

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE Report No.

Date of Meeting	17 December 2008
Application Number	08/02278S73A
Site Address	Holly Bank House, Lower Common, Kington Langley
Proposal	Retrospective application for front access wall
Applicant	Roy Fillingham
Town/Parish Council	Kington Langley
Grid Ref	392710 176974
Type of application	Full application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because 5 letters of objection have been received.

Summary of Report

This application has been submitted retrospectively and relates to the construction of a front access wall.

The application has arisen because the original permission in 2002 (02/1283FUL) was implemented without discharging condition 2 relating to means of enclosure including walls, fences and retaining structures.

It should be noted that the gates and adjacent walling themselves do not require planning permission as they are permitted development, the condition does require to be discharged nonetheless.

Hence the only element of the walling that requires permission is the small section adjoining the highway verge. A plan is attached in Appendix I for clarification.

The key considerations in the determination of this application are:

- Impact on the character and appearance of the Kington Langley Conservation Area
- Impact on traffic and parking in the local area

Officer Recommendation

Planning Permission be GRANTED subject to the conditions

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Proposal and Site Description

The application is seeking retrospective permission for a small part of the front access wall at Holly Bank House.

Condition 2 of the 2002 permission referred to above and below, required details of boundary treatments etc. The condition was never discharged. Additionally, permitted development rights were withdrawn in respect of the erection of any gates, fences, walls or other means of enclosure along the highway frontage.

Notwithstanding the fact that condition 2 was never discharged, it is only that part of the wall adjacent the highway verge that actually requires permission and not the walling adjacent the shared drive or the entrance pillars and gates since this is not adjacent the highway. A plan in Appendix I shows the area requiring permission.

The return walling on the access drive is permitted development since it is not along the highway frontage.

Holly Bank House is a large modern detached dwelling constructed on natural stone. It is accessed via a shared drive with Field View House which is also the subject of a similar application.

The walling is constructed on natural stone with hedging to the rear and side. The lower section of wall is built into the bank/highway verge and provides a planting bed.

Planning History		
Application number	Proposal	Decision
05/01767FUL	Rear conservatory	Approved
02/01283FUL	Erection of two houses (amendments)	Approved
01/02724FUL	Erection of two houses (amendments)	Approved
99/01953FUL	Erection of three dwellings with garages, access and parking	Refused
99/01949CAC	Demolition of existing dwelling and garage	Refused

Consultations

Kington Langley Parish Council objects on the grounds that specific conditions were attached to the permissions for these dwellings in respect of gates, walls, fences and other means of enclosure and such conditions should continue to apply. The proposal does not preserve or enhance the character or appearance of the area. The walls should be removed and permission not granted for the gates, should revert to soft landscaping in the original plan.

Wiltshire County Council Highways have no objections.

Representations

6 letters of objection have been received on the following grounds:

- Obstruction of the highway
- Harm to the Conservation Area and character of Lower Common
- Departure from the original approved scheme.

Planning Considerations

Notwithstanding that the entrance gates and adjacent walling have changed from the original approved scheme, planning permission is not required for these features.

The only aspects of the works undertaken requiring permission are a small section of the front access wall.

Impact on Conservation Area

The front access wall comprises two section of wall, one which is approximately 1.7 metres high (reducing to less than 1 metre westwards for a length of 1.5 metres), with a lower section 900mm in height with a planting bed. Both constructed of natural stone. The wall is set forward extends forward approximately 2 metres but is set within the bank/highway verge.

There are a wide variety of entrances within the conservation area and this proposal is not so dissimilar. It will preserve the character and appearance of the Conservation Area.

Highways and Access

Wiltshire County Highways raise no objection to the application. It is noted that the low level wall with planting bed protrudes onto the highway however, this is not considered by Wiltshire County Highways to be detrimental to road safety.

Recommendation and Proposed Conditions/Informatives

Planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

Reason for Decision

The proposed front wall by reason of its scale, design and use of materials is considered to be in keeping with the host dwelling and will preserve the character and appearance of the conservation area at this location.

Appendices:	<ul style="list-style-type: none">• I – plan and photographs showing walling requiring permission
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• 1.20 2.02 4.02 4.04 4.07