



Appeal Decision

Site visit made on 18 January 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2022

Appeal Ref: APP/T3725/W/21/3281481

8 Eastfield Road, Leamington Spa CV32 4EX

- 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 & Mrs D Stickley (Indigo Brain Architecture) against the decision of Warwick District Council.
 - The application Ref W/20/1764, dated 29 October 2020, was refused by notice dated 28 May 2021.
 - The development proposed is described as the change of use of a ground floor garage/workshop and 2no. First floor apartments to a 3 bedroomed dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above only relates to the change of use of the building. It is clear from the submitted plans that the proposal also involves roof, window and door alterations. Since these elements are shown on the proposed plans, I have considered the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the building and area and the extent to which it would preserve or enhance the Royal Leamington Spa Conservation Area.

Reasons

4. The Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. The building is located within the Royal Leamington Spa Conservation Area (CA), the significance of which is derived from the impressive Regency period and later planned development of terraces and villas, of which those along Newbold Terrace East to the rear of the appeal site form an important component. Many of these villas would have had associated small outbuildings, stables and mews (such as the appeal building) which have since been converted into other uses.
5. Eastfield Road is characterised by two-storey buildings, mainly residential in use. There is much variation in the design of buildings which have been developed over time, albeit there is a general consistency in that buildings are finished in red or buff brick. Traditional mews buildings are located on the southern side of the road, to the rear of Newbold Terrace East, where buildings are set flush with the highway or set back behind brick walls. To the north is a

mix of traditional buildings and more modern semi-detached dwellings and flats, some are set behind brick walls with others set behind front gardens and parking areas.

6. The appeal building is a detached red brick building under a hipped roof. To the rear, attached to the building but under separate ownership, is a row of single storey flat roof garages. The red brick and hipped roof are consistent with the nearby buildings and neighbouring mews building and has been emulated in a newer development at the entrance to Eastfield Road. These design elements make for a visually appealing group of buildings. Consequently, the building makes a positive contribution to the street scene which adds to the significance of the CA.
7. The proposed development would involve the alteration of the hipped roof to create a gable end covered balcony to the southwest elevation of the building. The proposed development would be clearly visible from the street. The host building has a hipped roof on both elevations and the proposed alteration to one side would unbalance the building as a whole and draw attention to the roof alteration. Within this context, the roof alteration would be an unsympathetic addition in relation to the host building and would remove the hipped roof which is a characteristic feature of the mews that contributes positively to both the area and CA.
8. The harm that would arise would be localised and therefore the impact on the CA as a whole would be less than substantial within the meaning of paragraph 202 of the National Planning Policy Framework (the Framework). In weighing the public benefits of the proposal against the harm identified, the appellant has suggested that the proposal is a high-quality development, ensures the continued use of the building and has improved amenity space for future occupiers. I have already found harm with regard to the design of the proposed development, and there is no evidence before me to suggest that the current use of the building would not continue should the appeal be dismissed. With regards to amenity space, whilst the balcony would provide an area of space for future occupiers, in their appeal statement the appellant notes that the site is within reasonable walking distance to a number of parks and gardens. The balcony area would also be covered on three sides with a roof and would therefore be limited in its ability to provide natural light. As such, the public benefits of the scheme are of no more than limited weight. I find in relation to paragraph 202 of the Framework that whilst the harm to the significance of the CA would be less than substantial, there are no public benefits that would outweigh that harm.
9. The Council asserts that the host building is a non-designated heritage asset, however this is disputed by the appellant. Paragraph 040 of the National Planning Policy Guidance¹ (NPPG) states that local planning authorities may identify non-designated heritage assets as part of the decision making process of planning applications. It further states that the decision to identify them as non-designated heritage assets are based on sound evidence.
10. Paragraph 203 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required

¹ Paragraph: 040 Reference ID: 18a-040-20190723 Revision date 23 07 2019

having regard to the scale and harm or loss and the significance of the heritage asset. Whilst the main parties are in disagreement over the designation of the building, I have already found that the proposal would harm the character and appearance of both the building and surrounding area.

11. I conclude that the proposed development, due to its scale, design and location, would harm the character and appearance of the building and surrounding area. Furthermore, the proposal would harm, and therefore fail to preserve the character or appearance of the CA. I find in relation to paragraph 202 of the Framework that whilst the harm to the significance of the CA would be less than substantial, there are no public benefits that would outweigh that harm.
12. The proposal would therefore conflict with Policies HE2 and BE1 of the Warwick District Local Plan (2017) and Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan (2019) which seek, amongst other things, to ensure that development reflects, respects and reinforces local architecture and historic distinctiveness. The appeal scheme would also be contrary to paragraph 199 of the Framework which seeks to protect heritage assets.

Other Matters

13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. No's 26 and 27 Newbold Terrace East (both Grade II listed buildings), are located near to the site. In determining the application the Council's Conservation Team offered no objection with regards to the setting of the nearby listed buildings. Neither party have raised this as a concern during the appeal. Based on the scale and location of the proposal and the evidence before me, I am satisfied that the proposal would have a neutral effect on, and therefore preserve, the setting of the listed buildings.

Conclusion

14. For the above reasons given above, having considered the development plan as a whole, the approach of the Framework and all other relevant considerations, the appeal should be dismissed.

Tamsin Law

INSPECTOR