



Appeal Decision

Site visit made on 10 January 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2023

Appeal Ref: APP/T3725/D/22/3305995

28 Church Lane, Lillington, Leamington Spa, Warwickshire CV32 7RG

- 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 Barney Gunn against the decision of Warwick District Council.
 - The application Ref W/22/0456, dated 13 March 2022, was refused by notice dated 29 June 2022.
 - The development proposed is erection of proposed two storey side extension following demolition of existing stores. Installation of partial garage conversion and erection of pitched roof. Erection of proposed fence and gate to western side boundary. Formation of proposed dropped kerb and installation of new hardstanding to driveway. Proposed replacement of all windows from single glazing to double glazing.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more clearly describes the details of the development than that given on the original planning application form. The Council's and appellant's submissions confirm that the proposed development was determined on this basis and as such I have considered the appeal on this basis accordingly.

Main Issue

3. The main issue is the effect of the proposed side extension on the character and appearance of the host property and the area, having particular regard to the Lillington Village Conservation Area and the setting of the Grade II listed buildings at St Mary Magdalene's Church and the Manor House.

Reasons

4. The appeal property is a two storey detached dwelling situated on a corner plot at the junction of Church Lane and Vicarage Road. It is located in a mature well-established residential area, characterised by a mixture of properties of varied styles and design set back from the road behind a front garden/driveway. No. 28 Church Lane (No.28) being situated on a corner plot has even more expansive grounds, which add to the open character and appearance of the street scene. No. 28 has traditional double height bay windows with hanging tile cladding at the front of the property and a steep pitched tiled roof.

5. It is situated within the Lillington Village Conservation Area (CA) and adjacent to the Grade II listed buildings at St Mary Magdalene's Church to the south-west and the Manor House to the north-west of the appeal site. The historic and architectural significance of the listed buildings can be appreciated within the immediate vicinity of the site. These contribute to the mature well-established residential character and appearance of the area, that is further enhanced by the presence of mature landscaping and established trees within the church graveyard and surrounding gardens.
6. The appeal proposal seeks to extend the property to include, amongst other things, the construction of a part single storey/part two storey side extension with a rendered external finish set back from the front elevation of the host property. The single storey pitched roof side extension would replace a smaller existing lean-to side extension and be built up to the common shared side boundary. The small two storey flat roofed side extension would inset and would be centrally positioned on the side elevation of the host property.
7. Although the proposed extension would not appear overlarge, relative to the overall plot size, the scale and form of the proposed side extension would nevertheless still be a significant addition relative to the main property. Whilst it would be set back, the proposed side extension would result in substantial bulk on the side of the dwelling, which coupled with the flat roof over the small two storey side extension, would detract from the architectural integrity of the host property and compromise the sense of space and openness in the area.
8. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points along Church Lane and Vicarage Road. The proposed side extension, by virtue of its scale, siting and design, would fail to achieve an appropriate degree of subordination to the host property. As such, I consider that the proposed side extension would result in an incongruous and out-of-keeping addition that would cause unacceptable harm to the host property and the area.
9. I have considered the appellant's arguments that the design and layout of the proposed development has been carefully considered and redesigned in order to minimise any impacts on the area. However, whilst the use of some matching materials and fenestrations together with the boundary treatment would assist in integrating the proposal with the host property and the area, these aspects do not overcome the adverse effects outlined above.
10. Given the location of the appeal site adjacent to the Grade II listed buildings and within the CA, special attention must be paid to the desirability of preserving or enhancing the setting of the listed buildings and the character or appearance of the CA. Although it would be set back from the adjacent listed buildings, I consider that the proposed side extension, by virtue of its scale, siting and design, would have a negative material impact on the setting and, thereby, harming the significance of the adjacent listed buildings and the CA. The setting of the listed buildings and the CA would therefore not be preserved.
11. Given the modest scale of the development, the harm would be less than substantial but in accordance with paragraph 202 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits to the proposal. I note the appellant's desire is to provide additional living accommodation within the host property and secure its

optimum viable use. However, I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight.

12. Consequently, I conclude that the proposed development would result in harm to the character and appearance of the host property and the area, having particular regard to the CA and the setting of the adjacent Grade II listed buildings. It would be contrary to the aims of Policies BE1 and HE1 of the Warwick District Local Plan 2017 and the Council's Residential Design Guide Supplementary Planning Document 2018. These policies and guidance, amongst other things, require development proposals to be of the highest quality that relate well to the existing local surroundings, positively contribute to the character and quality of the environment through good design and layout, and protect and enhance designated heritage assets and their setting.
13. In addition, the proposal would not accord with the Framework that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130) and sustain and enhance the significance of heritage assets (paragraph 197).

Other Matters

14. I have considered the appellant's comments regarding the support and lack of formal objections from the local neighbours to the appeal proposal. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the proposal on the host property and the area and is not a determinative factor on its own.
15. I have considered the various benefits put forward by the appellant that the proposal would bring, including providing the scheme's high quality design, replacing the existing timber lean-to extension and meeting the needs of the appellant's family. While I have given them some weight, these modest benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR