



Appeal Decision

Site visit made on 9 July 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2019.

Appeal Ref: APP/T3725/D/19/3228668

21 Northumberland Road, Leamington Spa CV32 6HE

- 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 David Mitchell against the decision of Warwick District Council.
 - The application Ref W/19/0091, dated 17 January 2019, was refused by notice dated 30 April 2019.
 - The development proposed is for the erection of metal electric gates and metal railings at the front of the property, to increase security.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The metal electric gates and railings have already been erected. I have therefore determined the appeal on the basis that the appellant is seeking permission for what is now in place.

Main Issue

3. The main issue is whether or not the gates and railings preserve or enhance the character or appearance of the Northumberland Road Conservation Area.

Reasons

4. The appeal site comprises a large detached dwelling located in the Northumberland Road Conservation Area (NRCA). I have therefore attached considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the Conservation Area (CA) in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have also had regard to Paragraph 196 of the National Planning Policy Framework (the Framework) in that where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the development.
5. Dwellings of similar proportion and design line either side of the street in this part of the NRCA and are set back from the road. Enclosing the front garden of the appeal property and abutting the footway is a brick wall with pillars. The metal railings sit on top of the brick pillars, while the gates are set immediately behind two entrance pillars, also constructed of brick.

6. One of the defining features of the NRCA is the variety of boundary treatments which include brick walls with ironwork above. The quality of the detailing makes a positive contribution to the CA. Where boundary walls of properties incorporate metal railings, these sit immediately above the wall and are framed by the wall's pillars. This is not the case at the appeal site where there is a perceptible gap between the top horizontal brick course of the wall, and the bottom of the railings. Furthermore, the positioning of the railings on top of the brick pillars means that they are not neatly framed as is the case with neighbouring examples, but instead protrude excessively above the brick wall portion of the boundary. This has the effect of appearing awkward and incongruous in the context of other front boundaries where walls with railings above are more balanced in terms of design and height.
7. Where metal gates form a means of enclosing entrance driveways at neighbouring properties, these are fixed to brick entrance pillars. By contrast at No 21 the metal gates sit behind the two entry pillars rather than braced to their sides. This is inconsistent with the prevailing detailing of boundaries in the NRCA resulting in significant harm to one of its distinguishing features.
8. I appreciate that the dark colour of the railings helps them to blend into the background landscaping. I also accept that the metal work is traditional in appearance. However, these positive aspects of the scheme do not overcome the harm caused by the relationship of the gates and railings with the adjoining wall and the surrounding NRCA.
9. Therefore, taking all of the above points into consideration, I conclude that the gates and railings fail to preserve or enhance the character or appearance of the NRCA. The scheme therefore conflicts with Policies BE1 and HE2 of the Warwick District Local Plan 2011-2029 (Adopted September 2017), which amongst other considerations, requires developments to reflect, respect and reinforce local architectural and historical distinctiveness, and preserve or enhance the special qualities of the District's Conservation Areas.
10. In terms of the Framework the harm I have identified is less than substantial. However, no matters of public benefit have been identified that outweigh the harm to the NRCA as a whole.

Other Matter

11. I appreciate that the gates and fence could provide additional security for the occupants of No 21 following a break in. However, whilst I am sympathetic to the distress the event was likely to have caused, there may be alternative security measures that would not cause harm to the CA. The desire for increase security is therefore not a justification for permitting something I have found to be harmful to the heritage asset.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR