



Appeal Decision

Site visit made on 14 June 2022 by Thomas Courtney BA(Hons) MA

Decision by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/T3725/W/22/3293599

Little Fieldgate, 55 Fieldgate Lane, Kenilworth CV8 1BT

- 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 R Davis against the decision of Warwick District Council.
 - The application Ref W/21/0066, dated 12 January 2021, was refused by notice dated 3 February 2022.
 - The development proposed is the demolition of existing dormer bungalow and construction of a replacement two storey dwelling.
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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.

Preliminary Matter

3. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and preserving the setting of a listed building, amongst other things.

Main Issue

4. The main issue is the effect of the proposal on the setting of Fieldgate House, a Grade II listed building, and whether the development would preserve or enhance the character or appearance of the Kenilworth Conservation Area (KCA).

Reasons for the Recommendation

5. The appeal site comprises a detached bungalow located within the KCA. The appeal dwelling is set-back from the road and has a private drive and open space to the front as well as a large garden to the rear. It is currently vacant and in a dilapidated condition. Fieldgate House is a Grade II listed building and is located approximately 35 metres to the north of the appeal dwelling, also within the KCA. Fieldgate House and the KCA are both designated heritage assets.
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6. The character of the KCA along Fieldgate Lane is largely defined by examples of late 19th and early 20th Century residential development. The Council's guide to the Kenilworth Conservation Area refers to small early/mid-19th Century cottages at the far southern end of Fieldgate Lane, at the junction with the High Street. It also emphasises the importance of the rendered Arts and Craft style thatched houses with original gardens on the western side of the middle portion of Fieldgate Lane as examples of early 20th Century housing. On the east side of the road are several larger detached properties set within extensive grounds with mature landscaping.
7. The appeal property and nearby properties within the northern section of Fieldgate Lane differ in character from the rest of the properties along the road being more modern in appearance. I observed a mix of post-war properties as well as a contemporary chalet-style dwelling directly to the south of the appeal site. Notwithstanding the modern appearance of these properties, the character of this part of the KCA is largely defined by linear views along Fieldgate Lane towards Fieldgate House, as well as the interest derived from the boundary wall which runs along the eastern boundary of Nos. 55 and 57, and the verdant backdrop provided by the tall mature trees and vegetation within the gardens of Fieldgate House.
8. The listing description states that Fieldgate House dates from the late 17th Century or 18th Century and was altered in the 19th Century. The main building is three-storey with a recessed two-storey element attached. It is constructed with red brick and has rendered southern and western elevations. It features an old tile hipped roof, cornices with blocking courses as well as a prominent stone Doric porch overlooking the front parking courtyard. Although not noted in the listing, the extensive grounds and curtilage garden to the south of the property maintain an attractive verdant setting for the listed building. The significance of the property derives from its age, materials, historic grounds and prominent position on the corner of Fieldgate Lane and Beehive Hill.
9. As defined within the National Planning Policy Framework 2021 (the Framework), the setting of a heritage asset is the surroundings in which the heritage asset is experienced. In this case, the listed building can be most readily appreciated when viewed from Beehive Hill and Hollis Lane to the north, from Fieldgate Lane to the southeast, as well as from neighbouring properties to the south and southwest. The gardens and open space to the rear of the listed building make a positive contribution to its setting and can be appreciated by pedestrians and vehicles travelling on Fieldgate Lane and Upper Spring Lane.
10. The proposed replacement two-storey dwelling would be taller and larger in footprint than the existing bungalow. Whilst the appellant states that the resultant dwelling would be of better architectural quality than the existing property, the increase in height, overall bulk and volume of roofscape would be substantial and would detract from the setting of the listed Fieldgate House.
11. In particular, the erection of a double garage with pitched roof would introduce two-storey built form near the common boundary with the listed building. The scale, massing and position of the development would be readily visible in views from Fieldgate Lane and from Upper Spring Lane detracting from the sylvan character of the grounds. Due to its scale and massing, the proposed

- dwelling would be read as an incongruous feature that would detract from the setting of the listed building. Although set-back from the road, the proposed dwelling would nonetheless appear much more prominently than the existing bungalow.
12. I appreciate the fact that the scale of the proposed dwelling would be similar to the neighbouring property at No.55a and the roof ridge would be lower in height. However, the appeal site is closer to the listed building than No.55a and is directly adjacent to the historical gardens.
 13. Although the proposal would not be visible from the corner of Fieldgate Lane and Beehive Lane, it would be visible from the courtyard area adjacent to Fieldgate House as well as from the rear elevation windows of the listed building. The appellant contends that there would only be partial glimpses of the proposed roof and rendered single storey rear elevation through the tall mature trees to the south of Fieldgate House, and that these would not have a harmful impact on the setting of the listed building. I do not agree with this assessment given the scale, massing and position of the proposed development, and furthermore, I consider that the proposed dwelling and garage near the common boundary would be much more visible through the vegetation during the late Autumn, Winter and early Spring.
 14. Turning to the impact on the conservation area, the proposed design would not jar with the scale and mix of architectural styles featured amongst the contemporary properties directly to the south of No. 55. Furthermore, given the distance between the site and the thatched early-20th Century properties on the western side of Fieldgate Lane to the south, it would not detract from their appearance and significance. The height, bulk and volume of the development would appear prominently in the street scene along Fieldgate Lane and when viewed by motorists travelling westwards along the bend on Upper Spring Lane. The scale of the resultant dwelling would attract the eye and appear as a disproportionately sized feature in contrast to the existing building which has a low-key profile. Its scale would detract from the significance of the historical boundary wall and grounds which contribute to the character and appearance of the KCA.
 15. Paragraph 199 of 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 200 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. I find the harm to be less than substantial and under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
 16. The appellant is of the opinion that the proposal would be beneficial because the replacement of the gate piers at the entrance of the appeal site would enhance the appearance of the boundary wall. However, the scale of such works would not greatly improve the overall appearance of the property or Fieldgate Lane. Consequently, I give this public benefit only very limited weight.
 17. Furthermore, the appellant states that the architectural quality of the resultant dwelling would be superior to the existing dwelling and would enhance the appearance of the area. As I have already found that the proposed

development would be harmful to the character and appearance of the KCA and the setting of Fieldgate House, I do not consider this to be a public benefit.

18. I am not, therefore, satisfied that the very limited public benefit of the proposal would outweigh the less than substantial harm to two designated heritage assets I have identified.
19. For these reasons, I conclude that the proposal would fail to preserve the setting of the Grade II listed building and the character and appearance of the KCA. This would conflict with policy HE1 of the Warwick District Local Plan (LP) that seeks, among other things, to ensure that developments conserve and, where possible, enhance the significance of heritage assets. The development would also conflict with Policy BE1 of the LP which seeks to ensure proposals are well designed and respect surrounding buildings in terms of scale, height, form and massing.
20. As a result, the proposal would not be in accordance with the development plan and would also conflict with the Framework.

Conclusion and Recommendation

21. I have concluded that the proposed development would not preserve the character and appearance of the Conservation Area and the setting of the Grade II listed building. The proposal would thus conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan.
22. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

A Parkin

INSPECTOR