



Appeal Decision

Site visit made on 15 October 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/T3725/W/24/3342318

151/3-151/4 Leam Terrace, Leamington Spa CV31 1DF

- 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 A and Mr J Dhesi against the decision of Warwick District Council.
- The application Ref is W/23/1707.
- The development proposed is described as 151/3 rear ground and first floor extensions with room in roof space over. 151/4 rear ground, first and side extensions with room in roof space over.

Decision

1. The appeal is allowed and planning permission is granted for 151/3 Rear ground and first floor extensions with room in roof space over. 151/4 Rear ground, first and side extensions with room in roof space over at 151/3-151/4, Leamington Spa CV31 1DF in accordance with the terms of the application, Ref W/23/1707, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings: Location Plan, 2300/6/D, 2300/3/E and 2300/4/E
 - 3) All external facing materials for the development hereby permitted shall be the same type, texture and colour as those of the existing building.
 - 4) Prior to the occupation of the development hereby permitted, the windows in the south facing elevation of house number 4 shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times.

Preliminary Matters

2. I have been provided with details and the permissions for two previous schemes at the appeal site¹. These both cover side and rear extensions at Nos 3 and 4. At the time of my visit it was clear that some works had been carried out in association with the permitted schemes. From the level of the works carried out it was not clear which scheme was being carried out.

¹ Council references: W/22/1743 and W/23/0728

3. As the previous permissions are extant and would provide for a similar development there is more than a theoretical possibility for the permitted schemes to be completed. I have therefore considered these two schemes to be a fallback below.

Main Issues

4. The main issues are the effect of the proposal on: (a) the character and appearance of the surrounding area, with particular regard to the Leamington Spa Conservation Area; and, (b) the living conditions of neighbouring occupiers at No 153 Leam Terrace.

Reasons

Character and Appearance

5. The appeal site is located within the Leamington Spa Conservation Area (the LSCA) which covers a large portion of Leamington Spa, including the town centre and residential areas. As a result, the area is varied in character, but its significance stems from its presentation as a spa town and the evidence of the town's growth and development through time. As part of this I also note the extensions and alterations to dwellings as owners over time have sought to provide for their changing needs. I consider the significance of the conservation area to stem primarily from the legibility of the spa town, including its villas, and the historic detailing and pattern of development within the area.
6. Leam Terrace is not characterised by any sense of uniformity or regularity between properties. During my observations on site, it appeared that development had taken place in groups slowly filling out the road. I noted examples of terraces, detached and semi-detached dwellings through various architectural styles. Nos 3 and 4, 151 Leam Terrace are part of a terrace of four modern dwellings that have taken cues from the historic buildings nearby. During my site visit I also noted a number of examples of side extensions that were visible from public vantages and included front facing windows.
7. The proposal includes the extension of both Nos 3 and 4 to the rear on the ground, first and second floors, and the extension of No 4 to the side on the ground, first and second floors. The side extension to No 4 includes a front facing window and a box dormer.
8. Given the relationship between No 3 and 153 Leam Terrace, views between the two properties are more restricted. The proposed first and second-floor side extension is narrow and would be set back from the front of the property. Given its scale, positioning and the relationship between the building, this would result in a fairly retiring feature that would not be readily visible or prominent within the street view. In this way the proposal would not unacceptably affect the balance of the short terrace which would still primarily be characterised by the uniform frontage.
9. The proposed dormer on the front elevation would also be set back from the front elevation of the host dwelling and would be of smaller scale than the existing dormers. It would otherwise, however, be similar to, and reflect, the existing dormers.

10. While the more varied rear extensions may be visible in public views, these would be much more distant and softened by mature vegetation to the rear of the site. Moreover, I do not find the rear of the appeal properties or the nearby neighbours to be uniform as existing. Given the above and that side extensions and dormers are not an uncommon feature within the street scene and wider area, I consider that the proposal would not harm the character and appearance of the surrounding area, including the historic interest and significance of the LSCA.
11. In light of the above, the proposal would not unacceptably affect the character and appearance of the surrounding area, including the significance and interest of the LSCA. The proposal therefore complies with Policy HE1 of the Warwick District Local Plan (the LP) and Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan 2019-2029. These require that developments not result in substantial harm to designated heritage assets with particular regard to a proposal's materials, scale and height, and whether it would maintain a sense of unity. The proposal would also comply with the National Planning Policy Framework (the Framework), in particular Chapters 12 and 16 which, amongst other matters, seek to conserve heritage assets and be sympathetic to its local character and history.

Living Conditions

12. The dwelling at No 153 Leam Terrace is separated from the appeal site by a driveway and tall boundary wall. The elevation facing the appeal site contains a number of windows, including three, and a part-glazed door, on the ground floor and a further window on the first-floor towards the rear of No 153. All the windows appeared to be clear glazed, and I understand they serve habitable rooms.
13. The proposed extensions would be larger than those permitted under the previous schemes. In particular, the first and second floor side extensions project further forward and include a front facing dormer. This increase would bring the proposal closer to the opposing habitable windows and increase the height of the development above them.
14. However, when considered against the granted permissions, this increase would only be modest. Moreover, given their orientation and relationship to the existing dwelling at No 4, these windows would already be unlikely to receive a high level of natural light. This relationship, especially with regard to the tall boundary wall between the two properties would also already limit any outlook from the ground floor windows. Therefore, any increase in the loss of outlook from, and light to, these windows would be modest over and above what has already been permitted, and would not unacceptably impact on the living conditions of the neighbouring occupiers.
15. Given the raised position of the first-floor window and its location towards the rear of No 153, the proposal would not unacceptably affect the light to, or outlook from, the room it serves.
16. Although there are currently no windows facing over the existing boundary wall, both of the extant permissions include their provision. The proposal would replicate their height and position above eye level. I note that the previous schemes were granted with conditions requiring the windows be obscure glazed and fixed shut where below a certain height. The Council have

suggested a similar condition here. Such a condition would be sufficient to prevent any overlooking or the loss of privacy of neighbouring occupiers to the detriment of their living conditions.

17. From the evidence before me and my observations on site, I find that the proposal would not result in an increase in disruptive noise harmful to the living conditions of the neighbouring occupiers.
18. It is likely that the driveway down the side of No 153 would become shadier as a result of the proposed extensions to No 4. However, given the driveway's relationship to No 153 I find that it would already be a somewhat shady space with the sun screened by the building. The proposed extension would not project so close or so tall over the driveway as to make it a dark, enclosed or unsafe space for the neighbouring occupiers to use.
19. On account of the above, the proposed enlargement of the existing approved extensions would not unacceptably affect the living conditions of neighbouring occupiers. The proposal would therefore comply with LP Policy BE3 which only supports developments that do not have unacceptably adverse impacts on the amenity of nearby residents.

Other Matters

20. I have not been provided with any substantive evidence to suggest that the proposal would result in any significant or detrimental increase in pollution. Similarly, it is unlikely that the proposal would result in an increase in parking needs beyond that already generated or resulting from the permitted schemes.

Conditions

21. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
22. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans. In the interests of character and appearance, especially given the appeal site's location within a conservation area, a condition is necessary requiring any new external materials to match those of the host building. A condition controlling the side facing windows on the extension would also be necessary to ensure the privacy of neighbouring occupiers is not harmed to the detriment of their living conditions.

Conclusion

23. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR