



Appeal Decision

Site visit made on 28 June 2024

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Appeal Ref: APP/T3725/D/24/3343549

18 Clarendon Avenue, Leamington Spa, Warwickshire CV32 4RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Gurdeep Matharu against the decision of Warwick District Council.
 - The application Ref is W/23/187.
 - The development proposed is for the retention of an existing enlarged lightwell together with proposed black, cast-iron surrounding railings.
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Decision

1. The appeal is allowed, and planning permission is granted for the retention of an existing enlarged lightwell together with proposed black, cast-iron surrounding railings to 18 Clarendon Avenue, Leamington Spa, Warwickshire, CV32 4RY in accordance with the terms of the application Ref W/23/187, subject to the following condition: -

The proposed black cast iron surrounding railings, including the white rendered plinth, shall be fully implemented within 3 months of the date of the appeal decision, in accordance with the following submitted plans: location plan; site plan and block plan, and plan no 45-02-Rev C (proposed front railings). The railings and plinth shall be retained thereafter.

Procedural Matter

2. The appeal is made retrospectively for development partly implemented and in respect of the enlarged window.

The Main Issue

2. The main issue is whether the development preserves or enhances the character or appearance of the Leamington Spa Conservation Area (CA).

Reasons

3. The CA includes much of the development in the town which took place in the early 1800's when the principal streets and avenues were laid out, often using stucco. Later development included the construction of other terraced streets, often again characterised by the use of render.

4. The appeal property is part of a two-storey terrace of residential development with additional accommodation in the roof spaces, and with Dutch-style, rendered painted frontages. The terrace is set back from the pavement by approximately one to two metres and are generally separated from the pavement by low, rendered walls of about a metre and a half high and which allows some of the properties to include narrow light wells to basements. Where these occur, there are no steps leading down into them to give access to the basements.
5. The appeal proposal is for the retention of an enlarged basement window within its lightwell and for the inclusion of black, cast iron surrounding metal railings.
6. The LPA, in its officer report, refers to decisions refusing applications for such enlarged light wells, including those relating to the appeal property. Such references include an appeal decision for a proposal to convert the basement into a flat, including the provision of lightwells to the front and rear¹. However, I have no details of the appeal decision and the reasoning behind it. The LPA also refers to other decisions relating to the property but again with little by way of the reasoning behind them.
7. On the other hand, the LPA also refers to other approvals for the conversion of the basement into a flat, including the provision of lightwells to the front and rear, including front railings², while the appellant refers to the occurrence of enlarged lightwells to the adjoining property and also at No. 26 Clarendon Avenue, approved under application Ref W/13/1277. Again, I have little evidence as to the reasoning leading to such decisions.
8. In any event, while I am aware of such matters, I have determined the appeal based on the individual merits of the case before me, with reference to the rhythm and uniformity or otherwise of the basement lightwells, together with the appearance of the boundary treatment to the dwellings.
9. The officer report notes that the Council's Conservation Officer raises no objections to the enlarged lightwell but recommends that the boundary treatment should be in keeping with those of surrounding properties. The LPA, in its officer report, makes no specific objection to the proposed black, cast iron surrounding metal railings. I consider that the proposed boundary treatment would add positively the significance of the CA as a whole.
10. On my site visit, I was able to note that of the eight properties in the terrace, only four of them, including the appeal property, have light wells. Of the four, only three, again including the appeal property, have comparable basement windows, with the fourth only having a very small window set on an angle. The other three have windows of a comparable size, even though their individual designs differ somewhat.
11. Therefore, there is no uniform rhythm of basement lightwells or windows to the terrace which the appeal proposal adversely affects, and in any event, its enlarged window is not discernibly different in size to the two comparable windows in the terrace. Furthermore, the lightwells and the windows within them are not readily visible from the public domain and can only be seen by making a conscious effort to look down at them from the pavement above.

¹ W/03/0388

² W/03/1939

12. The LPA, in its Decision Notice considers that to the terrace which the enlarged window would permit a greater intensity of use of the property, to the detriment of the character and appearance of the area. However, the use of the basement is not a matter before me, and, in any event, the enlarged window makes no material increase to the size of the property and, in my judgement, even if there was an intensification of activity , I have no evidence before me to show that this would result in a material difference to the character and appearance of the area.
13. Therefore , I conclude that the development, as constructed and as proposed, preserves the character and appearance of the CA and accords with policies BE1, HE1 and HE2 of the Warwick District Local Plan 2017 which require development to contribute to the character and quality of the area and to prevent harm to the CA. The development also conforms to chapter 16 of the National Planning Policy Framework 2023 which aims to conserve and enhance the historic environment.

Conditions

14. I have imposed a condition requiring the completion of the boundary treatment within a stated period in order to maintain the character and appearance of the CA. I have sought and obtained comments upon the condition from the two main parties and which I have taken into account.

Conclusion

3. For the reasons outlined above, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR