List of Current Planning and Enforcement Appeals
June 2019

Informal Hearings

Reference	Address	Proposal and Decision Type	Officer	Key Deadlines	Date of Hearing	Current Position
W/18/0554	Waverley Riding School, Coventry Road, Cubbington	16 Dwellings **Committee Decision contrary to Officer Recommendation**	Lucy Hammond	Questionnaire: 21/5/19 Statement: 18/6/19 Comments: -	TBC	
W/18/1180	Faerie Tale Farm, Rouncil Lane, Kenilworth	Retention of Residential timber Cabin **Committee Decision in accordance with Officer Recommendation**	Dan Charles	Questionnaire: 17/5/19 Statement: 5/6/19 Comments: 3/7/19	TBC	

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 **Committee Decision in accordance with Officer Recommendation**	Rebecca Compton	Questionnaire: 23/10/18 Statement: 14/11/18 Comments:	Ongoing
W/18/0683	Lime Garage, Myton Road, Warwick	Change of use from car Showroom to Estate Agents and Sales Hub **Delegated**	TBC	Questionnaire: 4/1/19 Statement: 22/1/19 Comments: 5/2/19	**Appeal Allowed and Costs Decision Allowed**
This appeal turned on the interpretation of retail policy, which is a rather specialist area of planning policy. In refusing permission the Council considered that the proposals failed the "sequential test", which requires retail development to be located within town centres if there are					

suitable sites available. In reaching this conclusion, the Council judged that the applicant should have considered splitting up the different uses so that they could fit on two or more smaller sites within the town centre (disaggregation). However, having reviewed the case law on the issue of disaggregation, the Inspector judged that it would not be appropriate to require the proposed uses to be split up in this case. As a result, the Inspector accepted that there were no suitable sites available in the town centre. Furthermore, given the small scale of the proposal, and the fact that it was not a "shopping function", the Inspector concluded that the development would not harm the vitality and viability of the town centre. The interpretation of retail policy is a complex area of planning. There is a large amount of case law relating to the interpretation of the various aspects of retail policy. This decision demonstrates the complexity of these judgements. The Inspector also awarded costs against the Council, principally on the grounds that the description of development had been changed without the agreement of the applicant. The reason why the description was changed in this case was because the Council did not consider that the description used by the applicant accurately described the use proposed. However, in view of this costs award, descriptions will not now be changed unless the applicant is in agreement.					
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. **Committee Decision contrary to Officer Recommendation**	TBC	Questionnaire: 16/1/19 Statement: 13/2/19 Comments: 27/2/19	**Appeal Dismissed**
The Inspector noted that the proposals would not comply with the Council's Parking Standards. He also noted that the applicant had declined to undertake a parking survey and that there was no mechanism in place to restrict occupation to students. The Inspector went on to raise concerns about the details of the applicant's Traffic Management Plan with regard to restricting car use. He also pointed out that the site is not within a Residents' Parking Zone, or the town centre. As a result, it was concluded that the proposals were unacceptable on parking grounds. Whist dismissing the appeal on parking grounds, the Inspector did not accept the second reason for refusal in relation to providing adequate living conditions for future occupants. The Inspector noted that the accommodation appears to comply with all relevant spatial requirements and although two of the additional bedrooms would be one additional level higher than normal in relation to the communal kitchen/living room that would not unduly impair the use of those bedrooms.					
W/18/1676	Glenshee, 93 Chessetts Wood Road, Lapworth	Hip to Gable Roof Extension and Dormer Extensions **Delegated**	Emma Booker	Questionnaire: 11/1/19 Statement: 4/2/19 Comments:	Ongoing

W/18/1292	1 Nursery Lane, Leamington	New Dwelling **Delegated**	Helena Obremski	Questionnaire: 4/1/19 Statement: 22/1/19 Comments: 5/2/19	**Appeal Allowed**
The Inspector judged that the proposed dwelling would accord with the overall development pattern of two-storey dwellings facing the residential street and pointed out that Local Plan Policy H1 does not demand absolute conformity from infill development. The height, scale and mass of the dwelling would respect the surrounding built form. The Inspector concluded that detailed measures to safeguard the TPO tree during construction could be secured by condition. The Inspector did not agree that the proposed side garden would not provide adequate private amenity space. Furthermore, the Inspector considered that the proposed dwelling would not cause unacceptable loss of light or outlook for the garden of the adjacent dwelling.					
W/18/1231	Calmonfre, Haseley Knob	First Floor Side extension **Committee Decision in accordance with Officer Recommendation**	Liz Galloway	Questionnaire: 15/1/19 Statement: 6/2/19 Comments:	**Appeal Allowed**
The Inspector disagreed with the Council's judgement that the proposals would represent a disproportionate addition and therefore inappropriate development within the Green Belt. This appears to stem from a different interpretation of what constituted the "original dwelling". The Inspector included some previous additions that had been demolished, judging that there was sufficient evidence of their existence. As a result, he concluded that the cumulative floorspace would only be "slightly greater" than the original building.					
W/18/1367	Dial House Farm, Ashow Road, Ashow	Removal of Agricultural Occupancy Condition **Delegated**	Angela Brockett	Questionnaire: 13/2/19 Statement: 13/3/19 Comments: 27/3/19	Ongoing
W/18/1779	170 Emscote Road, Warwick	Alterations and Extension to Form Flat **Delegated**	Helena Obremski	Questionnaire: 27/2/19 Statement: 27/3/19 Comments: 10/4/19	Ongoing

