

Planning Committee: 16 July 2019

Item Number: 13

Application No: [W 19 / 0669](#)

Town/Parish Council: Rowington
Case Officer: Emma Booker

Registration Date: 02/05/19
Expiry Date: 27/06/19

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**Old Beams, Lapworth Street, Bushwood, Lowsonford, Henley-in-Arden,
B95 5HJ**

Excavation works to reduce ground levels by approx. 2.40 metres (from highest ground level on slope) together with associated hard and soft landscaping scheme and formation of dropped kerb to create new access off highway (part retrospective application) FOR Mr. Peter Jinks

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the excavation of land within the rear garden of the dwelling together with an associated hard and soft landscaping scheme. The ground has been lowered by approx. 2.40 metres (from highest ground level on slope). The applicant also seeks planning permission for a dropped kerb to create a new access off Lapworth Street.

THE SITE AND ITS LOCATION

Old Beams is located within the heart of Lowsonford Village and lies within the local Conservation Area. The dwelling is sited in an elevated position within a relatively spacious plot, opposite the Grade II Listed Fleur de Lys Public House. To the rear of the site is agricultural land. The character of this part of the Conservation Area is defined by well-spaced, detached dwellings of individual design. The site lies within the West Midlands Green Belt. The land where the excavation has already taken place is currently used as garden and sited to the rear of the dwelling which faces side-on to the highway. Old Beams also benefits from a large garden to the south-west of the dwelling.

PLANNING HISTORY

W/12/0125 - Erection of two storey extension to side and rear – Granted, 20.06.2012.

W/17/0079 - Erection of new dwelling – Withdrawn 29.06.2017.

W/17/1721 - Erection of new dwelling - Granted 08.11.2017. The approved dwelling is sited to the south-east of the principal elevation of Old Beams.

W/18/0950/TCA - (1) Fraxinus Excelsior (Common Ash) - Fell to ground level and remove stump (2) Small group of Conifers - Fell to ground level all stems and remove stumps - TPO not made 18.06.2018.

W/19/0185 - Excavation of ground to lower level by approx. 2.30 metres. Erection of a detached garage. New access and dropped kerb (Part Retrospective) - Withdrawn
29.04.2019.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (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)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Rowington Parish Council - Objection on the following grounds:

- Concerns raised over impact to the Conservation Area.
- Sited within a prominent location.
- Development has created an unsightly view.
- No details given regarding the use of the site and materials.
- Removal of ancient hedgerow and loss of habitat has already taken place without permission.
- Development is not in keeping with the character of the streetscene.
- Development represents urbanisation.
- Concerns raised over highway safety.

WCC Ecological Services - Comments remain the same as given for W/19/0185. Recommend a condition to secure the erection of bat and bird boxes. Recommend advisory note relating to the protection of amphibians and reptiles.

WCC Archaeology - No objection

Public Response -

5 objections received on the following grounds:

- Objection raised to the application for a triple garage on the site.
- Proposed garage would be out of keeping with the rural village environment.
- An application for another dwelling on the site of Old Beams has already been approved and this latest proposal will result in more infill and a mish mash of development on the site.
- Significant ground works were undertaken some time ago seemingly without any prior approval which is totally unacceptable in a Conservation Area.
- The site now a collecting area for hardcore and other rubbish.
- Concerns raised over potential conflict of access to the adjacent driveways.
- Concerns raised over impacts to highway safety.
- The current development is not in keeping with the Conservation Area.
- The property has had a considerable extension and the plot has been divided off to create a further dwelling. The site should be returned to its former condition as this is not fair development.
- The current large excavation seems an attempt to influence planning permission when there is extensive land at the front of the house.
- Consideration should only be given to a single story building to prevent any attempt to convert into living accommodation.
- The application is contrary to Policy HE2.
- Attention raised to committee report for application W/17/1721; referred to "the distinctive built form in this location is of widely spaced dwellings on sizeable plots creating a sense of low density built form that retains a character of development that reflects the rural nature of the village". Mention is also made within this report of "the important visual gap within rural conservation areas".
- It is difficult to see any justification for excavating 2.40 metres to a lower ground level.

3 neighbour support notifications received with no reasons or comments attached.

ASSESSMENT

It is considered that the key issues relating to this proposal are:

- Whether the proposal constitutes appropriate development in the Green Belt and if not, whether any very special circumstances exist to outweigh the harm by reason of inappropriateness
- Impact on character of surrounding area and Lowsonford Conservation Area
- Impact on the setting of nearby Listed Buildings
- Impact on the amenity of adjacent properties

- Access, parking and highway safety
- Ecology

Whether the proposal constitutes appropriate development in the Green Belt and if not, whether any very special circumstances exist to outweigh the harm by reason of inappropriateness.

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence, and therefore any proposal which seeks to impact on the character of the landscape must be assessed in terms of its potential impacts to the rural nature of the surrounding environment. Local Plan Policy DS18 stipulates that the Council will apply national planning policy to proposals within the Green Belt.

Para 146 of the NPPF sets out that engineering operations are not inappropriate development in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it.

It is considered that the development as proposed constitutes appropriate development in the Green Belt. The excavation, already taken place at the site, has not created additional bulk and mass within the landscape and therefore has not reduced the openness and permanence of the surrounding Green Belt. The materials and planting to be used within the proposed landscaping scheme are considered in keeping with the rural nature of the village.

Impact on character of surrounding area and Lawsonford Conservation Area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act stipulates that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Warwick District Local Plan Policy HE2 (Protection of Conservation Areas) states that development will be expected to respect the setting of Conservation Areas and important views both in and out of them.

This application is part retrospective as the ground level has already been lowered by approx. 2.40 metres to create a flat surface which will be accessed from Lapworth Street via a dropped kerb. Permission was given to remove an over-mature ash tree and a small group of low quality conifers near to the roadside in 2018. The removal of these trees created the gap within side site boundary treatment (comprised of trees and a hedgerow) so that the proposed driveway could be created. The applicant intends to use the created space for parking.

It is considered that the proposed development will have an acceptable impact on the character and appearance of the Conservation Area. The distinctive built

form in this location is of widely spaced detached dwellings on sizeable plots creating a sense of low density built form that retains a spacious character of development that reflects the rural nature of the village. The rear garden area is visible from the highway and contributes to the open nature of the streetscene. Given that no new buildings are proposed to be erected within the excavated area, which is proposed to be used for parking at a lower ground level than before, it is considered that the development will not interrupt the open and spacious character of the streetscene. The excavated land is intended to reduce the visibility of any parked vehicles so that the character of the streetscene is not adversely affected.

Although located within a highly visible position it is considered that excavation of this nature to create a driveway is not out of keeping and will not appear incongruous once the landscaping scheme has been completed. There are numerous driveways and access points within close proximity to the site which contribute to the character of this part of the Lowsonford Conservation Area and the proposed access and parking area is of a similar character and scale to those which already exist. It is considered that the proposed surfacing materials for the driveway (compacted gravel, a strip of marshal brick and tarmac to the boundary of the highway) are acceptable and sympathetic to the rural character of the village. The rear of the excavated area will be finished with Gabions, which will act as a retaining wall, and various species of climbing plants will decorate the blocks. Railway sleepers will be stacked against the sides of the excavation with similar planting to those used on the rear hanging down from the higher ground.

The Principal Conservation Officer has raised no objection to the scheme.

In response to the Parish Council and neighbour objections received, it is considered important to highlight that the applicant is no longer seeking planning permission for a detached garage within the excavated space. This application only seeks permission for the dropped kerb, excavation of the ground and proposed landscaping scheme. A garage was initially proposed as part of the previous planning application ref: W/19/0185. The applicant was advised that this development would not be supported by the LPA on the basis that it is contrary to national and local Green Belt policy.

Neighbours and the Parish Council raise concerns over the current state of the site which is considered an eyesore in the heart of the Conservation Area. There is no evidence of any consideration of the proposed landscaping scheme and therefore I consider the objections to be based on what currently exists at the site, not the proposed development.

The Parish Council's objection was submitted prior to receipt of a revised plan which indicates that the area of excavated land will be used for parking. It is therefore considered that this element of their objection has been addressed.

Officers do not agree with the Parish Council's opinion that there will be no green space left around Old Beams. The rear of the site are agricultural fields and a large proportion of the dwelling's rear garden (north-west to dwelling) is proposed to be retained as part of the scheme. Old Beams also benefits from a large garden to the south-west of the dwelling. The applicant intends to plant

trees and various species of hanging plants around the excavated area as shown on the site drawing. It is considered that the proposed landscaping scheme will soften the visual impact of the proposed driveway and access and introduce a satisfactory amount of green planting to this area of the site, in keeping with the green and open nature of the village. The proposed excavation is not considered to have closed the gaps between the properties along the street given that no new buildings/bulk and mass has been added to the site.

The residents at Overidge House are of the opinion that consideration should only be given to a single storey building. However, as stated earlier, the proposed building has been removed from the scheme.

The comments from 'The Paddocks' have been considered, but officers cannot concur that the development is contrary to Policy HE2 of the Local Plan. The comments of the neighbour imply that they consider the rear garden of Old Beams to add to the historic appearance and interest of the Conservation Area and so should be protected from development. It is not considered that the rear garden of Old Beams makes a significant contribution to the character of the Conservation Area nor it is of particular historic significance. As mentioned above, it is considered that the development has been designed to be in keeping with the character of the Conservation Area through a choice of appropriate landscaping materials. It is also considered that the development will not interrupt important views in and out of the Conservation Area, infill any important visual gaps within the landscape nor increase the density of built form within this part of the village given that no new buildings are proposed to be erected as part of the scheme.

