



Appeal Decision

Site Visit made on 20 October 2020 by S Watson BA(Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/T3725/D/20/3258629

9 Camberwell Terrace, Leamington Spa, CV31 1LP

- 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 Jas Pangli against the decision of Warwick District Council.
 - The application Ref W/20/0980, dated 30 June 2020, was refused by notice dated 26 August 2020.
 - The development is described as renovating an existing basement by increasing the ceiling height, introducing a new light well as means of fire escape and reinstating a smaller existing lightwell.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The development has already been carried out and, at the time of my visit, appeared to be largely completed. I have therefore treated the appeal before me as retrospective.

Main Issues

4. The main issues in this case are the effect of the development on:
 - the character and appearance of the street scene and Leamington Spa Conservation Area (LSCA) with particular regard to the new lightwell and refuse storage; and
 - the quality of the living accommodation provided to the occupiers of the host dwelling with regard to waste management, light and outlook; and
 - the living conditions of nearby occupiers with regard to waste management.

Reasons

Character and Appearance

5. The LSCA covers a large and varied area. I have not been provided with a conservation area appraisal setting out the significance of this designated heritage asset, however from my observations on site it was clear that the significance of this part of the conservation area stems from the age and appearance of the buildings, and the grain of development. The street scene around the appeal site is characterised by terraced dwellings with bay windows and shallow front gardens. Although similar in their general appearance, I noted a number of different architectural styles within the street. I also noted that a number of the properties surrounding the appeal site had openings within the base of the bay windows, although some were blocked up.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national planning policy on heritage assets is set out in the National Planning Policy Framework (Framework). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
7. The windows and lightwell serving the basement are set behind a dwarf wall which forms the front boundary of the appeal site. Given the close siting of the wall to the bay window it was not possible to see the basement windows and lightwell within public views without leaning over the wall. Therefore, to the casual observer it would not be obvious any changes had occurred, and the street scene would be effectively unaltered. Moreover, although not an original feature, the windows and lightwell do not harm the legibility of the original dwelling or its architectural interest, which form part of the historic importance and significance of the LSCA.
8. At the time of my visit, the bins were stored next to the lightwell, adjacent to the front gate. I understand that this area was also used for storage prior to the alterations to the dwelling. While prior to the lightwell there would have been more space for the bins, it is likely that they would have been stored in a largely similar fashion as at the time of my visit. I nevertheless find that the reduced storage area would keep the bins together creating a tidier appearance for the frontage.
9. In light of the above I conclude that the new windows and lightwell respect the character and appearance of the street scene and preserve the character and appearance of the LSCA. As such the development complies with Policies BE1, HE1 and HE6 of the Warwick District Local Plan (WDLP) and Policy RLS3 of the emerging Royal Leamington Spa Neighbourhood Plan (RLSNP). These policies collectively require development to protect the character and appearance of their surroundings, especially where these are heritage assets. It would also comply with the guidance around waste management for HMO properties set out in Appendix B of the Residential Design Guide supplementary planning document (RDG).

Living Conditions

10. The basement has been converted and was, at the time of my visit, clearly available for use by the current occupiers. The room is relatively large and is served by the two windows being considered under this appeal, the ceiling is low and required that I duck my head while in the room. During my visit I noted that no metal grates had been installed on the lightwell.
11. The windows look out on to the walls of the lightwell at a close distance and above the lightwell is the front boundary wall, therefore from my observations within the basement, there was no outlook afforded to the room. The bay window is south facing and while there was some light entering the room, this was very limited, especially on the far side of the room to the windows. As such occupiers would be reliant on artificial light when using the room. The proposed grates, should they be installed, would likely further reduce both the outlook from, and light to the room. The effect of the poor light and outlook on those using the room is exacerbated by the existing low ceiling, and overall results in an oppressive room which would not be pleasant to use. As such I find the room does not provide a good level of living accommodation for the occupiers.
12. I note from the information before me that, there is a communal living room elsewhere in the property but that on its own it is not sufficient to accommodate the current number of occupiers for the purposes of HMO licensing. As an HMO the property is likely to be occupied by a number of unrelated persons to which the provision of suitable communal space would be important. While the basement room would improve this provision, its poor quality of accommodation would significantly outweigh any benefits of the additional space. Therefore, I find the basement accommodation does not make up for the current under provision of communal space.
13. Although the bins were near the new lightwell and windows, some space has been maintained between them. From my observations on site, I found this space to be sufficient to not result in any additional loss of light to, or outlook from, the basement. Moreover, no substantive evidence has been submitted to demonstrate that odours from the bins would permeate through to the room. As the waste storage area has not been materially altered or moved as a result of the development, I find it unlikely to have any meaningful change to the living conditions of nearby occupiers.
14. However, for the reasons set out above, I conclude that the basement provides a poor level of accommodation for the occupiers of the host dwelling to the detriment of their living conditions, in conflict with Policies BE1 and BE3 of the WDLP which require that developments provide acceptable standards of amenity for users and occupiers of the development.

Other Matters

15. No substantive evidence has been submitted to demonstrate that the development before me would help meet an identified housing need, nor that the need is so acute as to outweigh the identified harm. The appellant has raised that the use of the basement was suggested by the Council's HMO Officer. However, I have not been provided with the details of this advice, and it would be unlikely to be based on planning merits in any event. Moreover, pre-application advice cannot prejudice a subsequent planning application or appeal which has been considered on its merits.

16. The appellant has also directed my attention to a number of examples of planning permissions within Leamington Spa. From the information before me it appears that they are for materially different schemes and not within the immediate area of the appeal site. It is therefore likely that the circumstances of each are substantially different to that before me and I attach limited weight to this matter.

Recommendation

17. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR