

Appeal Decision

Site visit made on 25 April 2017

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 2nd May 2017

Appeal Ref: APP/T3725/D/17/3169393

70 Russell Terrace, Leamington Spa CV31 1HF

- 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 Mr Tim Harlock against the decision of Warwick District Council.
 - The application Ref W/16/2173, dated 28 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is to increase the roof eaves and ridge height, and provide three dormer windows in the roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the area, including whether or not it would preserve or enhance the character or appearance of the Leamington Spa Conservation Area.

Reasons

3. There is a statutory duty within conservation areas to pay special attention to the desirability of preserving or enhancing their character or appearance. The Leamington Spa Conservation Area ('CA') covers a large part of the town, and, unsurprisingly, includes buildings of varied age, style and appearance. In this part of the CA the mainly residential properties are of an individual design or are arranged in groups of a similar appearance. Russell Terrace includes rows of substantial, lightly-coloured, bay-fronted villas which are set back from the tree-lined carriageway. No. 70 Russell Terrace ('No. 70') is located on the corner of Farley Street, with the three and a half storey Squirhill Place apartment building on the opposite corner.
 4. No. 70, together with the detached dwelling at no. 72, and the semi-detached pair at nos. 74/76 Russell Terrace form a short row of dwellings, which are in a broadly similar style, albeit different proportions partly due to extensions and alterations. Nevertheless, the group display common features including two storey front-facing gables with bargeboards, prominent chimneys, and simple and uncluttered largely hipped roofs.
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5. Amongst its 'design steps' the Council's Residential Design Guide SPG 2008 ('SPG') states that proposals should take account of the particular characteristics of the area. It states that dormer windows will only be permitted where they can be inserted without damaging the character and appearance of the building and the general area, and that they should be avoided on prominent elevations that can be clearly viewed from the street.
6. No. 70 is lower, and significantly smaller in scale, than no. 72. The proposal would entail an increase in its eaves and ridge heights, and the installation of dormer windows to its rear and sides. Those dormers would have differing proportions, but would be fairly large features. Consequently, they would give the building a very complex roof form, which together with the increased ridge height and the steeply pitched roofs would give it a much more 'top-heavy', and less balanced, appearance than at present. The harm that that would cause to the host dwelling would be very apparent in the public realm on this prominent corner plot.
7. I have noted the varied style and design of buildings in this part of the CA. However, whilst the Squirhill Place apartments contain dormers, the houses here generally have a fairly simple roof form with principally plain sloping roofs. Large dormer windows are not a typical characteristic of the dwellings in the streetscene. Their introduction here would therefore appear incongruous and would also disrupt the harmony and uncluttered roof form of this small cohesive group from nos. 70 to 76 (evens).
8. Whilst no. 70 would retain its front gable and its chimneys, given the alterations to its roof form, they would be less dominant features than at present. The proposed use of reclaimed matching bricks and tiles, and painted timber, would respect the existing property. I have no doubt that suitable waste minimisation measures could be put in place during construction.
9. Nevertheless, for the reasons above, the proposal would harm the character and appearance of the host property, and the area. Consequently, the scheme would not accord with the advice in the SPG. Amongst other matters, and in broad terms, policy DP1 of the Warwick District Local Plan 1996-2011 ('WDLP') states that development shall harmonise with the form of the settlement, shall respect local architectural distinctiveness, and shall positively contribute to the character and quality of the environment. The scheme would conflict with that policy. It would also conflict with the similar requirements of policy BE1 of the Draft Warwick District Local Plan 2011-2029, although as that plan has not been adopted, I give that policy only limited weight.
10. As it would not preserve or enhance the character or appearance of the CA, the proposal would fail the statutory test, and would conflict with the broadly similar requirements of WDLP policies DAP8 and DAP9. In accordance with the National Planning Policy Framework ('Framework') I have given great weight to the conservation of this designated heritage asset.
11. Although the harm caused to the CA would be less than substantial, any public benefit arising from the improved family accommodation provided would be very limited, and, having applied Framework paragraph 134, would not outweigh the harm that would be caused.

12. I note that no objections were raised by the immediate neighbours, although I have had regard to other representations made. This scheme also followed a previous refusal, and, compared to it, the Council's Conservation Officer describes elements of it as reduced in scale. Nevertheless, I have dealt with the proposal before me on its merits against the statutory test and relevant planning policies, and I conclude that it would harm the character and appearance of the host property, this small group, and the area. Consequently, it is not the sustainable development for which the Framework places a presumption in favour, and, having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR