



Appeal Decision

Site visit made on 19 August 2022

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/T3725/D/22/3293548

23 Leam Terrace, Leamington Spa, Warwickshire CV31 1BB

- 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 SKJ Property against the decision of Warwick District Council.
 - The application Ref W/21/1929, dated 18 October 2021, was refused by notice dated 30 January 2022.
 - The development proposed is erection of garage with studio above.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area bearing in mind it would be within the Royal Leamington Spa Conservation Area and within the setting of the grade II listed numbers 21 and 23 with attached walls and railings, 21 and 23 Leam Terrace.

Reasons

3. The appeal site is in an area of land to the rear of the grade II listed numbers 21 and 23 with attached walls and railings, 21 and 23, Leam Terrace (Nos 21 & 23 Leam Terrace). It forms part of the Mill Road frontage and is within the Royal Leamington Spa Conservation Area (CA).
4. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building or its setting and any features of architectural or historic interest it possesses. The same act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Furthermore, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Significance

5. The CA covers a large, mainly urban area centred around the town centre and surrounding neighbourhoods. The CA is characterised by a variety of traditional properties, many dating from the Georgian and Victorian period when the towns mineral waters, and their availability for public use, triggered significant development. Insofar as is relevant to the appeal the significance of

the CA derives from the evolution of Leamington Spa as a spa town and the architectural, quality, detailing and layout of the traditional buildings within it.

6. The grade II listed Nos 21 & 23 Leam Terrace is an imposing pair of villas which were constructed circa 1834 -1838. Its front elevation faces Leam Terrace and is finished in stucco painted white. It has a slate roof, is two-storey with attic and basement and is neo-tudor style with a variety of traditional architectural details. These include a pair of steps with railings leading up to recessed porches with gothic arches which are alongside decorative window bays. Its rear elevation is less detailed, although the overall scale of the building remains notable when viewed from Mill Road. Insofar as is relevant to this case, I find the significance of the grade II listed building derives from its scale and positioning within the CA and what remains of its fine traditional architectural detailing.

Effect on Significance

7. The proposal would form part of a row of other single storey buildings (mainly garages) and boundary walls which extend along the south side of Mill Road. These structures are positioned directly adjacent to the edge of a narrow pavement with the much taller buildings facing Leam Terrace noticeable in their background. This gives this part of Mill Road a service road character, where the buildings on this part of Mill Road clearly appear related and subsidiary to the large dominant properties facing Leam Terrace.
8. The proposed building would have a steep pitched roof with a studio accommodated in its roof space. It would also have a small centrally positioned dormer window in its roof slope facing Mill Road.
9. I note that the Council have no objections to a garage building in the location proposed. However, the proposed building would be much taller than the neighbouring garage building which has a shallow pitched roof and the proposed gable end would be prominent in the street scene. These features would draw attention to the depth and height of the proposed building. The proposal would be much taller than the majority of the other structures to the rear of the properties which face Leam Terrace on the south side of Mill Road nearby. The proposed dormer would accentuate the prominence and scale of the proposed building which through its height, size and appearance would have the character of a small dwelling. Consequently, I find the proposal would be in conflict with the subsidiary service character and scale of the majority of the structures nearby and would therefore be an incongruous feature of this section of Mill Road.
10. In reaching this conclusion, I note the Royal Leamington Spa Conservation Area Character Appraisal does not make specific reference to Mill Road and the majority of the features of significance identified in that document would be unaffected by the scheme. I also acknowledge the proposed development would be constructed using complimentary traditional materials. However, overall, the conflict and incongruity I have identified, mean the scheme would fail to preserve the character or appearance of the CA harming its significance.
11. Turning my attention to the effect on the listed building. I accept the proposal would be subordinate to No 21 & 23 and some distance away such that the listed building would still be visible from Mill Road with the development in place. However, through its height and scale the appeal scheme would draw

attention away from the listed building. This proposal would compete with and erode the dominance of Nos 21 & 23 Leam Terrace harming its setting and significance.

12. In reaching these conclusions I acknowledge the building to the rear of No 39 Leam Terrace. I have considered details which show this scheme was granted planning permission by the Council contrary to the recommendation of its officers. However, whilst that building may be in the same street frontage, it is some distance away from the appeal site, where the frontage in the immediate vicinity of the appeal site is characterised by low level structures of subsidiary character to the dominant properties facing Leam Terrace. I have also noted the scheme at No 2 Mill Road. However, this is on the opposite side of the road, adjacent to a large and tall modern building which faces the road, in my view its context is not comparable to the appeal site.

Planning and Heritage Balance

13. The combined harm I have identified to the significance of the designated heritage assets would be less than substantial. In which case paragraph 202 of the Framework requires it to be weighed against the public benefits of the proposals, including where appropriate, securing optimum viable use.
14. The proposals would provide new modern ancillary accommodation and garaging close to the town centre where services, facilities and employment can be accessed through a variety of sustainable transport choices. There would be economic benefits of construction and environmental benefits associated with redeveloping previously developed land. However, even if I were to accept all these as public benefits, they are relatively modest and are insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage assets.
15. For the same reasons the proposal would also conflict with the development plan, particularly Policy HE1 of the Warwick District Local Plan 2011-2029 (2017) which amongst other matters seeks to ensure that new development does not adversely affect the special character, historic interest, integrity or setting of listed buildings.

Conclusion

16. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR