPF. However, he then proceeded to assess the proposal against the exception in Para 149 c) which permits the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. He considered that the existing building was the original garage to the house and as such could reasonably be considered to have been a normal domestic adjunct to it. Likewise, he reasoned that the proposed outbuilding would be used for purposes clearly related to the occupation of the dwelling; It would be in the same location on the site, relatively close to the dwelling and within a group of buildings closely associated with it. He was therefore satisfied that the proposed outbuilding could be considered as an extension to the dwelling. He noted that there have been various extensions to the original building and a detached garage. Given the modest scale of these existing additions and the limited additional footprint from the proposed outbuilding, he found that the proposal, in combination with previous additions, would not result in disproportionate additions to the host dwelling. He went on to state that Policy H14 is also referred to in the Council's decision notice but the policy relates to					

extensions to dwellings in the open countryside which this dwelling is not. Therefore, that Policy has not been determinative in my recommendation. Officers consider the Inspector has erred in assessing the new outbuilding under the exception for extensions and in doing so has also failed to have regard to the Council's definition of disproportionate in Policy H14. **The Council have formally instructed WCC Legal to submit a legal challenge to this appeal decision.**					
W/20/2100	22 St Mary's Terrace, Leamington	Lawful Development Certificate for Use of Garages for Commercial Storage **Delegated**	Rebecca Compton	Questionnaire: 14/10/21 Statement: 11/11/21	Ongoing
W/21/0813	Grove Park House, Hampton on the Hill	Prior Approval for the Enlargement of Dwelling House **Delegated**	Thomas Fojut	Questionnaire: 14/10/21 Statement: 5/11/21	Ongoing
W/21/0279	3 Strachey Avenue, Leamington	2 Storey Front Extension **Delegated**	Thomas Fojut	Questionnaire: 11/10/21 Statement: 2/11/21	**Appeal Allowed**
The proposal introduced a second first-floor gable addition that would extend beyond the primary gable projection, with a lower ridge. The Inspector considered that whilst the front elevation would be set forward of the main gable, due to the scale and appearance of the proposal it would still appear subordinate to the host dwelling. He also noted that close to the site is 8 College Drive that has a similar front extension and as a result, the introduction of a second front gable would not be completely alien within the estate. Additionally, he considered that the site is not within a prominent location within the wider estate, with limited locations from which the dwelling can be seen. Furthermore, given the variation in house types, in particular the existing differences between					

No 3 and its neighbours, the introduction of a second front gable would not harm the appearance of the two dwellings when viewed together or the character of the already varied estate.					
W/20/2116	Pear Tree Cottage, 5 Vicarage Road, Stoneleigh	Outbuilding **Delegated**	Emma Booker	Questionnaire: 8/11/21 Statement: 30/11/21	**Appeal Dismissed**
The Inspector agreed that the proposed detached building does not fall within any of the exceptions for new buildings listed in 149a) to g). Nor does it fall within any of the other types of exception development listed in paragraph 150. Accordingly, the appeal development would constitute inappropriate development, as described in paragraph 149 of the Framework and Local Plan Policy DS18. He also considered it would harm openness.					
W/21/593	Austin Heath Retirement, Village, Gallagher Way, Warwick	Advertisements **Delegated**	Helena Obremski	Questionnaire: 25/10/21 Statement: 16/11/21	Ongoing
W/21/0543	3 Elizabeth Road, Leamington	Detached Garage **Delegated**	Jack Lynch	Questionnaire: 26/10/21 Statement: 16/11/21	Ongoing
W/21/0813	Grove Park House, Grove Park, Hampton On The Hill	Prior approval for an Additional Storey to a Dwelling House **Delegated**	Thomas Fojut	Questionnaire: 14/10/21 Statement: 5/11/21	Ongoing

W/21/1153	Highway Verge at Lillington Avenue, Leamington.	Prior approval for 15 metre Monopole and Associated Equipment **Delegated**	Andrew Tew	Questionnaire: 30/11/21 Statement: 28/12/21	Ongoing
W/21/0822	48 Princes Drive, Leamington.	Garage conversion; extensions and alterations. **Delegated**	George Whitehouse	Questionnaire: 8/12/21 Statement: 30/12/21	Ongoing
W/21/0872	53 Blackthorn Road, Kenilworth	First Floor Extension **Delegated**	Jonathan Gentry	Questionnaire: 10/12/21 Statement: 3/1/22	**Appeal Allowed**
The Inspector noted that the proposed extension would only extend approximately half the width of the dwelling with the ridge set well below that of the main roof. It would not be built forward of the ground floor and would use matching materials. As a result, he considered that the proposal would appear proportionate and subservient to the existing dwelling and its scale would not unbalance the appearance of the pair. It would also respect the characteristic features of the dwelling. He went on to add that the various house designs on the wider estate incorporate different window types and rendered panels or brickwork at first floor, therefore they are not uniform at this level. No 21 has a similar first floor extension to that proposed, as do several other dwellings within the wider estate on similar house types. He concluded that as a result, and due to its sympathetic design, the proposed extension would not appear alien or incongruous within the street scene. Consequently, the scale and appearance of the proposed extension would not harmfully disrupt the consistent appearance of the dwellings or the street scene.					
New W/20/2126	27 Eastfield Road, Leamington	Replacement Dwelling - Appeal against Obscure Glazing Condition.	Dan Charles	Questionnaire: 20/12/22	Ongoing

		Condition Added by Planning Committee		Statement: 17/1/22	
New W/21/1736	Garage to the rear of 22 St Marys Terrace, Leamington	Certificate of Lawfulness Appeal: Commercial Storage **Delegated**	Emma Booker	Questionnaire: 30/1/22 Statement: 28/2/22	Ongoing
New W/21/1000	Stable Cottage, Main Street, Norton Lindsey	Rear Orangery **Delegated**	George Whitehouse	Questionnaire: 20/12/21 Statement: 11/1/22	Ongoing
New W/21/0989	The Elms, 75 Chessetts Wood Road, Lapworth	Outbuilding **Delegated**	Helena Obremski	Questionnaire: 20/12/21 Statement: 17/1/22	Ongoing
New W/21/0073 and W/21/0074/LB	Oldfield Farm, Old Warwick Road, Rowington	Replacement of 3 Porches **Delegated**	Jonathan Gentry	Questionnaire: 20/12/21 Statement: 17/1/22	Ongoing
New W/21/1575	Aylesbury Cottage, 156-158 Aylesbury Road, Lapworth	First Floor Rear Extension **Delegated**	Millie Flynn	Questionnaire: 21/12/21 Statement: 12/1/22	Ongoing

New W/20/1670	Rear of 47 Lakin Road, Warwick	1 Dwelling (Outline) **Delegated**	Rebecca Compton	Questionnaire: 29/12/21 Statement: 26/1/22	Ongoing
New W/20/1828	Clattylands Barn, Haseley Knob	Conversion of Barn and Stables into Dwelling **Delegated**	Rebecca Compton	Questionnaire: 17/12/21 Statement: 14/1/22	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 18/0600	Nova Equestrian, Glasshouse Lane, Lapworth	Construction of Dwelling	TBC	Statement: 12/1/21	Public inquiry No of days TBC	Ongoing

Tree Appeals

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