



Appeal Decision

Site visit made on 17 May 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/T3725/W/21/3285532

24 Kenilworth Road, Leamington Spa CV32 6JB

- 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 Sukhjot Singh of Cloister Living LLP against the decision of Warwick District Council.
 - The application Ref W/20/2144, dated 17 December 2020, was refused by notice dated 22 July 2021.
 - The development proposed is the demolition of rear two storey and single storey wings together with detached two storey cottage and erection of replacement three storey and two storey extensions together with detached building at rear of site to provide studio flats and bedsit accommodation (increase from 30no. to 33no.) plus all associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area and heritage assets, including a non-designated heritage asset, conservation area and Listed Buildings; and,
 - Whether the proposal would result in a suitable quality of living conditions for future occupiers.

Reasons

Character and Appearance

3. The appeal site is a long rectangular plot fronting on to Kenilworth Road, it contains a large, detached villa towards the front of the site and a small dwelling to the rear, Cariat Cottage. The site is within the Royal Leamington Spa Conservation Area (RLSCA) and is near a number of listed buildings, including Nos 22 and 26 Kenilworth Rd which are both Grade II listed. During the planning application the Council identified No 24 Kenilworth as a non-designated heritage asset (NDHA).
4. The conservation area covers a wide area of Leamington Spa, containing the town centre as well as residential areas. As a result, the area is varied in character, but its significance stems from its presentation of a spa town. In particular, Kenilworth Road is characterised by a regular pattern of villas set within spacious plots. Although the villas are of varied designs, they are all of a

relatively similar style and, from my observations on site, predominantly appear to have two-storey service wings to the rear. I find that alongside their facades, their regular siting and form contribute towards the importance of the conservation area.

5. Either side of the appeal site are Nos 22 and 26 Kenilworth Road which, as noted above, are listed buildings. Both buildings, including their detailed facades are largely similar in appearance and form. To the rear, each had the two-storey wings characteristic of this area. Whilst I noted some alterations to these buildings, I nonetheless found that their significance stems from the extent to which their original facade, form and plot are still intact allowing their historic use to still be legible.
6. The host building, as an NDHA, reflects many of the features set out above, including that it is a largely intact example of spa town development which contributes towards the regular and largely uniform street scene. Of particular note is the form of the building and its facade which are important for the legibility of the historic use of the building and are similar to the neighbouring listed buildings as well other buildings within the street scene. I find therefore that its significance stems from its contribution towards the conservation area and the setting of the listed buildings with regard to its appearance and form. Although I note it has had a single-storey rear extension and that internal alterations have also occurred, these changes are not so significant as to affect the overall legibility of the building or its context.
7. Given the identified importance of the original service wing, and notwithstanding its siting at the rear of the villa, its loss would adversely affect the legibility of the historic form of the building and the uniformity of the street. Moreover, the replacement extension would be a significant addition and would be considerably larger than the original service wing. Although it would be lower than the existing wing and its modern design would ensure it appeared as a clearly discrete element, given its overall scale and bulk, the proposal would compete with the villa for importance. The extension would also be visible in from Kenilworth Road down the sides of the site and from the rear of neighbouring properties where it would affect the appreciation of the building within its surroundings. As a result, the demolition of the service wing and the replacement extension would harm the significance of the NDHA, its contribution towards the character and appearance of the RLSCA and the settings of the two neighbouring listed buildings.
8. During my observations on site, I noted two nearby villas which had a substantial two-storey rear extension to their respective service wings, namely at numbers 31 and 34. Although the extension at No 31 appears to be of some age, the extension at No 34 is clearly recent and is of a very modern design. I have only been given limited information regarding both extensions but, I understand that the extension at No 34 did not replace the original service wing as this had already been previously replaced. Given the age of the extension at No 31 and that the recent extension at No 34 did not result in the demolition of the original service wing, I do not find that the context of either example is so similar to that before me as to set a precedent.

