



Appeal Decision

Site visit made on 22 January 2025

by **Ian McHugh DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th March 2025

Appeal Ref: APP/T3725/D/24/3355264

12 Birmingham Road, Stoneleigh, CV8 3DD

- 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 Taira Mashood against the decision of Warwick District Council.
 - The application Ref is W/24/0885.
 - The development proposed is a two-storey rear extension, removal of chimney and change of window colour.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Planning permission has also been refused by the Council for two-storey and single-storey rear extensions (W/24/0887). That proposal is the subject of a separate appeal (APP/T3725/D/24/3355217) and a separate decision.

Main Issue

3. The main issue is the effect of the proposal on both the character and appearance of the appeal dwelling and the Stoneleigh Conservation Area (CA).

Reasons

4. The appeal property is a two-storey semi-detached dwelling, which is situated in the village, fronting Birmingham Road. It is located within the CA, which encompasses the historic core of the village and includes a number of small scale, brick infilled timber framed cottages. The appeal property was constructed at a later date but nevertheless, it is a building of interest with a front-facing two storey gable and small front-facing dormer with a gabled overhanging roof. The property originally had two chimneys, but one of these has recently been removed (without permission). I shall refer to this aspect later in my decision.
5. The CA is subject to an Article 4 Direction that removes permitted development rights for the developments proposed by the appellant.
6. The proposal, which is under construction is for a two-storey rear extension, removal of a chimney and the installation of dark coloured windows. The two-storey rear extension was the subject of an earlier planning permission that was granted planning permission by the Council on 7 November 2023, under reference W/23/0974. It provides a kitchen on the ground floor and a bedroom above.

7. The previously approved extension is similar to the current appeal proposal, but the appeal proposal shows the removal of a chimney and dark coloured fenestration. At the time of my site visit, the chimney had been removed and the dark coloured windows installed. The proposal seeks approval for these works.
8. It is statutory requirement when considering applications for planning permission that decision makers have regard to the desirability of preserving or enhancing the character or appearance of conservation areas. This is reflected in Policy HE1 of the adopted Warwick District Local Plan 2011-2029 (LP) and in Chapter 16 of the National Planning Policy Framework 2024 (The Framework).
9. The Council considers the removal of the chimney stack and the dark coloured fenestration to be harmful to the character and appearance of both the appeal dwelling and the CA. As such, the Council cites a conflict with Policy HE1 of the LP.
10. Common features of the CA and the original dwelling are chimney stacks and white coloured fenestration. Whilst properties in the CA vary in terms of their scale, age, and appearance, both elements are important characteristics, which contribute positively to the architectural significance of the heritage asset. Whilst the appeal property would retain a second chimney, I consider that the removal of the chimney that is subject to the appeal is detrimental to the character and appearance of the dwelling. It has also resulted in a loss of symmetry and balance when viewed in conjunction with the adjoining dwelling at number 13 Birmingham Road.
11. In reaching my decision, I have recognised that not all properties within the CA have chimney stacks and not all have white windows. However, as stated above, these features are common and they are important characteristics of the historic part of Stoneleigh. In my opinion, they should be retained where possible.
12. The Council also states that the proposal would cause harm to the setting of the neighbouring property at number 11 Birmingham Road, which is a listed building. However, I am not persuaded that the proposal causes any harm to its setting. There is a reasonable degree of separation between the dwellings and this visual and spatial relationship ensures that both properties stand apart from each other and that the two-storey extension does not intrude into the setting of the listed building.
13. A further concern of the Council is what it considers to be unsympathetic fenestration on the north-west facing side elevation of the property, due to the size of one of the first-floor windows. Whilst the window is larger than the others on that elevation, its visual impact is relatively minor and it is not harmful to the character or appearance of the dwelling.
14. With regard to paragraphs 215 of The Framework, I consider that the harm that I have identified above is less than substantial and should be weighed against any public benefits arising from the proposal. In this case, any benefits would, in my opinion, be private and would not outweigh the harm.
15. Therefore, on this issue, I conclude that the proposal would be harmful to the character and appearance of both the appeal dwelling and the CA. Consequently, it would conflict with the Development Plan and with The Framework, as referred to above.

Other Matter

16. The appeal property is also within the Green Belt. Both local and national planning policies seek to ensure that inappropriate development, including the construction of buildings, should not be approved unless the proposal falls within a list of exceptions. One of these is that extensions or alterations to a building should not result in disproportionate additions over and above the size of the original building (The Framework, paragraph 154). Policy DS18 of the LP states that the Council will apply national policy to proposals within the Green Belt.
17. The Officer's report states that the proposal would accord with Green Belt policy, as the proposal would not result in disproportionate additions. I have no reason to disagree with that conclusion.

Conclusion

18. For the reasons given above in respect of character and appearance, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR