
Appeal Decision

Site visit made on 25 November 2019

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 16 December 2019

Appeal Ref: APP/T3725/W/19/3236246

29 Leam Street, Leamington Spa, Warwickshire CV31 1DY

- 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 Ballinger Properties against the decision of Warwick District Council.
 - The application Ref W/19/0596, dated 2 May 2019, was refused by notice dated 24 May 2019.
 - The development proposed is the removal of a brick boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of a brick boundary wall at 29 Leam Street, Leamington Spa, Warwickshire CV31 1DY in accordance with the terms of the application, Ref W/19/0596, dated 2 May 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 plans: 1/1250 scale location plan; 1/200 scale location plan.
 - 3) Within one month of the demolition of the wall hereby permitted, the remaining section of wall where it adjoins, shall be made good using materials and mortar to match the type, texture and colour of the existing.

Main Issue

2. The main issue in this appeal is the contribution that the wall makes to the significance of the Conservation Area.

Reasons

3. The appeal relates to this section of brick wall which is located along part of the boundary line between residential properties. The wall sits within the large Leamington Spa Conservation Area.
4. The garden areas of Nos 27 and 29 Leam Street sit at 90 degrees to Leam street and there is access to the combined area from Leam Street. The area is open and appears to be used for car parking. The wall in question partly separates the areas of Nos 27/29 from a rectangular area of land, now owned

by the appellant. The wall is around 2.2m in height and is said to be nearly 7m in length. The wall is visible when approaching along Leam Street.

5. From the submitted documents, it appears to be accepted, for the most part, that the wall is of no specific historic interest in itself, although the Council points out that some of the bricks are old. It is composed of a variety of brick types, bonds and appears to have been the subject of repairs. In addition, it is not bonded to the adjacent wall at its northern end. I conclude that there is no intrinsic historic merit in the wall itself, as a result of the factors set out.
6. The Council considers that it is visually prominent within the street-scene on Leam Street and forms part of the historic pattern of plot boundaries here. They add that the proposal would result in an uncharacteristically large and open area being formed.
7. The land here is already partly open and the brick wall only forms around half of the boundary between the 2 areas of land. Even without the wall, the properties around would still be defined by boundaries of brick walls or wooden fencing. In my judgement, the resulting open area would not be unduly large and would only be fully appreciated from a close distance. The open area would be defined by other boundaries and these would be visible from within Leam Street. Therefore, I find no conflict with Policy HE2 of the Warwick District Local Plan and I consider that the proposal would preserve the character and appearance of the conservation area.
8. In relation to conditions, the Council has suggested the standard time limit, which I shall include. I also agree that a condition which identifies the approved drawings is necessary. In addition, I shall include a condition which requires any necessary making good to be done within a month of the completion of the demolition.

Conclusion

9. For the reasons set out, I consider that the wall does not possess any overriding historic interest and that its form and positioning is not a positive contributor to the conservation area. Therefore, the appeal is allowed.

S T Wood

INSPECTOR