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## Appeal Decision

Site visit made on 29 July 2019

**by Ben Plenty BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> August 2019**

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**Appeal Ref: APP/T3725/W/19/3229262**

**Eversleigh House, 2 & 4 Clarendon Place, Leamington Spa CV32 5QN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by K Kandola, on behalf of Eversleigh House Nursing Home, against the decision of Warwick District Council.
  - The application Ref W/19/0281, dated 19 February 2019, was refused by notice dated 2 May 2019.
  - The development proposed is external works to provide car parking and landscaping.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by K Kandola against Warwick District Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue is whether the proposal would preserve or enhance the character and appearance of the Royal Leamington Spa Conservation Area (CA) and preserve the setting of nearby listed buildings including Bethany Christadelphian Home (Bethany House).

### Reasons

4. The site is within the Royal Leamington Spa CA. It consists of the forecourt of two double-fronted villas which are linked by a recessed connecting extension. The villas face onto a small service road and garden beyond. The service road loops through the frontages of 2-12 Clarendon Place. The site, the subject of the appeal, includes both the service road and the front gardens of these properties. These gardens are mostly grassed areas with some planting. There is also a relatively thick boundary hedge adjacent to the front boundary wall. The site and its grouping make a positive contribution to the character and appearance of the conservation area.
5. The proposal would remove the garden area to provide five car parking spaces and gravel beds. The limited remaining area would be landscaped including a yew hedge and 4 heavy standard trees, pathways and benches. The National Planning Policy Framework (the Framework) requires that when considering the impact of a proposed development on the significance of a designated heritage

asset, great weight is to be given to an asset's conservation<sup>1</sup>. Furthermore, the statutory requirements<sup>2</sup> require that special attention be paid to the desirability of preserving or enhancing the character and appearance of the CA. The Council's character appraisal<sup>3</sup> partly defines its significance by the town's quality of architectural heritage and importance as a Spa town. The town's architectural styles include early stucco terraces and later villas with stucco detailing and Italianate influence. The most recent significant building period took place with the introduction of late 19<sup>th</sup> Century and early Edwardian period properties.

6. The Council's Royal Leamington Spa Conservation Area character appraisal identifies Clarendon Place as a shallow crescent which includes two early 19<sup>th</sup> Century corner buildings with later 19<sup>th</sup> Century villas in between. The majority of the crescent retains an area of lawns. The service road is relatively subtle, and the character of the frontage therefore retains a verdant and serene impression. Although No 12 and Bethany House have frontage car parking, this has only a limited effect on the tranquillity of the crescent itself. Furthermore, No 8 includes some parking that retains around half of its original front garden. This is intrusive, to some extent, but the frontage still retains a significant area of grass between the parking area and the front boundary wall maintaining the character of the crescent.
7. Subsequently, the gardens in front of the villas create a pleasant and important feature within the setting of the crescent. The appeal site's existing front garden contributes to the framing of the villas and separates them from the highway. Although proposing some landscaping, the proposal would demonstrably harm this setting and fail to adequately retain this sense of separation. As such, the loss of green space and increase of hardstanding would be demonstrably harmful. This harm would not be outweighed by the limited visual benefits of the proposed landscaping. Consequently, the proposal would not preserve or enhance the character and appearance of the CA.
8. Bethany House is adjacent to the site. This Grade II listed building was granted planning permission in 2016 for conversion to 8 apartments<sup>4</sup>. The approved scheme included the reuse of forecourt parking with adjustments made to the access and frontage. I have a statutory duty<sup>5</sup> to have special regard to the desirability to preserve the setting of a listed building. The significance of Bethany House derives from its age and detailing. The adjacent service road of Clarendon Place respects the setting of the asset when viewed from the south. In contrast, the proposal would harm the setting through the substantial increase in hardstanding, the visual intrusion of further cars and associated use of the car park. This increased activity and general intensification of use adjacent to the frontage of the listed building would have a significant effect on its setting. Therefore, notwithstanding the existing parking area in front of the listed building the proposal would be demonstrably harmful to the significance of the listed building.
9. In terms of the advice in paragraph 196 of the Framework, the harm to heritage assets would be 'less than substantial' affecting only their immediate

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<sup>1</sup> National Planning Policy Framework. Paragraph 193

<sup>2</sup> Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>3</sup> Royal Leamington Spa Conservation Area- A Guide to Conservation Area

<sup>4</sup> Planning Application Reference: W/15/1979

<sup>5</sup> section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

surroundings. The Framework sets out the need to address 'less than substantial harm' in a balanced manner against the public benefits associated with such schemes. The appellant has stated that the proposal would provide much needed additional parking with wider access, improved wheelchair access to the front garden benches, would reduce pressure for on-street parking, provide an electric charging point and provide enhanced landscaping. In so far as these benefits constitute public benefits, these would be insufficient to outweigh the identified harm to the character of the CA or the setting of the adjacent listed building. Furthermore, many of the suggested benefits are not reliant on the proposal to be delivered.

10. A second nearby listed building has been identified by the appellant at 12 Clarendon Place. This is a relatively substantial distance from the site. Subsequently, the effect of the proposal on its significance would be neutral.
11. Accordingly, the proposal would result in harm to the character and appearance of the CA and to the setting of Bethany House. As such the proposal would not satisfy Policies HE1 and BE1 of the Warwick District Local Plan (2017), which seek amongst other things for development to not result in harm to a designated heritage asset and to positively contribute to the character and quality of its environment. Policy HE2 relates to the retention of unlisted buildings in conservation areas and seeks to bring negative areas back into use and therefore is not relevant in this case.

### **Other Matters**

12. Representations have identified benefits of the proposal to visitors of the facility through the additional parking. Although, I sympathise that it may be difficult to find local car parking if on-site parking is unavailable, the benefit of additional parking would not out-weight the significant harm identified to the CA and the setting of Bethany House.
13. The issue of precedent has not weighed heavily against the proposal as each case must be judged on its own merits.

### **Conclusion**

14. For the above reasons the appeal is dismissed.

*Ben Plenty*

INSPECTOR