



Appeal Decision

Site visit made on 7 February 2025

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/T3725/D/24/3354031

41 Radford Road, Leamington Spa, Warwickshire, CV31 1NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr David Fidler against the decision of Warwick District Council.
 - The application Ref is W/24/0799.
 - The development proposed is erection of single storey rear and side extension (resubmission of previous extant permission W/23/0644).
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Decision

1. The appeal is allowed, and planning permission is granted for erection of single storey rear and side extension (resubmission of previous extant permission W/23/0644) at 41 Radford Road, Leamington Spa, Warwickshire, CV31 1NF in accordance with the terms of the application, Ref W/24/0799, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No development shall be carried out above slab level unless and until details and specifications of the external facing materials to be used for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
 - 3) The flue hereby permitted shall be finished in a matt black colour.

Procedural Matter

2. A previous planning application for a single storey rear and side extension was approved¹. The Council states that the proposal the subject of this appeal seeks to modify this previous permission by moving a wall and by reducing the extent of glazing on the proposed side extension.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the Leamington Spa Conservation Area.

Reasons

4. The appeal property comprises a brick and slate two-storey mid-terrace dwelling located in a residential area. It is set back from the road behind a parking area and has a long garden to the rear.

¹ Reference: W/23/0644.

5. The appeal property is located within the Leamington Spa Conservation Area, characterised by the presence of rows of 19th Century terraces, many characterised by the presence of rear wings and side courtyards. The appeal property falls within the Radford Road, St Mary's Road and St Mary's Crescent character area identified within the Leamington Spa Conservation Area Appraisal and characterised by the presence of terraces of dwellings with two storey and single storey part-width rear projections.
6. During my site visit, I observed the presence of a wide variety of developments and rear extensions in the area surrounding the appeal property and noted that this variety appears to form part of the character of this part of the Leamington Spa Conservation Area.
7. The proposal would result in a development which would be almost fully glazed to the rear elevation, and which would incorporate five rooflights and a roof lantern. Thus, whilst the roof of the side extension – which would be located between the appeal dwelling and the shared boundary with Number 43 Radford Road - would not be fully glazed, the five rooflights would, in effect, provide glazing to the majority of its roof area.
8. I find that this would result in a simple, attractive and carefully conceived extension which, through the introduction of significant areas of glazing, would clearly respect the presence of part-width rear projections in this part of the Leamington Spa Conservation Area. At the same time, it would provide an addition that, through its use of brick, slate and glazing, would appear entirely in keeping with the host dwelling and with the character of the surrounding area.
9. No harm would arise to the Leamington Spa Conservation Area. In this regard I am also mindful that the Council's Conservation Officer considers that, from a conservation perspective, the proposal would have a "neutral" impact.
10. Taking all of the above into account, I find that the proposed development preserves the character and appearance of the Leamington Spa Conservation Area. The proposal would not be contrary to the National Planning Policy Framework; or to Policy HE1 of the Local Plan², which together amongst other things, seek to protect local character

Conditions

11. I have considered the conditions against the tests set out in Paragraph 56 of the Framework. I find that a condition specifying materials is necessary in the interests of local character. I consider a condition specifying the colour of the permitted flue to be necessary in the interests of local character.

Conclusion

12. For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR

² Warwick District Local Plan (2017).