Planning Committee: 26 April 2017 **Item Number:** **8**

Application No: W 17 / 0203

Registration Date: 20/02/17
Town/Parish Council: Leamington Spa **Expiry Date:** 17/04/17
Case Officer: Holika Bungre
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1 St Marys Crescent, Leamington Spa, CV31 1JL
Retrospective retention of brick wall 1.6m high and 215mm wide FOR Mr J Rivers

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This application is being presented to Committee due to the number of letters of support received.

RECOMMENDATION

The Planning Committee are recommended to REFUSE the application.

DETAILS OF THE DEVELOPMENT

The application seeks retrospective permission to retain a red brick wall built to the front and side boundary of the site (to both frontages), to a 1.6m height. It is said to have replaced a hedge, which can be confirmed by way of google street views dating back to July 2016. The applicant states that the main purpose of the wall is to sound proof his recording studio within the property for their work.

THE SITE AND ITS LOCATION

The application site relates to a detached villa on 1 St Mary's Crescent, situated on the corner with Radford Road. The site lies within the Royal Leamington Spa Conservation Area and is notably a corner plot with prominent views from all surrounding approaches, namely from both sides of Radford Road, St Mary's Crescent and Farley Street which is directly opposite. This part of the Conservation Area is characterised by Mid 19th Century Development, and some large villas within the vicinity of the site, and the Conservation Area appraisal states that there are some original boundary treatments but some careful reinstatements are needed.

PLANNING HISTORY

None relevant

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)

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (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)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council: Objection

1. Unneighbourly and out of keeping with the Conservation Area.
2. Wall is too high and has a negative impact on surrounding street scene.
3. Wall effectively provides dead frontage to a historic property in Leamington.

WDC Conservation: There is an important distinction to be made between boundary treatments on frontages, and boundary treatments around back gardens. Frontages should generally relate to the street / public realm in an open, affable way, whereas back gardens are private space and generally have 1.8 m (6 foot) walls or fences. Corner properties, like the application site, often have two frontages, and both sides should normally be treated in the same way when it comes to boundary treatment.

The Conservation Officer has concerns that walls of 1.6 m are normally associated with a private back garden. The danger of allowing walls or fences of this height is that they result in dead frontage, harmful to the street-scene and the appearance of the conservation area.

Conservation Advisory Forum: The 1.6m wall as built would be more appropriate for a private back garden rather than the public frontage of an imposing corner house; the result is harmful to the appearance of the conservation area and results in a hostile street scene on what should be a welcoming corner. It is also considered that the bricks are of an inappropriately bright colour.

The Leamington Society: Objection

- Concerned that the wall has a negative impact on the Radford Road street scene and the Conservation Area.
- There are low walls in the surrounding area.
- These high walls obscure the elevations of the main house to both roads.
- There are other more effective and less visually intrusive ways of providing sound insulation.
- Concerning the examples given to support the applicant's case within the Heritage Design and Access Statement, they do not form precedents which support this

case. This is because Photo 1 is of the property to the opposite side of St Mary's Crescent which is a boundary treatment to the rear garden which is the traditional arrangement, and Photo 2 is also a garden wall to what was likely to have been a large house which was replaced with a terrace of houses which are well set back from the road.

Public Response: 7 letters of support and 2 letters of objection.

Support:

- The new wall is an improvement, clean and tidy, and is preferred as a replacement to what was a tired and unattractive hedge.
- The wall is no higher (or slightly lower) than the previous hedge, therefore more of the villa can be seen now.
- The wall is in keeping with the surrounding area and other walls found there, and compliments the planted area at the end of the Crescent. It is also more attractive than the wall found opposite at No. 50 Radford Road and forms a good backdrop to the Crescent garden.
- The design and materials are sympathetic to the area.
- There are a number of frontage walls with a similar height along Radford Road, between St Mary's Crescent and the Willes Road junction, and along Farley Street; at St Mary's Court, 85a Radford Road, Southlands and the Kensington House/Garden House conversion on the corner of St Mary's Road, and the wall opposite to 1 St Mary's Crescent.
- Low walls in the area attract those who drink and partake in unsociable behaviour (as takes place at No. 50 Radford Road), but this wall prevents nuisance.
- Purpose of wall to screen against noise for the studio, which is of benefit to his work.

