



Appeal Decisions

Site visit made on 7 January 2020

by Thomas Shields MA DipURP MRTPI

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

Decision date: 17 January 2020

Appeal A: APP/T3725/W/19/3228424

1 Clarendon Place, Leamington Spa, CV32 5QL

- 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 Simon Hain against the decision of the Warwick District Council.
 - The application Ref: W/19/0104, dated 23 January 2019, was refused by notice dated 24 April 2019.
 - The development proposed is erection of single storey rear extension and alterations (amendment to planning permission W/18/0320).
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Appeal B: APP/T3725/Y/19/3228428

1 Clarendon Place, Leamington Spa, CV32 5QL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Simon Hain against the decision of the Warwick District Council.
 - The application Ref: W/19/0105/LB, dated 23 January 2019, was refused by notice dated 24 April 2019.
 - The works proposed are erection of a single storey rear extension and alterations (amendment to Listed Building Consent W/18/0321/LB).
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Decisions

1. **Appeal A:** The appeal is allowed and planning permission is granted for the erection of a single storey rear extension and alterations (amendment to planning permission W/18/0320) at 1 Clarendon Place, Leamington Spa, CV32 5QL in accordance with the terms of the application, Ref: W/19/0104, dated 23 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this permission.
 - 2) The development hereby permitted shall not be carried out other than in accordance with the details shown on the site location plan and approved drawings 420.01, 420.05, and specification contained therein, submitted on 23 January 2019.
2. **Appeal B:** The appeal is allowed and listed building consent is granted for the erection of a single storey rear extension and alterations (amendment to Listed Building Consent W/18/0321/LB) at 1 Clarendon Place, Leamington Spa, CV32 5QL in accordance with the terms of the application, Ref: W/19/0105/LB, dated 23 January 2019, subject to the following conditions:

- 1) The works hereby permitted shall begin not later than three years from the date of this permission.
- 2) The works hereby permitted shall not be carried out other than in accordance with the details shown on the site location plan and approved drawings 420.01, 420.05, and specification contained therein, submitted on 23 January 2019.

Main Issue

3. The main issue common to both appeals is the effect of the proposed development and works on the special architectural and historic interest of the Grade II listed building known as 'Clarendon Place (East side) No.1 and attached railings', and whether they would preserve or enhance the character or appearance of the Royal Leamington Spa Conservation Area. In terms of the National Planning Policy Framework (2019) (NPPF) this can be defined as the effect of the proposed scheme on the significance of the designated heritage assets.
4. In reaching my decisions I have had regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Reasons

5. The appeal building is a three storey terraced Regency property, constructed in brick with painted and horizontally rusticated stucco façade, located towards the junction of Clarendon Place with Clarendon Square. It is comprised in the continuous architectural group with Nos 7-10 Clarendon Square. The rear of the building, by original design, is simpler and more utilitarian in appearance than the grandeur, refinement and detailing of the front. As such, this simpler rear treatment with a high-walled rear amenity courtyard is also integral and important to the significance of the listed building.
6. The proposed 7m long single storey extension, having a sedum roof and six bi-folding glazed doors, would extend outward from the rear elevation into the courtyard. Other than its length, it is the same in design and materials to an extant planning permission (W/18/0320) and listed building consent (W/18/0321/LB) for a 5m long extension. Given that the approved scheme could be implemented it is appropriate in such circumstances to consider the current proposal in that context.
7. Although the proposed extension would take-up an extra length of 2m of the available courtyard space there would remain overall a sizeable open area of courtyard, including for vehicle parking, such that its function and legibility as a domestic courtyard, serving a utilitarian function for the main dwellinghouse, would not be lost.
8. I am not convinced that the extra two glazed bi-folding doors take the amount of continuous glazing to an excess as the Council fears. The extension would still read appropriately as a modern and subservient addition to the main house and would not be dominant in that context. I also consider that it would not set

a precedent given that each proposal must be considered on its own individual merit.

9. To conclude, I find that the proposal would preserve the special architectural and historic interest of the listed building. For the same reasons it would also preserve the character and appearance of the Royal Leamington Spa Conservation Area. In the language of the NPPF there would be no harm to the significance of the designated heritage assets. Consequently, I find no conflict with Policy HE1 or HE2 of the Warwick District Local Plan (2017).
10. I have taken account of submitted third party comments in reaching my decision but they do lead me to reach a different conclusion.

Conclusion

11. For all the above reasons, and taking account of all other matters raised, the appeals are allowed.

Thomas Shields

INSPECTOR