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## Appeal Decision

Site visit made on 30 November 2020

**by K Ford MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 December 2020**

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**Appeal Ref: APP/T3725/D/20/3260206**

**5 Cubbington Road, Lillington, Leamington Spa CV32 7AA**

- 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 Fin McCarthy against the decision of Warwick District Council.
  - The application Ref W/20/0801, dated 1 June 2020, was refused by notice dated 23 July 2020.
  - The development proposed is erection of a front boundary wall gate piers and railing.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the character and appearance of the area.

### Reasons

3. The appeal site is located in an area characterised by large detached properties set back from the highway and not immediately apparent due to front gardens which contain mature vegetation and low boundary walls. This creates an open, spacious and verdant character. The front of the appeal site comprises block paving and a grassed area.
4. Whilst there are examples of other boundary treatments along the road such as railings and gate piers, I consider the mature border planting to be a prominent feature of the area.
5. The height, width, design and materials of the proposal may be similar to other metal railings in the road. Nonetheless, the development would create a significant visible structure that would be at odds with the verdant qualities of the surroundings and would contrast starkly with immediate neighbouring boundary treatments. This would be apparent when travelling along the road in both directions.
6. Irrespective of any presence historically of a hedge at the front of the property, the introduction of the proposed built form would erode the overriding character of the area. The provision of additional landscaping behind the proposed railings would do little to ameliorate the harm. In any event, such landscaping would take time to establish and its retention in the long term could not be guaranteed.
7. The appellant has identified examples of boundary treatments in support of their case along Cubbington Road which I viewed as part of my site visit. Not

all boundary treatments in the road make a positive contribution to the character and appearance of the area and cannot be treated as a persuasive precedent for allowing the appeal.

8. I do not have the full details of the circumstances in which the other cases were granted planning permission, if indeed permission was granted. Furthermore, each case is determined on its own merits and my assessment has been based on the information before me.
9. The scheme would harm the character and appearance of the area. As such it would conflict with the part of Policy BE1 of the Warwick District Local Plan 2011-2029 that requires new development to positively contribute to the character and quality of the environment through good layout and design and that requires new development to reinforce or enhance the established urban character. The scheme would also conflict with Policy RLS4 of the Royal Leamington Spa Neighbourhood Plan 2020-2029 which among other things does not support proposals that fail to respect the character of an area and result in poor design.

### **Other Matters**

10. The appellant has cited security as reasoning for the proposal. However, the proposal is not the only means of improving security at the premises and as less intrusive options are available, I give this consideration limited weight which would not outweigh the harm I have identified.

### **Conclusion**

11. For the reasons given, I conclude that the appeal should be dismissed.

*K Ford*

INSPECTOR