



Appeal Decision

Site visit made on 16 June 2025

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/E3715/W/25/3362832

9 Vicarage Lane, Dunchurch, Warwickshire CV22 6QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr I Pratt and Mrs S Gill against Rugby Borough Council.
 - The application Ref is R24/1029.
 - The development proposed is described as demolition of conservatory, single storey bedroom and kitchen extensions; construction of a new gable feature and dormer to create additional useable space within the roof; construction of a new living / dining / kitchen room to replace existing conservatory, living room, dining room and kitchen extension; all retained existing elements to be thermally upgraded and all new elements to at least match current Building Regulations thermal requirements; all glazing to be aluminium framed thermally broken triple glazed units (both new and retained existing) to exceed current Building Regulations thermal requirements; relocation of tree T06 by specialist; relocation of garden gate access with additional hedge infill; and some internal reconfiguration.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of conservatory, single storey bedroom and kitchen extensions; construction of a new gable feature and dormer to create additional useable space within the roof; construction of a new living / dining / kitchen room to replace existing conservatory, living room, dining room and kitchen extension; all retained existing elements to be thermally upgraded and all new elements to at least match current Building Regulations thermal requirements; all glazing to be aluminium framed thermally broken triple glazed units (both new and retained existing) to exceed current Building Regulations thermal requirements; relocation of tree T06 by specialist; relocation of garden gate access with additional hedge infill; and some internal reconfiguration at 9 Vicarage Lane, Dunchurch, Warwickshire CV22 6QP in accordance with the terms of the application, Ref R24/1029, 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 the following approved plans: R24-1029 - P01A, P02A, P03A, P10A, P11A, P12A, P13A, P14A, P15A, P20A, P21A, P22A, P23A, P24A, P25A and P30A.
 - 3) Prior to the commencement of the development hereby permitted, a Tree Protection Plan shall be submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in full

accordance with that Plan and the Arboricultural Report by Superimposition, including the measures contained in the arboricultural method statement which shall remain in place until all works on that phase or part of the works have been completed.

- 4) The materials to be used in the construction of the external surfaces of the development shall be as specified on the submitted documents and drawings, including the Design and Access Statement, and the Planning Appeal Statement by Superimposition; and the colour of the proposed windows shall be agreed in writing with the local planning authority prior to their installation.

Application for costs

2. An application for costs was made by Mr I Pratt and Mrs S Gill against Rugby Borough Council. This is the subject of a separate decision.

Background and Procedural Matters

3. Section 78 of the Town and Country Planning Act 1990 provides that an applicant may appeal if the Council has not given notice of its decision on a planning application within the statutory period (or within an extended period if agreed in writing). The Council did not issue a decision in this case.
4. As part of the appeal, the appellants have submitted amended drawing Nos P03B, P20B, P21B, P22B, P23B, P24B and P25B. In broad terms, compared to the drawings which were before the Council and interested parties at application stage, these depict the omission of a box dormer from the garden elevation of the property and its replacement with twin rooflights, and amendments to some windows.
5. The Planning Inspectorate Procedural Guide: Planning Appeals – England 2025 ('the Guide') states that the appeal process should not be used to evolve a scheme, and that it is important that what is considered by the Inspector is essentially the same scheme that was considered by the Council and by interested parties at application stage.
6. Having regard to the Guide, were I to accept those amended drawings at this stage, it could potentially deprive interested parties who may be unaware of the proposed changes, from the opportunity to comment, thereby introducing procedural unfairness. I have therefore based my decision on the drawings which were before the Council at application stage.
7. I have framed the main issue in this appeal having regard to the evidence submitted by the appellants and the Council, including correspondence between them as set out at Appendix C of the Planning Appeal Statement, particularly an email from the Council dated 10 January 2025, along with representations by interested parties.

Main Issue

8. The main issue is the effect of the proposal on the character and appearance of the host property, the building, and the area, including whether it would preserve or enhance the character or appearance of the Dunchurch Conservation Area.

Reasons

Character and appearance

9. The appeal site lies to the north-east of The White Lodge, which is an early nineteenth century, Grade II listed building; and within the Dunchurch Conservation Area ('the DCA'). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing their character or appearance. Section 66(1) of the Act sets out a duty to have special regard to preserving a listed building or its setting.
10. The National Planning Policy Framework 2024 ('Framework') states that great weight shall be given to the conservation of designated heritage assets, such as conservation areas and listed buildings, and that harm to their significance requires clear and convincing justification. It continues at paragraph 216 that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications, with a balanced judgement required having regard to the scale of any harm or loss and the significance of the asset.
11. As described in the Dunchurch Conservation Area Appraisal 2010 ('the DCAA'), the DCA includes the historic core of the village, where the grain of development is close knit and there are many buildings dating from the Victorian to the medieval period. The development pattern becomes less dense moving away from the village centre along Vicarage Lane. Here, the first section of the lane is fairly narrow and enclosed by walls and hedgerows, before it widens around the appeal site, where its northern section includes twentieth century housing which is set back from the highway, along with areas of parkland.
12. The host comprises one of four dwellings converted from a former stable block, which is believed to date from the 1880s, and which was associated with The White Lodge. It is a broadly rectangular, single storey structure, with some accommodation contained within its principally hipped roof, and a strong eaves line. It is finished in white painted brick and clay plain tiles. There are distinctive gabled archways on two of its faces leading to a central, cobbled courtyard. Notwithstanding various alterations, it is an attractive and fairly cohesive building.
13. The former stable block is not included on Map 5 in the DCAA as an important unlisted building, but then neither is The White Lodge identified on it as a listed building. That said, at page 26 the DCAA states that White Lodge and the old stables contribute to the historic make up of Vicarage Lane. Although partially obscured from the streetscene by boundary features and vegetation, given its history, design and materials, I consider that the building contributes to the significance of the DCA, and that it is a non-designated heritage asset.
14. Amongst other things, the scheme would entail the demolition of a conservatory on the building's south-eastern elevation, and a kitchen extension on its north-eastern elevation whose roof merges with the original roof, and both of which date from the 1980s. The tired-looking conservatory suffers from temperature extremes, and the kitchen extension, which has a rather awkward layout and steps down from the dining area, has suffered from water damage. In their place would be a flat roofed extension, which would wrap-around this corner of the building.

15. Unlike the existing conservatory and kitchen extension, this part of the proposal would be set down below the host's eaves line, thus better revealing the building's original form. That would include around the distinctive archway where, compared to the existing arrangement, there would be a more pronounced step down in height. Given its form and extensively glazed garden elevation, this part of the proposal would have a contemporary, lightweight design which would contrast with the original building. In so doing, it would ensure a more legible distinction between the original building and subsequent alterations.
16. The proposed first floor gablet on the garden elevation would be glimpsed in the streetscene above boundary screening. Whilst its extensively glazed face would contrast with the predominantly clay plain tiles on the roof, its triangular shape would reflect the gables elsewhere on this elevation, it would respect the existing ridge line, and it would stop short of the eaves. Consequently, any disruption to the building's overall roofscape would be limited, and the harm this relatively small alteration would cause to the host building's appearance would be very modest.
17. Turning to the Vicarage Lane elevation, unlike the pentice roof extension it would replace, the proposed extension would meet the host's eaves, but the subtle change in pitch on its cat slide roof would ensure a degree of visual distinction between it and the original building. It would be appropriately finished with painted, textured imperial bricks, and clay plain tiles. The proposed dormer would be large, but not markedly so compared to others on the building.
18. The proposed changes to the courtyard elevations would include a small section of outer leaf brick wall. As it would be constructed with white painted, textured imperial bricks, that change would be barely perceptible, but would improve upon the existing metric gauge brick.
19. The proposed alterations to the fenestration would include new openings, and the replacement of existing white timber-framed windows which include multiple glazing bars, with aluminium-framed windows which would be split horizontally. However, although all the building's courtyard windows are white with glazing bars, there are differences in their arrangement and style, and they include windows that are fixed, casements, top-hung, and sliding sash, as well as French patio doors.
20. Whilst the proposed larger panes may appear slightly incongruous in comparison to the other windows in this building, they would, arguably, be more appropriate to the building's Victorian origins than the existing multi-paned Georgian style. Moreover, the size and proportions of the proposed openings, and their arched window heads, would reflect the general appearance of the other openings in the building. Consequently, subject to an appropriately coloured finish, and as the courtyard elevations are hidden from public view, this change would result in only modest harm to the building's overall appearance.
21. The proposal does not include alterations to the surface treatment in the courtyard, nor render on the courtyard walls, or the insertion of an aluminium front door, as claimed in some representations.
22. For the above reasons, the scheme would not harm the character and appearance of the area, and the significance of the DCA would be preserved. Having regard to the siting of the host relative to The White Lodge, with other properties and structures between them, I agree with the Council's view, as expressed at part 13b of the questionnaire, that the setting of the listed building would not be affected. I

have given great weight to the conservation of designated heritage assets in accordance with the Framework, and I conclude that their significance would not be harmed.

