
Appeal Decision

Site visit made on 16 October 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 22 November 2017

Appeal Ref: APP/T3725/D/17/3180143

95 Clarendon Street, Leamington Spa CV32 4PF

- 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 Xiaowei Zhao against the decision of Warwick District Council.
 - The application Ref W/17/0429, dated 8 March 2017, was refused by notice dated 30 May 2017.
 - The development proposed is replacement of existing main roof including conversion of loft space to rooms.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has confirmed that the Warwick District Local Plan 2011-2029 (WDLP) has now been adopted and replaces the Warwick District Local Plan 1996-2011 (LP). The WDLP was adopted after the application was determined. Policies BE1, BE3 and HE2 of the WDLP were referred to in the Council's Officer Report though no WDLP policies were referred to in the Council's reason for refusal which referred solely to Policy DAP8 of the LP. The Council also considers Policy NE2 of the WDLP to be relevant to the proposal.
3. The appellant has been consulted on the relevance of the WDLP policies referred to by the Council to his case and I am satisfied that he has had the opportunity to comment on them. In reaching my decision I have therefore had regard to the now adopted WDLP policies referred to by the Council where they are relevant to the proposal.
4. The name of the appellant used in the heading above differs from the name stated on the planning application form and on the appeal form. Correspondence received from the appellant has confirmed his name and that his surname was incorrectly spelt on the appeal form.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the host building and the surrounding area.

Reasons

6. The appeal site is located in the Royal Leamington Spa Conservation Area (CA). The CA is relatively large in size and covers the central part of Leamington Spa

with the appeal site being located fairly centrally within the CA. I understand from the Council's Officer report that Clarendon Street was developed as the eastern boundary of the town in the 1830's and at my site visit I noted that the part of Clarendon Street near to the appeal site mainly comprises two and three storey buildings which are primarily rendered. The terraced row of buildings between Nos 87 and 101 Clarendon Street has a strong and consistent front parapet, albeit with a change in level, with the exception of a front gable feature above the parapet at No 87. The pitched roofs above the parapet appear to be unaltered with the exception of No 97 which has had a mansard roof extension. This extension is prominent and visible from the street and is uncharacteristic of the terrace and the immediate surrounding area.

7. The appeal site comprises a two storey mid terraced dwelling located centrally within the terrace of properties between Nos 87 and 101. The roof and front parapet of the host building together with the majority of its immediate neighbours appear unaltered and have a simple and consistent form. This contributes positively to the character and appearance of the host building and the wider CA.
8. The proposed mansard roof extension would significantly increase the roof height of the host building and would also involve an increase in the height of the front parapet together with the introduction of two front dormers. The increase in height of the front parapet would alter the proportions of the host building and the loss of the existing uniformity at Nos 93 to 101. Though the existing front parapet is higher above Nos 87 to 91, this is on a different part of the terrace separated from the host building by No 93. Whilst the general size and form of the proposed extension would match the extension at No 97, it would be a bulky and prominent addition which would result in the loss of the existing simple roof form and would be an alien and unsympathetic addition to the roof of the host building and to the roofscape of the surrounding area.
9. Though I acknowledge that there is some variety of built form and roof heights along Clarendon Street, for the reasons stated above, there is an element of consistency and uniformity to the roofscape within the terrace of which the host building forms an integral part.
10. I consider that the harm to the significance of the CA that would result from the proposal would be less than substantial. As such having regard to paragraph 134 of the National Planning Policy Framework (the Framework), this harm needs to be weighed against the public benefits of the proposal. There do not appear to be any public benefits of the proposal which would outweigh the harm identified.
11. Taking the above matters into consideration, I conclude that the proposal would fail to preserve the character and appearance of the host building and the CA and would not meet the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the same reasons it would not accord with paragraph 132 of the Framework or with policies BE1 and HE2 of the WDLP. These policies seek, amongst other things, to secure good layout and design and for development to make a positive contribution to the local character and distinctiveness of conservation areas.

Other Matters

12. In reaching my decision I note that it appears that discussions took place between the appellant and the Council regarding a mansard roof extension prior to the application being submitted and that initial advice from the Council indicated that an increased parapet and roof extension might be acceptable. However an application for the proposal was subsequently refused by the Council. Whilst I have some sympathy with the appellant who had clearly sought to discuss the proposal with the Council and to reach agreement before submitting an application, I must nevertheless determine the proposal before me on its own merits and for the reasons stated I consider it to be harmful.
13. I also note that the appellant has stated a willingness to alter the design of the front dormer windows if necessary. However no alternative proposals are before me and I have determined the appeal having regard to the plans which were before the Council when it determined the application.

Conclusion

14. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR