

Planning Committee: 20 March 2012

Item Number: 19

Application No: W 11 / 1516 CA

Town/Parish Council: Leamington Spa
Case Officer: Rob Young

Registration Date: 07/12/11
Expiry Date: 01/02/12

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Mortimer House, 52 Kenilworth Road, Leamington Spa, CV32 6JW
Demolition of existing front boundary wall FOR Mr Kohli

This application was deferred at Planning Committee on 28 February 2012, to enable a site visit to take place on 17 March 2012. An amended plan has subsequently been submitted to confirm whether the existing entrance pillars on the northern and southern boundaries are to be retained. This confirms that the existing pillar on the northern boundary with No. 54 Kenilworth Road is to be retained and that the existing pillar on the southern boundary with No. 50 Kenilworth Road is to be rebuilt. The report which follows is that which was presented previously.

This application was initially presented to Committee due to an objection from the Town Council having been received. The application has also been requested to be presented to Committee by Councillor De Lara Bond.

SUMMARY OF REPRESENTATIONS

Town Council: The demolition of the existing boundary wall and mature hedge and the replacement with a new wall and gates will adversely impact on the Conservation Area.

Cllr De Lara Bond: Requests that the application be determined by Planning Committee. The application relates to developments within the Conservation Area of which some aspects will have a negative effect detracting from, opposed to enhancing or preserving the designated area.

Public response: The occupier of the coach house at the rear of the application site has objected to the proposals on the following grounds:

- in this part of Kenilworth Road only one property has gates - No. 58 - and those are left open and not automated;
- the gates would prevent deliveries and emergency services from accessing their property; and
- cars waiting for the gates to open would overhand the highway, causing a hazard.

Conservation Area Advisory Forum: Part II item, no comment.

WDC Conservation: No objection.

RELEVANT POLICIES

- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

There have been a number of previous planning applications relating to the application site but none of these are relevant to the consideration of the current application.

KEY ISSUES

The Site and its Location

The application relates to a two storey detached Victorian villa situated on the eastern side of Kenilworth Road. The application site is situated within a predominantly residential part of the Leamington Spa Conservation Area. The rear wing of the property is divided into flats while the main part of the building fronting onto Kenilworth Road comprises a two storey house.

The application property has an existing single storey brick and glazed extension on the southern side of the main house that is not in keeping with the character and appearance of the Conservation Area. The front boundary of the application site is currently defined by a low brick wall with a hedge behind. There are more substantial rendered piers at either end of the site frontage. There are two vehicular accesses at either end of the site frontage and these are not currently gated. The northerly of these is shared with the coach house dwelling to the rear of the site.

Details of the Development

The application proposes the demolition of the existing front boundary wall.

Assessment

The main issue relevant to the consideration of this application is the impact on the character and appearance of the Conservation Area.

I note the concerns of the Town Council. However, the existing front boundary wall is not a historic feature and therefore the proposed demolition would not harm the character and appearance of the Conservation Area, provided that a suitable replacement boundary treatment is reinstated. The current application for conservation area consent was submitted with an associated planning application for a replacement wall and that planning application is recommended for approval (Ref. W11/1457). Therefore, subject to the associated planning application being approved in accordance with that recommendation, I am satisfied that it would be appropriate to grant conservation area consent for the demolition of the existing wall. With regard to the concerns about the loss of the hedge, this is not considered to be worthy of a Tree Preservation Order and consequently consent would not be required for its removal.

The concerns raised by the neighbour are not strictly related to the demolition of the wall and therefore the issues raised are considered in the assessment of the associated planning application.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This consent shall relate strictly to the details shown on the application form, site location plan and approved drawing(s) 1165.006e, and specification contained therein, submitted on 6 December 2011 & 2 March 2012, unless first agreed otherwise in writing by the District Planning Authority. **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 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under planning permission no. W11/1457 has been made. **REASON** : To avoid the creation of an unsightly gap within the Conservation Area, in order to satisfy the requirements of DAP8 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the proposed demolition would not result in harm to the character or appearance of the Conservation Area and the proposal is considered to comply with the policies listed.
