



Appeal Decision

Site visit made on 5 November 2019 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2019

Appeal Ref: APP/T3725/D/19/3238005

77 Northumberland Road, Royal Leamington Spa CV32 6HQ

- 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 Manning against the decision of Warwick District Council.
 - The application Ref: W/19/1167, dated 9 July 2019, was refused by notice dated 4 September 2019.
 - The development proposed is described on the application form as "retention of existing boundary wall, gates, piers and railings in a modified form (stone pier caps and top two courses of brickwork on each pier to be removed and replaced by a single soldier course of matching bricks)."
-

Decision

1. The appeal is allowed and planning permission is granted for the retention of existing boundary wall, gates, piers and railings in a modified form (stone pier caps and top two courses of brickwork on each pier to be removed and replaced by a single soldier course of matching bricks at 77 Northumberland Road, Royal Leamington Spa CV32 6HQ in accordance with the terms of the application, Ref: W/19/1167, dated 9 July 2019, 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 plan: 444/219/01 (Existing and proposed wall).

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. Whether the proposed development would preserve or enhance the character or appearance of the Royal Leamington Spa Conservation Area (CA).

Reasons for the Recommendation

4. The appeal is part retrospective as the wall has already been built without first being granted planning permission, but the proposal also includes the removal of the stone pier caps and two courses of bricks to be replaced by a single

- soldier course of matching bricks. The wall is brick built with pillars that are evenly placed along the wall. Between these pillars are black metal railings.
5. The Royal Leamington Spa Conservation Area Appraisal (the CAA) breaks down the character of the CA into a number of distinct areas. Northumberland Road is identified as Area 33. The CAA identifies that the road was developed from the 19th century onwards. One of the main features of this area of the CA is the varied boundary treatment which includes ironwork to the southern end and good brick walls with plinths in the southern section. The appeal site is located towards the northern end of the road where low brick walls predominate.
 6. The low boundary walls used throughout the street, combined with the wide road layout, mature street trees within grass verges, and the set-back distances for the houses, contribute to the open character of the street scene and the wider character of the CA. Several dwellings in the street have similarly designed boundary walls and the use of metal railings is not uncommon in character area 33 within which the dwelling is situated. Therefore, their use here does not appear out of character in the street scene and as such preserves the character and appearance of the CA.
 7. The brick pillars in the wall are taller than most of the walls and pillars within the immediate street scene. However, that of itself is not an indication of harm, particularly having regard to the presence of other similar front boundaries elsewhere on Northumberland Road, and there is no policy requirement that the height of front boundary walls must be a precise match to those of the neighbouring dwellings. The base wall is a similar height to the adjacent walls in the street and because metal railings have been used, the gaps between the pillars do not appear overbearing or harm the open character of the street scene. The prevailing visual image remains that of a low front boundary with occasional piers between which views of the garden and house are maintained. The pillars within the wall are proposed to be reduced in to the same height as the metal railings and consequently, the overall height of the wall would be scaled down to a similar height to other walls within the CA. Therefore, the proposed development would preserve the character and appearance of the street scene and would not cause harm to the CA.
 8. As has been identified, the proposed development would not harm the CA and as such, would not set a precedent for 'fortress' like walls within the street scene or the CA.
 9. The proposed development would therefore be in accordance with Policy BE1 and HE2 of the Warwick District Local Plan 2011 – 2029.

Conditions

10. The Council have suggested two conditions and where necessary I have reworded them for clarity. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the submitted plans in the interests of clarity.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be allowed.

Chris Preston

INSPECTOR