

Appeal Decision

Site visit made on 10 December 2020

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021

Appeal Ref: APP/T3725/W/20/3258656

Eversleigh House, 2 & 4 Clarendon Place, Leamington Spa, CV32 5QN

- 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 Mrs K Kandola (Eversleigh House Nursing Home) against the decision of Warwick District Council.
 - The application Ref W/20/0170, dated 3 February 2020, was refused by notice dated 25 March 2020.
 - The development proposed is external works to provide car parking and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed car parking and landscaping on the character and appearance of Eversleigh House and the surrounding area, including the Leamington Spa Conservation Area and the setting of nearby listed buildings.

Reasons

3. Clarendon Place comprises a section of the busy A452 and a shallow crescent off this road. It lies within the Leamington Spa Conservation Area (CA) which is characterised in the vicinity of the appeal site by built development comprising mostly large, well proportioned Georgian style properties of simple, elegant design, including Bethany House and Somerset House which lie just beyond each end of the crescent. These are grade II listed buildings. Between the two and accessed via the crescent lies a row of five large Victorian double fronted villas. These are of a different design and more ornate than the earlier buildings but are nicely proportioned properties which display symmetry and uniformity and reflect the scale and elegance of the earlier buildings. They make a positive contribution to the character and appearance of the CA.
 4. Their setting is enhanced by the presence of an area of garden which lies between the crescent and the main road, providing an oasis of green in a street that is otherwise almost devoid of green space until one reaches the large green space at Clarendon Square to the north. The garden makes a valuable contribution to the CA, providing relief from the predominantly built
-

environment nearby and a soft buffer between the busy street and the buildings. Its rarity in the immediate area adds to its importance.

5. The National Planning Policy Framework (NPPF) makes clear that conservation areas and listed buildings are designated heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF advises that great weight should be given to the asset's conservation. Significance can be harmed through alteration of the heritage asset or development within its setting. Statutory protection is provided by Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) which apply to conservation areas and listed buildings respectively. These require that special regard/attention is paid to the desirability of preserving or enhancing the character or appearance of the heritage asset, including its setting.
6. The appeal property comprises the two northerly villas which are linked by a recessed connecting extension and are used as a nursing home. The garden area in front of the property is mainly laid to lawn with shrubs and flower beds, including shrubby vegetation behind the low boundary wall that separates the garden from the main road. Benches are arranged on the lawn suggesting that it is used as a sitting out area.
7. Existing car parking serving the nursing home comprises three spaces immediately to the front of the building and five angled spaces close to the boundary with Bethany House to the north. Owing to their positioning and the scale of the buildings these have a limited effect on the character and appearance of the CA or the setting of Bethany House whose own frontage is entirely given over to car parking.
8. The proposed car parking spaces would cut into the existing garden area to the front of the appeal building to provide five angled spaces accessed from the crescent. Although a grassed area would remain at either end of the garden and between the car parking spaces and the boundary wall this would be significantly diminished and fragmented. Despite landscaping on the boundary with the main road, the character and appearance of the site would change from an open green space to predominantly a car park with peripheral grass and planting. Surfacing of the parking spaces would be with Grasscrete.
9. The appellant suggests that Grasscrete would minimise the impact on the CA when the car parking spaces were vacant. However, it would have no effect when the spaces were in use which, given the appellant's evidence regarding the need for them, would be expected to be much of the time, including overnight. Moreover, Grasscrete often results in patchy vegetation, especially when driven over frequently, which has a scruffy appearance, out of keeping with the neat and well maintained character of the existing green space.
10. The appellant has submitted a Heritage Impact Assessment which provides significant detail regarding both the CA and listed buildings at either end of the crescent. It also provides an assessment of the effect of the proposed car parking on the significance of the heritage assets. I agree that Somerset House to the south is too far from the appeal site to be affected by the proposal.
11. With respect to Bethany House, I agree that its significance is mainly architectural. Whilst setting can contribute to architectural and historic

significance, at Bethany House this has been materially altered by the existing parking on its frontage and, to a lesser extent, by the existing parking within the appeal site close to the shared boundary. The effect of the proposed car parking would therefore be minimal since it would be more remote from the building. There would be a limited effect when viewed from the south due to the loss of the garden area and its replacement with parked vehicles which would further interrupt views towards the building. This harm to the significance of the listed building would be less than substantial and I would place it at the lower end of that scale.

