



Appeal Decision

Site visit made on 20 September 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2022

Appeal Ref: APP/T3725/W/22/3293373

Garage, 22 St Mary's Terrace, Leamington Spa, Warwickshire CV31 1JT

- 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 Steven White against the decision of Warwick District Council.
 - The application Ref W/21/2092, dated 16 November 2021, was refused by notice dated 11 February 2022.
 - The development proposed is described as 'Conversion of existing storage into residential dwelling.'
-

Decision

1. The decision is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character or appearance of the Royal Leamington Spa Conservation Area,
 - the effect of the proposal on the living conditions of the occupants of 20 St Mary's Terrace, with regard outlook, and
 - whether the proposal would provide satisfactory living conditions for the future occupants of the proposed dwelling, with regards to private garden space.

Reasons

Character and Appearance

3. The Royal Leamington Spa Conservation Area (CA) covers most of the historic town centre. It also covers the surrounding residential areas which have evolved from the 19th Century. These areas comprise large properties of styles reflecting the respective periods in which they were constructed.
4. The appeal site is located on a secondary street which predominantly comprises small-terraced dwellings dating back to the Victorian era. Modern additions are generally confined to the east side of the street and include two low rise blocks of flats. On the west side, of which the appeal site forms a part, newer additions are set back. In particular, the development at the rear of 28 and 30 Waterloo Street is largely confined by the terrace, with glimpse views only apparent at its immediate access. Its presence is therefore not appreciable in the wider street scene. Consequently, the terraced properties on this side of the road appear relatively uninterrupted and a coherent group of dwellings.

5. Their distinct form, of two-storey, pitched roof dwellings with eaves facing the road and garden space to the rear, provides a degree of uniformity, and this strongly characterises the street scene. Despite variation in front elevation detail, and new additions in the wider street, through these distinct features the special historic interest of the Victorian terraces appears to be generally retained, and this positively contributes to the significance of this part of the CA.
6. The appeal site is currently occupied by two single height, small buildings which have the appearance of garages. Although relatively recent additions to this part of the street, by virtue of their height and simple appearance they are neutral features set against the historic significance of the street.
7. The dwelling would fill the space of the existing small buildings, and its plan form would be devoid of garden space. It would in this respect be out of keeping with the distinct pattern of development adjacent to it, where even dwellings with irregular plots have space to the rear. The proposed detached structure would also be an uncharacteristic type of dwelling in this part of the street which is dominated by the terraced properties. Consequently, it would be at odds with the positive and locally distinct features that characterise the area.
8. The gable fronted, two-storey component of the dwelling would be set close to the existing terrace and this form would contrast unsympathetically with the roofscape of those existing properties. Furthermore, on entering the street from St Mary's Terrace, its profile would be highly visible. While the fenestration and materials may match neighbouring dwellings, its incongruous form would appear a discordant feature that would harmfully detract from the positive and coherent features of the terraces. It would fail to preserve the character or appearance of this part of the CA for this reason.
9. 24 St Mary's Terrace has windows and a front door facing Waterloo Street, but this existing dwelling is at the end of a row of properties that principally address the other street. Other nearby examples of front gables are opposite the site, and do not influence the character or appearance of the terrace against which the proposal would be read.
10. My attention has been drawn to the contemporary addition next to St Mary's Church. However, this is in a different street to the appeal site, and the context surrounding the church is not directly comparable to this development in a residential setting. This has not therefore influenced my assessment of this site.
11. In light of the above I find that the new dwelling would have a harmful effect on the character and appearance of the CA. This effect would be limited and localised and the harm caused to the significance of the CA as a whole is less than substantial. In accordance with the National Planning Policy Framework (the Framework) this harm needs to be weighed against the public benefits of the proposal.
12. The proposal would contribute to the mix and supply of housing in an area well related to services. While there may be few one-bedroom houses in the area, a single additional dwelling would be a limited public benefit.
13. The removal of the current dropped kerb would create an on-street parking space. This would be a small contribution to parking space in the area, and it

