Planning Committee: 10 November 2010 **Item Number:**

Application No: W 10 / 0978

Registration Date: 28/07/10

Town/Parish Council: Bubbenhall **Expiry Date:** 22/09/10

Case Officer: Sandip Sahota
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Welton House, Church Road, Bubbenhall, Leamington Spa, CV8 3BE

Retention of existing entrance wall and gates together with the re-facing of the existing wall with Ibstock Warwickshire Old English bricks. FOR Mrs J Evans

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This application is being presented to Committee due to an objection from the Parish Council having been received. In addition, the previous retrospective application for the retention of the existing wall was refused by Planning Committee and authorisation was given for enforcement action to be taken requiring the wall to either be rendered or removed.

SUMMARY OF REPRESENTATIONS

Bubbenhall Parish Council: "With reference to the attached planning application, two members of Bubbenhall Parish Council feel that, if the application to face the current wall with Ibstock Warwickshire Old English bricks comply with the conservation officer's views, they will agree that the proposed change of brick would suit the conservation area and one member still feels that the owner should restore something closer to the original stone. Several members of the Parish Council are away on holiday and I have not been able to ascertain their views but if I hear from them before the 27th August, I will let you know". (NB. No further comments received)

Policy, Projects & Conservation: Originally commented. No objection: "Samples of the proposed brick should be provided for our consideration and approval"

These comments were superseded by the following revised observations:

"Unfortunately we were not aware that the 'garden' wall was subject to an appeal at the end of last year (2009). If memory serves, we had previously commented that if the brick wall is to be retained it would look better if it was rendered. Our comment on W10/0978 was unfortunately made without realising the 'planning history' situation of this aspect of Welton House. The context of any 'structure' is of course important - if a new brick wall was 'approved' in such a location, then we would most likely prefer to see Warwickshire Old English brickwork used (a generic type that is generally appropriate for use in the District). However, and given the circumstances; that we have an existing brick wall in the context of a stone boundary wall, the only option that I can see is to either demolish the brick structure and re-build using stone to match the adjacent wall or render the extant brickwork as noted above. Having visited the site on at least two occasions simply serves to reinforce this view".

RELEVANT POLICIES

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

Retrospective planning permission (ref: W06/1795) for 'rebuilding of part of wall and erection of replacement pillars to new driveway' at The Manor House, Spring Hill, Bubbenhall, was granted in 2 January 2007. This wall is built from Ibstock Warwickshire Old English bricks and buts up against the other end of the stone garden wall to the Manor House

Planning permission (ref: W07/1181) for 'erection of new dwelling and double garage (revised submission of W05/1795 incorporating loft conversion with dormer windows and rooflights)' was granted in 2007. This property has been built and is now known as Welton House. At the time the house was built, the entrance wall and gates, the subject of this application, were built.

Retrospective planning permission (ref: W09/0433) for 'retention of entrance wall and gates' was refused by the District Planning Authority on 31 July 2009, for the following reasons:

"The application site is situated within the Bubbenhall Conservation Area. Policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. The Council have prepared a Conservation Area Character Statement for the Bubbenhall Conservation Area.

The application site adjoins the stone wall around the adjacent Manor House, which forms an important feature in this part of the Conservation Area, and this is specifically referred to in the Conservation Area Character Statement. The stone wall previously continued across the front of the application site, with a timber gate providing access. This part of the wall has now been removed and replaced with the wall and gates that are the subject of the current application.

The new wall is constructed of a bright orange/red brick. In the opinion of the District Planning Authority, the wall has introduced an unacceptable urban character into this rural Conservation Area. The brick that has been used has a stark and incongruous appearance when viewed alongside the stone wall around the Manor House. The development therefore causes unacceptable harm to the character and appearance of the Conservation Area.

The development is thereby considered to be contrary to the aforementioned policy".

Enforcement action was authorised by Planning Committee. The recommendations put forward by Members was that the wall should either be rendered or it should be removed.

The appeal against the refusal of planning permission (W09/0433) was dismissed on 4th December 2009.

KEY ISSUES

The Site and its Location

Welton House is a recently built dwelling on land adjacent to the Manor House in the village of Bubbenhall. The access gates and wall together with the driveway lie within the Bubbenhall Conservation Area, although the dwelling itself is outside. The new wall buts up against the garden wall to the Manor House which is constructed of stone and is specifically mentioned as an important boundary in the Council's Conservation Area Statement for the Bubbenhall Conservation Area. There is a wide variety of building materials and styles within Bubbenhall. However, the substantial adjacent stone wall is an important factor in defining the character and appearance of the conservation area in the immediate vicinity of the entrance to Welton House.

Details of the Development

Retention of existing entrance wall and gates together with the re-facing of the existing wall with Ibstock Warwickshire Old English bricks.

Assessment

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

The main issue in this appeal is the effect of the development on the character or appearance of the Bubbenhall Conservation Area.

In dismissing the previous appeal the Inspector reasoned that *"the vivid red brickwork of the wall stands out in complete contrast to the adjacent stone wall...the stark contrast of the red brickwork makes the new wall appear as an alien feature causing significant harm to the character and appearance of the Bubbenhall Conservation Area, in conflict with Warwick District Local Plan 1996-2011 Policy DAP8...whilst I acknowledge that the colour of the brickwork will mellow over time, I consider that neither this nor the introduction of a beech hedge would be sufficient to make the wall acceptable"*.

It is clear that the sole reason for refusal and the appeal dismissal of the previous scheme was related to the colour of the brick. To overcome this, the proposed scheme seeks to re-face the wall with Ibstock Old English bricks.

In my opinion, Ibstock Warwickshire Old English brick is a much mellower tone than that of the brick from which the wall has been built and refacing it as proposed will result in the wall sitting more comfortably within this part of the Conservation Area. Whilst I note the Conservation Officer's revised observations, in my view given that planning permission was granted for the wall and pillars at The Manor House in 2007 which was also constructed of Ibstock Warwickshire Old English bricks and which buts up against the other end of the stone garden wall, it would be unreasonable to refuse planning permission in this case. I am of the view that the proposal will both preserve and enhance the character and appearance of this part of the Bubbenhall Conservation Area.

RECOMMENDATION

GRANT, subject to the following condition:

CONDITIONS

1 The development hereby approved shall be completed within 2 calendar months of the date of this decision. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development would not cause unacceptable harm to the architectural and historic character or appearance of the Conservation Area within which the site is located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.