12. In terms of the CA, the effect would be greater owing to the significant incursion into the existing garden to the front of Eversleigh House. This would be clearly visible from the main road as well as from the crescent and from windows in the appeal property. The effect would be to erode significantly the openness and tranquillity of the green space and detract from the setting of the appeal property and others on the crescent through intrusive and discordant development within close proximity. Whilst I agree with the appellant that the harm to the significance of the CA would be less than substantial, I would give it greater weight, placing it at or above the mid point on that scale.
13. The appellant suggests that car parking already forms part of the character of the CA in this area, drawing my attention to surrounding parking areas including an area to the front of 8 Clarendon Place which cuts into the green space in a similar way to that proposed at the appeal site. This parking area has been in place for sometime and benefits from a recently granted Lawful Development Certificate. In my view, it noticeably detracts from the significance of the CA since it is clearly visible and parked vehicles are intrusive and out of keeping with the original layout and landscaped appearance of the area. It does not, therefore, provide a justification for allowing further harm.
14. Paragraph 194 of the NPPF advises that any harm to the significance of a designated heritage asset should require clear and convincing justification. Since the identified harm would be less than substantial, it must be weighed against the public benefits of the proposed development, in accordance with paragraph 196 of the NPPF.
15. The appellant draws my attention to a number of benefits which, she considers, would amount to public benefits including much needed parking for staff and visitors at Eversleigh House, the installation of an electric charging point, the reduction in demand for on-street parking and the use of Grasscrete.
16. As reasoned above Grasscrete would not in my view lead to any discernible benefit. Other suggested benefits appear to be largely private. There is no evidence that the electric charging point would be available to the public and so the benefit would be small and no greater than the installation of any other private charging point. Moreover, although any member of the public could in theory become a member of staff, a resident or a visitor at the appeal site and hence benefit from the convenience of additional on-site parking, the only direct public benefit would be a small reduction in demand for on-street parking in the area. I accept that there may be significant pressure on existing parking nearby but I am not persuaded that the reduction in demand resulting from the proposed car parking spaces would noticeably ease this.

17. Overall I find that the suggested public benefits would not provide a clear and convincing justification in favour of the development and would not be sufficient to outweigh the great weight that is afforded to the conservation of the heritage assets.
18. It is therefore concluded on the main issue that the proposed car parking and landscaping would have a materially harmful effect on the character and appearance of Eversleigh House and the surrounding area and would fail to preserve or enhance the character or appearance of the Leamington Spa Conservation Area. In addition, there would be a limited effect on the setting of the nearby listed Bethany House. In consequence, the development would conflict with Policies HE1 and BE1 of the Warwick District Local Plan 2011-2029, adopted 2017, the 1990 Act, the NPPF and the Royal Leamington Spa Neighbourhood Development Plan 2020 – 2029, adopted June 2020. Taken together these seek, amongst other things, to ensure that new development affecting heritage assets, harmonises with or enhances the existing physical form and land use; reinforces or enhances the established urban character of streets, squares and other spaces; and preserves or enhances the character or appearance of conservation areas and preserves the setting of listed buildings.
19. The appeal scheme is a revised proposal following the refusal and dismissal on appeal (ref: APP/T3725/W/19/3229262) of a previous scheme. The appellant suggests that the revised scheme overcomes previous objections. However, although a wide paved path running around the perimeter of the garden and close to the front boundary wall has been deleted which would reduce the amount of hard surfacing and the surfacing of the proposed parking area has been changed, the fundamental issue of cars intrusively parked on an existing green space which makes a valuable contribution to the character and appearance of the CA would remain. Therefore, as reasoned above, these modifications would be insufficient to overcome the previous objections.
20. For the reasons set out above and having regard to all other matters raised, including the impacts of COVID-19, the limitations on the use of the existing garden by residents and the representations of third parties, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR