

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE Report No.

Date of Meeting	25th February 2009
Application Number	08/02175/S73A
Site Address	Field View House, Lower Common, Kington Langley
Proposal	Retrospective application for front access walls and garden store building
Applicant	Mrs L Arthur
Town/Parish Council	Kington Langley
Grid Ref	392742 176966
Type of application	Retrospective 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.

The application was deferred at the Development Control Committee meeting on 17 December 2008 in order to obtain details of walls, means of enclosure etc in respect of condition 2. This information has now been received.

It should be noted that the discharge of conditions is normally dealt with by officers under the scheme of delegation.

The details submitted confirm:

- The northern boundary as a Laurel hedge.
- The eastern boundary is an original natural stone wall approx. 2 metres in height.
- The southern and western boundaries are a 1.5 metre high close boarded fence.
- The entrance gates are constructed in Ashlar Stone with metal gates.

These details are considered acceptable having regard to the character and appearance of the area and the variation in boundary treatments and entrances to properties. Pending the considering of the application by the Committee, the Development Control manager proposes to discharge Condition 2 a) of 03/01387FUL.

Summary of Report

This application has been submitted retrospectively and relates to the construction of front access walls and a garden store to the rear of the dwelling. The lies within the framework boundary and designated conservation area.

The application has arisen because the original permission in 2003 (03/1387FUL refers) was implemented without discharging condition 2 relating to means of enclosure including walls, fences and retaining structures. In addition, permitted development rights were removed on that part of the site that lies outside the framework boundary on which the garden store is sited.

It should be noted that the gates and adjacent walling 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.

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 part of the front access walls and garden store building at Field View House.

Notwithstanding the entrance details shown on the approved plans for 03/1387FUL, Condition 2 of the 2003 permission relating to this property required details of boundary treatments etc. The condition has yet to be formally discharged although details have now been submitted. 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 and in respect of the erection or construction of developments outside the framework boundary.

Notwithstanding the fact that condition 2 has not yet been 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.

The return walling on the access drive is permitted development since it is not along the highway frontage. The application has been revised since submission with a protruding element of the wall onto the highway verge having been physically removed and the plans amended accordingly (photographs not updated).

The garden store also requires permission due to the condition on the original permission. The store is sited inconspicuously to the rear of the detached garage and is of timber construction with pitched roof.

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

The walling is constructed on Farmington Natural Stone with cock and hen coping with a Laurel hedge behind. The entrance pillars are constructed of Ashlar Stone with a proposed oak boarded gate.

Planning History		
Application number	Proposal	Decision
05/00273/FUL	Rear Conservatory	Approved
03/01387/FUL	Amendment to approved house design	Approved
02/01283/FUL	Erection of two houses (Amendments)	Approved
01/02724/FUL	Erection of two houses (Amendments)	Approved
99/01953/FUL	Erection of three dwellings with garages, access and parking	Refused
99/01949/CAC	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

7 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 part of the front access wall (see Appendix I) and garden store.

Impact on Conservation Area

The front access wall adjacent to the highway verge has been amended since the application was submitted and that element which protruded onto the highway verge has been omitted from the plans (not shown on the photos) and physically removed.

The front access wall now amounts to that section of walling approximately 1.7metres in height reducing to less than 1 metre in height (due to the height of the verge) eastwards and is approximately 1.5 metres in length. The wall is partially set in front of the Laurel hedge but also alongside it.

It is not considered that this small section of wall is harmful and will preserve the character and appearance of the Conservation Area.

The garden store is sympathetic in terms of its siting, scale and design to the host dwelling and will preserve the character and appearance of the conservation area.

Highways and Access

Wiltshire County Highways raise no objection to the application. The lower element of the wall has been removed and there is now no obstruction of the verge.

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 and garden store by reason of their scale, design and use of materials are considered to be in keeping with the host dwelling and will preserve the character and appearance of the conservation area at this location.

Appendices:	I – plan and photographs showing walling requiring permission
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 4.02; 4.04; 4.07