23. I have found that elements of the scheme would cause modest harm to the host property and to the significance of this building as a non-designated heritage asset, but that other elements of it would result in a modest enhancement.
24. Considered as a whole, the scheme's impact would be broadly neutral. It would not therefore conflict with the requirement for development to sustain and enhance the significance of heritage assets in Policy SDC3 of the Rugby Local Plan 2011-2031 (2019); nor with its more general requirement for high quality design which responds to the character of the area in Policy SDC1.

Other considerations

25. In its favour, the scheme would provide a step-free, more accessible, and more useable ground floor layout, with larger rooms and better light penetration. It also includes measures, as detailed in the Design and Access Statement, to improve the building's energy efficiency and thermal performance, such as draught-proofed fittings, and glazing with much improved U and G values; and to improve its water efficiency.
26. In these regards it finds support from the Framework, and development plan policies and guidance, which seek to ensure that development functions well and provides good living conditions, and that the impact of existing homes on the environment is reduced, whilst ensuring that they are resilient to future climate change. This carries modest positive weight in the overall planning balance.

Other matters

27. The Japanese Maple identified as T06 in the Arboricultural Report and as illustrated in photograph 5 of the Photographic Site and Context Study, is a small, ornamental tree, which is barely visible, if at all, from outside the site. Even if it were to be relocated, I have no cogent evidence that that, or any of the other proposed works, would have a significant impact on foul or surface water drainage systems.
28. Legal rights of access are a civil matter. I have no substantive evidence that the proposal would be likely to result in damage to property and this would ordinarily be covered under separate legal rights.

Planning Balance, Conditions and Conclusion

29. Having regard to the statutory tests, the character and appearance of the DCA, and the setting of The White Lodge, would be preserved. I have found that some elements of the proposal would result in modest harm to the character and appearance of the host property and the building, whilst other elements would result in a modest improvement to it. The overall impact would therefore be broadly neutral. Even if there would be harm to the significance of this building as a non-designated heritage asset, its scale would be very limited. Having regard to the scheme's benefits, and having formed a balanced judgement as required by Framework paragraph 216, the appeal will therefore be allowed.
30. Turning to the matter of conditions, I have considered those suggested by the Council against the tests at paragraph 57 of the Framework. This includes its

- stance that conditions that are required to be discharged before development commences should be avoided unless there is clear justification, that conditions should be kept to a minimum, and that they should only be imposed if necessary.
31. As well as the standard time limit, in the interests of certainty, I have imposed a condition requiring that the development be carried out in accordance with the approved plans.
 32. The Council has also suggested conditions requiring compliance with a final arboricultural method statement and tree protection plan, to be submitted prior to any works taking place.
 33. The application was accompanied by an Arboricultural Report and a Tree Location and Constraints plan by Superimposition, which plots the location of trees, some of which are covered by a Tree Preservation Order, and assesses their condition and the scheme's arboricultural implications. However, no Tree Protection Plan has been provided. Thus, having regard to paragraph 3.9.3 of the appellants' Final Comments, and Section 100ZA(5) of the Town and Country Planning Act 1990, a pre-commencement condition is necessary requiring the submission of such a plan, and that works be carried out in accordance with it and with the Arboricultural Report. Given that requirement, and other controls over works to trees in conservation areas, I see no cogent reason for the Council's suggested condition No 5.
 34. As not all proposed external materials would match the host property, to protect the character and appearance of the building, I have amended the Council's suggested condition No 3 broadly along the lines suggested by the appellants, but with an additional requirement, in the interests of clarity, that the colour of the proposed windows shall be agreed.
 35. Although covered by a suggested informative, the Council has not proposed a condition to reduce the likelihood of noise and disturbance to nearby residents during construction. Having regard to representations by interested parties, I recognise that some disruption would be inevitable, particularly given the shared access and the setting of the properties around a central courtyard.
 36. However, construction works would be temporary and most of the proposed development would be on the host's outward facing elevations, where the impact on neighbouring residents would be more limited. Consequently, having regard to the Framework's tests, and given the modest scale of the development, a condition requiring compliance with a construction management plan is unnecessary.
 37. For these reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR