
Appeal Decision

Site visit made on 5 June 2017

by K Ford BSocSc (Hons) MSc MRTPI

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

Decision date: 27th June 2017

Appeal Ref: APP/T3725/D/17/3172203

37 Sherbourne Place, Clarendon Street, Leamington Spa CV32 5SW

- 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 Narinder Bains against the decision of Warwick District Council.
 - The application Ref W/16/2194, dated 1 December 2016, was refused by notice dated 1 March 2017.
 - The development proposed is erection of a trellis panel on wooden stilts.
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Preliminary Matter

1. I have used the description of the proposal from the appeal form and Council's decision notice. It accurately and simply describes the proposed development instead of the much longer description given on the application form.

Decision

2. The appeal is allowed. Planning permission is granted for the erection of a trellis panel on wooden stilts at 37 Sherbourne Place, Clarendon Street, Leamington CV32 5SW in accordance with the terms of the application, ref W/16/2194, dated 1 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the details shown on the site location plan and approved drawing REVISED PROPOSED PLAN 4, and specification contained therein, submitted on 1 February 2017.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of the property to the rear of 37 Sherbourne Place in terms of outlook and light.

Reasons

4. The proposal is to erect a trellis panel supported by 2 timber stilts at the end of a rear garden adjacent to a property which abuts the boundary of 37 Sherbourne Place. The panel would be located in front of the small upstairs bathroom window of the neighbouring property, but set forward to enable the window to open. As the window has obscure glazing the proposal would not

harm the outlook of the residents of the property. Similarly, the window serves a non-habitable room so there would be no harm to living conditions in terms of loss of light. The proposal therefore complies with policy DP2 of the Warwick District Local Plan which allows development that does not have an unacceptable impact on the amenity of nearby uses and residents.

5. I note the concerns of neighbours about the height of the trellis and the impact on the street scene and character and appearance of the Royal Leamington Spa Conservation Area. However, as the garden is enclosed it would not be seen from the street scene and therefore would not cause harm to it. For this reason and the fact that the proposal would not appear unduly prominent from the surrounding area, because of its lightweight design, it would preserve the character and appearance of the conservation area.
6. I also note objections relating to the reasons for the proposal however this and other concerns raised relating to potential damage of the property to the rear of 37 Sherbourne Place are separate civil matters and have not affected my decision.
7. Having had regard to all other matters raised the appeal should succeed and planning permission should be granted subject to a standard time condition and also one to ensure the trellis is constructed in line with the approved plans for the avoidance of doubt and in the interests of proper planning.

K Ford

INSPECTOR