



## Appeal Decision

Site Visit made on 9 February 2021 by Gareth Sibley MPLAN MRTPI

### **Decision by Chris Preston BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 9 March 2021**

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### **Appeal Ref: APP/T3725/D/20/3263748**

#### **2 Adelaide Road, Leamington Spa CV31 3PW**

- 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 Remi Mobed against the decision of Warwick District Council.
  - The application Ref W/20/1170, dated 27 July 2020, was refused by notice dated 30 October 2020.
  - The development proposed is infill of service wing roof.
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### **Decision**

1. The appeal is dismissed.

### **Appeal Procedure**

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

### **Applications for costs**

3. An application for costs was made by the Mr Remi Mobed against Warwick District Council. This application is the subject of a separate decision.

### **Main Issue**

4. The main issue is the effect of the proposal on the character and appearance of the host dwelling bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II registered park and garden 'Spa Gardens' and the extent to which it would preserve or enhance the character or appearance of the Leamington Spa Conservation Area (CA).

### **Reasons for the Recommendation**

5. No.2 is a large semi-detached Regency villa that appears to have been created through the subdivision of a larger detached dwelling. The dwelling is located on the junction between Adelaide Road and Archery Road with the rear service wing located along Archery Road. Due to the open character of the bowling greens directly to the front of the site there are long uninterrupted views of the dwelling on the approach from Adelaide Bridge to the north. The dwelling is characterised by the decorative main house which addresses both Adelaide Road and Archery Road and the much plainer service wing.
6. The Leamington Spa CA covers an area encompassing a large proportion of the town centre. Whilst I have not been provided with the CA appraisal, the CA near to the site is characterised by the grand Regency, Victorian and Edwardian

buildings. The development along Adelaide Road is predominantly large detached and semi-detached dwellings whilst Archery Road is characterised by later terraced development. Given the building is in a prominent location and is an attractive semi-detached building of the Regency style, its appearance positively contributes to the character and appearance of the CA.

7. To the north of the site is the River Learn which flows past the site and the bowls club and associated greens constitutes an open parkland landscape which is distinct from the residential estates and other developed areas which surround it. The bowls club and River Learn are also located within the CA and significantly contribute to the character of the area on account of their openness and greenery but also as evidence of the carefully planned urban environment.
8. The current service wing roof design shows deference to the main building and there are several dwellings along Adelaide Road that have similarly designed rear outriggers. By infilling this section of the roof, the proposal would create a terracing effect with the host dwelling that would increase the dominance of what is a subservient, ancillary wing to the host dwelling. The proposal would fundamentally change the visual relationship between the two elements of the building and would impair the ability to appreciate the original form and function of the respective elements of the building. The creation of a large L shaped terrace dwelling in this prominent location on Adelaide Road would cause harm character of Adelaide Road within the CA, which is characterised by these large detached and semi-detached villas.
9. Planning permission was granted for a smaller flat roof infill between the two elements of the building. This extension was set below the ridge height of the service wing roof and retained the important delineation between the two elements of the building, as well as ensuring that proposal did not create a terracing effect with the host dwelling.
10. Whilst the dwelling is located behind the mature trees and vegetation that bound Adelaide Road, they do not block views of the roof, nor does this vegetation negate the positive contribution No.2 and No.4 make to the setting of the CA. The grand detached and semi-detached villas are an important characteristic of the CA and the harm this terracing effect would cause to the host dwelling, which is located in a prominent location within the CA, would fail to preserve the character and appearance of the CA.
11. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given the scale of the proposed development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant considers the proposal would improve the appearance of the building but as set out above, I disagree with this conclusion.
12. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve the character

and appearance of the CA. This would fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 192 of the Framework. Furthermore, the proposal would conflict with Policy HE1 of the Warwick District Local Plan 2011-2029 (adopted 2017) which states that where development would lead to less than substantial harm the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. As a result, the proposal would not be in accordance with the development plan.

13. While the Registered Park and Garden formed part of the Council's reason for refusal, I have not been provided with details of the heritage asset, Spa Gardens. I note that the Council also failed to provide any information in respect of the asset in the previous appeal relating to the site. I have not, therefore, been able to assess the impact of the proposal on the historic importance and interest of the asset. As I am dismissing this appeal for other reasons this matter is not determinative in this instance.

### **Other Matters**

14. The previous Inspector's conclusion regarding the proposed roof infill was related specifically to the living conditions of the neighbouring occupiers. This does not amount to the Inspector concluding upon the acceptability of the current proposal in relation to the preservation or enhancement of the CA or the listed park and garden.
15. There are examples of similarly designed dwellings in the area where the service wing roofs have been extended. Nevertheless, those dwellings were generally not located in such a prominent location within the CA as No.2. Furthermore, each case must be assessed on their own merits and the Council granting planning permission elsewhere would not justify these proposals.

### **Conclusion and Recommendation**

16. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*G Sibley*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

*Chris Preston*

INSPECTOR