W/17/2387	Land South of Lloyd Close, Hampton Magna	Outline Application for up to 147 Dwellings **Delegated**	Lucy Hammond	Questionnaire: 14/2/19 Statement: 14/3/19 Comments: 28/3/19	**Appeal Allowed and Costs Decision Allowed in part**

In line with previous Planning Committee decisions for similar proposals, Officers have sought to robustly assess applications on allocated sites that exceed the number of dwellings indicated in the Local Plan. The Local Plan allocated this site for 115 dwellings, and the application proposed significantly more than this (147 dwellings). Having assessed this case, Officers felt that the site could not satisfactorily accommodate 147 dwellings, citing concerns about the indicative layout, including the overly dense layout, lack of landscaping, excessive frontage parking and subsequent lack of green frontages within the development.

A further reason for refusal related to concerns about the number of dwellings served off a single point of access being greater than the 150 maximum specified by the Highway Authority (when including existing dwellings on the proposed access route). This was in accordance with an objection from the Highway Authority.

The Inspector disagreed, noting that the indicative layout was not for approval at this stage. He felt that 147 dwellings could be accommodating while addressing all of the issues of concern. Although without an indicative layout showing 147 dwelling laid out satisfactorily with adequate landscaping, green frontages and spaciousness, it is not clear how he could be sure of that.

The Inspector also judged that there was no requirement for a secondary access, noting that the 150 dwelling limit is not set out in any policy document. In reaching this conclusion, he pointed out that the roads leading to the site were reasonably wide and were not subject to significant on-street parking.

The Inspector also awarded costs against the Council. This is considered to be particularly harsh in this case and Officers are in discussions with Legal about challenging the costs decision.

In the costs decision the Inspector states that the Council failed to recognise that the layout was illustrative (even though the report clearly recognises this). The Inspector also criticised the Council for not setting out the concerns clearly enough or explaining why these would cause harm that could not be addressed at reserved matters stage. However, the Council's report clearly set out how the layout failed to demonstrate that 147 dwellings could be accommodated on the site without compromising character. It went into detail about the particular issues with the layout. Interestingly, the Inspector's report goes into no more detail about how he considered 147 dwellings could be accommodated than the Council had included to the contrary.

So whilst it can be accepted that there is some subjectivity on these issues and consequently it was not unreasonable to allow the appeal, the costs decision is considered to be unreasonable.

The Inspector also awarded costs in relation to the highways reason for refusal. However, the Highways Authority clearly objected on the basis of highway safety and the proposals will result in an unusually large number of dwellings being served off a single access (well over the normal limit). In this context it is hard to see how this reason for refusal could be judged to be unreasonable even if the Inspector chose to take a different view.					
W/18/2258	Roundshill Farm, Rouncil Lane, Kenilworth	Removal of Condition relating to Occupancy **Delegated**	Helena Obremski	Questionnaire: 20/3/19 Statement: 17/4/19 Comments: 1/5/19	Ongoing
W/18/0163 and 0164/LB;	60-62 Regent Street, Leamington	Alterations and Change of Use of Upper Floors to Residential Use **Delegated**	George Whitehouse	Questionnaire: 14/3/19 Statement: 11/4/19 Comments: 25/4/19	**Appeals Dismissed**
These proposals included internal alterations which removed original walls and added new partition walls. This resulted in the loss of historic fabric and a harmful change to the historic layout of the building. The Inspector agreed with the Council that this would harm the character of the Listed Building.					
W/18/2120	50 Clarendon Avenue	Extensions and Alterations **Delegated**	Liz Galloway	Questionnaire: 5/3/19 Statement: 27/3/19 Comments: -	**Appeal Dismissed**
The Inspector judged that a two storey extension on the back of the traditional rear wing of the property would harm the conservation area. He noted that the rear wings of this run of properties were relatively consistent in terms of their design and size and concluded that the added bulk and massing of the proposed extension would appear incongruous. This was despite the fact that the extension would not be prominent in views from public vantage points. In this regard he commented that the requirement for proposals to preserve or enhance the character or appearance of the conservation area applies whether or not the proposal is prominent or available to public view. The Inspector also found proposed rear dormers to be unacceptable. These would be clearly seen from Oxford Street as well as from some of the other rear gardens on Clarendon Avenue. The Inspector concluded that the dormer windows would be a stark and discordant addition, through creating bulk and massing to the roof and would be an undesirable incremental change that would erode the overall character and quality of the area. Finally, on the issue of living conditions, the Inspector judged that windows in the side and rear elevations of the extension, and in the rear elevation of a coachhouse, would cause unacceptable loss of privacy for the neighbouring dwelling.					

