
Appeal Decisions

Site visit made on 10 March 2020

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2020

Appeal A: APP/T3725/W/19/3243460

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 Tony Johnson against the decision of Warwick District Council.
 - The application Ref W/19/1055, dated 23 June 2019, was refused by notice dated 2 October 2019.
 - The development proposed is the demolition of the existing chimney, erection of 3 dormer windows within the rear roof slope, erection of a first floor rear extension, installation of roof lights to the front elevation, installation of second floor side facing window and replacement of side facing window at first floor level within the side elevation of the existing 2 storey rear extension.
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Appeal B: APP/T3725/Y/19/3243474

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

- 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 Tony Johnson against the decision of Warwick District Council.
 - The application Ref W/19/1056/LB, dated 23 June 2019, was refused by notice dated 2 October 2019.
 - The works proposed are the demolition of the existing chimney, erection of 3 dormer windows within the rear roof slope, erection of a first floor rear extension, installation of roof lights to the front elevation, installation of second floor side facing window and replacement of side facing window at first floor level within the side elevation of the existing 2 storey rear extension.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural matters

3. I have taken the description of the proposal from the decision notices and appeal forms, as that describes what is intended more accurately than what is given on the application forms.

Main Issue

4. The main issue with these appeals is whether the works would fail to preserve the special architectural or historic interest of this Grade II listed building, whether they would fail to preserve or enhance the character or appearance of the Royal

Leamington Spa Conservation Area, and their effect on the significance of those 2 designated heritage assets.

Reasons

5. The Limes is a detached dwelling that I was told was built sometime between 1836 and 1850. It has a symmetrical stucco front façade typical of this era, while the rear is less ordered and simpler, with brick elevations and a 2-storey wing. Throughout, its detailing and windows still generally reflect the date of construction. Overall, its special architectural and historic interest lie in its appearance, detail and form, while, despite some alterations over time, its significance is found partly in the way it still represents a clear example of a Regency villa.
6. Planning permission and listed building consent were granted in 2019 for various works to the building (the extant scheme). This extant scheme includes 3 dormer windows on the rear roof slope that I understand would be broadly in the positions of the dormer windows now proposed. Although the middle dormer window before me is to be slightly off-centre, given the extent of this and the non-symmetrical nature of the rear, I consider such a positioning would not be inappropriate. However, this dormer window would also have widened cheeks to either side of the glazing. These would make it an unduly bulky feature on the roof slope that would be unacceptably dominant when looking at the back of the property. It would therefore fail to respect the form and style of the building, and undermine the sense of historical authenticity it currently displays. Consequently, it would cause harm, albeit less than substantial, to the significance of The Limes, and would fail to preserve its special architectural and historic interest.
7. Turning to the roof lights, the front roof slope is currently plain. Moreover, the wide street in front, the park on the opposite side of the road and the absence of a parapet on the building all mean that this roofing is open to public view. To my mind these 2 roof lights would be prominent, alien and discordant in this slope, being at odds with a house of this style and eroding the roof's plain simplicity. Again, this aspect of the scheme would cause less than substantial harm to the building's significance, and would fail to preserve its special architectural and historic interest.
8. With regard to the first floor extension, within the context of the varied nature of the rear elevation I consider this aspect of the scheme would not appear as a discordant or inappropriate feature if undertaken in suitable materials, as it would respect the variety that is now apparent. Although it was said that it would challenge the primacy of the wing when looking from the back garden, given the scale of the wing I consider that would not occur and it would remain as dominant as at present. Consequently, this aspect would not harm the listed building.
9. The final contentious element of the works was the proposed square window at the top of the otherwise blank east-facing side elevation, which, because of the relationship with the neighbouring property, would be well-concealed. It is not inappropriate for attic windows such as this to take on a more functional form when in a position that is tucked away, and indeed a formal window style could confuse the hierarchy within the building. I therefore find it would not harm the building's significance or its special architectural or historic interest.
10. Mindful of the extant scheme, I consider the various other elements of the proposal would not cause harm to the significance or interest of the property.
11. Turning to the conservation area, its significance lies, in part, in the way the extensive area it covers reflects the growth of Leamington Spa. Throughout, a

particularly strong theme in built form is the presence of 19th Century property highlighting the town's prosperity at that time. The Limes makes a positive contribution to this significance as it still reflects its origins as a villa dating from 1836 to 1850. By causing harm to the significance of this listed building for the reasons stated above, I also find the works would harm the significance of the conservation area by diminishing the contribution made by the appeal property, and so they would preserve neither its character nor its appearance.

12. In coming to this view, I appreciate that dormer windows and roof lights are found on other properties around, and in particular I noted the dormer window to which I was referred at 25 Beauchamp Avenue. However, I am aware of the planning history of none of them, I anticipate that not all are on listed buildings, a number were quite old and so might date from a period when planning policy was applied differently, many I saw were of a style that suited the buildings on which they were found, and some were well concealed and so did not have such a pronounced impact. As a result, I consider their presence does not lead me to different findings in relation to the impact on either the conservation area or this particular listed building.
13. I also appreciate that it is not the purpose of planning policy to 'draw a line in the sand' when it comes to the evolution of listed buildings. Given the extant scheme that does not appear to be the approach taken by the Council, and certainly my findings are not based on preventing the continued adaptation of The Limes. Rather, my concerns revolve around how that has manifested itself in this particular scheme.
14. Given I have found the middle dormer window and the roof lights would cause less than substantial harm to the significance of the conservation area and the listed building, under the *National Planning Policy Framework* (the Framework) I am to weigh this against the proposal's public benefits. I realise there would be some economic benefit from the construction work but this would be limited. Otherwise, the appellant has emphasised what he considers to be the benefits arising from the works allowing the house to 'move forward' and achieve its optimum viable use through the conversion of the attic. I have no reason though to consider the future of the house is in question if the appeals were dismissed, or that the use of the roof space, even if deemed beneficial, could only be facilitated with these works. Therefore, to my mind the benefits arising from utilising the roof space in this way do not justify or outweigh the harm identified.
15. Accordingly, I find that the works would not preserve the special architectural or historic interest of this Grade II listed building, and would not preserve the character or appearance of the Royal Leamington Spa Conservation Area, causing less than substantial harm to the significance of each of these designated heritage assets. In the absence of any public benefits to outweigh this harm, the scheme would conflict with Policies HE1 and HE2 in the *Warwick District Local Plan*, which broadly seek to safeguard heritage assets, and guidance in the Framework. I therefore conclude the appeals should be dismissed.

JP Sargent

INSPECTOR