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## Appeal Decision

Site visit made on 27 January 2020

**by Jonathan Hockley BA (Hons) DipTP MRTPI**

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

**Decision date: 13 February 2020**

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**Appeal Ref: APP/T3725/Y/19/3238562**

**The Limes, 21 Beauchamp Avenue, Leamington Spa CV32 5RG**

- 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 Antony Johnson against the decision of Warwick District Council.
  - The application Ref W/19/0737, dated 6 May 2019, was refused by notice dated 5 September 2019.
  - The development proposed is described as to 'replace driveway and extend to provide parking for 4 cars'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appeal form submitted for this case was an appeal against the refusal of listed building consent. However, the refusal W/19/0737 that the form refers to was a refusal of planning permission. I note that listed building consent was not required for the proposals and have therefore treated this appeal as if it were made against the refusal of planning permission. Both parties were informed of this and agreed with this course of action.
3. The Council decision notice refers to the proposal as for 'the erection of front wall and railings along front boundary'. I consider this description to be more accurate as to the development applied for.

### Main Issue

4. The main issue in this case is the effect of the proposed development on the character and appearance of the Conservation Area and on the setting of the Limes, a Grade II listed building.

### Reasons

5. The appeal site lies within the Leamington Spa Conservation Area. The Conservation Area (LSCA) is a substantial one, and covers much of the town centre. The history of the town, in particular the growth of the town following the development of the area's springs to form the Spa town indelibly marks the LSCA with various planned streets and squares developed rapidly between the early 1800s until around the mid nineteenth century. Beauchamp Avenue and Binswood Avenue are two important streets laid out in a rough east-west direction from around 1828. The character and appearance of the LSCA in the

vicinity of the appeal site is characterised by impressive individual buildings with uniform features and details befitting of their time and the nature and history of development in the area.

6. The proposed development seeks to pave over the front garden of No 21 Beauchamp Avenue and to widen an existing gateway on the left hand side to allow car parking to the front of the building. As part of the scheme the existing boundary treatment would be altered to a wall and railings. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.
7. Paragraph 193 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting (paragraph 194). The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
8. Policy HE1 of the Local Plan<sup>1</sup> states that where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
9. The Grade II listed No 21 Beauchamp Avenue, or the Limes, is constructed in red/brown brick with a distinctive painted stucco façade incorporating a chamfered plinth and distinctive quoins to sides. A central door with over and side lights is set in a double chamfered round arched porch, with large canted bay windows set either side. The three upper floor sash windows have distinctive shutters and the property has a welsh slate roof. The listing dates the property between 1836 and 1850. The house faces over the road towards a park on the south side of the Avenue and is neighboured by Holy Trinity Church on its western side.
10. The Grade II listed Holy Trinity Church dates from the mid nineteenth century, with extensions and alterations in the late nineteenth and early twentieth centuries. It is constructed in sandstone ashlar with a welsh slate roof. Cast iron gates to the south east corner link the church to a red brick stone wall with ashlar columns set between quatrefoil topped railings which marks the boundary between the Church and No 21. Further to the west the boundary of the Church is marked by a low ashlar wall, which appears to have previously been topped with railings but these have been removed.
11. The proposed boundary treatment would consist of a red brick wall topped with ashlar coping some 600mm tall. Taller columns up to around 1.6m tall would be sited at either end of the wall with a central column. Between the columns would be set cast iron railings with arrowhead tops. At present the boundary

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<sup>1</sup> Warwick District Local Plan 2011-2029, September 2017.

treatment consists of a very low wall with hedge, although there is evidence of some previous railings around the centre of the wall, drilled directly into the coping stones.

12. The proposed boundary treatment would therefore differ from the previous boundary, as well as from the treatment to the front of the church. Boundary treatments to the houses to the right of the Limes up to the junction with Kenilworth Road consist of medium height painted/rendered walls which are also significantly different to that proposed.
13. The combined height and nature of the proposed boundary treatment, at nearly 1.6m would present a significantly different boundary to the Limes to the existing hedge and low wall, to the detriment of the setting of the heritage asset. The existing side wall between the Church and the Limes referred to above does not have a significant impact on the street scene, unlike the front boundary which runs along a fairly substantial section of Beauchamp Avenue. While the proposed brick wall elements may well match the house, this would clash with the painted stucco façade of the building and the adjoining walls to the east.
14. The appellant has submitted various details of other boundary treatments in the area. While I can appreciate that other boundary treatments along Binswood Avenue, Clarendon Square and further to the east of Beauchamp Avenue may be of a similar height and or design to that proposed, in my view these are not set in the same visual stretch of road as the proposal and are not generally seen in the same street scene.
15. The proposal would cause less than substantial harm to the setting and therefore the significance of the Limes, as well as to the character and appearance of the LSCA. The benefits of the scheme would generally be to the appellant and would not I consider constitute public benefits. Certainly, they would be limited and insufficient to outweigh the less than substantial harm that the proposed development would cause to the significance of the LSCA and the setting of the Grade II listed building. In any event, it seems to me that it would be entirely possible for a scheme to be brought forward that would secure the same benefits, without causing the same degree of harm.

## **Conclusion**

16. To summarise, I conclude that the proposal would fail to preserve the setting, and therefore the significance of the Grade II listed No 21 Beauchamp Avenue and the character and appearance of the LSCA. Although I have concluded that the proposal would cause less than substantial harm to these heritage assets, I do not consider that the public benefits of the proposal would outweigh the clear harm caused. As such the proposal would conflict with the Framework and Policy HE1 of the Local Plan.
17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jon Hockley*

INSPECTOR