Planning Committee: 20 June 2017 **Item Number:** **12**

Application No: W 17 / 0645

Registration Date: 10/04/17
Town/Parish Council: Bishops Tachbrook **Expiry Date:** 05/06/17
Case Officer: Dan Charles
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28 Miranda Drive, Warwick Gates, Warwick, CV34 6FE
Removal, repair and realignment of 2m high garden wall FOR Mr Rees

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This application is being presented to Committee due to an objection from the Town Council having been received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The proposed development seeks to remove an existing silver birch tree which is causing structural damage to the existing boundary wall and to rebuild the wall under an amended alignment to remove the current indent within the boundary.

The proposed wall is to be constructed of materials to match the existing wall and will carry through the line of the existing, removing the indented section to create a straight boundary wall.

THE SITE AND ITS LOCATION

The property forms a corner plot in a prominent location within the modern Warwick Gates development.

The site is the rear garden area of the existing dwelling. The existing boundary wall is indented around an existing silver birch tree.

PLANNING HISTORY

No relevant history.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

- The Emerging Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council - Councillors have agreed to raise an objection as they note that the applicant is planning to remove a tree but there are no arrangements for a replacement tree to be planted on the verge.

ASSESSMENT

Impact on character and appearance of the surrounding area

The proposed development seeks the realignment of the existing boundary wall to create a single length of wall. The proposal involves the removal of a non-protected silver birch tree which does require permission to be removed.

The realignment of the boundary wall will follow the line of the existing boundary and it is proposed to use matching materials and mirror the existing height of the existing boundary wall. In visual terms, there would be no discernible difference in the appearance of the wall and Officers are therefore satisfied that the development would not harm the character of the local area.

The tree is not within a Conservation Area and is not covered by a Tree Preservation Order (TPO). The tree is also not of sufficient quality or landscape amenity value to justify the creation of a new TPO.

A condition of the outline planning permission for the estate required any landscaping features removed to be replaced within a period of five years from the date of substantial completion of the development. The five year period has not yet expired for the development as the outline permission was granted on 2 August 2013 and this was followed by various Reserved Matters applications. In this respect, the requirement is that a replacement tree should be planted to mitigate for the loss of the tree.

The limited size of the plot is such that it is not a feasible option to replace the tree with a new species of similar size on land within the control of the applicant. Any position of a new tree of this nature is likely to lead to a similar scenario as the replacement tree grows causing additional damage to the boundary wall.

The applicants have advised that they propose to plant an ornamental cherry or apple tree within the garden area of a size more appropriate to a small garden area.

The removal of a single tree to rectify structural damage to the existing boundary wall is justified. A replacement tree more appropriate to the size of the plot would go some way to mitigating the loss of the existing tree and this can be secured by condition.

Impact on adjacent properties

The proposed works to repair and realign the wall are minor in nature and have no direct impact on the amenity of adjacent properties. In this respect, Officers are satisfied that the proposal is acceptable.

Summary/Conclusion

The removal of the tree, whilst unfortunate, has been justified in this case and opportunities to provide a replacement tree on land within the control of the application have been fully explored. The applicant is planting a suitable replacement reflecting the size of the available garden area and is reinforced by condition.

The proposed repair and realignment of wall would retain the existing height and appearance of the wall in terms of materials used and would have no significant impact on the character and amenity of the local area or impact on neighbouring properties.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) Rees/50/1 and Rees/50/2, and specification contained therein, submitted on 10 April 2017. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

4 A replacement tree shall be planted on the land to the front of the house within the control of the applicant within the first planting season following the completion of the works to the boundary wall. **REASON:** To mitigate for the loss of the existing tree and in the interest of visual amenity.