



Appeal Decision

Site visit made on 16 February 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Appeal Ref: APP/T3725/D/20/3264691

39 Northumberland Road, Leamington Spa CV32 6HF

- 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 M Burgess against the decision of Warwick District Council.
 - The application Ref W/20/1337, dated 24 August 2020, was refused by notice dated 29 October 2020.
 - The development proposed is two-storey extension with ridge to match existing.
-

Decision

1. The appeal is allowed and planning permission is granted for two-storey extension with ridge to match existing at 39 Northumberland Road, Leamington Spa CV32 6HF in accordance with the terms of the application, Ref W/20/1337, dated 24 August 2020, subject to the following 4 conditions:
 - (1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 1 (Site Location Plan), Drawing No 13 (Plans), Drawing No 14 (Elevations) and Drawing No 15 (Site Plan).
 - (3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - (4) The development hereby permitted shall only be carried out in strict accordance with the recommendations and mitigation measures for the safeguarding of bats within the site as set out in the 'Phase 1 and 2 Bat Survey' dated 20th June 2020 and 'Addendum 1' dated 17 March 2021 both by Ridgeway Ecology Ltd (the Survey and Addendum). The recommendations and mitigation measures include amongst other things a pre-commencement "toolbox talk" and the incorporation of three in-wall bat boxes to the south facing wall of the extension hereby approved. The in-wall bat boxes shall be in place prior to the extension first being brought in to use and shall be inspected and monitored in accordance with the general mitigation requirements in the Survey and Addendum.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Royal Leamington Spa Conservation Area (CA).

Reasons

3. Northumberland Road is characterised by mainly two-storey, often substantial dwellings. There is much variation in the design of dwellings albeit there is general consistency in the high standard of architectural detailing and the traditional pitched roof forms incorporated. Where extensions have taken place, the built form more often closely reflects the design of the respective dwelling in each case. Dwellings are generally set back within sizable plots and the road is flanked by grass verges with mature tree planting. These factors combine to give this part of the CA an attractive suburban residential character.
4. The appeal dwelling is a large detached dwelling situated on a corner plot. It incorporates a three-storey central turret and similarly proportioned two-storey angled wings. There is a curved wrap-around façade with centrally located entrance to the front elevation. Steel framed windows are incorporated. These distinctive design elements make for a well-balanced and visually appealing dwelling. Consequently, the dwelling is a positive building within the street scene which adds to the significance of the CA.
5. The extension would not fully accord with the guidance for extensions in the Warwick District Council Residential Design Guide Supplementary Planning Document (SPD) (2018). Even so, given the distinctive design of the dwelling, the alignment of the roof and facades of the extension with those of the respective wing would assist in retaining design unity in this particular instance. Any resultant disparity in the relative widths of the wings would not be highly discernible given their angled relationship with the street and with neighbouring properties. The provision of a rendered finish to match the existing dwelling would further assist integration of the development with the host dwelling. As a result, the development would read as a seamless and visually cohesive addition to the dwelling and this would ensure it would assimilate into the CA without causing harm to its setting.
6. The Council's reasons for refusal in respect of the development subject of this appeal specifically relate to the two-storey extension and thus this has been the main focus of my assessment. However, the plans provided also include a flat roofed single storey extension incorporating a garage, lobby and utility room. This structure does not form part of the description of the development on the planning application forms. Even so, I am conscious that in allowing the appeal, I would effectively be granting permission for all the development shown on the drawings. I have seen the plans for a previous planning application¹ approved by the Council which remains extant and includes the same single storey extension. From what I saw on site, I find no reason to reach a different conclusion to the Council on the single storey extension and I am satisfied that this building would integrate effectively with the host dwelling and the setting of the CA.
7. I conclude, the development would preserve the character and appearance of the CA. In that regard, the development would adhere with the requirements for development to positively contribute to the character and quality of its environment and to preserve heritage assets and their setting in Policies BE1 (Layout and Design) and HE1 (Designated Heritage Assets and their setting) of the LP. The proposal also complies with the aims to conserve heritage assets in the National Planning Policy Framework.

¹ LPA Ref W/20/0592

Other Matter

8. The Phase 1 and 2 Bat Survey submitted with the application identified bat droppings under hanging tiles to the south of the central turret, albeit that the identified roosts were of low conservation significance. The survey also assessed other parts of the house, including the section of roof that the proposed two-storey extension would link into, and identified that the dwelling had limited bat roosting potential. The survey set out mitigation requirements which included that three bat boxes would be provided as part of a replacement stair tower as well as general mitigation requirements including amongst other things that a licensed ecologist would be appointed to oversee the mitigation measures and to provide a “toolbox talk” to contractors.
9. An appeal relating to a proposed replacement stair tower has recently been dismissed². In the circumstances, the appellant has provided an addendum to the survey which recommends an alternative location for bat boxes to be installed. The revised location would be to the southern wall of the extension proposed under this appeal.
10. I have consulted the Council with the addendum to the bat survey and they have confirmed that they are satisfied with the modified mitigation measures. Without evidence to persuade me otherwise, I am satisfied that the amended mitigation proposals would provide suitable and proportionate mitigation for bats having regard to the overall limited bat roosting potential on the site.

Conditions

11. I have attached the standard timescale condition and a condition confirming the approved plans in the interests of certainty. I also attach a condition requiring the materials to be used on external surfaces of the development to match those of the existing building in order to ensure the extension effectively integrates with the host dwelling and preserves the character and appearance of the CA. I also attach a condition to ensure the development is carried out in accordance with the aforementioned recommendations and mitigation measures of the bat survey and addendum in the interests of the protection of protected species.

Conclusion

12. For the reasons set out, the appeal is allowed.

M Russell

INSPECTOR

² Appeal Ref. APP/T3725/D/20/3264692