- would likely be used by future occupants of the dwelling. At best this would therefore be a limited benefit.
14. A contribution to public space has been suggested. Even if this was found to be necessary, there is no suggestion that it would amount to more than mitigation and there is no robust mechanism before me to secure it. Therefore, this matter does not weigh in favour of this proposal.
 15. It has also been suggested that the proposal would result in fewer traffic movements in the street. However, there would be nothing preventing the occupants of the new dwelling from parking vehicles near the property and there would likely be deliveries to the property which would add to these vehicle movements. Traffic levels would therefore at least be comparable with existing levels in the area. This matter would not amount to a benefit for these reasons.
 16. My attention has been drawn to historic plans of the area which show a two-storey bakehouse. The bakehouse has not been a part of the street scene for a number of decades. It is also a very different use than a dwelling and it was approved when the planning context was considerably different than today. I have found however, that the existing structures have a neutral appearance in the street, and this would not be the case for this harmful proposal. Moreover, as I cannot be certain of the form that the bakehouse would have taken in the street scene, it is unclear how this proposal would recreate the lost townscape or restore local distinctiveness. The form of development proposed has not, therefore, been demonstrated to be a benefit in this regard.
 17. The existing structures may not be suitable for cars and the Council has not confirmed that B8 use is lawful at the appeal site. This aside, the structures did not appear in a poor state, and I saw no indication that their presence attracted fly-tipping. Nor can I see anything which would prevent them being used as storage, incidental to domestic use. I am not convinced therefore that this harmful development is the only use for the site or that it would be the optimum viable use at the site. It would not satisfy the requirements of Policy HE1 of the Warwick District Local Plan (Local Plan) in this regard and would not amount to a benefit in this case.
 18. The development fails to preserve or enhance the character or appearance of the CA for the reasons set out above. Whilst less than substantial in terms of the Framework, in my judgement this harm is not outweighed by the limited public benefits identified in this case.
 19. Therefore, I find that the proposal would not preserve or enhance the character or appearance of the Royal Leamington Spa Conservation Area. In this regard it would conflict with Policies BE1 and HE1 of the Local Plan and Policy RLS3 of the Royal Leamington Spa Neighbourhood Development Plan. These collectively state that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design and, seek to conserve the significance of conservation areas.

Living Conditions - Outlook

20. The current outlook for occupants of No 20 to the rear of their property is of the two-storey side elevation of 2 Waterloo Street. The small garden space at this property is also bound by the existing structures at the appeal site.

However, these are single storey, low profile structures. This proposal would result in a two-storey structure, and this would bring a substantially higher built form considerably closer to the rear windows of that property than is currently the case.

21. I note the first-floor window of the rear outrigger of No 20 has obscured glazing. However, at the rear of this property, there is also a set of patio doors and a large first floor window above it. These appear the only openings for these habitable rooms. Their current outlook is part flanked by the outrigger and directly south with the existing garages visible. While a previous Inspector, considering development at the site, found that there would be no loss of light to No 20, the proposed form in this case would substantially fill the space above these existing single storey structures. As a result, this sizeable form, set close to the rear elevation of No 20 would be a looming presence, and its solid, two-storey wall and roof plane would dominate the outlook from these rear doors and window. Occupants would experience a considerably greater sense of enclosure as a result, and this would make the outlook from these openings significantly less pleasant for the occupants of this property.
22. The separation between No 10 and its neighbour is small, but these appear older properties that significantly predate the current guidance on this matter. The dwelling behind Nos 28 and 30 is modern but this is a single storey dwelling and not directly comparable in this regard to this proposal. In any event these exceptions do not provide justification for development that would harm local residents' living conditions near the appeal site.
23. The proposal for this reason would appear overbearing and oppressive, and this would have a harmful effect on the living conditions of the occupants of 20 St Mary's Terrace, with regard to outlook. It would in this respect be contrary to Policy BE3 of the Local Plan and guidance of the Warwick District Council Residential Design Guide (Design Guide) which collectively state that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

Living Conditions - Garden Space

24. The amount of rear garden space at surrounding dwellings varies and, in some instances, this may fall short of that advised in the Design Guide. However, generally occupants of dwellings in the street have some private garden space where they can sit, relax, entertain, hang washing etc. There would be no such space for future occupants of this dwelling to enjoy in such a manner. Their activities in the property would be confined to its small internal footprint, with no outdoor space either to the front or rear of the property. In this respect the dwelling would not provide pleasant living conditions for its future occupants.
25. The occupants of the flats may not have private outdoor space, but that type of property is not directly comparable to a dwellinghouse, which in this area, generally benefit from private space to the rear. There is nothing to guarantee that a shared space similar to that available to occupants of the flats would be available to future occupants of the dwelling or that a contribution towards public amenity space could be secured. In any event, these measures would not provide a comparable facility to on-site private garden space.
26. I therefore find that the proposal would not provide satisfactory living conditions for the future occupants of the proposed dwelling, with regards

private garden space. It would in this respect be contrary to Policy BE3 of the Local Plan and guidance of the Design Guide, that collectively require that development will not be permitted if it does not provide acceptable standards of amenity for future users and occupiers of the development.

Other Matters

27. Adequate parking and compliance with Policy TR3 of the Local Plan should be expected for relevant development so this matter does not weigh in favour of the proposal. This is also the case in respect to adequate internal space for occupants of the new dwelling. No issue has been raised in this case in respect of privacy and light, or harm to resident's living conditions beyond those occupying No 20. This should also be expected for relevant development, and these are all neutral factors in this appeal.
28. The principle of a dwelling in this location is not in dispute. However, Policy H1 of the Local Plan states that housing development in urban areas will not be permitted unless the development reinforces, or harmonises with, the established character of the street. I have found that this proposal would not do so and would be contrary to this policy in this regard.
29. Support from neighbours is noted. However, I must consider wider interests and this matter alone would not justify harmful development in this area. Complaints against the Council, seeking pre-application advice and the cost of doing so are matters outside this appeal.

Conclusion

30. For the reasons stated above and having regard to the development plan as a whole, and all relevant material considerations, including the Framework, the appeal is dismissed.

A J Sutton

INSPECTOR