Objections:

- The brick wall is wholly out of sympathy with the surrounding buildings and the street scene, including in its impact upon the symmetry of St Mary's Crescent as viewed from the Farley street approach, where the property opposite retains its hedge.
- The wall is much too high and replaces a very low wall and hedge and considers that a 1 metre wall would be more than sufficient. It also cuts across the elevation of the property on both sides obscuring the visual integrity of what is an attractive villa, whereas its distinctive architectural features should be protected, especially within the Conservation Area.
- Feels that the wall should be rendered to fit in with the area.

Various other non-material planning comments were made.

Assessment

Design and Impact on the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

It has been widely commented by various parties (including the Conservation Officer, the Leamington Spa Town Council, The Conservation Advisory Forum, the Leamington Society and neighbour objectors) that the wall is too high, and is of a height which is characteristic of rear garden walls. It has been said therefore that it is inappropriate for them to be of this height (as front and side garden walls), and that it has a negative visual impact on the street and the Conservation Area. This is agreed to be the case in planning terms.

It is considered that the wall the subject of this application by reason of its prominent and sensitive location, height, design and materials and the screening effect that it provides to the main house will result in an area of dead frontage, which is harmful to the established character of the street scene and the appearance of the Conservation Area.

Further concerning the height of the walls and what can be found within the immediate area, various comments have been made in support and objection to the application. It has been said that there are mainly much lower walls within the immediate area. It is considered that the predominant character of the area includes front walls in the immediate street scene, where there are many examples of brick walls of an approximate maximum of 1 metre in height, and many much smaller dwarf walls, such that this wall is uncharacteristic of the area in its height.

Supporters have noted that there are some examples of higher walls within the area and other surrounding areas, however most of them are some distance away to affect the immediate context.

Letters in support of the application have commented that the wall replaces a hedge that was similar or that the wall is lower in height, and that the wall is much cleaner and tidier in appearance than the hedge which was replaced. However, it is considered that a hedge is softer in appearance than a wall which has a different character and appearance within the context of this sensitive street scene and which as set out above is considered to be uncharacteristic within the street scene and Conservation Area.

All of the above is considered to be further exacerbated by the prominent positioning of the site within the street, which can be viewed from many angles and approaches. Therefore, it is considered overall that the wall is inappropriate, screening the views of the historic property, and is a harmful and incongruous addition to the street scene and the Conservation Area, contrary to Local Plan Policy DAP8.

Impact on Neighbour Amenity

The wall does not cause any issues of loss of light, outlook or privacy. It does not breach the 45 degree rule to any of the nearest ground floor habitable room windows of No 52 Radford Road or 3 St Mary's Crescent and therefore will not harm neighbouring amenity. Due to this, despite objection from the Town Council, while the

wall may seem generally imposing in its design, it is not strictly unneighbourly and this reasoning would not sustain a refusal.

Renewables

Given the limited scale of the proposed development it is considered that a requirement to provide 10% renewables/ fabric first approach in accordance with Policy DP13 and the associated SPD would not be appropriate.

Other matters

Unfortunately the purpose for which the wall has been built and its said benefit to the applicant is not a material planning consideration and the harm caused as described above is the key defining factor within the recommendation, which holds planning weight.

Summary/Conclusion

It is concluded that the wall is an inappropriate boundary treatment to this prominent site by reason of its height, design and materials which has resulted in areas of dead frontage which is harmful to the street scene and the character of the Conservation Area.

REFUSAL REASONS

1 Policy DAP 8 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 1.6 metre high wall hereby proposed to be retained would by reason of its prominent positioning, height and design comprise an uncharacteristic and incongruous feature within the surrounding area which would not preserve or enhance the character and appearance of the Royal Leamington Spa Conservation Area.

The development is thereby considered to be contrary to the National Planning Policy Framework and the aforementioned policy.