
Appeal Decision

Site visit made on 20 July 2020

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2020

Appeal Ref: APP/T3725/D/20/3253045

1 Westgrove Terrace, Leamington Spa, CV32 6EA

- 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 J Harris against the decision of Warwick District Council.
 - The application Ref W/20/0074, dated 16 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is the erection of roof dormer window and conservation rooflight to rear elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of Leamington Spa Conservation Area

Reasons

3. The appeal site is located within Leamington Spa Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policies HE1 and BE1 of the Warwick District Local Plan require the protection of the character and appearance of a locality, including heritage assets, through high quality design that respects local design features.
4. The Conservation Area covers the town centre and those parts of the wider town that contain historic and well-designed older buildings. Use of stucco to give buildings a smooth white finish and mould architectural details is widespread. More modest brick built developments such as Westgrove Terrace are also a feature. The significance of the Conservation Area and the buildings of note within it, which date from the Georgian and Victorian eras through to the early Edwardian period, is therefore architectural and historical.
5. The appeal property is a modest Victorian house that forms part of a terrace of similar houses. As the end house adjacent to a wide well used pedestrian footway that links Rugby Road to Warwick New Road, in public views it is the most prominent house within the terrace. The house is simply designed with a dual pitched slate roof unadorned by any features other than for a chimney stack and parapet wall separating the roof from its neighbour.

6. It is clear from the Council's report that its objection relates to the proposed dormer window and that it has no objection to the proposed rooflight. Accordingly, I have determined the appeal on this basis.
7. The proposed dormer would sit next to the edge of the rear roof slope neighbouring No 2 and would occupy most of the height of the roof with only a slight set down from the roof ridge and a small set up from the eaves. As a consequence, it would be contrary to the guidance contained within the Council's supplementary planning document 'Residential Design Guide'. The use of slate to clad the dormer and matching dark grey eaves and barge boards would not reduce its conspicuousness to an acceptable level. As a result, it would be an overly large dormer that would dominate the roof slope and harm the simple design and appearance of the house and terrace.
8. There are three large rear dormers to eleven of the houses within the terrace, two of which are full width and particularly large. However, as they are located away from the footway, they are not easily visible in public views and are too few in number to alter the overall simple pleasing character of the terrace and its unadorned roofs. Moreover, as the uncontested position is that the two full width dormers were constructed under permitted development rights prior to establishment of the Conservation Area, and that the third was built larger than the plans approved for it, the circumstances of their construction are materially different to that of the proposed scheme. For the above reasons, their presence does not lend material weight in favour of the proposal.
9. The proposed dormer is the smallest needed to allow the conversion of the loft space to create a third bedroom. However, this consideration is insufficient to overcome the adverse effects that would result from the scheme.
10. The harm that would be caused by the proposal to the significance of the Conservation Area as a whole would be less than substantial. In such circumstances paragraph 196 of the National Planning Policy Framework advises that the harm that would be caused should be weighed against the public benefits of the proposal. No public benefits have been put forward and to my mind there are not any. As a result, the policies of the Framework that relate to heritage assets offer no support for the proposed development.
11. I therefore conclude that the proposal in failing to preserve or enhance the character and appearance of the Conservation Area as a whole would harm its significance. As a result, it would be contrary to policies HE1 and BE1 of the Local Plan and fail the statutory test. The appeal should therefore be dismissed.

Ian Radcliffe

Inspector