9. The proposal also includes the replacement of Cariad Cottage, which is clearly not contemporary with the villa and therefore its loss would not be unacceptable. The replacement building would be relatively small and finished in a modern design similar to the proposed extension and would therefore be read as a discrete feature that is subservient to the NDHA. Given the above, and that along Kenilworth Road buildings are typical at the end of gardens, I find that the replacement cottage would therefore not harm the character and appearance of the site or heritage assets.
10. Nevertheless, given the harm identified above, the proposal would fail to preserve or enhance the character and appearance of the RLSCA, the setting of the listed buildings or the significance of the NDHA. I am mindful of the scale of the development in relation to the heritage assets and find that the harm caused would be less than substantial. However, the National Planning Policy Framework (the Framework) is clear that great weight should be given to an asset's conservation. In this case the harm that I have identified needs to be weighed against the public benefits of the development.
11. The appellant has submitted that the proposal would allow for the renovation and tidying of the site, including the villa itself. It was clearing during my observations on site that the host building is in a somewhat tired state, in particular the rear single-storey extension is suffering water ingress and damp as a result of the roofing materials having been removed. Although its replacement would likely prevent any further damage to the rear extension, or harm to the villa and service wing, it has not been demonstrated that the proposal before me is necessary for the renovation or tidying of the site to be carried out. I therefore attribute this matter only modest weight.
12. The proposal would also provide 33 studio apartments for use as student accommodation. Although sufficient evidence has not been provided to demonstrate that there is an identified need for student accommodation, the proposal would nonetheless contribute towards the government's aims of increasing housing supply. However, given that it would be only a small increase in accommodation over that already provided at the site, I attach this matter only moderate weight.
13. The proposal would likely result in some temporary economic benefits linked to the construction works and some permanent economic and social benefits as a result of the future occupiers. However, these benefits are of only a modest weight given the scale of the development in relation to the existing site and its context within Leamington Spa.
14. At most I have given the above matters moderate weight. Accordingly, I find that there is no public benefit cited which outweighs the considerable importance and weight I give to preserving the character and appearance of the conservation area, setting of the listed buildings and the significance of the NDHA.
15. Therefore, for the reasons given above I conclude that the proposal would harm the character and appearance of the surrounding area by way of failing to preserve the setting of the above mentioned Grade II Listed Buildings, failing to preserve or enhance the character or appearance of the RLSCA, and harming the significance of the NDHA. As a consequence, the proposal would conflict with Policies BE1, HE1, HE2 and HE3 of the Warwick District Local Plan 2011-2029 (the LP, September 2017) and Policy RLS3 of the Royal Leamington Spa

Neighbourhood Development Plan 2020-2029 (the NDP, June 2020). These policies, amongst other matters, seek development to protect or enhance the established urban character, architectural and historic distinctiveness, and prevent harm to designated and non-designated heritage assets. The proposal would therefore also conflict with Chapter 16 of the Framework regarding the historic environment, including Paragraphs 197 and 199-208.

Living Conditions

16. The proposal would include large, glazed doors and a terrace serving the first floor at the rear of the proposed extension that would be close to the front facing windows on the ground and first floor of the replacement detached building. Given their close siting it would be possible for overlooking to occur between future occupiers of the Wheelchair Accessible Studio and the five studios in the detached accommodation. As a result, I find that there would be a loss of privacy across all six of these studios and that this would harm future occupiers' living conditions. I have not been provided with substantive evidence that the planting around the first floor terrace would screen views and moreover, any planting could easily die or be removed. This would therefore not mitigate the harm outlined above.
17. The window serving the ground floor Studio at the rear of the villa, with views over the Lower Garden, would be close to the window serving the Entrance Hall and the window and balcony of the closest Studio within the proposed rear extension. Although somewhat at an angle, views would be afforded between the hall and rear window and between the two studios. I find again therefore that overlooking would occur and that the privacy of these two studios would be adversely affected to the detriment of future occupiers.
18. The studios within the detached building would primarily have an outlook in the direction of the proposed extension, whilst the separation would not be significant, the extension is relatively narrow, and the first floor is set back by way of the terrace. As such, views from the studios of the detached building would extend either side and above the proposed extension and therefore the outlook would be relatively open and not affected by any unacceptable sense of overbearing impact. In this regard I find that the future occupiers would be afforded a suitable level of accommodation.
19. It has been submitted that the future occupiers would be students and therefore any living condition requirements should be relaxed. However, this does not appear in any of the policies or guidance before me and I therefore consider that the future occupiers should be treated the same as any prospective occupier. Likewise, although the Warwick District Council Residential Design Guide (the RDG, May 2018) may only directly refer to dwellinghouses, I find that the living conditions needs of any residential property would be similar and so the principles of this guidance are still relevant for the case before me.
20. In light of the above the proposal would not provide a suitable quality of living conditions for future occupiers and as such would conflict with Policy BE3 of the LP which requires that development provide a suitable standard of amenity for future occupiers. The proposal would also conflict with the guidance contained within the RDG on window separation distances.

Conclusion

21. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, and for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR