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## Appeal Decision

Site visit made on 24 January 2017

**by Andrew Owen BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 08 February 2017**

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**Appeal Ref: APP/T3725/W/16/3161338**

**42 Regent Street, Leamington Spa, Warwickshire CV32 5EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Kottayam Street Ltd (formerly Kayal Ltd) against the decision of Warwick District Council.
  - The application Ref W/16/0652, dated 1 April 2016, was refused by notice dated 6 June 2016.
  - The development proposed is a first floor extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a first floor extension at 42 Regent Street, Leamington Spa, Warwickshire CV32 5EG in accordance with the terms of the application, Ref W/16/0652, dated 1 April 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: plan at 1:1250, plan at 1:500 and KL 1250.
  - 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

### Preliminary matter

2. The second reason for refusal in the Council's decision relates to the lack of evidence to demonstrate that the development would not cause harm to bats. A bat survey has since been provided and considered acceptable by the Council. As such they have confirmed that they would not be defending this reason for refusal, and I have determined the appeal on this basis.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Royal Leamington Spa Conservation Area (RLSCA).

### Reasons

4. The RLSCA generally covers the town centre and is largely characterised by terraces of commercial properties set in a grid layout, built around the early
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19<sup>th</sup> century. Regent Street is archetypal of this and the appeal site comprises a mid-terrace commercial property.

5. The terrace in which the site is located is not uniform and the two storey property at the site is a storey shorter than the adjacent buildings to either side, and most of the other buildings in the terrace. The rear elevations of the properties are even more inconsistent in their appearance as some buildings have not been extended while others host single storey or two storey extensions of various shapes and sizes. Most prominently, there is a large two storey extension at the adjacent property to the east of the site and a three storey building to the rear of the eastern end of the terrace.
6. The development would result in the whole width of the property being extended at first floor level. From my site visit I saw no other properties in the terrace that have been extended in such a way. However due to the varied appearance of the rear elevations of the properties in this terrace, there is no overriding uniform characteristic from which the proposal would detract.
7. Furthermore the extension would be lower than the existing rear projection at the site and lower than the large projection at the adjacent property to the east. Accordingly the development would appear in proportion with the other rear extensions to the terrace and would not overdominate its setting.
8. Immediately to the south of the site is a school playground and to the south east there is a large industrial building. It may be possible to see the extension from these buildings and a limited number of other properties to the south, and also from the upper windows in the neighbouring properties in the terrace. Additionally a view of the extension may be possible from the public car park south of the site, albeit this would be at a distance. In general, however, views of the extension would be limited.
9. The extension would be mostly glazed and this would contrast with the predominant use of red brick in the neighbouring buildings. Nonetheless, I consider its limited visibility, modest scale and the variation in the design of its neighbouring buildings means the structure's appearance would not detract from the RLSCA.
10. As such, the development would not have a harmful effect on the character or appearance of the RLSCA. The extension would therefore accord with Policy DAP8 of the Warwick District Local Plan which requires development to preserve or enhance the interest and appearance of conservation areas.

### **Conditions**

11. I have considered the conditions suggested by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework (the 'Framework'). Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect this guidance.
12. In accordance with the advice in the PPG and the Framework I have imposed the standard condition relating to the commencement of development. I have also attached a condition specifying the relevant plans in order to provide certainty, and a condition relating to finishing materials in order to protect the character and appearance of the area.

13. I have not imposed the suggested conditions relating to doors, windows and rainwater goods as no external doors or windows are proposed and rainwater would be collected by the existing rainwater goods. Also it would not be necessary to require specific details of the eaves and verges because of the nature of the structure.

**Conclusion**

14. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

*Andrew Owen*

INSPECTOR