

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE		Report No. 8(b) 1	
Date of Meeting	8th April 2009		
Application Number	08/02278/S73A		
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		
Contact Officer	Tracy Smith	01249 706642	tsmith@northwiltshire.gov.uk

#### **Reason for the application being considered by Committee**

This application was originally heard at North Wiltshire District Council Development Control Committee on 17<sup>th</sup> December 2008 under the former scheme of delegation because 5 letters of objection had been received.

The application was deferred at the North Wiltshire District Council 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.

It is noted that members refused the details relating to condition to for application 08/02175/S73A for Field View House, adjacent, at North Wiltshire District Council Development Control Committee on 25 February 2009.

## 1. Purpose of Report

**To consider the above application and to recommend that planning permission be GRANTED subject to the conditions.**

## 2. Main Issues

The only element of the walling that requires permission and to which this application relates is the small section adjoining the highway verge. A plan is attached in Appendix I for clarification.

Notwithstanding this, the details submitted confirm:

- The northern boundary as a Laurel hedge.
- The eastern boundary is a natural stone wall approx. 2 metres in height front of the dwelling and 1.8 metre and 0.9 metre high close boarded fence to the rear alongside the boundary with Field View House
- The western boundary comprises a 1.8 metre and 0.9 metre high close boarded fence.
- The southern boundary a 0.9 metre close boarded
- The entrance walling (2.1 metres high) and pillars are constructed in stone with a lamp feature on top of the pillars with a wooden gate.

The height of the pillars and lamp feature are not considered to be acceptable having regard to the character and appearance of the area and the adjacent entrance gate.

The materials and height of the wall to the right of the entrance (eastern boundary) are considered to be acceptable given the variation in boundary treatments and entrances to properties. Pending the considering of the application by the Committee, the Area Development Manager proposes not to discharge Condition 2 a) of 03/01387FUL and seek the applicant to reduce the height of the pillars to two metres and remove the lamps.

It is important to note that even if condition 2 had been discharged, due to the wording of that condition the applicant would have been able to alter the boundary details and so long as these features did not exceed two metres in height permission would not have been required. This is because the condition did not require the boundaries to be maintained as approved at all times thereafter.

This is an important consideration when taking into account any potential enforcement action.

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

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

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

### 3. Site Description

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.

4. Planning History		
Application number	Proposal	Decision
05/01767/FUL	Rear conservatory	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

### 5. Proposal

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.

### 6. 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.

## **7. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

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.

## **8. Planning Considerations**

Notwithstanding that the entrance gates and adjacent walling have changed from those indicated on 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.

## **9. Recommendation and Proposed Conditions/Informatives**

Planning permission be GRANTED subject to the following condition:

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.

### Informatives

1. This decision does not approve the boundary details required to be submitted under condition 2 of 02/1283FUL.

2. The following policies of the Development Plan are relevant to this decision:-

North Wiltshire Local Plan 2011:- C3, HE1

3. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan Ref

**N.B.THESE ARE TO BE UPDATED PRIOR TO DECISION BEING ISSUED**

01 Dated 2 October 2008, 01A received by the local planning authority 18 March 2009.

### **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.

<b>Appendices:</b>	<b>I – plan and photographs showing walling requiring permission</b>
<b>Background Documents Used in preparation of the report</b>	<b>1.20; 2.02; 4.02; 4.04; 4.07</b>