W/17/2145 and 2146/LB; W/19/0632 and 0633/LB	Abbey Farm, Ashow Road, Ashow	Conversion and Extensions of Outbuildings to Create New Dwellings **Committee Decision both in accordance with and contrary to Officer Recommendation**	Dan Charles	Questionnaire: 20/3/19 Statement: 17/4/19 Comments:1/5/19	Ongoing
W/18/1907	8 Cassandra Grove, Warwick Gates	Single Storey Front Extension **Delegated**	Emma Booker	Questionnaire: 10/4/19 Statement: 2/5/19 Comments:-	Ongoing
W/18/1733	Sowe View, Coventry Road, Stoneleigh	2 bedroomed bungalow **Committee Decision in accordance with Officer Recommendation**	Angela Brockett	Questionnaire: 8/5/19 Statement: 5/6/19 Comments: 19/6/19	Ongoing
W/18/2212	Unit 1 Moss Street, Leamington	Removal of Condition to Allow unrestricted Occupancy of 47 bed HMO **Delegated**	Angela Brockett	Questionnaire: 22/5/19 Statement: 19/6/19 Comments: 3/7/19	Ongoing
W/18/2199	135 Warwick Road, Kenilworth	Amendments to Residential Planning Permission including in respect of access arrangements. **Committee Decision contrary to Officer Recommendation**	Lucy Hammond	Questionnaire: 1/5/19 Statement: 29/5/19 Comments: 12/6/19	Ongoing
W/18/1398	2 Adelaide Road, Leamington	Extensions **Delegated**	Rebecca Compton	Questionnaire: 30/4/19 Statement: 22/5/19 Comments: -	Ongoing

W/18/2275	Rivendell, Stoneleigh Road, Bubbenhall	Extensions **Delegated**	George Whitehouse	Questionnaire: 13/5/19 Statement: 4/6/19 Comments: -	Ongoing
W/18/2419	Three Jays, Hampton Road, Hampton on the Hill	Front Extension **Delegated**	George Whitehouse	Questionnaire: 30/4/19 Statement: 22/5/19 Comments: -	Ongoing
W/19/0239	24 Rounds Hill, Kenilworth	Extensions **Delegated**	George Whitehouse	Questionnaire: 13/5/19 Statement: 4/6/19 Comments: -	Ongoing
W/18/1141	R/O 177 -179 Chessetts Wood Road, Lapworth	Dwelling **Committee Decision in accordance with Officer Recommendation**	Helena Obremski	Questionnaire: 8/5/19 Statement: 5/6/19 Comments: 19/6/19	Ongoing
New Holly Tree Cottage, Tapster Lane, Lapworth	W/18/1520	Application for a Lawful Development Certificate for the Stationing of a Mobile Home **Delegated**	Angela Brockett	Questionnaire: 4/6/19 Statement: 2/7/19 Comments: 23/7/19	Ongoing
New The Cedars, Stoneleigh Road, Bubbenhall	W/18/1630	Erection of Dwelling House **Committee Decision in accordance with Officer Recommendation**	Angela Brockett	Questionnaire: 10/6/19 Statement: 8/7/19 Comments: 22/7/19	Ongoing

New 21 Northumberland Road, Leamington	W/19/0091	Erection of Railings and Gates **Delegated**	Emma Booker	Questionnaire: 17/6/19 Statement: 9/7/19 Comments: -	Ongoing
New 2 Satchwell Place, Leamington	W/18/1276	Retention of Fence **Committee Decision in accordance with Officer Recommendation**	Helena Obremski	Questionnaire: 18/6/19 Statement: 10/7/19 Comments: -	Ongoing
New Valley Farm, Valley Lane, Lapworth	W/18/2324	Conversion of Barn to Dwelling **Delegated**	Helena Obremski	Questionnaire: 18/6/19 Statement: 16/7/19 Comments: 30/7/19	Ongoing
New Lapworth Farm, Spring Lane, Lapworth	W/18/2287	Removal of a planning Condition tying the Occupancy of a Dwelling to Valley Farm **Appeal against Non–Determination.**	TBC	Questionnaire: 10/6/19 Statement: 8/7/19 Comments: 22/7/19	Ongoing
New Eversleigh House, 2-4 Clarendon Place, Leamington	W/19/0281	Car parking and Landscaping **Delegated**	TBC	Questionnaire: 10/6/19 Statement: 8/7/19 Comments: 22/7/19	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	**29 May** over 3 days	Awaiting decision
ACT 026/17	Fleur De Lys, Lowsonford	Erection of a pergola-attached to listed building. Planning granted but lb consent refused for applications to retain. Alternative scheme submitted approved but have failed to implement	RL	Start date 21/05/19 Statements 02/07/19 Final comments 23/07/19		Written Representations Ongoing
ACT 450/08	Meadow Cottage, Hill Wootton		RL	Start date 04/06/19 Statements 16/07/19 Final comments 06/08/19	Public inquiry over 2 days	ongoing