As previously mentioned, the removal of the trees was permitted through application ref: W/18/0950/TCA and does not form part of the assessment of this planning application although it is considered that the visual impact of the loss of the trees would be significantly reduced if the proposed landscaping scheme was implemented at the site.

Overall, in the Officer's opinion it is considered that the proposed development will sit comfortably within the Conservation Area and have an acceptable visual impact once the proposed landscaping scheme has been implemented. Officers are satisfied that all the concerns raised by the neighbours have been adequately addressed and taken into consideration when making an assessment of the application. The development is considered not to harm the character and appearance of the Conservation Area and therefore complies with Policy HE2 and the NPPF.

Impact on the setting of nearby Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 193 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.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

There are two Listed Buildings within the vicinity of the site frontage, namely the Fleur de Leys Public House and a dwelling known as Old Timbers that sits to the south of the Public House. The key Listed Building is the Fleur de Leys Public House that is directly opposite the site on the other side of the public highway. It is considered that the development will not have an adverse impact on the character and setting of nearby Listed Buildings.

The development is considered to appear in keeping with the character of the streetscene given that numerous driveways and access points exist in close proximity to the new dropped kerb and driveway. The important visual gap within the street scene that provides an open aspect through the site, and that is an important element of the setting of the Listed Building, has not been interrupted by the excavation. The development is therefore considered not to harm the setting of Listed Buildings and is acceptable and in accordance with Local Plan Policy HE1.

Impact on the amenity of adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

It is considered that the proposed development will not cause material harm to the amenity of the adjacent neighbours. The excavation and proposed landscaping scheme will not provide increased opportunities for overlooking, nor will it block light to any windows serving habitable rooms on the elevations of the neighbouring properties.

The proposed development is therefore considered to be in accordance with Local Plan Policy BE3.

Access, parking and highway safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

4 of the objectors to the scheme have raised concerns over highway safety. The Highway Authority were consulted on the previous application ref: W/19/0185 and carried out a full assessment of the proposed drop kerb and new access. The Highway Authority recognises that the development will not hinder the existing parking arrangements for the dwelling and therefore raised no objection. I am therefore satisfied that the development will not be detrimental to highway safety and that the proposal meets the criteria for the above policies.

Ecology

The Ecologist at Warwickshire County Council has advised that the reduction in garden area will have resulted in a small loss of biodiversity. To ensure a net gain of biodiversity and to enhance the nature conservation value of the site, the Ecologist recommends attaching a condition with regard to installing bat and bird boxes to any approval granted.

The Ecologist also recommends attaching advisory notes to the decision relating to the protection of amphibians and reptiles given that there are two ponds within 100 metres of the site.

The Agent agreed to revise the proposed site plan to indicate where bat and bird boxes will be installed at the site. An appropriately worded condition will ensure that they are erected prior to occupation/use of the excavated area and will remain in situ.

With the imposition of the aforementioned condition, it is considered that the development will have an acceptable impact on the local biodiversity and meets the criteria for Local Plan Policy NE3.

Archaeology

The Archaeologist at Warwickshire Council County has submitted the following comment;

"The proposed development lies within an area of significant archaeological potential within an area probable medieval roadside settlement which lies on the eastern edge former Common Land at Bushwood (Warwickshire Historic Environment Record MWA9455) and which was in use as such during the medieval to post-medieval periods. The proposed development is located approximately 50 metres north of the Grade II Listed Fleur de Lys Public House, a 15th century timber framed building with later additions. The site also lies adjacent to a former smithy, known as Old Beams, which is shown on an 1847 tithe map for the Parish of Rowington.

I note that this application is for retrospective works and that groundworks associated with the scheme have already taken place. These groundworks will have removed any potential archaeological deposits from the site. It will therefore no longer be possible to mitigate the archaeological impact of the proposed development.

Had this application not been retrospective and groundworks not taken place then, in view of the potential for archaeological deposits associated with activity from at least the medieval and later periods to survive across this area, this office would have recommended that a pre-commencement condition requiring a programme of archaeological work be attached to the planning permission should consent be granted. Unfortunately it would no longer be practicable to recommend such a condition".

The retrospective nature of the application is regretful, however, it is agreed that it would be unreasonable to attach a condition requiring a programme of

archaeological work to the decision. The excavation has already taken place at the site, no further excavation is proposed to be carried out and therefore it is considered that there is no further threat to any remaining archaeological deposits at the site.

Conclusion

The scheme is considered acceptable having regard to the character of the local area and Lawsonford Conservation Area, the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties and the impact on highway safety. Officers are also satisfied that the scheme would not result in harm to protected species.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 10594(90)ALL-03D, and specification contained therein, submitted on 20th June 2019. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 2 The bat and bird boxes shown on the approved drawings shall be installed in accordance with the approved details prior to the first use of the development hereby permitted and shall be retained and maintained as such at all times thereafter. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
